

**REPORT OF PROCEEDINGS OF
TYNWALD COURT
(DEBATES AND OTHER MATTERS)
Douglas, Tuesday, 16th April 2002
at 10.30 a.m.**

Present:

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

In the Keys: The Speaker (the Hon 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); Mr P Karran, 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); Hon D C Cretney and Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); 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, Clerk of Tynwald.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Hon. members, we have apologies for absence from the hon. member for Douglas West, Mr Downie, who is off the Island on departmental business and the hon. member of Council, Mr Radcliffe, who has a medical appointment and will be joining us later.

Tributes to the Late Queen Elizabeth, The Queen Mother

Hon. members, a week ago today, I had the privilege of attending Westminster Abbey to represent this Court and the people of the Island at the funeral of Her Majesty Queen Elizabeth the Queen Mother. We can all acknowledge that she lived a long life; however, that her death should come at Easter must have made it even more poignant for the Royal Family, particularly at a time when many families would be enjoying their holidays.

Her Majesty the Queen Mother was a remarkable lady, and her courage and strength during the Second World War years are well chronicled. I have a very strong recollection of her visit to the Island in 1984 to open the Commonwealth Parliamentary Conference. Her presence in the Royal Hall was welcomed by all the representatives of the Commonwealth countries attending, with a warmth that reflected the high regard in which she was held around the world. She was renowned for putting people at their ease and taking a direct interest in whoever she was speaking to. When visiting her in Clarence House with the hon. member Mr Shimmin and representatives of the Isle of Man Postal Authority, that trait was certainly evident. She had a wonderful recall of her visits to our Island and spoke with fondness of her time here.

The regard in which she was held is explicit in a letter I have received from John Cormode, President of the North American Manx Association, who writes, 'On behalf of the members of the board of the North American Manx Association, please allow me to convey our condolences to you and the people of the Isle of Man at the passing of the Queen Mother. She was someone special to our people, and we know she meant so much to those of you who were closest to her. The Queen Mother was a great symbol of the character of you who inhabit the British Isles; she was also rightfully considered to be a friend of the Manx people, and we understand the loss you feel.'

Hon. members, I have also had correspondence from Sir Robin Janvrin, the Private Secretary to the Queen, in response to the letter I sent to Her Majesty the Queen on your behalf. There is no doubt that the loss of a mother and grandmother is traumatic for any family, and our thoughts, prayers and best wishes go today to Her Majesty and the Royal Family. Mr Speaker.

The Speaker: Mr President, on behalf of the House of Keys, I pay tribute to Her late Majesty Queen Elizabeth, the Queen Mother. She was respected and loved by many generations of people, and she was a lovely lady. The Queen Mother had lived through times of great joy and great sorrow in her life, a life that had spanned over a century, a century of dramatic change. We all know of her bravery and the important rôle she played during the Second World War, and the considerable comfort and hope she brought to her people at a time of fear.

Those of us fortunate enough to meet and speak with her, as I was in 1984 when she came to our Island to open the Commonwealth Parliamentary Conference, will always remember how kind, warm and friendly she was and how she would immediately put you at ease. She showed a great interest in you and wanted to know as much as she could about you in the very short time that she had to speak with you. One could not fail to warm to her. She had such a wonderful personality, and our Island was, indeed, privileged to have had her visit us on a number of occasions.

The Queen Mother was a person who received much heartfelt affection from the people, and her passing is marked with great sadness, not only in the United Kingdom, as witnessed by the large numbers who attended her lying-in-state and lined the streets of London for her funeral, but also here in the Isle of Man, as can be seen by the large numbers of our people who have taken the time to write their personal comments in many books of condolence located throughout the Island. We, in the House of Keys, also extend our sincerest condolences to Her Majesty Queen Elizabeth the Second and to all the members of the Royal Family.

The President: Hon. members, I invite you to stand for a few moments as a matter of respect.

Members stood in silence.

The President: Thank you, hon. members.

Papers Laid before the Court

The President: Turning now to our order paper, I call upon the Clerk to lay papers.

The Clerk: I lay before the Court:

European Communities (Isle of Man) Act 1973 -

European Communities (Afghanistan Sanctions) (Application) (Amendment) (No. 4)
Order 2002 [SD No 154/02]

Social Security Act 2000 -

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order
2002 [SD No 156/02]

Social Security Administration Act 1992 (Application) (Amendment) Order 2002 [SD
No 157/02]

Misuse of Drugs Act 1976 -

Misuse of Drugs Regulations (Application) Order 2002 [SD No 72/02]

The following items were not the subject of motions on the order paper:

Criminal Justice Act 2001 -

Sex Offenders Register (Prescribed Forms) Order 2002 [SD No 146/02]

Appointed Day Orders -

National Health Service Act 2001 (Appointed Day) (No. 1) Order 2002 [SD No 153/02]

Reports -

Council of Ministers: Annual Report of the Activities of the Industrial Relations Service for 2001.

Isle of Man Constabulary: Policing Plan 2002-2003.

The Treasury: Isle of Man Census Report Volumes 1 and 2.

Isle of Man International Business School: Financial Statements for the period ended 31st August 2000 and the period ended 31st August 2001.

Hon A F Downie MHK (Douglas West): Report on the attendance at the Thirty-Fourth Annual Meeting of the Court of Salford University 12th March 2002.

Questions were taken at this point and concluded at 1.13 p.m, when the Court adjourned. They are published separately. The Court resumed at 2.30 p.m.

Redundant Church Buildings — Statement by the Minister for Local Government and the Environment

The President: Hon. members, let us see if we can make good progress. Having finished Question Time, we turn to item 3 on the order paper, the redundant church buildings and the statement. I call on the Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. On 26th February 2002, in another place, the hon. Chief Minister responded in the affirmative to a request from the hon. member for Onchan, Mr Karran, who had asked whether a statement could be made at the April sitting of this hon. Court regarding the preservation of historic churches. Discussions between the Department of Local Government and the Environment, Manx National Heritage and representatives of those denominations who are responsible for the upkeep of the majority of the Island's churches have been held, and it has been agreed that a report should be commissioned in terms of church buildings, their significance, their condition and their future potential. The intention is that the report will guide the church authorities and those responsible for planning and heritage. The outcome of the report will be of interest not only to the church administration, to the clergy and to all churchgoers, but also to the public at large, departments of government and, of course, to members of this hon. Court.

It is judged that an objective survey, undertaken by an eminent expert, is needed to look comprehensively at the main stock of the Island's churches and chapels and to assess them in relation to certain criteria, which will include: their importance in terms of the Island's heritage; their architectural and historical worth; any archaeological significance; the present condition and state of repair; and, as the churches are contributing to the cost of this report, the potential for alternative use and pastoral importance as a place of worship. It is expected that the appointed assessor will make use of the sources and advice available from: church authorities; my department's conservation and planning sections; Manx National Heritage; the existing five-year reports on building conditions in the churches; existing published information on church history and architecture, including individual church guidance leaflets produced by the local congregation or friends; and material in the archive of Manx National Heritage. The appointed assessor will also use their own professional judgement in terms of appraisal of condition and potential for future use. It is not the intention that the research should be unduly lengthy but that the assessor should draw together all existing information and, in due course, provide an informed, objective and professional overview of the situation regarding this most important group of the Island's historic buildings.

In order to provide an objective assessment, it is intended that the person appointed will have considerable professional experience of historic buildings and new-use projects, both

here and further afield. The appointee must have the relevant professional qualifications as an architect, surveyor or conservator, and a background which includes practical, as well as academic, experience in the field. It will be an advantage if the person appointed has a working knowledge of the church and legislative procedures as they apply to the Island.

The timescale envisaged for the study and submission of the first draft is anticipated as being six to nine months. It will be essential that the report is produced objectively, comprehensively and within an allotted timescale. Whilst the department would not wish to prejudge the outcome of this exercise, we are alive to the fact that its outcome and contents will bring into clearer focus the true picture of the quality and condition of our church buildings, which, after all, play a very important part in the daily lives of our community. In many cases, these buildings provide venues for multiple activities connected with the arts, education and civic gatherings, as well as their original use as places of worship.

In June 2000, the department introduced the Historic Buildings Conservation Scheme, which enables grant assistance to be given for a range of works on both registered buildings and those within conservation areas. It is worth noting that, during the past two years, in excess of £75,000, which amounts to 20 per cent of the budget for those grants, has been provided by way of assistance for work on ecclesiastical buildings. From discussions and applications for work on ecclesiastical buildings, I believe that this level of uptake will be at least maintained, and probably increased.

I shall report back to this hon. Court when the report is in my hands and the department has considered and commented upon the conclusions contained in the report that relate to my department's functions. Thank you, Mr President.

The President: Hon. member for Ayre.

Mr Quine: Yes. With reference to the words, I think, that the minister used there, 'significance', 'condition' and 'future potential' of church buildings, can the minister confirm that that definition embraces significance in the context of the physical environment and the importance to the local community?

The President: Minister.

Mrs Crowe: Yes, indeed, I did stress further on that the report would be looking at community aspects.

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

Mr Radcliffe: Thank you, Mr President. I noted with interest that the proposal encompassed in the statement is that a professional assessor will be sought, and I may say that I am glad to note that it will not be her safety environmental health section (*Laughter*) that will be -

A Member: That is a shameful remark.

Mr Radcliffe: The assessor - or proposed assessor - would make use of the advice available from various bodies and individuals named in her words there, but there is no word of consultation with local people as to whether there are good reasons for a building going into decline. Lack of support for a building inevitably means that the first thing that suffers is the fabric of the building and my question is, sir, that it has not been set out, from what I have heard, as to whether the consultations will be wide and fairly far-reaching.

The assessor would also, according to the hon. minister, quantify the significance, condition and future potential. Could I ask her: how would a stranger assess what could or would be the potential for future use of a building? Circumstances do change over the years, and we are talking here of buildings with a considerable degree of age on them, and that is to say, she said, 'Assess what could be the potential for future use' and so on. I ask the hon.

minister: are you going to give this person a crystal ball so that he can look into the future far enough ahead?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. I would not wish to pre-empt any of the results of the report, but I feel certain that full consultation will take place. However, I do take exception to the professional officers of the Environmental Health Service of the Isle of Man being criticised in such a manner. Those officers dedicate their professional career to protecting the people of this Island; that is their remit, and I do object when criticisms of that kind are made.

The President: The Lord Bishop.

The Lord Bishop: Mr President, hon. members will recall that the question raised by the member for Onchan, in another place, referred only to buildings of the established church, which I call the Manx church. My representative, the archdeacon, has been working closely with DoLGE and a conservation officer in recent years, with regard to a number of our churches with special problems. I am glad that the minister has raised these today, and I have a few questions to ask her on her statement.

I am pleased, though, that the minister's statement indicates that the proposed report is to be broadened to include all principal churches on the Island (**A Member:** Hear, hear.), and I know that meetings this year have included my colleagues from major denominations and that they welcome the proposal. I want to ask the minister to ensure that this is so; that it will include all churches. If this is so, then I want hon. members to realise that this might involve over 80 churches on the Island, and that is a considerable task for any assessor or professional adviser to report on. The minister's statement says it is not the intention that the survey should be unduly lengthy, but if you have got 80 churches to comment on, I cannot see that a short statement is going to be realistic, in view of the minister's criteria on page 3 of her report, which include: the importance in terms of the Island's heritage; architectural worth and historical worth; archaeological significance; present condition and state of repair; potential for alternative use; and pastoral importance as a place of worship. (**A Member:** Hear, hear.) I say this mainly to ask this hon. Court to bear in mind that a six to nine-month timescale might not be realistic, and certainly not be easily achieved, and so to have patience.

I must also ask the minister to be warned that the appointment of an expert - or, to quote her words, 'an *eminent* expert' - to give findings on the state of ecclesiastical buildings may well be challenged. I have considerable experience in church matters - over 47 years - and I am advised here in the diocese by various professional consultants, but when difficult but necessary decisions are made, suddenly the Island is alive with experts on ecclesiastical buildings and pastoral needs. They come out of the woodwork, but the woodwork is never the church one; they have rarely been inside them. If we are to undertake this survey and produce a report, then it must have the authority to assist in proper decision-making in the future.

The minister's statement also mentioned current financial assistance given to some churches within the historic buildings scheme. Now, I know that comparisons are odious, but for interest's sake, let me recall that, in England, the cost of the care of churches is roughly £100 million a year, of which the government, through Manx National Heritage, contributes 10 per cent; that is £10 million. They also give -

The President: Come back to a question, please.

The Lord Bishop: Right. They also give £3 million to cathedrals. Now, £75,000, minister, over two years, might sound all right, but it is certainly nothing in comparison with the needs of our churches, and I want to ask if you would look at that figure in a realistic sense, because for too many years, small groups of church people have been maintaining buildings, and as the owner of, or responsible officer for, 46 of them, I know what a care that is.

I would also like to ask the minister if there is any strength to the rumour that VAT charges might be raised from their current low cost to a new high cost, which, if it is true, will substantially increase the problems facing our churchgoers and the future maintenance of their buildings.

The President: Now, Lord Bishop, with the best will in the world, it is not a debate; it is questions to the statement.

The Lord Bishop: Okay, sorry. Well, for these reasons, I have given a few questions in there, I hope. I want to thank the minister for making this statement and also the government for showing some sort of regard for the churches and the other historical buildings in the country.

A Member: Hear, hear.

The President: Minister, are you aware that all churches are involved, and will you look at the costs?

Mrs Crowe: Thank you, Mr President. Indeed, I am aware that all churches are involved: the Roman Catholic Church, United Reformed Church, Methodist Church, and the Church of England, to name but a few.

The undue length of the report: I do hope that it can be completed within nine months. I do recognise there are a number of churches that need to be looked at, but some more thoroughly than others.

I do also recognise that the eminent expert may very well be challenged; I noted that fact, too.

And as for the £75,000 paid out in grants: any of the historic churches on the Isle of Man can apply to us for grant funding. What I stated in the report was just a fact.

The President: Hon. member for Ayre.

Mr Quine: If I could cover two points, sir, here. Could the minister tell me - or confirm - that her department will be the authority responsible for the appointment of this expert? That is the first thing: who is going to be the authority for appointing this expert? And secondly, with regard to that appointment and, in particular, the stated desirability of that expert - preferably, at least - having a knowledge of churches, will the minister ensure that the matter of independent professional opinion takes priority over these other expressed desirable objectives? If we are going to have objectivity, it would be quite wrong to draw upon people closely associated with any of the churches here on the Island.

The President: Minister.

Mrs Crowe: I think I stressed quite clearly that the report would be independent and objective; I can say no more than that. We will be the authority, I dare say, that is going to appoint the assessor - or have the final say in the appointment of the assessor - who will carry out this report.

The President: Hon. member for Michael, Mr Cannan.

Mr Cannan: In drawing up the independent consulting engineer, will the terms of reference be made known to Tynwald members?

The President: Minister.

Mrs Crowe: I see no reason why the terms of reference cannot be made known to all members of this Court at all.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. As the Bishop has a copy of the statement that was read out by the minister, is it possible for us all to have a copy of the statement? (**A Member:** Hear, hear.) Thank you.

Mrs Crowe: Yes, indeed. I shall most certainly make sure that a copy is on your desks as soon as possible. I would just point out that the Lord Bishop just asked me for a copy of what I was going to say prior to me speaking.

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

Mr Karran: Eaghtyrane, whilst appreciating what the minister said in her statement and the government taking such action, with the fact that it is going to be some time before all these churches are surveyed, especially if we are going to do all churches and not just the established church, there are about three or four churches at the present time that are under threat; can they have the priority as far as this is concerned?

The second thing is: will she look into the possibility of the fact that, if we made it a classification for any church building that it was classed as a registered building, it would be exempt from any VAT anyway? Would she investigate that as a way of helping the diminishing numbers in congregations throughout the Island, as a way forward, which we can do unilaterally, without affecting our Common Purse agreement?

And will she have a meeting with myself and the Chief Minister to discuss the recent purchase of a redundant church in Pulrose, in order to see whether it is possible that the building can be used for an art-cum-theatre centre - seeing that they have bought the place over the heads of what others were trying to do there - and in order to show by example our commitment to keeping buildings of architectural interest up in the community, especially in this area where we have sufficient social housing as it is at the present time?

The President: I think, hon. member, you have made your point about the Pulrose church. Minister, you can ignore that: it was not part of your statement. Reply to the rest of the question, please.

Mrs Crowe: Thank you. Mr President, the assessor may well choose to prioritize churches that the hon. member thinks are under threat at this present time; that will be for the assessor to decide.

As for registering all church buildings as registered buildings: that would be inappropriate. A great deal of the buildings that are churches at the present time do not merit registration, which has strict criteria.

As regards the purchase of a church in the Douglas area: it is not to my knowledge that a government department has purchased that church, and, in fact, you may be free to do so.

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

Mr Quine: Can the minister confirm that the survey will embrace all churches, sir, in existence at this time, whether or not services are presently being conducted in those churches?

The President: I think she has already confirmed (**Mrs Crowe:** Yes.); that it was all churches that was already within the statement. Minister, would you like to -

Mr Quine: Definition of church?

Mrs Crowe: Yes indeed, I did say *all* churches -

A Member: Broad church?

Mrs Crowe: Yes, all denominations of churches or identified as churches. If there is a specific place that may not have been mentioned, I feel certain that the hon. member for Ayre will contact the assessor directly.

The President: Hon. member for Ramsey.

Mr Singer: Thank you, Mr President. Where the church can no longer afford to maintain a building not in regular use for either worship or community use, did the minister say that the basic consideration will be the future potential of that church? If so, where will the need come in to recognise the historical significance of the church building and its surroundings and the history of the site? Is the minister quite adamant that the primary consideration would be future community use and not the other items I mentioned?

The President: Minister.

Mrs Crowe: As I have said, I will not pre-empt the report the assessor will bring to us. I have said that the criteria will include: the importance of the church in terms of the Island's heritage; its architectural and historical worth; any archaeological significance; the present condition and state of repair of the church; and, as I said, the church is contributing to this report, so included will be the potential for alternative use and the pastoral importance as a place of worship. Those will all be contained within the criteria to be looked at by the assessor, and I think that there is no way we can pre-empt the report of that assessor, who I hope will be appointed very shortly, and I would like to see the report here within nine months.

Tynwald Select Committee on Membership of the Standing Committee on Expenditure and Public Accounts and its Implications — Statement by the Speaker, Chairman of the Committee

The President: Item 4. Statement by the hon. Speaker.

The Speaker: Thank you, Mr President. At the January 2002 sitting of Tynwald, Tynwald appointed a select committee to consider the membership of the Committee on Expenditure and Public Accounts, specifically in relation to the status of the chairman and vice-chairman. The select committee, of which I am chairman, has been undertaking its work and has taken oral evidence from interested parties. However, due to the need to fully consider this very important matter, the select committee has not been in a position to report to Tynwald at this sitting as requested by the resolution. It is hoped that we will be able to report by the June sitting of Tynwald at the latest. I apologise to members for the delay in this issue, but we feel it is important, because of its importance, to do a thorough examination of this issue.

European Communities (Afghanistan Sanctions) (Application) (Amendment) (No. 4) Order 2002 — Approved

Item 5. The Chief Minister to move:

That the European Communities (Afghanistan Sanctions) (Application) (Amendment) (No. 4) Order 2002 [SD No 154/02] be approved.

The President: Item 5, hon. members. I call on the Chief Minister to move.

Mr Corkill: Thank you, Mr President. As hon. members will be aware, there have been various sanctions measures put in place by the United Nations and the European Union in respect of Afghanistan, and those sanctions measures have all been implemented in the Isle of Man. The European Union has amended its original Afghanistan Sanctions Regulation from time to time to keep its measures up to date. The Isle of Man Government wishes, of course, to implement these changes, in order that the Island also plays its part in the fight against international terrorism. This Court has previously approved orders which have implemented

these changes by amending the Island's existing EU (Afghanistan Sanctions) (Application) Order.

Mr President, the EU has now further amended the annex to its sanctions regulation which lists the names of individuals and organisations covered by the freeze of funds in respect of the Taliban and al-Qaida. Certain entities, including Ariana Airlines and the Afghan Export Bank, have now been removed from the list. The order before the Court today implements these changes in the Isle of Man by amending the Island's EU (Afghanistan Sanctions) (Application) Order. In accordance with section 2(a) of the European Communities (Isle of Man) Act 1973, the orders have been made by the Council of Ministers and have now come before this hon. Court for approval today.

Mr President, the Isle of Man Government does seek to keep abreast of changes to the international measures in this area and to apply those changes in the Island. I would therefore ask that this hon. Court support the motion before me today, sir.

The President: Hon. member for Malew and Santon.

Mr Gelling: I beg to second, Mr President.

The President: The motion, hon. members, is that printed at 5 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions and Benefits Act 1992 (Application) (Amendment)
Order 2002 — Approved**

Item 6. The Minister for Health and Social Security to move:

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2002 [SD No 156/02] be approved.

The President: Item 6: Social Security Act. The Minister for Health and Social Security to move.

Mrs Christian: Mr President, this order makes minor technical amendments to the Social Security Contributions and Benefits Act. The amendments are primarily clarifying, and the only major change - well, it is not major; it is a minor change - is to the situation where a couple who are qualifying for Christmas bonus or winter bonus will continue to qualify if they happen to split. I beg to move.

The President: Hon. member for Onchan.

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

The President: The motion, hon. members, is printed at 6 on the order paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**The Social Security Administration Act 1992 (Application) (Amendment) Order 2002 —
Approved**

Item 7. The Minister for Health and Social Security to move:

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2002 [SD No 157/02] be approved.

The President: We will turn, then, to item 7, and again, I call on the Minister for Health and Social Security.

Mrs Christian: Thank you, Mr President. This order makes a number of amendments to the Social Security Administration Act 1992. Notably, provision is made for the department to disclose to the Department of Trade and Industry information it obtains, in the normal course of its duties, suggesting an employer is not complying with their obligations under the Minimum

Wage Act. A technical amendment is also made concerning the procedures to be followed by contribution decision-makers, and the list of benefits from which overpayments can be deducted is extended. Further details of the order have been circulated to hon. members. I beg to move.

The President: Mr Earnshaw.

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

The President: The motion, hon. members, is printed at 7 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Misuse of Drugs Regulations (Application) Order 2002 — Approved

Item 8. The Minister for Health and Social Security to move:

That the Misuse of Drugs Regulations (Application) Order 2002 [SD No 72/02] be approved.

The President: Item 8. The Health and Social Security minister.

Mrs Christian: Mr President, the order before us now is the Misuse of Drugs Regulations (Application) Order 2002, which revises and replaces the existing order and sets out a scheme of control for substances liable to abuse. The order provides certain exemptions from the provisions of the Misuse of Drugs Act 1976 which prohibits the production, importation, exportation, possession and supply of controlled drugs specified in that Act. The regulations make provision in relation to prescriptions, records and furnishing of information concerning controlled drugs, and for the supervision of the destruction of such drugs. Whilst the order restates existing legislation, there are also two changes of substance: firstly, a number of chemical substances - phenethylamine derivatives - are added to the scheme of control, and secondly, benzodiazepines are no longer exempt from prohibition on importation and exportation when in the form of a medicinal product, because of growing abuse. I beg to move.

Mr Gelling: I beg to second, Mr President.

The President: Hon. members, the motion before you is printed at 8 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Reappointment of Mrs Bernadette McCabe as Tynwald Sword Bearer — Motion Carried

Item 9. The Chief Minister to move:

That Mrs Bernadette McCabe be reappointed as Tynwald Sword Bearer for the four-year period ending 30th April 2006.

The President: Item 9. I call on the Chief Minister to move.

Mr Corkill: Mr President, Mrs Bernadette McCabe was first appointed as Tynwald Sword Bearer in June 1997, with her term of office expiring on 30th April 1998. This relatively short period of appointment was due to the fact that, at that time, the future availability of Mr Peter Drinkwater was not known, and, as we all know, unfortunately Peter Drinkwater did not recover from his period of incapacity and sadly passed away. In October 1997, Mrs McCabe was appointed for a full four-year period of office, which will expire on 30th April this year. Mr President, Mrs McCabe has carried out her duties in an exemplary way (**Several Members:** Hear, hear.), and it is my pleasure to propose to you that she be re-appointed for a further four-year period of office ending on 30th April 2006. I beg to move, sir.

Mr Delaney: I beg to second, Mr President, and in doing so I would hope that, if Tynwald agrees and she is re-appointed, the Chief Minister will send on our congratulations for the way she has carried out those duties on behalf of Tynwald and also for the way that she has stood in for the Sword Bearer of the past and done it in such an exemplary fashion. I believe all the members of Tynwald, the House of Keys and the Legislative Council appreciate the way that she has carried out those duties. Thank you, Mr President.

The President: Mr Speaker.

The Speaker: No, I only wished to second the motion, Mr President. Thank you.

The President: Mrs Crowe.

Mrs Crowe: I, also, was going to second and was delighted to see that recently Mrs McCabe was off-Island acting as Parade Marshal for one of the most important parades on the adjacent isle.

The President: Hon. members, the motion before you, then, is at 9 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Petition for Redress of Grievance of Helen Margaret Hyde —
Appointment of Select Committee — Motion Carried — Members Appointed**

Item 10. Mrs Cannell to move:

That a select committee of three members be appointed to consider and report on the petition for redress of grievance of Helen Margaret Hyde presented at Tynwald assembled at St John's on 5th July 2001.

The President: Item 10. I call on the hon. member for Douglas East, Mrs Cannell to move.

Mrs Cannell: Thank you, Mr President. The petition on the agenda, Mr President, is the petition for redress of grievance which was presented on Tynwald Day in July 2001 by Mrs Helen Margaret Hyde of Farmhill, Douglas, and it stated: 'The rates payable on residential properties on the Isle of Man are based on the gross and rateable values of the property, irrespective of how many people reside in that property. Single occupants, particularly those who have been bereaved, are harshly and unfairly discriminated against by the absence of any discount for single occupancy.' The prayer in the petition states: 'Where a property is occupied by one person only, a discount should be given, similar to that allowed in the United Kingdom'.

Mr President, there are several issues presently which the petitioner is concerned about, and I have separated those into three parts, firstly that the rates in the Isle of Man are based on the gross and rateable value, irrespective of occupancy. Now, this subject alone has triggered a series of debates, both in this hon. Court and the House of Keys, over many years - indeed, in 1978, 1980 and 1984, and so on - and so a select committee produced four interim reports at this time to this hon. Court, and a fifth and then a sixth and final report, which was dated 17th September 1985. In that report, it said: 'It has been decided that this report, which is the committee's sixth, would be its last. During its life the committee has achieved considerable improvements to the rating system, particularly lessening the various differentials that existed between the urban and rural areas. These differentials still exist and are, in the committee's opinion, still inequitable, but the conclusion has been reached that no further improvement can be achieved within the present system without very radical changes in the whole local government structure of the Island. Although this was recommended in the committee's fourth interim report, the wider-reaching recommendations contained in that report did not find favour with Tynwald, and we feel it would be inappropriate to pursue that objective without new authority from Tynwald to do so, and in the circumstances it would be more appropriate for a new committee, specially appointed for that purpose, to consider the matter.' And so it went on, Mr President: other committees were formed, other debates centred primarily on local government reform, and the whole issue of the rating system as was originally intended got lost somewhere, as local government reform took preference of the day. Interestingly, though, during those times we saw hon. members of the Legislative Council - Mr Radcliffe, Mr Lowey, Mr Delaney, Dr Mann and Mr President - participating in these debates, and in the House of Keys we saw hon. members Mrs Christian, Sir Miles Walker and Mr Cannan, and I feel sure they will

all have very fond memories of the debates that they involved themselves in over the years on this particular issue.

But turning back to the petition, Mr President, the second thing that the petitioner is concerned about is that persons who find themselves alone due to the death of a loved one are harshly and unfairly discriminated against. This aspect of the petition concerns me greatly, for I do not believe that it is the intention of this hon. Court, when deliberating on issues of policy and money, that this should occur. Nevertheless, this is felt by Mrs Hyde, particularly following the death of her husband, when faced with large bills for general and water rates.

The third aspect of the petitioner's concern is in the prayer, because the prayer asks us to consider a discount for single occupancy, similar to that which applies in the United Kingdom.

Considering these issues in reverse order, Mr President, we know that the United Kingdom abolished its rates system some years ago with various schemes, the latest of which is the council tax, which is not dissimilar to our own system, in that it can cover the costs to the payees of council services such as refuse collection, street lighting, highway maintenance, planning and control, conservation and local leisure centres et cetera. The tax is split in the UK between the district council and the county council; the latter provides such things as libraries, education and social services, and also collects tax on behalf of police services. I do not intend, at this point, to go into the whys and wherefores of the United Kingdom scheme -

Mrs Hannan: Thank goodness for that.

Mrs Cannell: - save to say that that scheme does provide for discounts, which range from 25 per cent to 50 per cent and, in some circumstances, 100 per cent, for persons who find themselves alone following a bereavement or whatever circumstance, by recognising the single occupancy situation. To this extent, someone who found themselves in the petitioner's position would automatically be eligible for a 25 per cent discount in their council tax - or rates, as we regard them.

The United Kingdom's scheme also recognises disability, whereby greater discounts are available. There are, in addition, a greater number of exemptions in the United Kingdom scheme, such as for: full-time students; student nurses; apprentices and young people on youth training schemes; patients living in hospital; people in care homes; those who are mentally impaired; 18- and 19-year-olds who are at school or who have just left school; those who care for a disabled person at home; those who belong to a religious community; people in prison; and those who stay in hostels and night-shelters, to name but a few who are exempt from paying any form of council tax. Certain properties are also exempt, such as: those owned by charities or armed forces; properties subject to probate or needing extensive repair; certain empty properties, depending on the circumstances; granny flats, in the provision of; and properties used by diplomats et cetera, again to mention but a few. An annual assessment is made in each circumstance, by way of a letter to the council tax payer, inquiring as to whether or not their circumstances have changed or remained the same within that year, following which the tax demand is issued.

Interestingly, the United Kingdom system is based on the value of each and every property. The properties are then placed into one of eight valuation bands. In Nottingham for instance, in the 2001-02 guide, they advise that the values are based on what the property would have sold for on 1st April 1991, which is worked out by a listing officer who is separate from that particular council. Their bands range from A - a value of £40,000 or less; B - £40,001 to £52,000; C - £52,001 to £68,000, and so on up to H, which is more than £320,000. Clearly, the higher the value, the more council tax is paid, but even someone who is classed as a single occupant living in a property of, say, band E, which is £88,001 to £120,000, would be eligible for a 25 per cent discount, and I believe that is food for thought. A listing officer, incidentally, revisits the

valuation band every five years. The right of appeal is also in place for anybody who is dissatisfied with the valuation afforded to them.

What do we provide in terms of discount, Mr President, for those people in the Isle of Man who would be assessed as a single occupant? The answer, all of us know, to this question is: not a lot, although, to be fair, we provide a discount of 5 per cent to all if the rate demand is paid in full on or before the due date. In addition, one can apply to pay by instalments, free of interest, but the 5 per cent discount is lost.

Mr President, I have no wish at this point to debate the pros and cons of the Isle of Man system - that has been well covered in previous debates over the years - or what rates collected provide for, or the huge variation in the services provided around the Island, or the value or otherwise of such services, save to say - and it has been said on numerous occasions in the past - that, when looking at general rates in particular, the towns' ratepayers have historically always paid more than the rural areas.

A Member: Quite right.

Mrs Cannell: It has been said that the reasons for this are that the town provides more services, but equally they provide for greater amounts of people who use them, thereby providing for greater demand. A greater cost is debateable, and clearly there are questions around whether the ratepayers receive value for money in *all* areas; this is an issue in itself. But it must be said: the situation of someone living in a small private dwelling, such as a flat in Douglas or Ramsey, paying more - and some of them can still pay more - in general rates than someone living in a detached Dallas-style house set in its own grounds, complete with driveway, garage, conservatory and the rest, who pays less in rates than the former, is a disgrace still in this day and age. I know some hon. members will agree with me and others will not, but to put it mildly, the situation is still inequitable. In Douglas in particular, the opinion has been, and the public perception still is: 'Why should the person living in relative luxury, away from the busy metropolis, with one streetlight and a fortnightly collection of waste, who uses all the services of the town on a daily basis, be allowed to get away with it?' That is still the perception out there. Equally, other hon. members have said in this place in the past, 'Why should someone living on their own, next door to someone with three or four or more children who are all working, and the parents are all working, be billed the same rate, both general and water?' That was made in a debate in 1985, I believe, by the hon. member of Council, Mr Delaney, and it was very interesting going through all (*Interjection by Mr Delaney*) the contributions made by members of the day. (*Interjections*)

This issue, as mentioned previously, has triggered a series of debates in the past, but the situation has never really been resolved, and I put the question to hon. members: has the time arrived once again to evaluate the current scheme? I do not know; I leave this for hon. members to consider. If the hon. Court is amenable to a select committee, it is an area they may or may not wish to revisit; it is in your hands today.

The second area of concern, the one which does concern me greatly, is the one where Mrs Hyde states in her petition, 'Single occupants, particularly those who have been bereaved, are harshly and unfairly discriminated against by the absence of any discount for single occupancy'. All of us know and appreciate what Mrs Hyde means by this statement, as we are all aware of her particular circumstance, but again Mrs Hyde has indicated the harsh realities for a great number of our people who also have felt, and continue to feel, the same. At this point, Mr President, I must place on record that Mrs Hyde did not place her petition merely because of her own circumstance, but rather *because* of it. It is an example of the situation shared by others in the same position. Should we be concerned for the bereaved, in greater acknowledgement of the difficulties they face, particularly if they find themselves single because the partnership with their loved one has ended? Yet they still face the same rates demand each year, despite the fact

that, in some situations, their income has been greatly reduced, in other situations completely halved, and in other situations gone completely. Of course, we must be concerned, and to some degree we provide benefits and acknowledge the difficulties that are faced when people, such as the petitioner, face hardship, but there are exceptions and there are always criteria to be met in those circumstances, and such help which is available does not extend to helping someone to pay the rates bill each year. Could we consider an enhanced discount for such circumstances, or a benefit in kind? We could if the will is there, both the will of this Hon. Court today, in selecting a committee to investigate, and such a committee, in examining the issues. I for one, Mr President, feel uncomfortable in the knowledge that Mrs Hyde and others believe they are harshly and unfairly discriminated against in this way, and I believe it to be the honourable thing to look at the issue.

Finally, Mr President, the issue of rates being based on the gross rateable value, irrespective of occupancy, will - and this was said years ago - if the system remains, continue to cause disharmony in the Isle of Man. If we do not address the issue, both in terms of general and water rates, (*Interjections*) should we adopt a new system? What about a rate rebate? What would be a fairer system? Will our present system stand the rigors of the 21st century in human rights? Should we be looking at the system at all? All of these questions may well feature in the minds of hon. members today, but please do not get bogged down with this, or looking to change the system, or looking to bring in the United Kingdom's council tax system; please, I beg hon. members, do not get bogged down on that today. The prayer in Mrs Hyde's petition states - and I will repeat it again - 'Wherefore your petitioner seeks that, where a property is occupied by one person only, a discount should be given, similar to that allowed in the United Kingdom.' Earlier on, I informed hon. members that that amount was a 25 per cent discount, but on a totally different scheme.

Mr President, I hope this hon. Court will support the motion on the agenda to provide for the issue to be considered, and I beg to move the motion standing in my name.

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

Mr Delaney: Mr President, not only is it a pleasure, it is common sense that all members of Tynwald rush to second this resolution. Why? First of all, I think this resolution initially proves the system we, in the Isle of Man, have. We have, from time to time, found criticism of the petitioning system of Tynwald, but this actually does the job it was intended to do: it brings before members the needs of the people.

Now, I am looking at the moment across there, to a situation where, during the debate - and I hope the Chief Minister takes notes, if he is not too busy - one of his ministers thought it was a big joke that we have such a situation. The hon. member for Rushen, down there, thought it was only right that people in Douglas should pay the differential of the huge, expensive way a single person in this town and in other communities in the Isle of Man. . . And if I was to tell members. . . And he is still laughing. It is not funny. I hope your constituents think it is funny, and you have a lot of widows the same as we have in Douglas, who have to pay the same as people in your constituency who have six bedrooms, two snooker tables, two garages and a driveway (**Mr Houghton:** Hear, hear.). They are paying the same in rates as a widow in your constituency, and you think it is amusing. You are in the wrong job, sir; if you think that is justice, you are wrong, and I hope the Chief Minister takes note, because I have taken note.

The fact of it is that we all know - and I know more than most, I hope - the bitterness that is felt by people on this Island about a rates scheme that does not have any fairness at all. And from time to time it has been raised, but we have seen the better of the evils available. When I was minister, I was pressed, I may tell Tynwald Court, to consider the British scheme - their new charge system - by some of the more, how should I say, 'right-wing' people that were present in Tynwald Court at the time, I was persuaded pretty quickly, I might tell you, not to do so, because

since then they have brought in the community charge. None of those schemes would have really benefited our people, but what we have is pointed out by the member and by those right-thinking members of Tynwald, particularly in the House of Keys, who had to meet these people on their doorsteps and who find the situation - whichever community they represented, high or low rates - that people who are least able to pay the charges pay the same as people who can afford to pay them, just for the right to live in the community. And that is what they are paying for: they pay the same charge for water coming through; they pay the same rate as for services. And the one thing they say is, 'Ah, you can fall back on the supplementary benefit, et cetera,' which comes out of their supplementary benefit, because that does not, if you have the time and the initiative to look at the way the benefits would cover that charge; and in Douglas, I can assure you, if nowhere else on the Island, it does not cover it, because what people forget is that in your payment for your council house rent, for example, you pay your rates. Those charges are no different than for living in private houses, and it might be amazing to find out that single people living in a council house in Douglas pay the same as a 12-bedroomed house somewhere else on the Island. Just think of it.

If you want to do homework, do it, and you will find that that is the situation. The rates reflect that situation - the actual rates on the individual person - and that person could well be on supplementary benefit. That is how bad the system is. I do not object to the system being bad, but I say it is our duty, thanks to Mrs Hyde's petition, to look at it. And I hope the three members, whoever they are, will reflect what is happening out there, no matter how much money is coming into the Treasury and the wonderful 10 per cent in income tax; if you are not earning the money to start with, you are not paying 10 per cent tax. It does not matter to you whether it is 15 or 10 per cent if you do not have the money coming in. But rates are going up every year; I know from this morning, as an exercise, that for an average two-bedroomed house in Douglas, the government charges £130 in rates for water. Actually, the exact figure is £126 with discount. That is a lot of money to a person who is on supplementary benefit; £3 a week just for the government charge, without the rates. I have been sitting on my back for a couple of months; I hope members will agree that I have been sitting on my back but I have not been wasting my time, because knowing this was coming up - and I was involved in the original petition - I have been doing a lot of homework on this one, and I am telling you, hon. members, that the situation, particularly for the people of Douglas, is horrifying. When you look at the extra amount of money coming into this borough that has been produced by the government policy of new banks, new business and everything, it is wonderful, but the Douglas members will tell you that we have had no reflection on the rates.

Several Members: Hear, hear.

Mr Henderson: That is right.

Mr Delaney: I told the minister, as I do with every minister - I tell them when I am putting a question down - my question will be coming here, because this is to do with what is happening. To the minister, Mrs Crowe, it is the cost of legal representation of the 24,000 people in Douglas (**Members:** Hear, hear.) - it has nearly doubled in 3¹/₂ years - that we in Douglas are paying for, including the widow lady who is living in a council house on supplementary benefit. To me, I am not looking after her interest, and I am sure the Douglas members would agree with me.

It might not be totally relevant to this issue, but it points to the fact that we have a duty of care to be looking after those people. And this petition is not only Mrs Hyde; she reflects the views of something . . . the minister will probably tell us how many pensioners - not only women, but men - are living on their own and who do have to pay this sort of thing and do it knowing an injustice is being committed against them. And we have a duty of care to look after them to see if we can improve their situation. I would ask the Court, on the three people they appoint, to certainly agree with it, but not to have the humour that has been exhibited by the member for

Rushen, who thinks it is a big joke that these people have such an injustice against them. But you look in reality at the real life that is out there; look at it in the real cold light of day and say it is an injustice and we are going to do something about it, and I expect Tynwald Court in this case to do something about it because it needs doing. Thank you, Mr President.

The President: Hon. member, Douglas South, Mr Cretney.

Mr Cretney: Yes, thank you, Mr President. I will be brief. I believe that we would be right today to support the resolution in front of us, which has been put forward by the hon. member for East Douglas, Mrs Cannell, and I think I would like to place on record my congratulations to Helen Hyde for having the guts, because lots of people have raised this with me over the years and I feel guilty that this is the first opportunity I have had to vote for it. In my area - and I know my colleague will have felt this as well - when we go round speaking to people regularly, single persons in large houses have the same overheads as families; it really does present difficulties, and it is not going to get any easier into the future either.

So I think that the fact that we have the petition in front of us is an opportunity which should be grasped, and we should focus on the petition; that is what we are here to do today. I could go on about the inequalities of the rating system, and I could go on about the inefficiency in particular, in my own instance, of Douglas Corporation, where there are lots more rates coming in, but the rates are not going down; the Villa Marina has now been taken off - the deficiency there - but the rates have not gone down. (**Two Members:** Hear, hear.) However, I will try and be focused. I believe we have a duty here to look at the prayer of the petition which is in front of us, to try and be focused on that, to take that away, and to have a select committee of three members to look it. I certainly support that, and I do hope all hon. members will do so and will not be diverted by a bit of a historical thing - this town versus country - because we should get away from that. This is about single people (**Mrs Crowe:** Absolutely.) who are living in. . . (*Interjections*) and have the same overheads as families, and we should try and put forward a discount to assist those people. I think that is a very equitable thing to do.

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

Mr Quine: No, sir, I think it has been said.

The President: No, okay. Mrs Crowe, hon. member for Rushen.

Mrs Crowe: Thank you, Mr President. I am delighted to support this petition. As the hon. speaker who was just on his feet said, this is not a town versus country issue, and I am also delighted that the mover who has brought the petition forward today, the member for East Douglas, and Chairman of the Water Board, has mentioned the water rate, because I actually had a constituent who saw me last night and the rates bill that she had received that day was £450 for the village of Port Erin rate, and the water rate attached and on top of that was over £300.

Mr Karran: Very reasonable.

Mrs Crowe: Now, that was a considerable expense for this person, so I am pleased that there was an inclusion of that particular rate when this petition was moved, and I am delighted to support the *all-Island* look into the suffering of single people struggling to meet some of the rates at the present time.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. I, too, am happy to support the motion. I think it is unfortunate that the motion has drifted into a far wider issue, because I think it has taken focus off the matter that is before us, which is actually quite simple and quite straightforward, and that is: whether or not there is merit in the Isle of Man introducing a system which will give a discount for people who live in property on a single occupancy basis. It is as straightforward as

that, and I have no problem in supporting that. I think it is unfortunate that we have had what seems to be an unnecessary bit of aggression in terms of the issue before us, because quite clearly many of us who have been here a number of years understand how the rates system works, especially those of us who have been in local government, and the issue of whether or not we have a rates system against another system is really irrelevant. That is a question for another day and is a question that we may or may not at one time resolve, but I think it is becoming more important to look at the issue of whether or not we have a rate discount for single occupancy, mainly because of one issue and that is: the effect and impact that the water rate is now having, because of the policy of government and because of the policy of Tynwald Court, on the issue of paying for water in the Isle of Man. And that, if nothing else, is going to have a greater impact on our people - the people we represent - than any other issue. (**A Member:** Absolutely.)

While all the other smokescreens about the difference between town and country rates, and what somebody pays in one area compared to another, are very important, it is in fact a distortion of what goes on. The main difference between country rates and town rates is either a mixture of inefficiency and/or services, and it was quoted when one of the members spoke about a big mansion in a local authority area with one streetlight and refuse collection once a fortnight. That is why the rates are different; that is the biggest reason. And I have to say that personally I believe it is unacceptable in this day and age that any local authority only collects refuse once a fortnight, (**Mrs Crowe:** Hear, hear.) because what happens is you get people from those areas depositing their refuse in refuse bins in the streets in some of the towns. And that is what happens; I have seen it happen. Quite honestly, it is not meeting the need there, but that is a different issue.

Mr President, my view is straightforward: whether or not I agree with whether there should be a discount, I think the matter requires examination. I honestly believe the timing is right. I did, in fact, make representation to the Treasury minister prior to the budget - and I think other members raised the issue of helping those who are having difficulties - and the point was made in the budget that there would be a system of looking at helping through the tax system, but you cannot avoid the need to do something through the system of rates, because the system is here with us. Therefore I hope members will support the issue, and I hope that when the committee, whoever they are, go away, they concentrate on the issue and do not get distracted with the broader issue for which there is no remit to do that job. I support the motion.

The President: Hon. member, Douglas South, Mr Duggan.

Mr Duggan: Thank you, Mr President. I, too, support the petition in the Court today, with my colleague, Mr Cretney. We know of cases where. . . there is possibly in Belmont Terrace an old lady - there are a few old ladies down there, and old people - and next door is a block of flats paying the same rates. It is very unfair, and the whole system wants to be looked into.

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

Mr Karran: Eaghtyrane, I am a bit concerned about this debate, because I have no problem with any petition being picked up and being investigated, but I do think that there are a few things that have come out of this debate which I think are slightly misleading. I take, for example, the hon. member, Vainstyr Loayreyder, on his subject that 'Oh, well, because somebody only gets a bin collected once a fortnight that is the reason for his rates.' (*Laughter*) That is rubbish as far as the Water Authority is concerned, because the issue is the rateable value. You can have an identical house built in different parts of the Island that have different discounts, and you will find, with the likes of the water rate in particular, that the cost will actually be dearer in those areas to supply the water than in the built-up conurbations throughout the Island. So, I am afraid that the hon. member is misguided if he thinks that that is the issue that affects the rates costs for individuals; that is not the case. You *can* have people who have got very little services who are

paying quite exorbitant rates at the present time, and as a person who has recently had his house re-rated - and it has gone up something like 200 per cent (*Interjections*) -

A Member: Which one?

Mr Karran: I only wish I had all these houses everybody claims. Maybe if I give up on my Social Services side of doing these other things. . . But the fact is that I think this is an issue that needs to be addressed.

I think the other issue that concerned me was the hon. member for Rushen having a little go at the mover of the motion about being Chairman of the Water Authority. We all agreed the water rates increase for the next 15 years -

A Member: Hear, hear.

Mr Karran: - in the last three or four years. Everybody in this Court understood. We could have taken the example from the new Minister for the Treasury, who was wanting to put the water infrastructure onto direct taxation. We can do that; we can solve the problem tomorrow if we want. So, I think we have to realise that the options are in this Court, if you want to, but of course if it does, it means that other parts of government will suffer as far as their expenditure is concerned. So, I think it is wrong for people to say about the hon. member being the Chairman of the Water Authority. We agreed; we battled hard to try and get ourselves dragged out of 40 years plus of neglect in the Water Authority.

I would just like to say that I feel that it is too simplistic. I know it sounds great saying, 'Oh, because you are single and you live on your own you should have a discount.' I have to be honest with you: I do not think that, because I am single and I live on my own, I deserve a discount; I believe that I live -

A Member: Not in your case.

A Member: You need a wife. (*Laughter and interjections*)

Mr Karran: I see enough suffering in society without having to join in.

Mr Delaney: Come on in, the water's lovely. (*Laughter*)

Mr Karran: And I do feel that, whilst I will support the petition and I am happy to support the petition, the issue has to be addressed: the likes of an individual like myself and, obviously, the petitioner are two totally different scenarios. I have not lost half my income; I have not had all those problems. I do think that they do need to look at the situation, whoever is on the select committee, and that they must recognise that I think we would be far better looking at a proper rate rebate scheme for the poor within society than just looking at arbitrarily saying that everybody who is single should get a 25 per cent discount. I know I was talking to somebody only yesterday and they were actually saying the very same thing about the situation.

I do wish the committee well, but I do think that they do need to broaden the viewpoints, because I do believe that this is only . . . The reason we are having the pain we are having now is that for years rates were a farce; they were nothing. I believe that there are a number of issues that this select committee will have to look at, because we have not only got the problem now that we are having to independently finance the massive infrastructure renewal of the Water Authority; there are moves to look at incineration and IRIS. IRIS has been something that we have been talking about as far as that is concerned. I do feel that this select committee will be quite important, and I do hope that whoever gets on it has the clout from the executive to really review what needs to be done, because I believe the emotiveness of just saying, 'Yes, we are going to give a discount just to single people, because we feel sorry for widows' or whatever, but I do believe that we need it to be more broadened so that it affects the poor people in society. I would find it wrong that I get a 25 per cent discount and maybe get double the wages of a

working man who has got a wife and three kids. I believe that is part of society's responsibility; his kids will look at paying my pension and more than likely pay their national insurance and the like to help towards hospital costs in the future. That is what a civilised society does.

So, I will have no problem in supporting the proposal, but there was one other final thing that I feel came out of this debate and which I am a little bit concerned about: I hear Douglas members whingeing on about the rates in their area. I have a lot of sympathy with the fact that that is the case, but I do think that they need to start looking at the local authority and getting them to take some control off the senior staff who control the local authority, so that they actually get the accountability back, so that the ratepayers in their constituencies have councillors who control the council, not faceless bureaucrats. (**A Member:** Hear, hear.) This is an issue that needs to be addressed, and I hope the Douglas members should be doing that.

Finally, I would suggest also, when this select committee looks, that they look at another issue which is totally wrong and which affects single people who are going to have to pay increased rates. I think it is wrong where local authorities . . . We heard today from the hon. member about sewerage staff, who have their own sewerage authorities, having to pay out in rates. We have got the problems of the bye-law officers: the likes of my constituents are penalised for having the vision to do it themselves, but other local authorities who do nothing are actually given more support for being irresponsible and not taking up their responsibilities. I hope that they do look at these other issues, because I think the issue of the single individual living in the house is only part of the symptom of what we are going to be facing. And we are going to be facing horrendous rates; we are going to spend much more on rates than we are going to be spending in taxes in the near future, especially with the unwritten agenda of putting the likes of incineration and IRIS onto the rateable values of houses throughout the Island.

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

Mr Rimington: Thank you, Mr President. I would just like to put a few things on record, as comment has been made earlier in the debate. First of all, my manifesto, which I am sure will be lodged in the Library somewhere, does state that I look forward to a full, all-Island rate. . . (**Several Members:** Hear, hear.) to iron out some of the anomalies which have been addressed and highlighted by other members.

Secondly, in the debate in last month's sitting of Tynwald I think it was, when we were discussing the question of petitions of grievance and where they should go et cetera, and how they should be dealt with, I did say that there was one particular petition that I was minded to bring forward myself, and, in fact, this was the one that it was, because I do believe that this is an issue which is worthy of looking at and focusing on. The select committee should not necessarily be looking at the whole semblance of rates, town versus country, inefficiencies and poll taxes and whatever, but at this particular issue, which is a genuine grievance. And we need to try and see if it is possible to find some solution to that grievance. So, I would just like, first of all, to get that on record.

Secondly, in the budget debate, there was a discussion on local authorities, and I did actually make the contribution there, where I was very much supportive of local authorities providing services and not having low rates. Low rates; low services. But local authorities should provide good services and charge accordingly, and therefore I would just like, in context of that, to explain that my comment, in the background, of 'Quite right' when the hon. member was talking about town versus country in her introductory speech was, in fact, totally tongue-in-cheek, because I do believe there is an issue there to be addressed. And I am sure I am not the only member who sometimes makes tongue-in-cheek comments in the background when speeches are being made, but it does indicate that I was listening quite closely to what was being said throughout the whole speech. Therefore I did continue to smile when I was subjected to a rather aggressive and personal attack by the hon. member of Council -

Mr Delaney: It won't be the last one.

Mr Rimington: - and the reason why I continued to smile was because I thought his attack was totally childish and totally inappropriate -

Mr Delaney: Ah, go on, sit down.

Mr Rimington: - and that was my only reasoning for continuing to have some humour in the occasion. And I remain so. Perhaps if the member had not been, unfortunately, laid up over the last few months and had heard the contributions that I had made (*Interjection by Mr Delaney*) then you might have realised, sir, what my position was and would not have been led into such an unfortunate personal display of anger.

My very last point, Mr President, was that, in the closing days of the last Court - last October, in fact; very much the closing hours - when we discussed local government reform, I did circulate a paper which gave efficiency indicators for all the local authorities on the Island to the year 1999, showing that there is a wide discrepancy in the provision of services throughout our local authorities on the Island, in terms of refuse, lighting, administration costs and so forth. There are areas which would not be covered by this petition and this select committee at all, but which are worthy of looking at, and, indeed, Douglas fared rather badly on all those performance indicators. Thank you, Mr President.

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

Mr Rodan: Mr President, I will be very brief. First of all, I listened carefully to the hon. mover of the resolution, and I must congratulate her for the way she stuck very closely to the terms of the petition and did not stray from that. I think subsequent debate has strayed from that very basic point, and we have had introduced town versus country, ability to pay, matters of this sort, water rates, and the potential for sewerage rates and waste disposal rates also to be part of this system. My point is, Mr President, that I think the select committee needs to be very careful not to be tempted to stray into these wide areas (**Several Members:** Hear, hear.), because one thing is for sure: the hon. member Mrs Cannell made reference to the fact that there had been six previous reports on the subject of rates that had gone nowhere. One sure way to have a seventh which is going to go nowhere is to cast it so widely that there will be something on which none of us will be able to agree when that committee reports - *if* it ever reports, because it will be a very major exercise to look into these wide areas. That is not to say that those areas do not bear examination, because they probably do, but with this particular committee on this petition, which is very well focused - and there is a precise point on which I detect a broad measure of sympathy and agreement - let us not lose the whole thing for want of what is politically happy, which is to broaden the thing out.

A Member: Hear, hear.

A Member: That is right.

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

Mrs Hannan: Thank you, Eaghtyrane. I feel that, in this particular issue, there is dissatisfaction with the rating system and the actual rates, because many ratepayers feel that they do not get value for money when it comes to local authority services. And I think some people are also confused as to what local authorities and government provide as services, and therefore there is this, you could say, dissatisfaction within what is provided for individuals. I think maybe government should, in actual fact, be providing more information than it does to the public as to what is being provided by government and what is being provided by local authorities, to ensure that local authorities actually serve the people that they are elected to serve. We can talk about bureaucrats and the rest of it, but the people who are elected are elected to carry out the functions of local government and also to give people value for money.

With regard to this, I see that there really will be a problem with regard to this particular petition for redress of grievance, which is fine. We are looking at people who are living by themselves and who, it is suggested, get a 25 per cent rate rebate. Now that is fine when you look at it from the point of view of somebody's rates being high, but we heard before - I think from the mover - that out in the country there are some big properties who pay a little bit of what everybody else pays somewhere else. The size of the properties might be different, but you might have one person in the countryside living in that big house with conservatories either end, a swimming pool and whatever, and yet we will be looking at them and saying 'Well, yes, your 25 per cent rate rebate. . . ' which leaves them paying even less. The member for Garff has said 'Keep within the remit'; that is fine, but we are keeping within a remit of a remit, you might say, which is not necessarily bringing equality to what we would be looking at or what we should be maybe suggesting. It is a wide area, and I think the mover of the debate actually did take it wider, because she took us into England, looking at their system there. And we know what happened there when the system was changed to take into account the people living in the community (**A Member:** Yes.) being employed and everything.

A Member: Poll tax.

Mrs Hannan: We saw riots on the streets and the lot, and then they got community charges, which brought in even greater charges than the rates, and people are still feeling dissatisfied. So there is no answer.

The real reason why I got to my feet, Eaghtyrane is because the member for Onchan mentioned sewerage. The question I was asking this morning about sewerage was not related to the rates; it was trying to relate to what government is responsible for with regard to sewerage, because I was told by the bureaucrats in the local authority that they could not get money from the elected representatives to do work on a sewerage system out of hours. That is what I was trying to get to the bottom of. The minister answered that query pretty straightforwardly: it had nothing absolutely to do with the rates. He made that clear. Thank you, Eaghtyrane.

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

Mr Waft: Thank you, Mr President. Just a couple of small points. I did mention, at last month's budget debate, that, with regard to the rates, I felt that now this was the time that we could have a look at it, seeing there was a little bit of money about, and perhaps the whole of the rating situation should be looked at.

But getting back to the prayer of the petition, I think it might be helpful, or give some food for thought - whoever does these things, I do not know - if the wording in the petition was actually on the agenda; that would help people concentrate a bit more on what the message was all about and you would really be able to see it.

Another point was the select committee process, when you are looking at this, or you are looking at that, or you are looking at the other: once that is done - and sometimes these select committees take two years or more - they then report back to Tynwald and then they are accepted by Tynwald. We have had cognizance this morning of what the DHSS have thought about the people who looked into the prescriptions and what happened to that, and I am thinking about the 1999 select committee looking into travel to and from the Island: a committee was going to be formed but has never materialised. You think about the other select committee on Sulby: ministers are left to decide what they will not do and what they will do as picked out of that select committee. So, the actual strength behind these select committees seems to be diversified or diluted by the time they actually come to fruition within department -

Mrs Hannan: It is up to us.

Mr Waft: - and that is the only other thing.

Regarding the water rates, the problem as I find it, is that the compounding of that water rate over the years has not really been realised by members, but it will be in the not-too-distant future. Thank you, Mr President.

The President: I call on Mrs Cannell to reply.

Mrs Cannell: Thank you, Mr President, and I thank everybody who has contributed to the debate today; we have had some interesting contributions. My sincere thanks to the hon. member of Council, Mr Delaney, for seconding, and I do know that he feels very passionate about the issue and has done since the day he was elected to the hon. House of Keys, and before that as a town councillor.

The message I am picking up, Mr President, is that I feel that the Court is going to approve the motion as printed on the agenda. There are just four - possibly five - questions which I would like to address, which were raised by hon. members, without getting bogged down into anything other than what the petitioner is asking us to consider today.

If I could just address the concerns expressed by both the hon. member for Rushen, Mrs Crowe, and the hon. member of Council, Mr Waft, in terms of water rates. I think it is important to restate - and it was stated by the previous chairman, and I thank him for that - that it was this hon. place that approved the expenditure of the infrastructure renewal of the Water Authority, in terms of new water treatment plants, reservoirs and remedial works: total renewal of infrastructure over a 20-year business plan strategy. That was approved in this hon. place, and along with it the regular year-on-year increases in water rates until we reach the year 2008-9, when we will start to see the water rates coming down. That is how the position is, so the annual increase has already been fixed. I am not in a position to be able to do anything about it, other than to accept, like every other hon. member has to accept today - and our ratepayers, unfortunately - that that is the situation.

I would like to put a marker down there before I move off this particular subject, and that is that the 20-year business plan is proposing to spend £75 million over a 20-year period, all of which is based on the Isle of Man not exceeding a population of 90,000 people. I say that for the record, because I think it is important, particularly, Mr President, that the ministers within the Council of Ministers are fully aware and appreciate that: 90,000 individuals. So, the infrastructure renewal and provision to provide good, wholesome, clean drinking water, which is what everybody wants today, is only big enough to provide for a maximum of 90,000 population; anything over that and we would have difficulties and we may well have droughts. So there is a 'capping' there to consider.

The other question that came up was from the hon. member for Onchan, who mentioned a rate rebate scheme. All of these areas, of course, have been fully aired in the past, and members have been supportive of introducing rate rebates and so on, but it has never actually come to fruition, and I believe it would be very problematic to work up. It is not impossible if the will is there, but I think it would be problematic to work up. In an ideal world, it would be wonderful to have a rate rebate, but I think, returning to the words I have just said in respect of the water business, that because the Water Authority is fixed in terms of its commitment of spending the £75 million over 20 years - also the rate has been fixed and the way in which that progresses and then begins to drop et cetera - the Water Authority, for a very short time, will be in an area of deficit and then they will start to pick up again. All of this has been fully debated and fully explained to hon. members and endorsed by this hon. Court, but it does mean, though, that they, having committed to this and having promised Tynwald to honour this, would not be in a position to be able to offer a greater discount from the rates which are collected on behalf of the Water Authority. I think it is important, in order to set balance into this, that they could not, for instance, unless they were to stray away from the commitment made to Tynwald, consider bringing out a 15 per cent discount as opposed to 10 per cent. So, I think it is important that hon.

members bear in mind that by considering the petition and considering the issue we are not simply looking at making greater discounts in the present system because I do not believe the present system, could actually carry greater discounts. Indeed, the Water Authority could not, and I think local authorities would have difficulty.

In my opening remarks, Mr President, I did say that if there was a will there, there are certain other things that we could do in order to alleviate the hardship that is felt by single occupants, particularly when they have faced a bereavement and the loss of a loved one. So, there are other areas where we could look to lessen the impact on people. I had to refer to the UK because the prayer mentions the United Kingdom: the actual prayer said, 'a discount similar to that of the United Kingdom', so I had to look at that to see what it is they do provide. I have no wish to ever see the present United Kingdom system come into the Isle of Man, and I think anybody that you would talk to, as I have done over the last few months in the United Kingdom, would tell you, 'For goodness' sake, if you are going to look at this, do not adopt what we have; stick with the rates.' I think there are words of wisdom in that. I am not a supporter of bringing in council tax, and I do not want members to think that I am, because I am not; on all-Island rate, yes: it was in my manifesto, too, in 1991, when I first stood for the House of Keys, and I have supported it all of that time and still continue to support it. It will be difficult; it is not an easy thing to consider a grievance presented by any petitioner, particularly when it has a monetary aspect to it. It will not be easy to resolve, but it is not impossible to resolve. I believe, as I have said before, that there are certain things that we could look at if there is a will. So I apologise, Mr President, to the hon. member for Peel, Mrs Hannan, for widening the debate and taking the hon. Court into the United Kingdom. It was not intentional, but I did have to bring them in and make it that little bit wider.

With respect to the concerns expressed by the hon. member of Council, Mr Waft, I sense some cynicism coming in, and I do not blame him in some respects. He questioned the way in which the system of selecting select committees works - the whole process - but we did have the opportunity to debate that fully and support an alternative way of dealing with these issues, and that was rejected by this hon. Court, Mr President. The question was raised about establishing a standing committee, if you like, that would address all the issues raised by petitioners through redress of grievance. I believe the will is here today, and I thank hon. members for bearing with me, and those who have made the contributions, and I beg to move, sir.

Two Members: Hear, hear.

The President: Hon. members, the motion before us, then, is that printed at 10 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Therefore, hon. members, having agreed the motion that a select committee of three members be appointed, I call for nominations, please.

Mr Cretney: May I propose the hon. member for Douglas West, Mr Downie?

Mr Duggan: I second that, sir.

Mr Braidwood: Mr President, I would like to propose the hon. member of Council, Mr Crowe.

Mr Corkill: I propose the hon. member for Douglas East, Mrs Cannell.

A Member: I second that.

Mrs Cannell: Mr President, I would like to propose the hon. member for South Douglas, Mr Cretney.

Mrs Hannan: I will second that.

Mrs Christian: Mr President, I beg to move Mr Speaker.

Mrs Crowe: I second that.

Mr Lowey: I nominate the hon. member for Rushen, Mr Gill.

Mr Quine: I am pleased to second that, sir.

A Member: Can I second Mr Crowe, if he has not been seconded?

Mr Delaney: And I would second, certainly, the hon. member for Rushen.

Mr Singer: I move that nominations close, sir.

The President: Are we happy, hon. members, that nominations be closed? *(It was agreed.)*
When the ballot papers have been circulated, hon. members, I will ask the Clerk to read the names out.

Hon. members, if you have all got your ballot papers, I will ask the Clerk to read the names, then, please.

The Clerk: Mr President, the members nominated are: Mr Crowe, Mrs Cannell, Mr Cretney, Mr Downie, Mr Gill and Mr Speaker.

The President: Hon. members, you will be voting for three.

I ask Mrs Christian to act as teller for the Council, please.

The Speaker: Mr Houghton to act for the Keys, please.

A ballot took place.

The President: Yes, hon. members, the result of the ballot is: Mr Crowe, 20 votes; Mrs Cannell, 20 votes; Mr Cretney, 9 votes; Mr Downie, 18 votes; Mr Gill, 8 votes; Mr Speaker, 13 votes. I therefore declare that the committee will be Mr Crowe, Mrs Cannell and Mr Downie.

Hon. members, that completes our order paper for today. The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may wish to place before them.

Mr Delaney: Well done, Helen.

HOUSE OF KEYS

The Speaker: Hon. members, the House shall stand adjourned until Tuesday next at 10.00 a.m., on 23rd April, in our own chamber. Thank you, hon. members.

The House adjourned at 4.10 p.m.