

**REPORT OF PROCEEDINGS OF
TYNWALD COURT**

**Douglas, Thursday, 17th January 2002
at 10.30 a.m.**

Present:

The President of Tynwald (the 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, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, 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 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, Clerk of Tynwald.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Now hon. members, as Mr Delaney indicated yesterday, he has leave of absence, being in Belfast on government business, and I have to report that the House of Keys Chaplain, Canon Baggaley, is also at this stage indisposed.

Deputy President of Tynwald — Hon J A Brown SHK Elected

The President: Hon. members, we had finalised item 38 on the order paper last evening and we should make good progress this morning and see if we can complete by lunchtime.

We have reached item 39: to elect a Deputy President of Tynwald in accordance with section 5(1) of the Constitution Act 1990. Nominations, please. Chief Minister.

Mr Corkill: Mr President, I propose the Speaker of the House of Keys, Mr Tony Brown, member for Castletown, and would, in terms of the way things are normally done and by convention, suggest that his name go forward as Deputy President of Tynwald, sir.

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

Mr Quine: I would like to propose the hon. member for Malew and Santon, sir, the former Chief Minister, for the position of Deputy President.

Mr Duggan: I would be pleased to second, sir.

The President: Mrs Hannan.

Mrs Hannan: I second the Speaker.

The President: We have two nominations, hon. members. Ballot papers will be issued. Would you make sure, messengers, please, that the two members who have just joined us have also got their ballot papers. Now, hon. members, we need to elect a Deputy President of Tynwald and the two nominated members are the Speaker and the hon. member for Malew and Santon. Mr Lowey will act as teller for the Council.

The Speaker: The member for Glenfaba, Mr Anderson, to act as teller for the Keys, please.

A ballot took place.

The President: Hon. members, the result of the voting was: Mr Gelling, 14; Mr Speaker, 15. Mr Speaker is therefore elected as Deputy President.

Standing Committee on Expenditure and Public Accounts — Members Elected

The President: We turn then to item 40 on the order paper: to elect a chairman, vice-chairman and four other members to serve during the life of the House of Keys. Hon. members, we will call for nominations and we will deal with these separately. Standing order 5.7(2): 'the committee shall have (a) a Chairman elected by Tynwald, (b) a Vice-Chairman elected by Tynwald (c) four other Members elected by Tynwald. . .' So in that case, hon. members, I call for nominations for chairman.

Mrs Cannell: Mr President, I would like to nominate the hon. member for Ayre, Mr Quine.

Mr Duggan: I would second that, sir.

The Speaker: Mr President, I would like to nominate the hon. member for Malew and Santon, Mr Gelling.

Mrs Crowe: I would like to second that, please, Mr President.

The President: No further nominations? Hon. members, the two nominated are Mr Gelling and Mr Quine. Ballot papers will be distributed. Mr Lowey still to act as teller.

The Speaker: The hon. member for Onchan, Mr Earnshaw, to act as teller for the Keys, please.

A ballot took place.

The President: Hon. members, the result of the ballot is that Mr Gelling received 15 votes and Mr Quine received 16 votes. Mr Quine is therefore appointed as Chairman of the Standing Committee on Expenditure and Public Accounts.

Hon. members, I call for nominations for vice-chairman.

The Speaker: Mr President, I beg to propose the member for Malew and Santon, Mr Gelling.

Mrs Crowe: I would be delighted to second that, Mr President.

The President: Hon. members, are we agreed that the one nomination, Mr Gelling, act as vice-chairman?

Members: Agreed.

The President: In that case, hon. members, I call for nominations for the four other members to serve during the life of the House.

Mr Braidwood: Mr President, I would like to propose Mr Crowe.

The President: Mr Crowe. A seconder for Mr Crowe?

Mr Duggan: I second that, sir.

Mr Shimmin: I propose Mrs Hannan, sir.

The President: Mrs Hannan is proposed. Have we a seconder?

Mr Lowey: I second.

Mr Henderson: I propose Mr Earnshaw, sir.

Mr Bell: I will second that, Mr President.

Mr Rimington: Mr Lowey.

Mr Rodan: I second Mr Lowey.

Mr Gelling: I second Mr Earnshaw, sir.

Mr Cretney: Yes, I would like to propose the hon. member for Onchan, Mr Karran.

Mr Quine: I beg to second that, sir.

Mr Corkill: I propose the member for Council, Mr Kniveton, sir.

Mr Downie: I second Mr Kniveton.

Mrs Christian: I propose the hon. member for Ramsey, Mr Singer.

Mr Shimmin: I second that, sir.

Mr Radcliffe: I propose that nominations should close, Mr President. *(Laughter)*

Mr Duggan: I will second that.

The President: Hon. members, messengers will distribute the ballot papers and on receipt of your ballot papers the Clerk will read the names of those who have been nominated and seconded.

The Clerk: Mr President, the members nominated are Mr Crowe, Mr Kniveton, Mr Lowey, Mr Earnshaw, Mrs Hannan, Mr Karran, and Mr Singer.

The President: Hon members, you are voting for four. We will continue with Mr Lowey acting as teller for the Council - oh, you are a candidate *(Laughter)*; I think the Lord Bishop will do. *(Interjections and laughter)*

The Speaker: The hon. member for Middle, Mr Quayle, to act as teller, please.

A first ballot took place.

The President: Hon. members, while we have a brief interlude you might be interested to know, if I try to explain a little bit, that sitting in our public gallery this morning we happen to have the new Methodist Minister for Peel, along with some visiting family members. They have come from Colorado and from New York. It just seems to happen that they have arrived this morning when we were in the middle of an election, so there is no debate for them to be listening to at the present time.

Mrs Crowe: We could make one! *(Laughter)*

The President: Hon. members, the result of the ballot is that Mr Crowe received 18 votes; Mr Kniveton received 12 votes; Mr Lowey, 18 votes; Mr Earnshaw, 22 votes; Mrs Hannan, 18 votes; Mr Karran, 19 votes; and Mr Singer, 13 votes. It means that Mr Earnshaw and Mr Karran are elected. I would point out that there was one spoiled paper. We still require to fill two places. In this instance we will drop off the name of Mr Kniveton and re-ballot for the two remaining places. Now, hon. members, you will be circulated again with ballot papers and the Clerk will announce the names for you following that.

The Clerk: Mr Crowe, Mr Lowey, Mrs Hannan and Mr Singer.

A second ballot took place.

The President: Hon. members, the result of the ballot is that Mr Crowe received 18 votes; Mr Lowey, 15 votes; Mrs Hannan, 16 votes; and Mr Singer, 9 votes. Again there was one spoiled paper, but we now end up with the four members to serve on the committee being Mr Earnshaw, Mr Karran, Mr Crowe and Mrs Hannan.

Ecclesiastical Committee — Members Elected

The President: Hon. members, we then turn to item 41 on the order paper, the Ecclesiastical Committee. I call on the Lord Bishop, who wishes to make a comment before we reach the election.

The Lord Bishop: Thank you, Mr President. I just wanted to take this opportunity of mentioning the numbers on this Ecclesiastical Committee, which are seven. This seems very excessive. It all goes back to the 1971 Act in standing orders which made the number of seven necessary. We have been saying for some time that it is very excessive, and I know I cannot change the number for this election, but I would ask the members of the Standing Orders Committee to look at this again. It should have been revised in 1994 and was not. I think our legislative draftsman, Mr Gumley, has recommended five instead of seven and I would ask that the Standing Orders Committee make a point of looking at this to revise it, when it should have been done in 1994, and to do it in this current administration, to make it a little more manageable. To get seven people there is very often not a quorum and I think that five would be a much better number to deal with the very few matters that come forward to this Court.

The President: Nevertheless, hon. members, in relation to noting the Bishop's comments, we have a requirement to elect seven members of Tynwald to serve during the life of the House of Keys. I call for nominations, please. Mr Quayle.

Mr Quayle: I have pleasure, Mr President, in proposing the nomination of the member for Glenfaba, Mr Anderson.

Mr Lowey: Seconded, sir.

The President: Mr Anderson is proposed and seconded. Mr Gelling.

Mr Gelling: I would propose Mr Quayle, sir.

Mr Henderson: I second that, sir.

Mrs Christian: I nominate Mr Gelling, sir.

The Speaker: I will second that.

Mr Duggan: I move Mr Cannan, sir.

Mr Lowey: I second.

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

Mrs Crowe: I would be pleased to second that, sir.

Mr Waft: I propose Mr Earnshaw.

Mr Corkill: I second that, Mr President.

Dr Mann: I nominations close.

The President: At the moment I have got six. *(Interjections and laughter)*

Mrs Crowe: I would like to propose the hon. member for Ramsey, Mr Singer.

Mr Braidwood: Mr President, I was going to make the numbers up to seven by proposing Dr Mann.

The President: Well, Mr Singer has been proposed, Dr Mann has and neither has been seconded.

Mr Corkill: I second that.

Mr Karran: Can I second Dr Mann?

Mr Singer: Can I perhaps suggest that, in proposing me, it might be considered revolution rather than evolution?

Mrs Crowe: I think it would be very sensible for ecumenical relationships.

The President: Hon. members, at the present time - I think I am correct - I have seven nominations.

Mr Braidwood: Eight, sir.

The President: I have seven who have been seconded according to myself.

Mr Duggan: I move nominations be closed, sir.

The President: I have Anderson, Quayle, Gelling, Cannan, Duggan, Earnshaw and Mann.

Mr Corkill: I seconded Mr Singer's nomination.

The President: Okay, in that case Mr Singer has been seconded as well.

Mrs Crowe: I think it is very important that we have a mix.

A Member: Absolutely.

The President: Ballot papers will be distributed, hon. members. If everyone has their papers you are voting for seven out of the eight names, and I will ask the Clerk to read the names in order on the ballot paper.

The Clerk: Dr Mann, Mr Anderson, Mr Cannan, Mr Duggan, Mr Earnshaw, Mr Gelling, Mr Quayle and Mr Singer.

The President: The Lord Bishop will act as teller for the Council. *(Laughter)*

The Speaker: The member for Peel, Mrs Hannan, to act as teller for the Keys.

A ballot took place.

The President: Hon. members, the result of the ballot is that Dr Mann received 28 votes; Mr Anderson, 29; Mr Cannan, 23; Mr Duggan, 26; Mr Earnshaw, 26; Mr Gelling, 24; Mr Quayle, 29; and Mr Singer, 19; so with the deletion of Mr Singer, the committee is complete.

Mr Downie: 'Amen' to that!

Standing Committee on Constitutional Matters — Members Elected

The President: Hon. members, we then move on to the Standing Committee on Constitutional Matters at item 42, to elect five members of Tynwald to serve during the life of the House of Keys, and again I call for nominations.

Mr Braidwood: Mr President, I would like to propose Mr Gelling.

Mr Lowey: I will second that, sir.

Mr Downie: I would like to propose the Speaker of the House, the hon. Tony Brown.

Mrs Hannan: I will second that.

Mr Quine: I would like to propose Mr Shimmin.

Mrs Hannan: I second that.

Mrs Christian: I wish to move the hon. member for Peel, Mrs Hannan.

A Member: I second that.

Mr Shimmin: I propose the former Speaker, member for Michael, Mr Cannan.

Mr Quine: I beg to second, sir.

Mr Singer: I move Mr Quine.

Mrs Hannan: Move him where to? *(Laughter)*

Mr Lowey: I will second Mr Quine.

Mr Anderson: I propose the member for Rushen, Mr Gill.

Mrs Crowe and Mr Cretney: I would be pleased to second that.

The President: Now, hon. members, we have seven nominations for the five places. Again we will distribute the ballot papers.

Hon. members, if you have all got your ballot papers, the Clerk will read the names of the candidates, and you are on this occasion voting for five.

The Clerk: Mr Cannan, Mr Gelling, Mr Gill, Mrs Hannan, Mr Quine, Mr Shimmin, Mr Speaker.

The President: The Lord Bishop will continue to act as teller.

The Speaker: The hon. member for Onchan, Mr Corkill, to act as teller for the Keys, please.

A ballot took place.

The President: Hon. members, the result of the ballot: Mr Cannan, received 16 votes; Mr Gelling, 29; Mr Gill, 30; Mrs Hannan, 16; Mr Quine, 18; Mr Shimmin, 21; and the Speaker, 25. Hon. members, the result of the ballot means that Mr Gelling, Mr Gill, Mr Quine, Mr Shimmin and Mr Speaker are elected to the Standing Committee on Constitutional Matters.

Standing Committee on Economic Initiatives — Members Elected

The President: We turn then to our order paper at item 43 to elect a Standing Committee on Economic Initiatives, five members of Tynwald to serve during the life of the House of Keys. I call for nominations, please.

Mr Lowey: Could I propose the hon. member for Middle, Mr Quayle.

Mr Karran: I will second that.

Mr Braidwood: Mr President, I would like to nominate my hon. colleague from Douglas East, Mrs Cannell.

Mr Shimmin: I second that, sir.

Mrs Christian: Mr President, I wish to nominate the hon. member for Council, Mr Crowe.

Mr Corkill: I beg to second that, Mr President.

Mr Quine: If I could nominate the hon. member for Ramsey, Mr Singer, sir.

Mr Crowe: I will second that, Mr President.

The Speaker: I propose the hon. member for Peel, Mrs Hannan.

Mr Karran: I will second that.

The President: That gives me five, hon. members.

Mr Lowey: The hon. member for Rushen, Mrs Crowe.

Mr Cannan: I would like to nominate the hon. member for North Douglas, Mr Houghton.

Mr Karran: I will second that.

The Speaker: I will second Mrs Crowe.

Mr Cretney: Can I propose the hon. member for Malew and Santon, Mr Gelling, please?

Mr Downie: I would like to second that.

Mr Rodan: I would like to second Mr Gelling, sir.

The President: Ballot papers will be distributed again, hon. members and we will shortly announce the names. If you have all got your ballot papers, hon. members, the names will be read.

The Clerk: Mr Crowe, Mrs Cannell, Mrs Crowe, Mr Gelling, Mrs Hannan, Mr Houghton, Mr Quayle, Mr Singer.

The President: Eight names on your paper, hon. members, and you are electing five. The Lord Bishop will continue to act as teller.

The Speaker: And the hon. member for East Douglas, Mr Braidwood, please.

A ballot took place.

The President: Hon. members, the result of the ballot for item 43 is that Mr Crowe received 23 votes; Mrs Cannell, 17 votes; Mrs Crowe, 13 votes; Mr Gelling, 24 votes; Mrs Hannan, 15 votes; Mr Houghton, 9 votes; Mr Quayle, 25 votes; and Mr Singer, 19 votes, resulting therefore in the committee elected being Mr Crowe, Mrs Cannell, Mr Gelling, Mr Quayle and Mr Singer.

Manx Honours Committee — Members Elected

The President: Hon. members, item 44, the Joint Committee on Emoluments of Certain Public Servants, will be dealt with as a joint committee, will be dealt with by the branches sitting separately, so we turn to 45, Manx Honours Committee, and again there is a requirement to elect five members of Tynwald to serve during the life of the House of Keys. Hon. members, I call for nominations.

Mr Quine: If I could nominate, sir, the hon. member for Malew and Santon, Mr Gelling.

Mr Singer: I second Mr Gelling.

Mr Crowe: Could I nominate Mr Lowey?

Mrs Crowe: I would like to second Mr Lowey, please, Mr President.

Mrs Christian: Can I move the hon. member for Rushen, Mr Gill.

Mr Downie: I would like to second Mr Gill.

Mrs Hannan: I move Mr Kniveton.

Mr Corkill: Pleased to second that, Mr President.

Mr Singer: I move Mr Karran.

A Member: I beg to second.

Mrs Hannan: I move nominations close.

Mr Duggan: I second that.

Mrs Christian: Mr President, with respect, is it five members in addition to the *ex officio* members or . . .?

The President: Yes.

Mr Quine: I am just wondering whether Mr Karran's nomination has been seconded, sir.

The President: Yes. Nominations having been closed and members seeming to accept that happily, the members elected to the Manx Honours Committee, in addition to the President and the Speaker, who are ex officio, will be Mr Gelling, Mr Lowey, Mr Gill, Mr Kniveton and Mr Karran.

British-Irish Inter-Parliamentary Body — Members Elected

The President: We turn then, hon. members, to item 46 on your order paper, to elect one member and one associate member to serve during the life of the House of Keys in the British-Irish Inter-Parliamentary Body. I call for nominations, please.

Mr Cannan: Mr President, in nominating the hon. member for Malew and Santon, I would advise members, as a previous member, that the membership of this is restricted to non-ministers in the governments of the countries concerned and in putting forward the nomination of the hon. Mr Gelling, a man who has had great diplomatic contact in the British-Irish Council, I strongly recommend his nomination, sir.

Mr Duggan: I would be pleased to second, sir.

Mr Singer: Could I move Mr Quine, please?

Mr Karran: I would second that - Mr Quine.

Mrs Cannell: Mr President, I would like to propose the hon. member for Council, Mr Lowey.

Mr Karran: I will second that as well.

The President: Now, hon. members, we need to elect one member and one associate member to serve during the life of the House of Keys, in which case, hon. members, if we are dealing with it in this order, we would be better to elect the member, had we not? (**A Member:** Yes.) So we will elect the member and then elect separately the associate member.

Mrs Hannan: Could I propose Mr Waft?

Mr Lowey: I will second Mr Waft.

The President: Hon. members, as we are making progress and extending the listing, we now have four and on this occasion we will be electing first the one member. I have four nominations, hon. members.

Mr Karran: Is it first past the post or is it . . .? (*Laughter*)

The President: Straightforward ballot, as they all have been. Hon. members, when you have got your ballot papers you will be voting for one, and the Clerk will read the names.

The Clerk: Mr Lowey, Mr Waft, Mr Gelling, Mr Quine.

The President: Mr Radcliffe to act as teller for the Council.

The Speaker: Hon. member for North Douglas, Mr Henderson, to act as teller, please.

A ballot took place.

The President: Hon. members, the result of the election to elect the member to serve on the British-Irish Inter-Parliamentary Body is that Mr Lowey received 2 votes; Mr Waft, 1 vote; Mr Gelling, 23; and Mr Quine, 6. We therefore now, hon. members, declare Mr Gelling is elected as the member and we wish to elect an associate member. Nominations, please.

Mr Singer: I propose Mr Quine.

Mr Karran: I will second Mr Quine.

Mrs Christian: I nominate Mr Lowey, please.

Mrs Crowe: I will second Mr Lowey.

Mr Cretney: I propose the Speaker of the House of Keys, Mr Brown.

Mr Houghton: I second Mr Brown, sir.

Mr Henderson: Election closed, sir.

The President: Ballot papers will be distributed then, hon. members, and we have three names, an election for one.

The Clerk: Mr Lowey, Mr Quine, Mr Speaker.

The President: Hon. members, the same teller will continue.

The Speaker: Mr Henderson, please.

A ballot took place.

The President: Now, hon. members, we have something of a dilemma in so far as the ballot has taken place; we have two tied and one above. The result of the ballot is that Mr Lowey has received 10 votes; Mr Quine received 11 votes; and Mr Speaker received 10 votes. If you are prepared to accept that this is a straightforward ballot, that is fair enough, but in actual fact 11 is not a majority. I could not drop a bottom one off, because the bottom two tie. If you are prepared to accept that Mr Quine be elected as the associate member, I am content. (**Members:** Yes.) In that case, hon. members, if you are content with the election and it is a straightforward majority, Mr Quine is elected as the associate member.

Members: Hear, hear.

Select Committee on Complaints of Maladministration — Member Elected

The President: We turn then, hon. members, to the supplementary order paper.

Mr Cannan: Mr President, am I going to be allowed to take item . . . ?

A Member: You said you were not going to.

The President: Yes, sir, but as I indicated at the start of the sitting, we will take the supplementary order paper to complete the elections immediately after item 46, which we will do now. We will take the supplementary order paper and complete the elections and then move straight on to your item, sir. So, to the supplementary order paper to the Select Committee on Complaints of Maladministration made by Mrs A E S J Pilling, we need to elect one member to serve in place of Sir Miles. Nominations, please.

The Speaker: Mr President, I beg to propose the hon. member for Peel, Mrs Hannan.

Mr Lowey: I will second Mrs Hannan, sir.

Mr Quine: I would like to propose the hon. member for Rushen, Mr Rimington.

Mr Cannan: I will second Mr Rimington, sir.

Mrs Hannan: I would like to propose Mr Earnshaw, member for Onchan.

Mr Gill: I second, Mr President.

Mr Houghton: I move nominations close.

The President: We have three nominations. Voting for one. Ballot papers to be circulated, please. The names will be read.

The Clerk: The hon. members nominated are Mr Earnshaw, Mrs Hannan and Mr Rimington.

The President: Voting for one, hon. members. Mr Kniveton to act as teller, please.

The Speaker: The hon. member for Garff, Mr Rodan, to act as teller, please.

A first ballot took place.

The President: Hon. members, the result of the ballot is that Mr Earnshaw received 7 votes; Mrs Hannan, 14, Mr Rimington, 9. Under standing orders, this is a committee, hon. members; there is a requirement to have a majority. No majority was achieved, therefore we will drop off Mr Earnshaw and vote on the two remaining members. Have your ballot papers with the exclusion of Mr Gelling. Mr Gelling does not get a ballot paper; he was not in the original ballot. Mr Singer is eligible to vote; he was in originally. Hon. members, you have got your ballot papers. You are voting straight between Mrs Hannan and Mr Rimington. The same teller to act for Council.

The Speaker: The same teller for the Keys, please.

A second ballot took place.

The President: Hon. members, the result of the ballot is that Mrs Hannan received 20 votes and Mr Rimington. 9 votes. Mrs Hannan is therefore elected.

Foot-and-Mouth Disease — Preparation of Policy Document — Amended Motion Carried

The President: Hon. members, having completed all our balloting we then revert to item 47 on the order paper and I call on the hon. member for Michael, Mr Cannan, to move.

Mr Cannan: I beg to move:

That the Department of Agriculture, Fisheries and Forestry prepare a policy document detailing the contingency plans that will take effect when -

- (1) there is an outbreak of foot-and-mouth disease in the United Kingdom;*
- (2) there is an outbreak of foot-and-mouth disease in the Isle of Man*

and bring the policy document to Tynwald for approval at the April 2002 sitting.

I will be brief on this issue and I hope that I have the support of the Court. Members will recall that only three months ago there was a full debate on this matter of foot-and-mouth disease and the matter of burial, A 2¹/₂-hour debate. Fortunately the members of this Court rejected the proposal, a proposal I will quickly remind you of, that the Treasury provided £1.5 million instantly, that within a week of the resolution being passed the money would be spent on building underground bunkers at Jurby without consultation, planning approval or any other consideration. That policy was soundly rejected. The policy promoted at that time by the then Minister for Transport was it was a matter of the utmost national urgency.

Well, since in the last three months the United Kingdom has been declared free of foot-and-mouth, restrictions are being lifted all over that country. However, there is no guarantee that it will not have an outbreak next month, in six months, next year or in five years, so I believe firmly that after the debacle of October that there should be a contingency plan (**Two Members:** Hear, hear.) published for all to see, and we have here before us, or being circulated, a paper from the Department of Agriculture setting out policy in relation to foot-and-mouth: 'First outbreak of foot-and-mouth in the United Kingdom,' and it states, 'The measures to be taken are: immediate ban on the importation of livestock and tracing of all animals imported in the previous months' - agreed; 'disinfection procedures at all ports and airports' - agreed; 'restrictions on the movement of livestock on the Island' - agreed; 'restrictions on access to the Manx countryside' - agreed; controls on all items deemed capable of spreading the disease' - agreed.

So I have no problem with that part whatsoever, but I will now bring in the statement made by the previous Chief minister on Monday 15th October, a statement regarding the 2002

TT races, and I would like to know a definitive policy from the Minister for Agriculture when he replies to this debate as to whether these restrictions are going to be brought in for this year's races and whether the requirements are going to be put in hand. I would like to know because I believe the public want to know. If there has been a change of policy, fair enough, but if there has not, I believe the whole Isle of Man should know.

What the statement says - and all members can get it from the library - is that there will be an isolation area throughout the course between the roads and the fields where the public watch the races in the countryside, and the statement - and I will not read it because you can all get it to read it, but I will quote one paragraph from it: 'It is very difficult at this stage to put a precise cost on the contingency plan. Much will depend upon discussions with landowners which will determine, on a field-by-field basis, exactly what is to be done. The department have, however, undertaken an initial assessment and a cost range of between £¹/₂ million to £1 million has been estimated. While this is a great deal of money, it should be put in the context of the cost of losing the TT races and other major events this year' - and when he says 'this year' he was talking about this 2002. He also stated that there would be the disinfection procedures at ports and airports, so they would all be reintroduced; this is what the statement says.

Now, I believe we should all know exactly whether there has been a change of policy. The first key element of the contingency plan is the disinfection of all persons and vehicles entering the Island. This has, of course, been done ever since foot-and-mouth disease was notified in the United Kingdom. The only difference for the TT period is the scale of the task, but with proper resourcing we are confident, based on our experience thus far, that we can cope. Whilst disinfection is a good first line of defence, it can never provide 100 per cent security, even when applied at both port departure and port of arrival.

So, minister, I ask you to tell this Court whether you are now going to reintroduce the disinfectant procedures which have been reduced at the ports of entry for the TT period. A statement made 12 weeks ago set out what was to happen this May/June. Is it still in force, sir, or is it not? Everybody should know. You have made a statement in the press but it was slightly ambiguous.

Then the other half of my motion, sir, was: what would happen for an outbreak of foot-and-mouth in the Isle of Man? The paper that you have been circulated with states 'Isolate suspects; confirm the disease; slaughter within 24 hours infected animals, within 48 hours dangerous contacts; disposal - ban all movements of livestock; close all access to the Manx countryside; disinfection measures. Disposal - you really do not have a policy, and what I want this Court to be told, so that people's minds can be put at rest - and never again should people be put under the stress that the residents of Jurby were put under when, with less than 10 days' notice, an order was before Tynwald for permitted development and the development to take place seven days later - is to know what is the policy? Is the policy isolation and containment, which I believe it should be, so that if there is an outbreak in, let us say Arbory, then isolate and contain and bury within the containment area? Or do you want, which I believe will be highly discussed and a matter of concern, one burial site - in other words, isolation and containment and then break all the rules you have put here by carting the dead animals?

Only on Tuesday night returning from Tynwald, after the 10 o'clock news on BBC they gave regional news and they gave what is happening in Northumbria now, where they have a mass burial site, where the villages proposed it. They showed pictures of lorries, huge wagons, carrying infected animals into a mass burial site. Now the village community has gone to Brussels and is suing for £3 million. If that sort of thing happened in the Isle of Man I can be quite certain, wherever district it was, people would be getting into that state.

To start to bring animals from one corner of the Island to the other from an isolated and contained area into an open area which there were uninfected animals would cause the strongest resentment, and this motion is calling upon you to come to Tynwald with the complete contingency plan for the outbreak of foot-and-mouth in the Isle of Man. I hope it never happens; the consequences are so horrendous.

We have had the briefing document. There are 213,000 units of livestock in the Island. If you had to go through them within three weeks you would be bringing in the army, bringing in the lorries, bringing in slaughtermen, because you would be required to kill 70,000 animals a week or 10,000 animals a day. It is so horrendous it does not really need thinking about, but it must be thought about.

So I will say no more. I am sure members understand clearly what I am saying, but the people of the Isle of Man should know what the policy is, and it should be freely available in a booklet or pamphlet form, just as the budget is available to everybody. Are you bringing in the restrictions for the TT - if not the restrictions, but the preventative measures - or are you not? Let everybody know, sir, and if in the disaster of a new outbreak in the UK what you will do and, if an even worse disaster, if it happened in the Isle of Man? For goodness' sake, sir, do not ever come to this Court again suddenly with papers to do some scheme all in 28 days without notice, consultation or planning approval. That was outrageous; the people of the Isle of Man knew it was outrageous; the media knew it was outrageous and hon. members here voted it down.

So all I am asking, sir, is that you present that pamphlet to this hon. Court and say that yes, these are your proposals; does the Court agree with them? I beg to move, sir.

Mr Duggan: I beg to second, Mr President.

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

Mr Rimington: Thank you, Mr President. Yes, we did try and circulate the information sheet earlier in this sitting so members did have the encapsulated information about what is happening. Obviously those policies that are set out there can be fleshed out and presented in a more detailed manner, but that would give the essentials of what is taking place, which the hon. member for Michael does recognise.

Firstly, if I could just answer the points on the TT, he is quite right to say the comments in the press were ambiguous, and indeed I shall keep them relatively ambiguous as well. There is the common-sense point of view that if there is no risk apparent then there are no need for measures. However, the lead department in terms of the TT and the assessments of what can and should be done in consultation with myself has not been fully decided. What is, I think, fully decided is that, unless the world falls apart on us again, the TT will go forward and, if necessary, measures will be taken. Whether, at this point, where there is no risk of foot-and-mouth, or that risk is receding, there is need for precautions is yet to be determined in full, and that is all I am prepared to say at this point on that issue.

In terms of the policy, yes, we are quite happy to come back to this hon. Court with what that policy is. One of the main building blocks of that policy is disposal, as you know, and this is obviously the crux of the issue which is in the debate today, and where and how that disposal should take place. Now, obviously there was an interim to a degree during the election process, then the changeover between administrations, which I am sure the hon. member will recognise. However, even within that interim period work still continued. The group that was looking at the issue still met; matters were taken forward; issues that had been addressed continued to be addressed. Immediately after the appointment of the new administration the three key ministries involved, which is obviously the Department of Agriculture, Fisheries and Forestry, the Department of Local Government and the Environment

and the Department of Transport, met at political level to determine the way forward, and if I give authority to that group, that was really already in existence to continue with the broad aim of assessing a site or sites suitable for the contained burial. Now, that policy as stands, sir, is a single site; it is not regional sites. That issue has been addressed and regional sites are seen as complex in the sense that any site requires planning, consultation, permission. It is difficult enough, as we have already seen, finding one site. To do that in a multiplicity - if you said regional sites, where do you start dividing down? Do you say we need a site in Arbory because we are going to isolate and contain in Arbory, and then a site over at Cregneash, Malew and Santon? How many regional sites would there be? Even if you only had two regional sites, north and south, if you were in the awful situation of having to dispose of large numbers of animals, that would still involve lots of movement across the Manx countryside and on the Manx roads. In practical terms, for an Island this size, only one site is recognised, and that site obviously has to be a contained site.

Now, obviously the hon. member for Michael does, if not necessarily accept, understand that if there was an emergency now and we had to dispose of large numbers of animals, then from just a sheer logistical point of view there is only one site on the Island that could handle that at this moment in time practically, which unfortunately is Jurby, because it has that road infrastructure. It is government-owned land, the hydrology is more favourable there - I am not saying it is good, I am saying it is more favourable or less bad - than elsewhere. That is something we want to avoid. That is why we need and are doing that progress to try and find an acceptable site at an acceptable cost indeed for a contained, lined, safe burial wherever that might be, and obviously the team that is looking at it is assessing all the appropriate sites. They are also casting an eye that it might not be on government-owned land. To do so would have a significant cost implication and that would have to be put in the balance as well, because you might be ending up spending whatever it is - millions, hundreds of thousands of pounds - for land which you never hope to use, and how would the taxpayer feel about that? So there are lots of issues to be taken on board, besides all the logistical issues, the environmental issues that have to be taken on board when trying to assess such a site.

So we are going forward, we are looking, at this point in time, for a single site; we are not looking for a number of regional sites. You would have to have many regional sites to actually counter the problems that the hon. member for Michael was highlighting, i.e. the movement of carcasses in sealed lorries across roads et cetera. It would be virtually impossible to achieve that number of regional sites within the accepted bounds of costs and practicality. The one engineered site will be the solution that we will be bringing to this hon. Court in due course.

Now, there is an amendment in my name which has two parts to it: first is that the whole issue of addressing this and of the disposal is beyond just the Department of Agriculture, Fisheries and Forestry and involves other ministries, obviously notably the Department of Transport, the Department of Local Government and the Environment, and also bringing into the net the Department of Home Affairs, the emergency planning officer and whoever else needs to be involved in the logistics of this particular issue, and I think the hon. member will accept that that is a necessary and reasonable thing to do. The second part is the date, which is April 2002. In terms of the overall policy that the hon. member was referring to of a booklet describing our general measures, then I am sure that could be done with great rapidity, but in actually deciding where the critical issues are as we understand and as was highlighted significantly in the hon. member's press statement when he was introducing this motion and said that it was coming to this Court, and said quite clearly and focused on the site and where that site should be, and that is the controversial area. That cannot be decided by April 2002. However, it is in everybody's interest, especially in the people of Jurby's interest, that that should be decided as soon as possible and got on with as soon as possible, and it is my chief veterinary officer's great desire that this project is progressed with haste - not too much

haste, but with the necessary haste so that as soon as possible we do have a properly engineered site on the Island which has been fully and properly considered, has come to this hon. Court for final determination, before going on and going through the proper planning process, consultation et cetera, of what the identification of that site should be, and the hon. member would know my personal view on the issue is that I hope it is not Jurby, because I was one who voted, as you know, against the original motion partly because it was Jurby and partly because of the balance of the emergency risk were we at that point at that time. However, that will be for collective decision and my personal view will not be at the forefront of that collective decision and it will be based on the professional evidence that is before us and will be based on all the counterbalancing factors when we have to make that decision.

Where that particular site will be I do not know. I can give you an undertaking, because I realise that as soon as possible is not as satisfactory to some people as saying 'Well, it is going to be by such and such a date.' April 2002 is not realistic. However, we do envisage that we should be able to come for that political determination by June or July. I will give this undertaking, that if there is nothing on the June order paper then you will be given not a briefing as such but a statement to say why not and when, so that it will not be just left in the ether to disappear into nowhere, because it is in everybody's interest that this issue is resolved and dealt with sensibly and as quickly as possible and I beg to move the amendment standing in my name:

*That after "Department of Agriculture, Fisheries and Forestry" the following be inserted -
" , in conjunction with other departments and agencies of government,"
and that the words "at the April 2002 sitting" are replaced with -
"as soon as possible"*

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

Mr Shimmin: Thank you, Mr President. I rise to second the motion before us today. I think the first part of the amendment is an important one because, as we are all aware, there is an overlap of responsibilities in this area which includes the Department of Transport, and at our meeting that we have held already it is identified that the Department of Agriculture, Fisheries and Forestry is the lead department, but it is far better to come out with an outcome that has been discussed with those others as to the practicalities of any proposal coming forward. I think it is reasonable and it does not take anything away from the principle of the motion.

The 'as soon as possible' I think the mover of the amendment has made clear, and I do concur with the importance of the original mover of the motion's comments concerning the TT period. We do need a clarity as to what our plans are going to be around TT and therefore there will be announcements based on what provision is going to be done during that period as soon as is practicable, and that will be in advance of a full policy to be debated by Tynwald.

Therefore, I think we are all aware of the issues, sir. The comments attributed to the mover of the original motion in his introduction do express the concerns of himself and the people he represents in Jurby. He did use comments like 'outrageous, the manner in which it was brought forward at another time.' I think, although it was regrettable and I myself also voted against it at that time, that is the time when we had no emergency contingency plan. I think that is not the fault of anybody; it is one we now have with a warning. We got away with it the first time; we cannot afford the luxury of avoiding having a contingency plan, which is what we are moving towards, so regrettable as the original motion back in October was, I think it is understandable. I think that now it is incumbent upon the Department of Agriculture, Fisheries and Forestry and others to come forward to this Court with a reasoned policy to make sure we are prepared in the future, sir. I beg to second.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. I am not going to take long; I think most of this is clearly understood by members. However, I have to say I am a little bit concerned that the amendment that has come forward from the Minister for Agriculture continues to focus only on foot-and-mouth. It is clear that the Isle of Man could be hit by any cattle disease at any time and could require mass burial, and therefore in an endeavour, I hope, to be helpful and to try and focus that we actually broaden it out to cover all diseases, I wish to move an amendment in my name which has not been typed up but which I will read out - and you have a signed copy, Mr President - and if I can ask hon. members to look at (2) after the word 'disease' to add in there 'or other cattle disease' and after the word 'Man' to add in 'which requires the burial of cattle.'

Mr Downie: Can we make it livestock to include sheep, not just cattle?

The Speaker: Well 'livestock', 'cattle', but I think we need to make it clear what we are looking for is an identification of a mass burial site for livestock, cattle, et cetera if the Isle of Man ever comes across a disease, and I do not think it is appropriate just to say it should only be for foot-and-mouth. I think it is broader than that and I think we should make sure that the government understands we require a site or sites for all types of cattle/livestock. I beg to move the amendment.

The President: Now, Mr Speaker, could I just have it perfectly plain and clear please, for my purpose if not for anyone else's? The hon. member for Douglas West was indicating to use the word 'livestock' instead of 'cattle.' Which do you prefer, sir, in your amendment?

The Speaker: I would look to you for advice, Mr President, because I am not a farmer and I would suggest that if 'livestock' is the most appropriate word and it covers cattle, then that would be the word I would use, sir.

Mr Downie: Pigs, sheep, goats.

The President: Happy to use 'livestock' hon. members?

Members: Yes. Agreed.

The President: Hon. member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr President. I rise really to support the original amendment. I think the task force should be given more time to consider the lessons that should be learned from the UK's disastrous handling of this situation (**A Member:** Hear, hear.) and I think it is imperative that we get it right. Now that the threat has receded they should be given more time to come forward with the appropriate measures for the Island. Thank you, Mr President.

The President: The hon. member for Peel.

Mrs Hannan: Eaghtyrane, I rise to second Mr Speaker's amendment.

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

Mr Quine: I shall be very short, sir, I just want to enter notice that I do not accept that a single site is the only practical solution at all. I was party, of course, to briefings when I was in DoLGE previously and, with the insight of the information I had there, it was quite clear that the exercise had been pushed in one direction because of the qualification that it should be on government land and it fell far short of a case being made, either on technical grounds or on financial grounds, that there should be a single site. Now, I appreciate it is another time when we will be addressing that question here as a Court, sir, but I am concerned that if they continue this exercise on the basis of the single-site supposed to broaden it, then we may go up another cul-de-sac and get ourselves knocked back yet again. I would suggest to the department it is prudent, whatever the department view might be about a single site or more

than one site, that at least the exercise be carried forward on a broader basis than simply the assumption it has to be a single site.

The President: I call on the hon. member for Michael to wind up the debate.

Mr Cannan: Thank you, Mr President. Having listened to the minister I get the feeling 'Will they ever learn or are they so blind that they insist on their original policy?' The first thing is I am a bit disturbed that he continues to say that his views on this year's TT will remain ambiguous. I think that is unfair to the people in the Isle of Man. However, that is a matter between himself and the Minister for Tourism, but I believe that people should be told as soon as possible.

However, moving on to the policy of a single site, will they never learn? Does he want a complete wipe-out of the agricultural industry in the Isle of Man?

Mrs Hannan: Of course not.

Mr Cannan: Agriculture - a disease in one corner of the Isle of Man and you start carrying diseased animals across the Isle of Man to your single site. That will cause uproar, not least amongst the farming community, because in the three months since October I have spoken to a large number of farmers, and the last thing they want, if there is disease in one part of the Isle of Man, is to have diseased animals transported through other parishes to the single site. They are totally opposed, your own farming community; they want to see it contained and many of them say 'on-farm burial.' Now, only a month ago there was a report in the newspapers that 68 cattle had been condemned and slaughtered for TB - public, in the papers. Where were they buried, minister? I know where they were buried; they are buried on the farm and when there are sick animals they are buried on the farm, and to start before you go into this investigation, as the hon. member for Ayre has said, and indeed the hon. member for Glenfaba: look at what has happened in the UK. Read the reports, because the reports are coming out now, not least in the magazine 'Private Eye', a magazine to which I do not subscribe but which was handed to me. They have rubbished the whole of this policy that they had in dealing with foot-and-mouth. Even the serious broadsheet newspapers are now saying millions of animals were slaughtered that did not need to be slaughtered. (**Mr Cretney:** Hear, hear.)

Minister, who are you supporting - your civil servants or are you representing the agricultural farming community? Because they say that if you bring and transport the diseased animals, you are spreading the disease, and I will only repeat what I have said before: the livestock population of the Isle of Man of nearly 250,000 is so huge that even you, sir, with your wisdom and superior intellect could not cope with the administrative difficulties that would arise. You could not possibly cope with killing 70,000 animals a week. Containment and isolation is the message that I have got consistently and up to now where there have been diseased animals they have been buried on the farm.

Several Members: Wrong.

Mr Cannan: They have been taken to the knacker's yard.

Mr Downie: Correct.

Members: Right. (*Laughter*)

Mr Cannan: Having said that, there are still animals being buried on the farm.

Mr Downie: Correct.

Mr Cannan: Having said that, they have still been buried on the farm where several cattle have been required to be killed.

Mr President, I will accept the amendment on the first part. Consult as many people as possible, minister, and above all consult the farmers. And the second part - you have given an absolute assurance that you will make a statement at a minimum in the June or July Tynwald.

Mr Rimington: June.

Mr Cannan: June, you will make a statement. Fair enough, that is okay. So I urge the Court - I am sure you have the backing of the Court - to do this properly, to research it properly and to have an acceptable solution, but the solution so if you come forward again, I have to tell you after the research that I have done, the information I have from both extremes, from 'Private Eye' to the serious documents from DEFRA, you will find that a single site, dragging dead animals through non-diseased areas, creates havoc and I hope, sir, that you will take that on board.

Mr President, I ask members to support the minister's amendment. The amendment from the Speaker - I think that can be put aside, because the minister in his report will come forward with what he thinks is necessary. I beg to move, sir.

The President: Hon. members, the motion before you is printed at 47 on the order paper and to that we have had an amendment in the name of the hon. member for Rushen, Mr Rimington, Minister for Agriculture, circulated to you and a further amendment, hon. members, in the name of Mr Speaker, for which I hold a copy signed here:

In (2) after the word 'disease' add the following -

'or other livestock disease',

and after the word 'Man' add the following -

'which requires the burial of livestock.'

Now, hon. members, I propose to deal with Mr Speaker's amendment first, and I want to make it perfectly plain to you all what it is. Now in item 47, sir, the amendment moved by Mr Speaker, if he will check just to be absolutely sure that we are correct, states that in (2) after 'disease' add 'or other livestock disease' and after 'Man' add 'which requires the burial of livestock'. Those in favour of that amendment please say aye; against, no. The ayes have it. The ayes have it.

We then take the amendment circulated to you on the white paper in the name of the hon. Minister for Agriculture, Mr Rimington. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

So I put to you, hon. members, the item at 47 as amended. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Procedural

The President: Now, hon. members, the hon. member for Council, Dr Mann, is wishful that his residency control order printed at 48 be taken over to the next month's sitting, so that means that we have concluded our business and the Council will now withdraw, hon. members, and leave the Keys to transact such business as Mr Speaker may place before you. Thank you, hon. members.

The Council withdrew.

House of Keys

The Speaker: Hon. members, the Keys will now adjourn to the next sitting in our own chamber, on 22nd January at 10.00 a.m. Thank you.

The House adjourned at 1.11 p.m.