

REPORT OF PROCEEDINGS OF TYNWALD COURT (QUESTIONS)

**Douglas, Tuesday, 21st January 2003
at 10.41 a.m.**

Present:

The President of Tynwald (the Hon. N Q Cringle).

In the Council: The Lord Bishop (the Rt Revd Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon. C M Christian, Mr D F K Delaney, Mr D J Gelling CBE, Mr J R Kniveton, Mr E G Lowey, Dr E J Mann and Mr 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); Mr J R Houghton and Mr 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); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Hon. P M Crowe (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

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Illegal Immigrants – Action against Employers – Question by Mr Delaney

Question 1. The hon. member of Council (Mr Delaney) to ask the Chief Minister:

Do you agree with the statement made in the Manx Independent of Friday, 13th December 2002 that ‘at the moment the legal framework does not allow for enforcement action against employers who knowingly employ illegal immigrants’?

The President: We turn now, hon. members, to our question paper. I call on the hon. member of Council, Mr Delaney.

Mr Delaney: Mr President, I beg leave to ask the question standing in my name.

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

Mr Corkill: Thank you, Mr President. The article referred to in the hon. member’s question related to action taken by the Island’s immigration office, before Christmas-time, to remove from the Island two immigration offenders who had been working illegally in a local catering establishment. The statement regarding enforcement action was attributed to the

head of Crown and External Relations Divisions, who is also the Island’s senior immigration officer.

I can confirm that the current immigration legislation on the Isle of Man contains no specific provisions in respect of employers who knowingly employ illegal immigrants. However, the UK Immigration Act 1971, as extended to the Isle of Man, provides, at section 25, ‘that persons are guilty of an offence if they knowingly secure or facilitate the entry of or harbour anyone where they are known to be an illegal entrant or have overstayed the time limited by their immigration conditions’. Therefore, it is possible, within the existing immigration legal framework, to take action against employers who knowingly harbour illegal immigrants. However, in the recent case, there was no evidence to indicate the employer knew the employees concerned were illegal immigrants. The immigration office always - and I repeat, always - responds when it becomes aware of the presence of illegal immigrants. These cases are dealt with promptly, in accordance with the legislation, and appropriate cases result in the removal of the person from the Island.

The position in respect of illegal immigrants has, in fact, been the subject of ongoing monitoring by the immigration office and, as a result, the office is currently working with the Attorney-General’s Chambers to review the legislation and, in particular, the adoption of specific provisions for employers to be guilty of an offence if the employee has not been

granted leave to enter or remain in the Island or the employee's leave is not valid and subsisting or is subject to a condition precluding him from taking up the employment. It is intended that those changes should be implemented during the course of this year, and I hope hon. members will agree that the review is to be welcomed.

The President: Hon. member of Council.

Mr Delaney: I thank the Chief Minister, Mr President, for giving some assurances to us and, through us, to the Isle of Man people that we are taking some action, but can I ask a number of supplementaries? The article that is referred to in the question, which has not been disagreed with by the Chief Minister or anybody else, mentions the fact that, at the moment, the legal framework does not allow for enforcement action against employers who knowingly employ illegal immigrants. Can I ask the Chief Minister: is he aware of the Work Permits Act, which there seems to be some haste to alter in this Island, and which gives powers to prosecute the person who is employed without a work permit? And can I ask: was it ascertained whether the jobs of these two people – who, according to the article, were brought in from an English agency – were advertised, as per the legislation, in the jobcentre so that Manx people may, if they wished to, have applied for those jobs? Otherwise, that breaks the legislation in being. Are we pursuing that side of the legislation to get a conviction or are we saying that it is open house and that you can bring anyone to the Isle of Man, until we change the law, as long as they are illegals?

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. There are two aspects to the hon. member's questioning. One relates to immigration law, which I think –

Mr Delaney: The law.

Mr Corkill: - I have related to hon. members in my opening comment, and that is that if employers knowingly harbour illegal immigrants, then they are breaking the law, and that is quite clear under the immigration legislation that applies in the Isle of Man. Notwithstanding that, there is a review going on to ensure that our immigration legislation is up to date for Isle of Man purposes, and I give that commitment to the hon. Court today, and hopefully the changes I have referred to will be supported by hon. members as they progress through the branches this year.

In relation to the other aspect of the hon. member's questioning, he refers to Isle of Man work permit legislation, which I think is a very valuable piece of legislation for this Island to look after. It is quite clear that, in addition to immigration legislation, the Control of Employment Act 1975 makes it an

offence for an employer to employ a person without a work permit (**Mr Delaney:** Hear, hear.) if such a person fell into the category of requiring a work permit. The 1975 Act does contain exemptions in respect of certain immigration cases, but it is possible to argue that the Act applies to the employment of illegal immigrants, and certainly that is the position I hold. However, I will add that that particular position has not yet been tested in the courts.

I hope that helps the hon. member's questioning. Can I say that perhaps hon. members will be aware that the 1975 Act is enforced by the Department of Trade and Industry. The DTI does frequently take action against employers who fail to comply with the Control of Employment Act, and that does happen on a regular basis. With regard to any specific case, I think it would be inappropriate for me to get into great detail.

Mr Delaney: A supplementary. I thank again the Chief Minister for the assurances, and I would ask him to listen closely to the questions I will ask the Attorney-General later on. The Chief Minister will be aware, because I have brought it to his attention, that in respect of the Immigration and Asylum Act 1999, which can be extended to the Isle of Man by order, that order has been over two years in coming this Court. Rather than waiting for some report, as that order includes such various areas as arrest without warrant et cetera, which the British Government, who are in control of our immigration, have, can we not ask for that to be brought next month, for example, as it is a very short matter to bring an order through, so that we may have the same protection as the people who are the power of our immigration are enjoying on the other island?

The President: Hon. members, we are danger of going down a debate road. Chief Minister.

Mr Corkill: Mr President, a great deal of the United Kingdom immigration legislation does apply to the Isle of Man. There are areas where it is not appropriate for it to be applied. As I have said, there is this review, and the very extension permission that the hon. member is alluding to is part of that review. We should be careful in terms of what we do apply and what we do not apply in terms of what suits the Isle of Man's needs. Can I finish, Mr President, by saying that immigration offenders *are* identified with existing rules, and I think recent events have actually shown that that happens. Whether the authorities prosecute employers or not when, in fact, a breach has been identified is a matter for the Attorney-General and for the courts.

The President: Hon. member for Ayre.

Mr Quine: Can the Chief Minister elaborate and explain to us why, in this particular case, it is not

proposed to prosecute? It seems, on the facts, that a *prima facie* case has been established, and if the law exists, as he has advised us this morning, there must be some reason why a prosecution is not being taken. And, secondly, in relation to these two people, were they embraced by the work permit legislation or were they outside of the work permit legislation? If they were embraced by the work permit legislation, then why was their situation not discovered much earlier?

The President: Chief Minister.

Mr Corkill: I understand, Mr President, that the illegal immigrants who were sent away from the Island had been at a particular establishment for nearly two weeks and that, in fact, the policy of the Department of Trade and Industry with regard to breaches of employment law is that, on a first occasion, the error of the ways is often pointed out to employers and that it is made quite clear that if breaches continue – and this is in relation to employment law generally – prosecutions will occur. On a first offence, there is this policy that a warning is sufficient but, of course, that does not take away the responsibilities of circumstances which the police or immigration officers may present to the Attorney-General's Chambers, who will consider whether a prosecution is appropriate or not.

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

Mr Karran: Eaghtyrane, would the Ardshirveishagh not agree that until this hon. Court gets off the fence over bringing in residency controls, on this and many other issues we will find ourselves impotent in order to be able to resolve them?

The President: I felt we might get that question sooner or later today. Chief Minister.

Mr Corkill: I understand where the hon. member's feelings are with regard to residency control. Can I just point out to hon. members that I said in my opening comments that one of the main defences that the Island has is the work permit control legislation, and the residency Act does away with most of that legislation, so I think hon. members should be aware of what the appointed day order might do in the introduction of such an Act. And can I say that the residency Bill is not an issue to do with immigration; the immigration law of this Island is mainly UK law, and as much as we may –

Mr Karran: They would not be allowed in in the first place.

Mr Corkill: - wish to bring the issue of residency control and immigration together as a joined-up debate, the reality is that the laws and the issues are separate.

The President: Final supplementary. Hon. member of Council.

Mr Delaney: Thank you, Mr President. I am in a position of being speechless, and I am sure you will be glad to hear that, except for hearing in this Court - and will the Chief Minister agree with me? - that we have got rules that have been brought in by somebody - and I do not know who, after 28 years - that say we are not going to prosecute under the law on a first offence. I wonder how many drunken drivers that we rightly prosecute are aware that somebody else can make the rules other than the law. Would the Chief Minister please, on my behalf if nobody else's, go back to this wonderful body of people and say it is the wish of Tynwald Court, without a resolution, that we do prosecute people who break the law and who bring in people to work on this Island without work permits? Members will be aware that I have this morning circulated, on behalf of four members of the European Commission, documents and articles where they themselves are strengthening the work permits legislation in the way I am suggesting before they are overcrowded with illegal workers as well. Please, Chief Minister, do something on behalf of the people and tell them that we are going to prosecute people who work here without permits.

Mr Houghton: Hear, hear.

The President: Chief Minister.

Mr Corkill: The hon. member has circulated some newspaper articles from the Irish press –

Mr Delaney: I will do the French as well if you can read it.

Mr Corkill: - which I have had a brief time to read this morning. Of course, reading the press reports, I am very aware that there is a very difficult illegal immigration problem within Dublin as, indeed, there is within other EU countries. With regard to the comment that I made about first-time offences, I think that someone somewhere has to be able to prove in court that an employer has knowingly harboured illegal immigrants and that the burden is upon the prosecution to be able to deliver that proof.

Mr Delaney: For work permits.

Mr Corkill: Therefore, a view has to be taken as to whether that can or cannot occur with regard to the breaches of work permit legislation. I wish to see the legislation of this Island enforced - I want to make that clear - and I see the work permit legislation as a very valuable tool in the way –

Mr Delaney: Hear, hear. If it is applied.

Mr Corkill: - it controls the destinies of the people of this Island.

**Visiting Students – Visas Issued –
Question by Mr Delaney**

Question 2. The hon. member of Council (Mr Delaney) to ask the Chief Minister:

What is the number of entry visas issued by the British Government to students to attend educational courses in the Isle of Man during the following periods:

- (a) *January 2000 to January 2001; and*
- (b) *January 2001 to January 2002?*

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

Mr Delaney: I beg leave to ask the question standing in my name.

The President: Again, I call on the Chief Minister to reply.

Mr Corkill: Mr President, when an overseas national attends a British embassy seeking approval to enter the Isle of Man to attend an educational course, the entry clearance officer in the embassy is required to refer the application to the Isle of Man Immigration Office for consideration. The embassy will then issue an entry visa to those applicants where the Isle of Man Immigration Office has approved the application. I regret I am unable to provide figures for the specific periods mentioned in the question, but I can provide figures for the calendar years 2001 and 2002, that is from the 1st January to 31st December each year. In 2001, 203 entry visas were issued for overseas nationals wishing to attend educational courses in the Isle of Man, and the figure for 2002 was 212.

The President: Hon. member of Council.

Mr Delaney: I thank you, Mr President. I thank the Chief Minister for bringing that up, but you will notice I did not ask the Chief Minister about this last year just gone, because I realised that if we were getting the figures . . . Would the Chief Minister, as in the assurances he has given us, when he has got this committee looking at immigration, look at the situation where your ministers have control over the situation? Certainly, as I am given to understand, they have not over educational facilities in the Island, which I deem a must. And secondly, would he ensure that where we have a situation where people are coming here for the 'lesser' education, not the great education of the establishments we all know and love, like King

William's College, they do not spend their time on the Island just working in the community and avoiding paying stamps by working for employers where, under the regulations at the moment, you have to earn more than £78 from one employer before a stamp is paid, and if you work for three or four, you never pay a stamp at all? Will the Chief Minister also ask him to look at that situation, so that the Manx people have some return from the people who are getting the benefit of education on this Island?

The President: Chief Minister.

Mr Corkill: Without getting into specifics, Mr President, the hon. questioner is talking about standards of education which are available to foreign students, effectively. Certainly, the education legislation which this hon. Court passed not very long ago does contain measures within it to allow for the inspection of non-state educational establishments, and I am very aware that the Department of Education, subsequent to an immigration paper that was prepared by the Council of Ministers and which was circulated to hon. members some months ago, is keen to progress certain parts of the Education Act.

The President: Hon. member for Ayre.

Mr Quine: Can the Chief Minister advise us as to the average duration that these people remain on the Island? He has referred to a figure of 203, for example, for the year 2001; are these people coming for short-term educational purposes? Are they here for one year, two years, three years?

Mr Delaney: Two years, isn't it?

Mr Quine: And what is the significance, if any, of that period of time in relation to a qualifying period under the work permit legislation for an Isle of Man worker?

The President: If you have the information, Chief Minister.

Mr Corkill: I think I can be helpful, Mr President. There is one particular institution which probably accounts for the greatest number of foreign students coming to the Island, and I understand that they have a 27-month educational programme. That comprises a number of issues - the IHMES advanced diploma, HND and other diplomas - and successful students in this arena are then able to transfer to the final year of a BA degree course in hospitality management at British universities. So, a lot of the applicants are coming for that 27-month programme, and I think that accounts for the great majority. With regard to foreign students who are younger, then, of course, you are talking about people of school age, and the period of time may well be to the end of their schooling period. I have not got

the exact figures of the breakdown on the applications. I am sure those figures are available, but I think my answer probably gives a general guideline as to the period of time that we would expect foreign students to be on the Island. With regard to work permit legislation, as we have discussed in this Court before, under the immigration rules it is the case that students on these courses who work a certain number of hours do not require work permits, and this is an issue that is part of the review that I think (**Mr Delaney:** Hear, hear.) deserves scrutiny.

The President: A final supplementary, Mr Delaney.

Mr Delaney: Yes, thank you, Mr President. May I ask this: am I not correct, in clarifying the figures you have just established, that the 200 who came in in the years that you quoted – 201-plus people - are then on top of the 200 that came in the following year - the 213 – so that at any one time we have at least 400 on the Island?

The President: Chief Minister.

Mr Corkill: The one particular school, which we know is in Port Erin, operates four intakes each year of up to 40 students for its 27-month programme.

New Prison – Committee to Investigate – Question by Mr Cannan

Question 3. The hon. member for Michael (Mr Cannan) to ask the Chief Minister:

Is the Council of Ministers serious in the policy for the construction of a new prison; and, if so:

- (a) *can you confirm that the Council of Ministers have instructed a committee of the Chief Officers Working Group to investigate the current plans, site layout and costs of the new prison; and, if so,*
- (b) *who are the members of this committee and what are their professional qualifications that enable them to investigate the professionally prepared plans, site layout and costs of the new prison; and*
- (c) *what is the rationale for this procedure when Tynwald has already approved the expenditure of £1,695,000 in respect of design fees et cetera for professionally qualified persons?*

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

Mr Cannan: Mr President, I ask the question standing in my name.

The President: Chief Minister to reply.

Mr Corkill: Mr President, the Council of Ministers is absolutely serious about the construction of a new prison. In particular, they want a prison which is both value for money and suitable for the purposes and the needs of the Isle of Man, and it was for that reason that the Council of Ministers instructed the Chief Secretary and a working group of the chief officers' group to review the prison blueprint document previously agreed by Council to determine whether the designs, as developed, could be amended in some way to help minimise the development costs yet, at the same time, satisfy internationally recognised standards for prison development. Council further instructed that the chief officers' group consult with senior officials from other government departments who have the relevant expertise and experience in scrutinising capital developments, which it was felt would be helpful. The members of the group who have formulated the way forward are the Chief Secretary, the chief executive officer of the Department of Health and Social Security - that is the department responsible for the single largest construction project on the Island - the chief executive officer of the Department of Education - and that department has an ongoing extensive capital programme - an architect from the Department of Local Government and the Environment who has extensive experience in government capital projects, and also the chief executive of the Department of Home Affairs, who is responsible for the prison project. Mr President, they are supported in their work by the manager of the Capital Projects Unit and the Chief Internal Auditor.

I would stress that the group is not duplicating the work of the professional design team, nor are they slowing down the progress of the prison. It is good practice these days, in respect of major contracts, to undergo a value re-engineering process with outside experts. The group is sponsoring that process, which would have been required in any event, and adding to it the element of the translation of the blueprint into the designs. The value re-engineering process is taking place this week, with input from the chief officers' working party, the outside experts and the design team. Mr President, I also look forward to the continued support of the hon. member for Michael in the pursuit of a proper prison facility.

The President: Hon. member for Michael.

Mr Cannan: I have one question to ask the Chief Minister: what type of prison do he and the Council of

Ministers want - a penal institution or an institution for rehabilitation and education?

The President: Chief Minister.

Mr Corkill: The blueprint that I referred to contains all the issues to do with rehabilitation. We want a proper modern prison where proper treatment and proper rehabilitation occur. We are very conscious of the fact that the existing prison does not allow for that to happen, but at the same time, Mr President, we also, apart from having this absolute commitment to delivering a new prison, have an absolute commitment to the taxpayer of this Island to make sure that we are receiving a value-for-money project. If, as we will debate in this hon. Court in a month's time, we have a number of other issues within the capital programme, if we can make savings that are sensible savings on this particular project, then that releases capital for other capital expenditure for other departments in the pursuit of providing better public services for the people of the Island as a whole.

Agricultural Products – Policy re Local Purchasing – Question by Mrs Hannan

Question 4. The hon. member for Peel (Mrs Hannan) to ask the Chief Minister:

What is government policy on the local purchasing of agricultural products?

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

Mrs Hannan: Eaghtryane, I beg leave to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. Whilst government would wish to give all the support it can to Manx farming, its policy on the local purchasing of agricultural products is governed by two constraints, one legal and the other financial.

As regards the legal constraint, government has been unequivocally advised that if government departments were to operate a specifically 'buy Manx' policy, whether for agricultural products or any other, then this would amount to a measure equivalent in effect to a quantitative restriction. The imposition of such a restriction would be contrary to the Isle of Man's accepted obligations under its relationships with the European Union as regards the free movement of goods. Essentially, the advice is that government departments stipulating the supply of Manx goods only would be inconsistent with EU law, and I am sure hon. members will be aware of our relationship through protocol 3.

The financial consideration is the general prescription that government departments and their officers should achieve value for money in expending government resources for the purchase of goods and services. It is implicit in this that, where possible, the lowest-cost option should be purchased where it meets the specification. However, it is appreciated that this can sometimes go against local suppliers, agricultural or otherwise, as higher costs of production result in higher sale prices. Having said this, there is a government purchasing initiative issued by Treasury for the guidance of departments in conducting purchasing policy, which incorporates the following prescription in order to allow local suppliers maximum opportunity to compete for public sector business - and I quote - 'Although local companies should not be given preference over off-Island firms for large orders or costly services as a matter of course, they should be favoured where price differentials are marginal.' Departments should use their own best judgement to decide what that margin should be but, as a guide, differences for smaller orders in the region of £1,000 could be as high as 10 per cent, decreasing gradually to 2.5 per cent for large orders. This would be as relevant to the purchase of agricultural products as for any other goods. Thank you, Mr President.

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

Mrs Hannan: Is it possible, then, with the response that the Chief Minister has given, to work with the Department of Agriculture and local suppliers to gain better value for money than is suggested by the Chief Minister at the moment?

The President: Chief Minister.

Mr Corkill: Well, certainly with regard to the purchasing there is a competitive element to those goods, agricultural products or otherwise, that are supplied to government, and certainly I think we would all agree that we would like to see our own industries prosper. Certainly, I think there is a sympathy towards that direction, but we cannot, as I have said, specify Manx produce, because that would be contravening our legal obligations, and so government is not in a position to do that, as much as our hearts might like us to actually do that. Certainly, where any particular industry or supplier on the Island is struggling to compete in the marketplace, then I think government would like to know what those reasons are, and we would be helpful if we could be.

The President: Mrs Hannan.

Mrs Hannan: Yes. In relation to the European Union law and having legal responsibilities, and also taking into account value for money, is the government

concerned about the increased finances paid to farmers which do not increase their income?

The President: Chief Minister.

Mr Corkill: I am not sure that I understand the question, Mr President, but am I right in assuming that the questioner is making the point that, although there is increasing subsidy in the agricultural sector, they are still unable to compete at the end of the line? This is an issue of scale of production, where large units in other countries have fairly fixed costs, and the more they produce, the cheaper the product gets. The trouble with the Isle of Man being a small place, of course, and smaller in economic terms, is that whether it is agriculture or any other industry, scale of production is an issue that means in the marketplace we struggle to compete.

Homeless Persons – Numbers of – Steps to Assist – Question by Mr Duggan

Question 5. The hon. member for Douglas South (Mr Duggan) to ask the Chief Minister:

- (1) *How many cases of homeless persons have been reported each year since 1998; and*
- (2) *what steps are being taken to assist those unfortunate people?*

The President: Hon. member for Douglas South.

Mr Duggan: Mr President, I beg leave to ask the question standing in my name, sir.

The President: Again I call on the Chief Minister.

Mr Corkill: Thank you, Mr President. Firstly, can I say that the following number of cases have been referred to Social Services as having severe housing difficulties and homelessness: in 1998, there were 15 referrals; in 1999, there were 61; there were 253 in the year 2000; 213 in 2001; and 272 in the year 2002.

Efforts are made by Social Services to help the person, in the first place, to avoid eviction by negotiating with landlords to ensure that eviction does not take place. Where the person or family is homeless, Social Services would look to help the people concerned to find appropriate accommodation by giving information about letting agencies, properties available and bed and breakfast accommodation. Social Services would also, where necessary, contact, on behalf of the people concerned, the landlord to secure an appropriate property.

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

Mr Duggan: Thank you, Mr President. Could I ask the Chief Minister: is he aware that there are people on this Island living rough? I have been told by social workers that this is on the increase. Could he look at the possibility of having a meeting with his fellow ministers to look at the possibility of providing, say, a hostel for these people? Also, there is the problem when you get people who are rendered homeless in cases of fire and there is nowhere to put these people half the time. There needs to be a halfway house somewhere to help these people.

The President: Chief Minister.

Mr Corkill: Well, the hon. member is referring to what is a difficult situation, and government is aware of the issue, which relates to a number of factors, not least the lack of supply of appropriate properties. There are a number of reasons for that and certainly, when we set up the Housing Task Force, these issues were raised at that time. Of course, I have referred in my answer to Social Services, as has the hon. questioner. Social Services is not a housing provider, and it relies, in the way it helps homeless people, on accommodation being available in the private and the public sectors, and Social Services also relies on the landlord being willing to let the property to the person concerned. There is this reduction in the availability of accommodation; this is an economic factor of rising property prices, effectively. The cost of accommodation is high, and some suitable family accommodation can be £600, £800 a month –

Mr Delaney: Hear, hear - and more.

Mr Henderson: £1,000.

Mr Corkill: - and the quality of that not particularly good, and we are aware of this. There is also, it would appear, a reluctance to provide accommodation for people referred by Social Services, and I think this is very unfortunate, because this has obviously become worse since certain events were reported in the media in relation to people that Social Services were looking after, and this has heightened the reluctance of landlords to get involved. There is also a reluctance to accommodate families with children, and the result of all these things is compounding and makes it very difficult for those social workers, people involved at the coalface, to actually deal with these people.

The hon. member has mentioned the issue of a hostel, and certainly a number of ministers, I know, are supportive of that type of accommodation, but I think I would like to add the rider that that should only be a temporary way of dealing with the issue. What we really want is a better supply of affordable and decent

housing in the public and private sectors into the future, and government, as you well know, has a commitment and a lot of resources put in place to develop that housing programme.

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

Mr Gill: Thank you, Eaghtyrane. Can I ask the Chief Minister: what consideration has government given to the introduction of a homelessness Act? And secondly, is the resistance to date based on cost or is it a perception that, despite the figures that he has presented us with, there is not a level of homelessness to warrant such an Act? And finally, in the provisions of the housing that he has just listed, could he confirm that it is a government policy to introduce a housing association to meet this need that he has described?

Two Members: Hear, hear.

The President: Chief Minister.

Mr Corkill: I will try to avoid a housing debate, Mr President, but, with regard to housing associations, I do know that the Department of Local Government and the Environment has considered these issues. I am not so sure that they feel as though that is the cheapest or the most productive or, can I say, the quickest way of dealing with these issues, but nonetheless I do know that housing associations and the way that they work are considered from time to time by the department.

With regard to the homelessness Act, I sometimes worry that, in this hon. Court, we look for solutions in legislation and in regulation when, in fact, the solution is a fairly practical point, which is that we need more units of accommodation. I certainly would wish to see government's resources going into the delivery of housing (*Interjection by Mr Karran*) – bricks coming out of the ground, as it were. My hon. colleague to my left refers to the fact that we have been waiting a long time, and I would agree that we have, but we are doing our best and there is light at the end of the tunnel, but it is getting to that point. If someone is homeless now, they do not want a solution tomorrow; they need a solution today, (**Mr Delaney:** Hear, hear.) and I do appreciate that comment. So, I am not so sure that the introduction of a homelessness Act is core to the actual problem. It may take notice of the problem, but does it actually deal with the problem? We want to deliver more units.

The President: Hon. member Mr Karran.

Mr Karran: Eaghtyrane, would the Ardshirveishagh not agree that this section of the community are the ones that have suffered because this administration and the previous administration were in bed with the developers and were not catering for the amounts that were needed for housing in the first

place? Would he also not agree that Social Services are telling people who are more Manx than even I am that the best thing they can do is get on the 9 o'clock boat and go and live in the United Kingdom? Will he condemn that, and would he also not agree that the figures that he has got are hardly likely to be effective or realistic when I have one particular individual, an ex-constituent, who is a very sick man, who would be residing on a bench on Douglas promenade, who is in David Gray House at the present time and who cannot even get onto a housing list on this Island? What confidence can the people outside have that your figures are correct when people like him, who are Manx through and through, cannot even be put on a housing list? When you cannot recognise that problem, how can you recognise the problem as far as homelessness on this Island is concerned?

The President: Chief Minister.

Mr Corkill: With regard to the individual that the hon. questioner has referred to, I would expect and I would hope, given the figures I have given, which are from Social Services, that someone in such a position would be known to Social Services, because it sounds very much like the individual should be. With regard to why he cannot be on a housing list, I would certainly wish to talk with the hon. member after the sitting to find out why he is not able to go onto a housing list, and I will certainly raise the issue with the Minister for Local Government.

I certainly do condemn the need for any Manx-born people to have to leave this Island because of economic factors. We have had generations of people leaving this Island to seek their future somewhere else. One of the reasons why I am in politics is that I think people who are Manx should have the choice to stay and live in the Island of their birth, and if there are instances of this, it saddens me deeply.

Can I just say that the first comment about government being in bed with developers gives an unfortunate connotation. We work with developers when it is appropriate, (**Mrs Crowe:** Absolutely.) and we go against developers when it is appropriate, in order to deliver the product that the people of this Island need, which is good, sustainable, affordable housing, and we will do what is required. There is nothing cosy or wrong in dealing with developers who build houses that we need.

Mrs Crowe: Exactly.

The President: Hon. member Mr Delaney.

Mr Delaney: Thank you, Mr President. Chief Minister, on the excellent question raised by the member for South Douglas this morning, can I ask this: how does the minister relate what he has just said to the situation which occurred in the last 10 days, where this Court, to help you in your policy of looking

after the Manx, suddenly announced that some of the land we are purchasing, which is on the agenda for today, may be used - and most likely, according to the chief officer, who I spoke to yesterday, and your minister - for key workers in the centre of Douglas, when that land has been allocated clearly for the purpose of carrying out your policy and this Court's policy? How do you relate that to what you have just said?

The President: Chief Minister.

Mr Corkill: I do not think I should answer another question or another statement when -

Mr Delaney: It is not a statement; it is what you have just said.

Mr Corkill: - I have not got the proper briefing. Can I say that the whole issue of housing is an issue for a great number of people. Those people who have properties are doing very nicely, thank you. There are people who need to get into property, and we are very aware of that. In relation to the comment about key workers, I have not got the information in front of me, but I do know the hon. minister will have the answer for that particular comment.

Mr Delaney: It had better be a good one.

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

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the Chief Minister if he will review housing legislation in relation to local authority housing, so that the local authorities do have a responsibility for homeless people and also a responsibility when they evict, or seek leave from the courts to evict, people? They should work more closely with them in the light of government paying 100 per cent of housing costs. (**Mrs Crowe:** Absolutely.) And will the Chief Minister also agree that Social Services do work with families to try to keep them together, so that they do not end up in substandard accommodation? And will the Chief Minister also agree that, in some cases, not everyone can be helped and forced into housing or hostels or other areas of housing? Sometimes it is, in the very rarest of situations, very difficult to assist people.

The President: Chief Minister.

Mr Corkill: Yes, my congratulations go to Social Services in the work that they do, because they are dealing with people who have problems, who are not easy to help or people who sometimes are too proud to accept help. For a number of reasons, the communication is sometimes difficult.

With regard to reviewing legislation regarding local authorities, I fear further supplementaries to do

with local authority reform if I say too much about that, but certainly there are some local authorities who act very responsibly as housing authorities. There are some local authorities who have no involvement in housing. There is always the potential for a local authority acting as a housing authority to evict someone if they know other people, i.e. central government, are going to deal with the problem once they have made that eviction. My experience of being on such a local authority is that eviction very much is a last resort, and certainly I would expect commissioners, who are involved in those situations, to be compassionate (**A Member:** Hear, hear.) and to be thoughtful of the overall impact on society when they do make an eviction order. With regard to a commitment to review the legislation, it really is a matter for the Department of Local Government, whose responsibility is for housing, to look at that from time to time. Can I say that we have had a suggestion to review local authority legislation, and we have had a suggestion of a homelessness Act; my suggestion is to provide more properties.

The President: Hon. member for Ayre.

Mr Quine: Would the Chief Minister agree that with 500 to 800 net increase per annum in full for the past five years and projected for the coming years, there is unlikely to be an improvement, notwithstanding the very best of efforts by DLGE? Will he therefore revisit the question of a rent subsidy for those people who are being priced out of the market? A large number are being priced out of the market. If you have nothing better to offer, surely you should be revisiting this matter, and it would be hypocritical to suggest that because a rent subsidy - and I do not agree with it could inflate the market, we should steer away from it. Something has to be on offer to them, and it would appear that it is that or nothing.

The President: Chief Minister.

Mr Corkill: Of course, not very long ago, hon. members had the ability to debate this particular subject, that of a rent subsidy, and I think the overall view, which I agree with, was that hon. members came to the conclusion that it would be inflationary and that when you have a marketplace where demand is exceeding supply, if you subsidise, then it will allow prices to rise because you are in that supply and demand situation. So, if landlords are in a position to call the shots and to inflate their rents, then because of a shortage and a lack of choice of properties for members of the public, giving money effectively or subsidy to those unfortunate people who do not have proper accommodation will just be passed on to the landlord, and you would get an inflationary spiral. I know the hon. questioner does not agree with that, but I think the majority of members of this Court came to

that conclusion when they dismissed the hon. member for Ayre's proposal for a rent subsidy scheme.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. Could I ask the Chief Minister: in each year of the figures quoted, for how long did the persons whom he specified as homeless remain homeless, how many of those people who were reported homeless were eligible for public sector housing, and how many were on a public sector housing waiting-list at the time that they were defined as homeless? And also, could I ask the Chief Minister: in endeavouring to help those who are paying substantial rents in the private sector, has the government given any thought to providing tax relief on the rent over a specified level, in a similar way to that in which we give tax relief to somebody purchasing a property?

A Member: Hear, hear.

The President: Chief Minister.

Mr Corkill: I have not got those details of those figures; I will endeavour to make sure, in answer to those supplementary questions, that I get the information and circulate it to hon. members. I cannot do that. There is the period of time that someone remains in that position. The figures I have quoted are from Social Services, and hopefully we will be able to extract that information, without too much effort, to help the hon. Mr Speaker.

With regard to tax relief, there again there is that possibility of inflating, because it puts more money into the system, but the point is well taken that people purchasing houses benefit from taxation relief on their mortgages et cetera in terms of purchasing a property and, of course, they also hopefully benefit from the capital gain that occurs on those properties. It is certainly policy to ensure that as many people as is practical can afford their own homes, but nonetheless I think we have to be sensible and realise that there will be a number of people who always rent, and we may have to make sure that there is a supply of suitable property for that part of society.

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

Mr Cretney: Yes, thank you, Mr President. could I ask the Chief Minister if he would agree with me that unfortunately for some of the people who find themselves in this position, it is through a problem with alcohol abuse, and would he agree that it is important that there is a cross-agency approach with regard to this matter and that, in particular, the facilities are put in place to try and reverse this unfortunate trend which some people find themselves in?

The President: We are touching on every subject, I think. Chief Minister.

Mr Corkill: Well, certainly, Mr President, as chairman of the drugs and alcohol strategic team, there is no doubt that alcohol and its abuse is a number one factor in the spiralling decline of the circumstances of a number of people's lives, and it is very unfortunate. It is something that society has to deal with. It is not a new problem, but I would also suggest that we are not making any improvements, and alcohol abuse is a contributing factor to people who find themselves - and I could perhaps quote the expression - 'down and out', and Social Services have a very difficult problem, as do other agencies, in trying to engage with people at that level and in that situation to try to get them back into a normal way of life.

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

Mr Waft: Thank you, Mr President. If I could just remind the Chief Minister that, in February 2002 when I asked about the homeless persons Bill, Act, call it what you will, we had the same discussion taking place as we have had this morning, and your words were that, 'That is what this UK Bill is all about and it may well be we can extract the parts that are beneficial to the Island, and I will certainly undertake that that review of that legislation will happen.' That was in February 2002. Just to remind the Chief Minister; perhaps he has still got it under review.

The President: Chief Minister. Do you wish to reply?

Mr Corkill: I thank the hon. member for his timely reminder.

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

Mr Duggan: Thank you, Mr President. I would like to thank the Chief Minister this morning, sir, and could I ask the Chief Minister: could he look into the problem? The figures *are* of concern, and I would not like it to be shelved, sir. I think something should be done for these people.

Mr Henderson: Hear, hear.

The President: Chief Minister.

Mr Corkill: Accepted, Mr President.

**Fines – Moneys Outstanding to
Government Departments –
Question by Mr Waft**

Question 6. The hon. member of Council (Mr Waft) to ask the Chief Minister:

What are the present outstanding moneys due in fines raised by the various departments of government?

The President: I call on the hon. member of Council Mr Waft.

Mr Waft: I beg to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Mr President, the General Registry has a responsibility to collect the following fines: court-imposed Crown fines, police fixed penalties, Department of Transport fixed penalties, and some Department of Local Government and the Environment fixed penalties. The amount outstanding in respect of court-imposed fines, compensation, national insurance arrears and costs as at 16th January 2003 is £876,249.08, and of this amount £709,723.00 is currently in arrears.

The President: Hon. member of Council.

Mr Waft: Mr President, could I ask the Chief Minister how far these fines actually go back and at what date they finally deem them to be irrecoverable and not worth the effort to collect them? Thank you, sir.

The President: Chief Minister.

Mr Corkill: Obviously, this is a broad subject, and I do not have the historical data about how long some of these fines go back, other than can I say that quite a lot of it is current, but £709,000 or so is officially in arrears. But how far back those arrears are, I cannot comment on today. Obviously, after a period of time, a decision has to be taken within departments as to whether it is worth the effort of pursuing unpaid moneys to government, but nonetheless appropriate enforcement is also necessary to encourage people to pay those fines.

The President: Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. Since many of those fines are payable usually by people who do not have bank accounts, could I ask the Chief Minister if he could kindly review the method of payment through post office counters, because this

affects people throughout the Island and they are closer to post offices than they are, indeed, to the General Registry by the courthouse, sir?

The President: Chief Minister.

Mr Corkill: The hon. member makes an assumption that a lot of this money is owed by people without bank accounts, and no doubt there is an element of that.

Mr Houghton: A large element.

Mr Corkill: In terms of making it easier for people to pay, I understand what the hon. member is saying. I cannot add more than that, I think.

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

Mr Earnshaw: Thank you, Mr President. In view of the huge amount that is outstanding in arrears - £709,000 - would the Chief Minister indicate what action is taken to enforce the recovery of these outstanding fines?

The President: Chief Minister.

Mr Corkill: Well, if we look at that particular figure, £619,000 is where warrants have been issued or are about to be issued; £78,000 is a situation where reminder letters have been sent or are about to be sent; and £12,000 is a situation where payment terms have been amended or there has been some change at the request of the High Bailiff. The Department of Home Affairs is responsible for enforcing warrants in respect of outstanding fines –

Mr Earnshaw: What are they doing about it?

Mr Corkill: - and certainly I do know that, from time to time, the Minister for Home Affairs raises it with the police with regard to what they are doing in terms of chasing unpaid fines.

The President: Hon. member for Ayre.

Mr Quine: Yes. Three quick questions, if I may, sir. Can the Chief Minister advise whether or not the £876,000 takes into account fines which still exist but are going to be pursued by way of warrant, or is it only those fines in respect of which a warrant has not been issued? If it is the latter, then of course the figure could be substantially greater. Could he confirm which is the position? Secondly, could he advise us of the sums which have been written off over the last five years in respect of fines? And thirdly, can he confirm that there have been at least two highly critical internal audit reports concerning fines and the collection of fines?

The President: Chief Minister.

Mr Corkill: A lot of information requested there, and once again, Mr President, I will have to come back to the hon. Court. I have not got that level of detail in my notes today, but I will endeavour to find that information for the hon. member.

**Government Ministers –
Discretion to Write Off Debts –
Question by Mr Waft**

Question 7. The hon. Member of Council (Mr Waft) to ask the Chief Minister:

What discretion has been used by government ministers to write off irrecoverable debts?

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

Mr Waft: I beg to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Mr President, financial regulations issued by the Treasury require that each department shall, by written instruction of the minister or statutory board, specify a limit within which the accounting officer may write off individual debts. It goes on to say that the authority of the minister or board must be obtained before any sums exceeding that limit are written off. Therefore, in principle, ministers have complete discretion to write off irrecoverable debts in respect of matters arising within the jurisdiction of their own departmental responsibilities. However, the financial regulations also require that every effort must be made to recover outstanding debts and that the Treasury be informed annually, usually in May of each year, and they are informed of the details of all debts written off, including details of bad debts outstanding. I am aware, Mr President, that ministers do seek the advice of the Treasury or the Attorney-General where there are significant sums involved or where there may be suspicions or concerns relative to their proposed action prior to authorising the write-off of particular debts. I can, if the hon. member so wishes, furnish him with the details of the debts written off, which show quite clearly that ministers do exercise their discretion to write off debts, in particular small ones.

**Government Ministers – Prerogative for
Writing off Debts – Question by Mr Waft**

Question 8. The hon. member of Council (Mr Waft) to ask the Chief Minister:

Are government ministers aware of their prerogative for writing off outstanding debts?

The President: Hon. member Mr Waft.

Mr Waft: I beg to ask the question standing in my name.

The President: If they did not, I think the answer is they now do. Chief Minister.

Mr Corkill: Mr President, sir, as I have indicated in the answer, the issue of writing off bad debts is covered by financial regulations. In view of the clear instructions and the write-off figures which are reported annually to Treasury, I am sure that all government ministers are aware of their prerogative for writing off outstanding debts, but I would like to say, Mr President, that, in exercising their prerogative, ministers will have a balancing act to perform. They must pay due regard to the circumstances of each case, whether there is any possibility of recovering the moneys due or whether actively pursuing a debt would incur more costs than could be recovered. That is the basis of the decision each minister will have to make.

The President: Hon. member of Council, Mr Lowey. No? Mr Waft.

Mr Waft: Thank you, Mr President. I am sure, Chief Minister, you are aware of the situation with regard to a single parent who is struggling to bring up a young man with learning difficulties only to find that the bill that she has obtained with regard to that training with other parents in a similar situation was pursued by the department, who were under the impression that there was a facility by the DHSS. They thought they had a mechanism for payment of the course when, in fact, that was not the case. When the two departments got together and agreed on a way forward that payment could be made through the students' award scheme, there nevertheless was pursuance of the debts with regard to the people who have fallen between the situation with regard to the two departments, one not knowing what the other one was doing. I think the situation is that someone with a child with learning disability gets about £70 a week for looking after that child, and to have it looked after permanently would cost about £25,000 a year, and in all these circumstances I would have thought there would have been some common sense being brought to play in this situation. I know as a fact that some of them are going to charities to try and pay the bill that has been incurred because the two departments were not aware of what the situation was. I would think that this would be a case of an irrecoverable debt and should not be pursued. I would ask you, in your situation, to perhaps look at the matter and perhaps come to some reconciliation between the different areas of government.

The President: Comment more than question, but Chief Minister.

Mr Corkill: Well, I thank the hon. member for raising this issue with me. Having discussed this, I am aware of the individual circumstances that have come to light, and I can understand the hon. questioner's frustration and the desire to put these questions down to highlight the issue. I thought the position had been resolved. I was aware of this some time ago, but I was not aware of this pursuit of the outstanding moneys, which, in real terms, from a governmental perspective is small beer when compared to the overall social aspects that the hon. questioner is putting forward. I quite agree with what the hon. member has said, and it is unfortunate that this has happened. I would certainly expect government departments to be more 'joined-up'.

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

Mrs Christian: Would the hon. Chief Minister acknowledge that it is not balanced to refer only to one element of income in respect of a particular case, and that does not reflect the overall situation? The issue between departments, I am sure, has now been resolved in respect of going forward. I do not want to enter into a discussion of individual cases, but I do believe reference to one particular benefit without reference to an overall picture does not give a clear illustration of the situation.

The President: Chief Minister.

Mr Corkill: Well, certainly the challenge for government, between all the departments involved in this case, is to get an appreciation of the overall situation and to act appropriately, and there has been frustration. The circumstances of this particular situation are a difficult set of circumstances, and I am sure that we would all wish to be helpful, but, yes, the hon. Minister for Health and Social Security is quite right that, in terms of assessing, the duty of her department, obviously there has to be a look at the overall scenario.

**Public Utilities – Cuts in Supply –
Safeguards for Children –
Question by Mr Waft**

Question 9. The hon. member of Council (Mr Waft) to ask the Chief Minister:

When utilities, such as electricity and gas, are cut off, what safeguards are in place to ensure that children under 16 are not suffering as a consequence?

The President: The hon. member of Council.

Mr Waft: I beg to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Mr President, there are no formal links with utilities to inform Social Services when a family are to have their supply disconnected. Indeed, it would appear that data protection laws would prohibit information being passed from the utilities to another agency such as Social Services. Nor is there any consistency between utilities as to the action taken.

The Manx Electricity Authority only cut off supplies in the case of (a) safety grounds or (b) non-payment. In the case of non-payment, it is only a matter of last resort action, after exhausting attempts to contact the customer and arrange a payment scheme. All cases are considered individually, and all special circumstances are noted, with particular care taken when dealing with the elderly or otherwise vulnerable individuals.

So far as gas is concerned, there is an automatic system which produces reminder bills and disconnection notices unless the bill is paid. This takes approximately one month from the due date of payment. There is, however, a visit made before disconnection, and the gas company does try to adopt a tolerant approach and avoid disconnection. The approach can be less tolerant where persistent bad payers are involved.

Social Services do attempt to help families or individuals who are either referred or self-refer to the division and where the supply of either electricity or gas is to be disconnected, as does the office of Fair Trading. Attempts would be made to negotiate with the utility a regular payment to pay off the arrears. Where disconnection has occurred, Mr President, help would be given to ensure, as far as practicable, that where young, vulnerable children were involved, alternative sources of heating and cooking are available.

The President: The member of Council, Mr Waft.

Mr Waft: Thank you, Mr President. The reason I raised this is that I have been in touch with the Attorney-General's office, the data protection office, the housing trust, the Salvation Army, the social service and the coroner's office with regard to this situation. This situation has happened many times previously, and the reason I referred to the homeless persons Act a year ago was to try to highlight the situation and get some sort of format together where we can proceed, even if that Act was not brought into place. That Act was thrown out completely, apparently, and we still have not got the situation in place where the gas is cut off or the electricity is cut off. I know of a situation just recently where there were two children under five, and that gas in that

house was cut off twice last year, and yet there still has not been a case file from the DHSS et cetera to sort out the family problems or referral to the debt counselling service. This is not the problem of the DHSS. If they do not get the referral, they cannot do anything about it, but what I am trying to get over is: can you not think, perhaps your officers and the people involved, of a generic sort of notification which should be made when utilities are cut off from a family with young children, an automatic notification to those who are able to give some guidance and some practical help rather than issuing writs or notices through the courts? That is the problem that I am up against, and it is only the case that if an MHK or somebody else gets involved in trying to bring the people together to try to make some progress . . . The Data Protection Act really is not a problem. The data protection office thought there was a problem, but actually Mr Gumbley thought if you do what is reasonable in the circumstances for the protection of –

The Speaker: Point of order, Mr -

The President: Yes, I am aware.

The Speaker: We are now having another statement made by the hon. member of Council.

The President: I am aware, sir.

Mr Waft: I am trying to ask the minister if he will get his office together –

The Speaker: What is the question?

Mr Waft: - to try and form a generic form for the people who are going to be affected. If that offends the Speaker, I am sorry about that, but this is the question I am asking the Chief Minister, because I have been down this road before.

The Speaker: Mr President, I would like to make it clear, if I can -

The President: Chief Minister to reply.

The Speaker: Point of order, Mr President. The hon. member of Council indicated that his statement might have caused offence. The asking of questions does not cause offence - that is the job of members - but I do think that long statements are unreasonable and, in fact, are contrary to our standing orders.

The President: Chief Minister to reply.

Mr Corkill: Thank you, Mr President. Can I say that, where individuals or families are in receipt of income support, direct payments can be made, by social security, of that benefit to the utility involved, provided the customer agrees with this. Also - and the

hon. questioner mentioned this - if Social Services do get an early referral about the debt soon after it has been incurred, it is relatively easy to agree with the utility for the debt to be repaid by way of regular payments. I am aware of one particular situation in our own constituency with regard to this difficulty, and it is a very painful interface to be involved in. I can understand the hon. member's frustration when things go wrong, but the benefit system is there to help people pay their utilities bill when they are in difficulties. In terms of helping families and individuals to make the right choices and the right priorities about what to spend their income on, that is a broader issue and an educational issue, and there are a number of government agencies who help to achieve that end.

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

Mrs Christian: Would the hon. Chief Minister confirm that the majority of cases in recent times where there is an intention to cut off utilities are not with those people who are in receipt of benefits but those who are outside of the benefit structure and who cannot be helped through the redirection of benefits? Unless we have some legislation, Chief Minister, which allows some other route to be taken in respect of those who are not on benefits, it is down to individuals how they manage their finances. (*Interjections*)

The President: Chief Minister.

Mr Corkill: Well, certainly I am a great supporter, Mr President, of the benefit system helping, as comprehensively as it can, people who are in unfortunate circumstances, particularly those through no fault of their own. The hon. minister is quite right; there are a number of disconnections regarding people who are outside of that system, and a number of those people are outside of that system by their own choice, effectively, or by other circumstances. Nonetheless, the disconnection of a utility into a household where there are children, for example, is of great concern; I am sure all members of this Court come across this from time to time, and we do what we can to help with that particular situation.

The President: Hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. Would the Chief Minister not agree with me that departmental arrogance is not the way forward in solving this problem? In fact, given what he said in an earlier answer - that some of these problems are 'small beer' - would he then give a commitment to this Court and the people of this Island that, in such dire circumstances, he will direct his government departments to act together in unison to solve these socially unacceptable problems?

Mr Houghton: Hear, hear.

The President: Chief Minister.

Mr Corkill: I am not aware that there is any arrogant department of government in relation to this; I only come across sympathy and understanding and attempts to improve the situation. The Department of Health and Social Security has an absolute requirement to comply with the legislation that this hon. Court provides it with, and it does do that.

The President: Hon. member Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Can the Chief Minister advise whether, in respect of people who are unable to pay water rates, general rates and telephone bills, the benefit system kicks in to help those people? And if those people are not on a particular benefit, then where do they go for help and assistance?

The President: Chief Minister.

Mr Corkill: I do not think it would be helpful, in answering a question such as this, to get into a debate about the broader aspects of the social security system or any other support system on such a wide range of subjects. I am fully aware, and the government is fully aware, that there are people on this Island who struggle to pay their bills, and I do think there is a need to improve. I know that the office of Fair Trading is involved in this at times with regard to educating people and helping people to organise their finances in the best way so that they spend on priorities and do not waste their limited resources. Essentials such as the utilities, heat, power and water - and telephone, to perhaps a lesser extent - are important things; I think we should expect people to have these facilities, effectively, as of right, but there is a cost to them, and we have a benefit system which is designed to pick up people who fall outside of the normal parameters. If there are changes that the hon. Chairman of the Water Authority would like to make with regard to the benefit system, I would be very pleased to hear from her, perhaps in relation to water rates, her experience of non-payment in that area and what her own authority does with people who do not pay their water rates.

Evictions – Responsibilities for Children – Question by Mr Waft

Question 10. The hon. member of Council (Mr Waft) to ask the Chief Minister:

Who takes responsibility for children under 16 when evictions take place?

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

Mr Waft: I beg to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Mr President, in general terms, the legal responsibility for children under the age of 16 lies with their parents. In the case of a family that has been evicted from a property, it would therefore be the responsibility of the parents to find alternative accommodation for themselves or any children under the age of 16. Where parents, for whatever reason, are unable to secure appropriate accommodation for their children, the Department of Health and Social Security has a responsibility, under Section 23 of the Children and Young Persons Act 2001, to - and I quote - 'take such steps as appear appropriate to safeguard and promote the welfare of children who are suffering, or likely to suffer, significant harm'. In the circumstances of a family with a young child who are being evicted from a property and are unable to find alternative accommodation, if the DHSS Social Services Division were notified of the case, then following an assessment, and if no other solution could be found, the young person may have to be brought into care. However, the commission of inquiry into childcare, the McManus report, felt that children should not be received into care simply because of homelessness issues, and wherever possible this should be, and would be, a last resort.

The President: Hon. member of Council.

Mr Waft: Thank you, Mr President. I am getting back to the same problem that I had with the previous question, and that is the sentence that you gave in your answer about when Social Services are notified. That is the problem area. What I am trying to ask the Chief Minister is if there could be a generic form or criteria or safety net to try and click in when these situations occur. Thank you, Mr President.

The President: Chief Minister.

Mr Corkill: I am certainly quite happy to give the commitment to ask government to look at a mechanism, or should I say improve the mechanism. If the hon. questioner thinks that an earlier referral is part of the problem here, then, in fact, I would give a commitment to look at that to see if we can improve that situation, because I am quite sure that early intervention solves a lot of problems (**Mr Delaney:** Hear, hear.) later down the line, and if this is the power behind the hon. member's questions, then I have no problem in saying that we can look at that to see if there are better interfaces to improve that early referral.

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

Mr Delaney: A supplementary to help this question and the last one. Will the Chief Minister, who said he would look at this problem, bring in at an early date an amendment to the Supply Act in which it is incumbent upon the electricity or the gas or whoever is supplying this to notify social security where a turn-off occurs so then, in this small community, we will all know what is going on?

The President: Well, we dealt with the previous question. Hon. member for Douglas West, Mr Downie.

Mr Downie: Yes, thank you, Mr President. Would the Chief Minister agree that where an order is made regarding eviction, it is generally made by the courts, and where children and young persons are involved, there are provisions and persons attending those courts from Social Services and various caseworkers, who could quite easily have this case referred to them at that particular time?

The President: Chief Minister.

Mr Corkill: I am sure the hon. member is quite right in that. We have covered a lot of ground here with regard to a number of issues, some of which have referred to eviction, but some referring to other events that, perhaps, are leading up to eviction. If the whole concern is to improve the early referral process, then I think it is incumbent upon me to ask government to look at that and see if we can improve it so that information can be channelled in the appropriate directions. And I am not overly reliant on the Data Protection Act, as perhaps the hon. member who asked the original question might think.

Legal System – ‘No Win, No Pay’ Method of Payment – Question by Mr Singer

Question 11. The hon. member for Ramsey (Mr Singer) to ask HM Attorney-General:

Is there any legislation in place which prevents an advocate offering a client a ‘no win – no pay’ method of payment?

The President: Hon. member for Ramsey.

Mr Singer: Thank you, Mr President. I beg leave to ask the question standing in my name.

The President: Attorney-General to reply.

The Attorney-General: Yes, thank you, Mr President. In answer to the question raised by the hon. member, I can confirm that there is no legislation

which prevents an advocate offering a ‘no win, no fee’ method of payment to his client. This arrangement is often referred to as a contingency fee arrangement. The essence of such an arrangement is that the lawyer receives a fee, whether fixed or calculated as a percentage of the proceeds of any recovery, payable only in the event of success in the prosecution or defence of any contentious proceedings. However, Mr President, rule 9 of the Advocates’ Practice Rules, which were made by the Council of the Isle of Man Law Society with the approval of the Advocates Act Committee, provides that an advocate who is retained or employed to prosecute or defend any contentious proceedings shall not enter into any arrangement to receive a contingency fee in respect of that proceeding, other than in accordance with regulations made by the Council and approved by the Advocates Act Committee. Mr President, no such regulations have been made by the Council, and the view of the society, as expressed in its recent submission to the legal services commission looking into legal aid, is that contingency fee arrangements are not appropriate.

The President: Hon. member for Ramsey.

Mr Singer: I thank the learned Attorney for his answer. Is the learned Attorney aware that a local advocate is, in fact, advertising on Manx Radio, stating that a ‘no win, no fee’ system is not permitted on the Island, and therefore this is untrue, other than that the Law Society is frowning on such a scheme? Is that, in fact, the case?

The President: Mr Attorney.

The Attorney-General: Mr President, I did not quite follow. Is the hon. member saying that an advocate is advertising to say that contingency fees are permissible?

Mr Singer: Not permissible. (*Interjections*)

The Attorney-General: No, they are not permissible, and that is what I have said in my answer, Mr President. Contingency fees could only be approved if the Council of the Law Society makes regulations to permit them.

The President: Mr Singer.

Mr Singer: Is the learned Attorney then saying that it is not actually illegal to offer, as is being implied in this advertisement, and if so, can he tell me what action the Law Society could take against one of its members if they introduced such a scheme? And would that itself be illegal under human rights legislation?

The President: Mr Attorney.

The Attorney-General: Well, Mr President, if the Council of the Isle of Man Law Society makes regulations which permit contingency fee arrangements to be entered into between advocates and their clients, that would be perfectly legal and permissible. If, however, an advocate, at this stage, in the absence of the regulations, attempted to enter into a contingency fee arrangement, that would be a breach of professional regulations, and the advocate would be open to professional misconduct proceedings before the Advocates' Disciplinary Tribunal.

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

Mr Karran: Eaghtyrane, would the Attorney-General not agree that the only people who win as far as litigation goes are not the injured party but the lawyers? Would he consider his chambers looking into safeguarding the taxpayers' money by looking at the New Zealand compensation scheme, which will cut down on potential litigation within the Island and maybe go against the ever-increasing view that is happening within the United States coming to Britain? Would he consider looking at that and maybe setting up a working party to investigate that in order to try and get a more equitable and fair basis instead of following the United States with this 'no win, no pay' basis, which has only been a recipe for lawyers to get even fatter?

The President: Mr Attorney.

The Attorney-General: Mr President, first of all, I am afraid I am not aware of the New Zealand compensation scheme. What I do know is that it is precisely because the Law Society has concerns about the American system and how often that does not operate to the benefit of clients that the Isle of Man Law Society has, thus far, ruled that it will not permit contingency fee arrangements to be entered into. I do say, in defence of my profession, that it is not a situation where advocates grow fat as a result of litigation. Certainly, there have been some very interesting costs orders, but it is for the benefit of the client that litigation is pursued, Mr President.

The President: Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. Is the hon. Attorney-General aware that there is a case of overloading of work in certain legal aid business with certain advocates? Is he aware of that point? And secondly, if he is, would he certainly consider a value-for-money survey to be undertaken to see whether these advocates are providing a quality service to their clients, specifically on legal aid, sir?

The President: Mr Attorney.

The Attorney-General: Mr President, we are perhaps just wandering slightly off contingency fees, but I will do my best to answer the important questions raised by the hon. member. As I think I have said before in this hon. House, I do have concerns that only a very small number of practices are involved in criminal legal aid matters. This is a matter I have mentioned to the recently appointed president of the society, who shares my concern, and I think we can look forward to a situation where some of the larger firms, who have a number of very experienced advocates, can, in fact, divert some of their expertise to the criminal courts. I very much look forward to that happening.

Secondly, in relation to value for money, the Value for Money Committee of the Treasury is well aware of the concerns about the cost of, for example, outsourcing legal services by my chambers, and I have, in the very recent past, endeavoured to reach an arrangement with firms of advocates to ensure that a consistent charging basis is employed so that departments and statutory boards will know that they will get good value for their money and that they will not be overcharged by advocates. I think that is something that I very much share with the Value for Money Committee, Mr President.

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

Mr Singer: Could I ask the learned Attorney-General to give me a little bit of further explanation? He has told the hon. Court that the advocates in the Isle of Man do not support contingency fees, but could he perhaps explain to me why they do not support this form of payment, particularly in the case of people who go to the advocate - and I have a case where the person has been told, 'You have a very good case, but we want £10,000 up front before we take the case' - and have not got that sort of money? So, perhaps the learned Attorney-General could tell me why it is not supported here when, of course, it is supported by the Law Society across the water.

The President: Mr Attorney.

The Attorney-General: Well, first of all, Mr President, if I may correct the hon. member: contingency fees are not permitted in the United Kingdom; what is permitted there is a so-called conditional fee arrangement, which is slightly different, but I do take the hon. member's point. It is very concerning when a client is told he has a good case but falls outside the legal aid net so that he has to, as it were, put up a large deposit for costs otherwise his case cannot be progressed. If I may say so, Mr President, I think that, in many cases, the situation would be a lot better if we had a more liberal legal aid system, in other words that you did not have to be extremely poor to qualify for legal aid,

(**Mr Houghton:** Hear, hear.) and this is the essence of a submission that has been made to the legal services commission by the Law Society. The reason why the Law Society does not approve of contingency fees is because it is very anxious that the system may deteriorate in the way I think many hon. members think the situation has deteriorated in the United States.

Work Permits – Reported Cases of Infringement – Question by Mr Delaney

Question 12. The hon. member of Council (Mr Delaney) to ask HM Attorney-General:

How many cases of infringement of the work permit regulations have been reported to your chambers for possible prosecution?

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

Mr Delaney: I beg leave to ask the question standing in my name.

The President: Mr Attorney.

The Attorney-General: Yes, thank you, Mr President. I have caused enquiries to be made within chambers in relation to the period 1998 to the present time, and I am advised of the following: in 1998, eight cases were referred to chambers, proceedings were issued in five of those cases and convictions were recorded in four cases, the defendant in one of the cases having left the Island. In 1999, three cases were referred to chambers, and proceedings were issued in each case. There was a successful prosecution in one of the cases, the defendants in the other two cases having left the Island. In the year 2000, two cases were referred to chambers. In neither of these was there a prosecution. In 2001, no case was referred to chambers. In 2002, four cases were referred to chambers. Two of those have resulted in successful prosecution. With regard to the other two matters, a summons has been issued in one of them, and the other matter is still under investigation. Mr President, thus far this year, no cases have been referred to chambers in relation to work permit regulations.

The President: Mr Delaney.

Mr Delaney: May I thank the learned Attorney and his staff for pursuing the information he has just related to hon. members? May I ask this: in the course of their enquiries, did they establish whether or not the department responsible for the rules dealing with work permits had been given instructions that they were not to pursue people who did not have work permits in any way or form? Or can I say: was the Attorney-General

informed of any cases where there were some worries that work permits prosecutions might offend any political persons in this Court?

The President: Mr Attorney.

The Attorney-General: Well, Mr President, the question asks me to identify the number of cases which were reported to chambers in relation to infringement of work permit regulations. I regret I have not looked into the question of policy on the part of the referring department. Of course, the job of my chambers lawyers is to advise on cases which are put to them. I am afraid I cannot go behind the curtain ordinarily and ask about the policy behind the actual referrals.

The President: Mr Delaney.

Mr Delaney: A supplementary, Mr President. Given the figures related to this Court by the learned Attorney, is the learned Attorney surprised to see, in the time of this full economy over this period and the influx of people identified by the actual surveys carried out by the government, that the number of people pursued for prosecution has fallen in such an extreme?

The President: Mr Attorney.

The Attorney-General: I think I am surprised, Mr President.

Mr Delaney: Thank you, Mr Attorney.

Burglary – Sentencing Policy – Question by Mr Houghton

Question 13. The hon. member for Douglas North (Mr Houghton) to ask HM Attorney-General:

Can you confirm that the revised sentencing policy in respect of individuals convicted in the UK courts for burglary will not be imposed on those convicted for burglary in the Isle of Man?

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

Mr Houghton: Thank you, Mr President. I beg leave to ask the question standing in my name.

The President: Again I call on the Attorney-General to reply.

The Attorney-General: Thank you, Mr President. I take it that the reference in the hon. member's question to - and I quote - 'the revised sentencing policy in respect of individuals convicted in the UK courts for burglary' is a reference to the judgment in the Court of Appeal in England on

19th December 2002 in the appeals of McNerny and Keating when Lord Woolf the Lord Chief Justice, set out guidelines as to the sentencing of domestic burglars.

Mr Houghton: That is correct, sir. Thank you.

The Attorney-General: Concern was expressed in the media, Mr President, that the court had recommended that first-or second-time burglars, who might otherwise be sentenced to up to 18 months' imprisonment, should be given a community sentence. A statement was issued by the court to contest false impressions created by the inaccurate reporting of the judgment, and it was made clear that the court considered that a community sentence was a starting point and that, in many cases, a community sentence would not be the sentence actually imposed because that would be inappropriate.

I am asked to confirm that such guidelines will not be followed in the Isle of Man. (**Mr Houghton:** Hear, hear.) I am not able to give such confirmation, in so far as it is entirely for the courts on the Island to determine what factors should be applied in fixing an appropriate sentence in any given case, taking into account the very many factors which might be relevant in the particular circumstances of the case. Statements on sentencing policy from the Lord Chief Justice will no doubt be worthy of careful consideration by the courts here, and decisions in the superior courts of England, particularly the Court of Criminal Appeal, are of persuasive authority. However, Manx law is not the same as English law, and the courts here do not have the full range of community sentencing which is available to the courts in England. The comments of the Lord Chief Justice will not be binding on the courts here. I should add, Mr President, that if the Attorney-General is of the opinion that a sentence is unduly lenient, he may refer the case to the staff of Government Division for review.

The President: Mr Houghton.

Mr Houghton: Thank you, Mr President. I thank the hon. learned Attorney for his very comprehensive reply, and I am very pleased to hear the two words that I was looking for: that it is *not binding* on the Isle of Man. Can I ask the hon. learned Attorney if he would take back to the judiciary, though, a signal from this hon. Court, the highest court in the land, that it is required that anybody who burgles people's addresses must have the highest custodial sentence possible served on them once they have been convicted?

Mrs Hannan: No. You cannot do that.

A Member: No.

The President: Mr Attorney. (*Interjections*)

The Attorney-General: Well, Mr President, I am quite certain that their Honours will read the proceedings of this Court with great interest. (*Laughter*)

The President: Hon. member for Ayre.

Mr Quine: Yes. Can the learned Attorney advise us as to how many applications have been made to the High Court for a review of sentence in the last two years? If there were any - and I think there was one - what was the outcome of that? Was it a successful case in the sense that a review was granted and there was an enhanced sentence? Could you tell us what the situation is?

The President: Mr Attorney, if you have the information.

The Attorney-General: I am afraid I do not have the information available, Mr President, in respect of the last two years. I have, however, had a number of references to the Court of Appeal, our staff of Government Division, where I considered that the sentence was unduly lenient, particularly in relation to drugs cases, and there are certainly cases where the court has agreed that the sentence was unduly lenient. I will, if I may, Mr President, endeavour to get the information for the hon. member.

Alcohol and Drugs Driving Offences – Tariff for Disqualification – Question by Mr Lowey

Question 14. The hon. member of Council (Mr Lowey) to ask HM Attorney-General:

- (1) *Is there an established table or tariff for disqualification for drivers of motor vehicles who are impaired by alcohol or drugs; and*
- (2) *if so, is the table/tariff applicable in all courts, i.e. Magistrates, High Bailiff et cetera?*

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

Mr Lowey: I beg leave to ask the question standing in my name, sir.

The President: Mr Attorney.

The Attorney-General: Thank you, Mr President. The answer to both questions raised by the hon. member is 'yes'. The minimum period of disqualification is 12 months. The minimum period

risers to two years and then to three years, dependent on the level of impairment. Furthermore, if a person has, within the 10 years immediately preceding the commission of the offence, been convicted of a similar offence, then the minimum period is five years.

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

Mr Lowey: Would the learned Attorney agree that if that is so, the tariff that is awarded is a public document so that people can see it? It has been drawn to my attention that certain people have had longer disqualification periods with less alcohol content, and it brings a lot of disquiet. If the sentencing is based on a tariff that is in the public domain, then people would be more comforted. Would the learned Attorney agree that if the tariff is not in the public domain, it should be?

The President: Mr Attorney.

The Attorney-General: Yes, thank you, Mr President. The Road Traffic Act 1985 has a schedule, and part 2 of the schedule - in other words, in the primary legislation itself - sets out, in tabular form, precisely the period of disqualification which is available to the courts, depending on the amount of alcohol in either breath, blood or urine. It is, as I have said before, up to the court to apply the tariff, taking into account all the circumstances of the case.

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

Mr Delaney: Would the Attorney make reference to the courts when he gets appropriate time, to point out that, in a number of these, there is no consistency in the tariff as laid out? Certainly, the public do not perceive it. And secondly, the learned Attorney, on occasions in the past, has pointed out that he has been disquieted somewhat - his chambers - by the sentence of the court, and a number of cases were referred back last year, for example. Could he give us the outcome of those cases when they were referred back?

The President: Mr Attorney.

The Attorney-General: Well, again, Mr President, may I endeavour to obtain the information and circulate it?

Mr Delaney: That would be fine, thank you, Mr Attorney.

Insurance – High Liability Premiums – Government Initiatives to Help Businesses Question by Mr Houghton

Question 15. The hon. member for Douglas North (Mr Houghton) to ask the Minister for the Treasury:

What initiatives can be offered by government to assist private businesses and companies who are subject to spiralling increases in public liability and employer's liability insurance premiums?

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

Mr Houghton: Thank you, Mr President. I beg leave to ask the question standing in my name, sir.

The President: Minister for the Treasury, hon. member Mr Bell.

Mr Bell: Mr President, I thank the hon. member for Douglas North for his question and would advise that I fully support his concerns in respect of the impact the premium increases for public and employer's liability insurances are having on the profitability of local companies and businesses. Regrettably, there is little direct action that the government can take. Insurance is also a business in itself, and I understand that outstanding claims for 2001 were three times the amount of premiums received in respect of liability insurances. Clearly, unless claims diminish, insurance premiums will have to increase if insurance companies are to stay solvent. I am certain nobody would wish to move away from the current position whereby insurance cover is a mandatory requirement of being in business. In particular, third party claims emanating from the construction sector are escalating. This may be as a result of individuals having a better awareness of their employer's obligations and the growth of personal injury consultants. Through the Department of Trade and Industry, government is actively addressing the issue of health and safety training, and grants are available to help fund such training. However, I fully recognise that it would take a massive effort extending well beyond the Isle of Man for claims to return to a level at which premiums can be reviewed.

I would also point out to members that insurance costs for any trading concern, whether a sole trader, company or other entity, where these are direct costs of the business, are fully allowable as a revenue expense for income tax purposes. Any increase in such costs will therefore be offset against the trading profits in the normal manner, reducing the profits chargeable to income tax and therefore the amount of income tax payable. Any government intervention must be equitable to all parties but, as increased insurance premiums are being applied to all businesses on the

Island, and, indeed, beyond, it is questionable whether any direct government assistance could be justified.

The President: Mr Houghton.

Mr Houghton: Thank you, Mr President and I thank the hon. Treasury minister for his comprehensive reply. He does also acknowledge that it is an extremely serious matter, but can I ask him if he would revisit this matter and investigate further asking his department to actually spend some quite considerable time looking into this further? I take into consideration his offset against tax on business costs. That is not going to be in any way answerable to what is required here. Can I ask him if he would go further into this and look into it further? I am quite willing to consult with his division in order to come up with some answers. It is a very serious matter, and it does warrant further investigation. Would he do that, sir?

The President: Treasury minister, do you wish to consider again?

Mr Bell: Mr President, again I take the hon. member's point, and I can assure everyone that Treasury is as concerned about the impact of insurance premiums on the business community as anyone. As we all know, particularly since 11th September, the impact of the terrorism element has had a major influence on insurance premiums as well. As a result of this, obviously this affects every element of the business community and, indeed, in many ways, private insurance as well, (**Mr Houghton:** Hear, hear.) and therefore it would be financially impossible for Treasury to give grant assistance - which I think the hon. member is working towards - to offset the increased cost of these premiums. If the hon. member could come back to Treasury with specific suggestions that he has identified as alternative ways in which government can help in this situation, then we would be prepared to look at it.

Health Services – Douglas Dental Facility – Question by Mr Singer

Question 16. The hon. member for Ramsey (Mr Singer) to ask the Minister for Health and Social Security:

- (1) *How many dentists (full-time equivalents) are employed by the Department of Health and Social Security at the NHS dental facility in Douglas;*
- (2) *how many sessions are available weekly;*
- (3) *how many different patients are seen (on average) each week; and*

- (4) *what is the current waiting time for an appointment for non-urgent dental care?*

The President: Hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr President. I beg leave to ask the question standing in my name.

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

Mrs Christian: Thank you, Mr President. There are three dental practitioners working at the department's dental clinic based at 44 Westmoreland Road, Douglas, and I take it that that is the facility that the hon. member is referring to. Between the three dental practitioners, there are 29 clinical sessions a week available to patients. Two of the dentists work on a full-time basis - that is, for 10 clinical sessions - and the third practitioner works four and a half days a week, providing nine clinical sessions. There are other dentists working for the department at other locations. On average, at the Westmoreland Road facility, 360 patients attend each week for treatment. Patients who are given an appointment for follow-up treatment after their dental check are currently being given appointments between March and May, according to clinical need and the patient's availability. Any treatment that is required urgently is given priority, and patients requiring more urgent dental follow-up treatment are given appointments more quickly.

The President: Hon. member for Ramsey, Mr Singer.

Mr Singer: I thank the hon. minister for her answer. Obviously they are very, very busy there. Is the minister aware, though, that dentists in Ramsey do not offer any private insurance scheme and that a person, other than a child, in need of NHS dental treatment has to travel to Douglas for such treatment at the premises the minister has just mentioned? And is the minister further aware that it is very difficult firstly to get an appointment in Douglas because they are so busy, and secondly impossible for many people to get from the North to Douglas for treatment? So, what arrangements are being made, minister, for NHS treatment in the North for the people of the North?

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. The department's actions at the moment are to try to improve the sessional provision in the Island. It is our intention to provide two additional clinical facilities for the provision of NHS services, one in Noble's Hospital in Douglas and one at Ramsey Cottage Hospital. Both clinics will be able to accommodate two practitioners. I know the hon. member has asked

only about Ramsey, but we have found that people from Ramsey lists who are concerned about where they will go now that their former dentist is not accepting them are being asked if they want to go to Ramsey or Douglas. I appreciate some do want to go to Ramsey, but others do want to register in Douglas. So, with regard to the Douglas facility, we anticipate that being operational by the end of February, and we expect that the Ramsey clinic will be functional by early spring. In terms of the manpower at the facilities, we have already appointed one practitioner for the Douglas facility, who is currently working in a private facility but providing NHS services for us. She is working five days a week and is taking non-registered emergency patients as well as registering new patients. Another practitioner has been appointed as a salaried dentist and is currently working Thursdays and Fridays but will start full-time next week, seeing predominantly emergency cases in the Noble's extraction clinic until one of the other clinical facilities opens. That gentleman will be working full-time - as I say, he starts next week on a full-time basis. We have carried out further interviews with regard to the further additional posts. One person has decided not to work on a sessional basis but to join the community dental service, and the other person was interviewed on Friday and an offer has been made to that dentist. So, we are fairly confident that we will be able to offer these two facilities with two clinical practitioners on the timetable that I have just outlined.

In respect of patients in Ramsey who may need emergency treatment, we do run at the moment a session on a Wednesday night. I appreciate that that is not satisfactory for all of those in the north of the Island, but it does allow people who cannot get to Douglas to be seen in Ramsey at that session. But there are facilities for emergency treatment of other people in the Douglas area, Mr President.

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

Mr Waft: Thank you, Mr President. I would ask the minister if she is in the position to update us as to the situation with regard to the discussions with the Dental Association and the problems that have ensued in the past. Is she able to update us on where we are going with those discussions?

The President: Minister.

Mrs Christian: Mr President, I can give you a brief outline of where we have got to with that. The department has discussed with the general dental practitioners . . . We are trying to elicit from them what it is they seek in terms of the negotiated settlement. At this stage, there are documents in the United Kingdom, dealing with changes in dental practice there, which set out a number of pilot schemes. We are concerned that we do not wait until the results of those pilots are

carried out, but we have discussed with some local dentists ways of developing the service on a pilot-scheme basis. We have had a number of responses from those who are interested in participating on the basis that their remuneration is secured while those pilots are being carried out. I think that, in a nutshell, describes where we have reached at the moment, Mr President.

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

Mr Singer: Can I ask the minister: whilst the department is proposing to convert the John Clucas ward at Ramsey Cottage Hospital, is the minister aware of the concern expressed by the doctors and some consultants that these beds will be lost? Therefore, will the minister undertake to fully consult with the medical profession before any further action is taken with regard to this proposal? If, as she has just said to the hon. member of Council, discussions with the dentists are successful and they then take NHS patients again, it would be very doubtful if the John Clucas ward would be restored to its present situation of taking patients. Perhaps the minister could enlarge on that.

The President: Minister.

Mrs Christian: Yes, Mr President, I am very happy to explain to the hon. member the position with regard to Ramsey Cottage Hospital. He is quite right to say that the decision has been taken to convert the John Clucas ward to provide dental clinics there. There has been consultation with those practitioners - consultants and GPs - in the area. I understand that, of the people who use the theatre, currently the John Clucas wing is being used once a fortnight by one consultant who carries out operations at Ramsey Cottage Hospital. The other two consultants who operate at Ramsey do not use the John Clucas wing but deal with their post-operative patients in other locations in the hospital. I was conscious and concerned that there should be full discussion with the practitioner who uses the John Clucas wing. I understand his concerns, but it is believed that, given the occupancy levels of the wards in Ramsey Cottage Hospital, it is not unreasonable to suggest that those people who go through theatre in Ramsey can be accommodated post-operatively on the other wards. In an ideal world, we would not seek to change the John Clucas ward, but we are pressed in terms of time, resource and a need to provide dental facilities on a fairly short timescale, and this offers us an opportunity to do that. It is a pragmatic solution, Mr President.

In terms of the hon. member's concern about it never being converted back again, in the situation where I hope that we will achieve a negotiated settlement with general dental practitioners and that they will consequently increase their NHS lists again, I

am sure it would be a pragmatic consideration that if our clinics in Ramsey were not being utilised fully, we would then make use of them in a more appropriate and useful manner, and if that means reverting from dental clinic to hospital ward, I am sure it will be done, Mr President. I do not think that the people of Ramsey and the North should regard this as a permanent fixture as far as Ramsey is concerned, if indeed our needs are shown to be other than for a dental clinic in that facility.

**Social Security –
Proposed Benefits Increases –
Question by Mr Singer**

Question 17. The hon. member for Ramsey (Mr Singer) to ask the Minister for Health and Social Security:

What is the proposed increase in benefits to cover the higher charges for gas, waste disposal rates et cetera and to take into account the current inflation rate of 4 per cent?

The President: Hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr President. I beg leave to ask the question standing in my name.

The President: Minister for Health and Social Security, Mrs Christian.

Mrs Christian: Mr President, I can confirm that, subject to any issues which may emerge from the hon. Court's deliberations on the 2003 budget proposals, it is intended that a general uprating of social security benefits will take effect from 7th April 2003. The necessary statutory instruments will be presented to the hon. Court in March. That uprating will be based, in accordance with long-established policy, on the annual movements in the UK and Isle of Man retail price indices as recorded in the September preceding the uprating. Price changes in particular elements comprising those indices are obviously reflected in the general standing of the indices.

The question refers to a current rate of inflation of 4 per cent per annum. The inference might be that increasing benefits by the September figure will not be sufficient to cover prospective changes in the cost of living. It ought, Mr President, however, to be noted that the figure quoted for the annual rate of inflation includes housing costs and that the above average level of inflation it represents as a result primarily is not of current price increases but rather falls in the retail price index itself at late 2001, as a consequence essentially of reductions in mortgage rates. Indeed, the index was

unchanged over the last quarter of 2002, showing that overall prices have not increased over that period.

The President: Hon. member Mr Singer.

Mr Singer: If I may comment on the inflation: is the minister aware, though, that the comparative rates which I have got from Economic Affairs show that, since last April, the Isle of Man inflation rates, based on the same figures, are almost 50 per cent above that of the United Kingdom? I have got the figures here. Therefore, is it not difficult for the people here on the Island who are in receipt of benefits to really manage their own lives if their benefits are actually, in real terms, falling below those of the people in the United Kingdom? We are basing on the United Kingdom our reciprocal agreements, and what the department is doing by not having a local increase is ensuring that the people here are falling further and further behind. And they need greater help, because we are now hearing about a further gas price increase in the next few months.

The President: Minister.

Mrs Christian: Mr President, I think the hon. member is probably emphasising too much the United Kingdom index; that index applies largely in respect of contributory benefits. Local Isle of Man benefits - income support and so on - which reflect costs in the Isle of Man, are based on the Isle of Man indices and should reflect Isle of Man changes, Mr President. They do reflect -

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

Mr Delaney: Thank you, Mr President, a supplementary. Bearing in mind we are playing the percentages game here and, as the member for Ramsey and the minister have pointed out, we are dealing with local inflation, will the minister, before finalising this, work out not only the other charges that have been coming in but the new charges - an estimated 16 per cent for gas charges, for example - which are about to occur and, I am given to understand, further increases, particularly if we get to the Iraq situation, on fuel costs to our pensioners, whose Isle of Man well worthy pension is being eliminated by the cost of fuel costs on this Island? Will the minister give us that undertaking?

The President: Minister.

Mrs Christian: Mr President, the index on which the uprating is carried out incorporates all fuel charges -

Mr Delaney: I am aware of that.

Mrs Christian: - as one item of the index, and therefore any changes in those elements will be reflected in the index. I do accept that we do not have a benefit structure which analyses individual cases and determines what kind of fuel they use –

Mr Delaney: And the winter heating allowance.

Mrs Christian: - and we do have a winter bonus, paid in January, which should help to cope with any immediate cost increases in respect of gas. However, Mr President, we have, I think, frequently debated this issue. The overall index does reflect the changes in a wide number of elements of costs in respect of the cost of living in the Island, not only fuel, and I do accept that people whose fuel costs - gas costs in particular - have gone up, will have more pressure (**Mr Delaney:** Hear, hear.) in their fuel bill element, Mr President, but I think that has to be borne in mind in the context of the other elements of the indices which make up the relevant steer to us as to how we increase the benefit levels. Members will have an opportunity, as I said, to express their views in detail, subject to the budgetary considerations of next month.

The President: Mr Singer.

Mr Singer: Does the minister not think that all benefit levels on the Isle of Man should reflect circumstances on the Isle of Man and not in the United Kingdom?

The President: Minister.

Mrs Christian: No, Mr President, I think the way in which we structure our benefits at the moment is reasonable. (*Interjection by Mr Singer*) I think what we need to focus on in the Isle of Man in particular with regard to Isle of Man costs are the benefits which go to those people who have least and who need most support, (**Mrs Crowe:** Absolutely.) i.e. the income support benefits. The other benefits, which are contribution based, Mr President, do not necessarily imply that the recipients are in need of financial support. Those who are in the truest need of financial support are those who come into the income support categories and, as I have said, that category of benefits is related to the Isle of Man cost indices.

**Public Service Workers –
Relocation and Removal Expenses –
Question by Mr Henderson**

Question 18. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Are Manx people/Island residents who move away from the Island to work and then wish to return to the public services, especially nurses, eligible for relocation and removal expenses; and is there a minimum period of time before they qualify for these payments?

The President: Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. I beg leave to ask the question standing in my name.

The President: Again I call on the Minister for Health and Social Security.

Mrs Christian: Mr President, the hon. member has posed his question in terms of the public services, but I think the hon. member will appreciate that I am in a position only to comment in relation to the Department of Health and Social Security.

Mr Henderson: Especially nurses.

Mrs Christian: In this respect, the department operates the standardised removal and relocation expenses scheme for *all* appointees required to relocate to the Island to take up work here. There is no specific provision within that scheme that places conditions on Manx people or former Island residents who have moved away and then wish to return. There is no restriction on them. However, each application is considered individually so as to avoid any abuse of the policy, particularly in circumstances where residential status might be in doubt. In conclusion, Mr President, the scheme is part of a recruitment incentive package, its purpose being to assist individuals towards the additional costs of moving to the Island to take up employment.

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

Mr Henderson: Thank you, Mr President. I thank the minister for the assurances that she has given with regard to local nurses wishing to return to the Island, and that is very pleasing. Can she confirm, though, that she will filter down this directive that she has made today in this Court to all her managers throughout the health service? Is she aware that some of her middle and first-line managers are actually refusing locals trying to return to the Island the relocation package, and would she be prepared, as I say, to put a memo round to all her managers to ensure that a proper system is operated, a fairness and equity, and that local folks are not discriminated against? Would she give this undertaking?

The President: Minister.

Mrs Christian: Mr President, I find the situation that the hon. member has outlined a little difficult to grasp, in the sense that the offer of a relocation package is made with the advertisement in relation to any particular post. If the applicant is then appointed, they are entitled to make their application for a payment under that scheme. If the hon. member is indicating that someone has been refused a payment after it has been advertised as available, I should appreciate if the hon. member could give me details of that.

The President: Question 19. The hon. member for Douglas East, Mrs Cannell -

Mr Henderson: Mr President, I would like to ask a supplementary, sir.

The President: I am sure you can come back on that point with the details if you wish.

**Westmoreland Road, Douglas –
Proposed Flats –
Question by Mrs Cannell**

Question 19. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Local Government and the Environment:

What is the intention of allocation with regard to the proposed building of 18 flats on land situated in Westmoreland Road, Douglas –

- (a) *are they for purchase by first-time buyers;*
- (b) *are they for lease or rent;*
- (c) *are a proportion intended for key-worker accommodation;*
- (d) *if (b) is intended in part or whole, who will decide the allocation; or*
- (e) *if (c) is intended, who or which department will be accommodated?*

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

Mrs Cannell: Mr President, I beg leave to ask the question standing in my name.

The President: Minister for Local Government and the Environment, hon. member for Rushen.

Mrs Crowe: Thank you, Mr President. As hon. members will be fully aware, the financial motion will

be considered by this hon. Court later in this sitting for the clearance of the site at Westmoreland Road. Subject to approval, I shall be bringing forward a further motion in April 2003 for the construction of 18 apartments on this site. This project is part of an urban regeneration initiative to redevelop the Parr Street and Westmoreland Road area. These proposals and those for elderly persons' housing and the refurbishment of houses in the urban regeneration area have been subject to consultation with local residents and at a public meeting, and the hon. member was personally consulted for her views, as was the Minister for Home Affairs, the other member for Douglas East.

In answer to parts (a) and (b), during the consultation process it was agreed that affordable housing for rent would be preferred to first-time buyers' properties. In answer to part (c), no plans have been made for the tenure of these apartments. In answer to part (d), the allocation will be decided by the Housing Division of the Department of Local Government and the Environment. If (c) were intended, the same route would be followed.

In the meantime, I wish to move ahead with the development of the 18 apartments, which have received planning permission. The old building is now empty, and we have received satisfactory tenders for the demolition. It will be 15 months before the apartments are ready for letting, and whoever the apartments are finally let to, the funding route and the allocation route will be the same.

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

Mrs Cannell: Thank you, Mr President. Why is this minister misleading this Court on this quite simple question here today? In her explanatory memorandum on this particular issue, it is stated under (3) that effects of the measure will include key-workers' properties; the minister has said there are no plans. Will the minister now give us a more truthful answer, please?

The President: Minister.

Mrs Crowe: My answer to this Court is that no allocation for the tenure of these properties has been made. It is quite correct to say that I have had discussions with the Minister of Education. We have heard from the headmistress of a Douglas school recently as to the problems involved with the retention of teachers in the area because of property problems, and I have had discussions with the Minister for Education about a key-worker policy. No decision has been made on such a policy. We know there are serious problems regarding, as I say, the appointment and retention of not only teachers but other key workers. What I have said applies not only to people who come to the Island to teach, but many of our own Island teachers are finding difficulty. Our own young

Manx teachers are finding difficulty in finding suitable properties, and what we have determined is that the types of property that are being built at Westmoreland Road are the types of property that these people would find most useful for allocation for housing.

Mr Delaney: Bully for them.

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

Mr Delaney: Thank you, Mr President for the opportunity to ask a supplementary on this very important policy subject. Will the minister make it clear who decided, in respect of this piece of property that this Court has agreed and will agree to help solve the housing problem, that key workers will be party to this development in any shape or form? If we have a problem, as the minister has pointed out, from these departments, there should be a clear separate policy to house them, but not on the backs of the homeless of this Island. Will the minister give a categorical assurance that the Manx people will be getting these properties, not people in any shape or form who are not entitled to them under the Housing Act?

The President: Minister.

Mrs Crowe: As I have said, there has been no key-worker policy determined. We are having discussions.

Mr Delaney: You have got it written down.

Mrs Crowe: No, we have not. What we have indicated is that this is –

Mr Delaney: Who indicated?

Mrs Crowe: - the type of property that would be suitable for key workers when or if a policy is determined. And do not forget that a lot of those key workers, like teachers, do not qualify for acceptance on the public sector housing list because they are earning slightly more than the current regulations –

Mr Delaney: Make them a special case.

Mrs Crowe: Yes, what we are saying is that they are looking to purchase or to rent properties. As you know, the cost of properties in the private sector is far too high for young teachers who may or may not be Manx born, but I have not suggested for one moment that these properties will be let to key workers. What we are saying is that these properties are the type of properties that we require for key workers in and around suitable areas.

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

Mr Karran: Eaghtyrane, would the shirveishagh not agree that many outside this Court will find it quite offensive (**Mr Delaney:** Hear, hear.) that we have a situation where Manx people who have lived here for generations are finding that they cannot go on housing lists and yet we are finding that the priority from your department is for key-workers' housing? Would the shirveishagh assure this hon. Court that: (a) this hon. Court will not end up getting the bum's rush and end up having to be put into a corner where it has to agree to these houses being let for key workers; and (b) her department is as committed as ever it was to trying to resolve the housing problem for the real people in this Island, the people who have lived here through thick and thin?

The President: Minister.

Mrs Crowe: Mr President, I think we have to get it into perspective. A lot of the letters I have received - and I am sure it must be the same for the Minister for Education - are from Manx-born young teachers –

Mr Delaney: Well, make them a special case.

Mrs Crowe: - now teaching on this Island. That was the point I was trying to make. Maybe. What I am saying is we are trying to find a solution to deal with a problem that has been highlighted recently by a head teacher on the Island, (*Interjection by Mr Karran*) and the type of property that would be suitable would be a two-bedroomed apartment. We have made no decision about the tenure of these properties and we have no key-worker policy at present, so it is unlikely that any of these properties will go to key workers.

Mr Delaney: Well, why put it in?

Mrs Crowe: Because we are highlighting a problem that has been brought to the attention of this Court recently by the headmistress, I think, of most probably the biggest school on the Island.

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

Mrs Cannell: Thank you, Mr President. Is the minister aware that we do have on the Isle of Man a problem in terms of accommodation for the single, economically active local person, (**Mrs Crowe:** Teachers.) the person who is caught in the trap of not being able to afford to purchase at today's price and who does not qualify for a local authority housing consideration? And can I also inform the hon. minister that I am fully aware of the teacher she is referring to, because he has written to me also.

Mrs Crowe: Economically active.

Mrs Cannell: Would she agree with me that she is confusing the issue by including in her title of measure key workers and also authorising her officers to report in the local press that you are going to include key-worker accommodation? The whole thing is complicating the issue and causing a lot of unnecessary disharmony within my constituency, in which this land is placed. People who are single and economically active are hoping to be able to go in there and rent or purchase at a later date, and setting aside key-worker accommodation as a priority is going to undermine that particular issue.

The President: Minister to reply.

Mrs Crowe: Mr President, no-one has set aside key-worker accommodation as a priority. The hon. member herself has just indicated that there is a problem with - and I state - economically active young people.

Mrs Cannell: Local people.

Mrs Crowe: Those people are nurses, young doctors and young teachers on this Island, who are finding it extremely difficult to be housed at this present time. However, what I have said is that no decision has been made on a key-worker policy at all, but this is the type of property that we require more and more of on the Island to be able to help those people who are finding it so difficult at the present time. I think I have answered the question quite clearly.

Mr Delaney: No, you have not.

The President: Hon. members, I think you will have the opportunity to discuss it later. Hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, would the shirveishagh not agree that the issues that the hon. lady has brought up in this hon. Court about the teachers and other key workers are only in effect because of her department's policy of hiding the real mass of problems as far as the housing crisis is concerned? They are victims of her own policies of gerrymandering the criteria for waiting-lists for local authority housing on this Island to try and hide the legitimate numbers of people who cannot afford decent accommodation at the present time. I admit that the hon. lady has inherited it, (*Interjections*) but at the end of the day we are still seeing a very poor record on resolving this issue.

The President: Minister.

Mrs Crowe: This is actually not the case, but the reason that the common criteria were adopted was precisely to be able to help those most in need of public sector housing, and we are doing our best to

address that problem. What we are talking about at the present time is the fact that we have economically active young professionals - or whatever they might be - who are finding it difficult to find accommodation on the Island at this present time, and we need to make more and more properties available of this type that are suitable, not necessarily family homes - and we need plenty of those - but we do need some two-bedroomed apartments for the economically active young professionals who are finding it so difficult at this present time -

Mr Karran: What about the locals?

Mrs Crowe: These are Manx; these are local people we are talking about. We have got local young teachers writing to me on a weekly basis. (*Interjection by Mr Karran*) It is a nonsense.

Mr Karran: No, you are a nonsense. (*Laughter*)

A Member: Hear, hear.

Mrs Crowe: Mr Karran, we have done more to help the housing situation in the last 12 months than has been done for a number of years -

Mr Karran: Yes, because nothing has been done, hon. lady.

The President: Mr Karran.

Mrs Crowe: Absolute nonsense! We have now got a programme going ahead, hopefully for 18 two-bedroomed apartments, followed by an elderly persons' complex, followed by more housing in that particular area -

Mr Karran: This was planned years ago, 10 to 15 years ago.

Mrs Crowe: - and I am delighted that these hopefully will be now coming out of the ground sooner rather than later.

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

Mr Delaney: I just want a straight answer. Did you discuss the subject of key workers to be added to this resolution and the subject of this question with anyone, from the Chief Minister to any of your colleagues, before it was added? According to your chief officer yesterday, the article that appeared in the local press is incorrect, and I asked him the question and I will ask you it: if it was incorrect, with all the press releases that are being put out by departments, why was one not put out to correct the statements that were made so that the people whom the Douglas members particularly are having asking about how

their housing applications are going on are not up in arms - rightly so - because they are hearing that land which was planned for the development of their homes may be given to 'key workers' - not to our own, as you are now saying, but to 'key workers'? Will the minister tell us that answer?

The President: Minister, one final time.

Mrs Crowe: Mr President, I am not responsible for what appears in newspapers -

Mr Delaney: On the article, here.

Mrs Crowe: I have seen the article. What is being alluded to is the fact that, at this time, highlighted in the department by a recent speech of the headmistress of a major -

Mr Delaney: We all heard that.

Mrs Crowe: - Douglas school is the fact that there is a problem for accommodation of these young Manx teachers who have not got the opportunity to purchase their own home. That has been added to the explanatory notes to highlight a problem. The more properties we can progress, the better, to be able to house everyone who is in need of housing on the Isle of Man.

Mr Delaney: But who put it down?

The President: Hon. member.

**Waste Disposal Charge -
Discussions with Business Groups -
Question by Mrs Cannell**

Question 20. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Local Government and the Environment:

- (1) *Has your department undertaken meaningful discussions with the Chamber of Commerce and other business representative groups with regard to the proposed £100 per tonne waste disposal charge planned for introduction from 1st April 2003;*
- (2) *if so, when did such discussions take place;*
- (3) *how many meetings have been held; and*
- (4) *what was the business sector's response to such proposed charges?*

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

Mrs Cannell: Thank you, Mr President. I beg leave to ask the question standing in my name.

The President: Minister for Local Government.

Mrs Crowe: Thank you, Mr President. I can confirm that the Waste Operations Management Unit of the department has undertaken meaningful discussions with a wide variety of organisations, including the Chamber of Commerce and other business representative groups, with regard to the proposed increases in the charges for the disposal of waste with effect from April 2003. The decision of the department to introduce increased charges was endorsed by the Council of Ministers at a meeting on 14th November, but a week prior to that, the Waste Operations Unit held discussions with the officers of the Department of Trade and Industry in order to identify the organisations to be contacted and to open dialogue with in regard to the charging and the implications of such. Immediately following the decision of the Council of Ministers, a series of meetings were arranged with various groups. In total, some 15 meetings have been held, quite apart from the many discussions over the telephone or face to face with various individuals and organisations who have made contact with us to seek advice and guidance. At the moment, one further meeting is scheduled for next month, because the National Farmers Union was unable to meet on the January date which was previously scheduled. The first of these meetings was held on 4th December 2002 and further meetings are scheduled, two of which are to take place later this week.

I have to say that the initial response the Waste Operations Management Unit has had to the proposed charges has been, on the whole, positive. (*Laughter and interjections*) The groups to which the unit has spoken have been realistic enough to realise that there is a need for change and the cost of the disposal of waste has to be faced by the community as a whole. However, in all fairness, it is acknowledged that some groups have been in discussion with the Waste Operations Management Unit for a number of years and are seeking assistance in developing alternative disposal routes. It would be very surprising if any increases in costs were simply to be accepted without protest. After all, waste management is a controversial subject, and people in business have a clear focus to reduce costs. Consequently, any increased costs, whether they be for fuel, staff or anything else, present a challenge, but it is a challenge one must face.

The Waste Operations Management Unit has gone to a great deal of trouble to explain the thinking behind the new charges, which are intended to act as a deterrent, to dissuade businesses from bringing all their waste materials to the landfill site at Bride and, in

future, at the newly-engineered landfill site. It is already clear that the announcement that these charges have been increased is having a very positive impact, because businesses which have traditionally discarded everything are now actively looking at increasing their recycling efforts and indeed have found, and are finding, alternative routes for the disposal of waste which has previously just been sent to landfill. (*Interjections*)

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. How can this minister say that the reaction from the business community has been a positive one? Will the minister agree with me that, in effect, £100 per tonne of waste applied to the commercial sector is actually going to jeopardise Manx businesses - local Manx businesses, small businesses - to such an extent that they may well go bankrupt or have to close? Will she further accept that the bigger retail units already export their waste off (**Mrs Crowe:** Absolutely.) so that their head offices can claim the credits that the UK Government gives when they are sorting out their waste management and that our local industries cannot do that? And further, is she prepared, because of the impact upon the whole economy within the Isle of Man and the potential rise in the cost of living, to please consider deferment of this for at least 18 months to two years to enable the private sector, the business sector, to put in the necessary infrastructure to give them a choice of management of waste, in which her department has failed them so far?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. It is not my department that is responsible for businesses' response to the policy of this government (*Interjection by Mr Delaney*) which I have listened to in this Court for six years. The policy that has been expounded is 'reduce, reuse and recycle', and we have said it, as a government, time and time and time again. Businesses who have not responded have, since the introduction of our charge, responded very rapidly. We know that it will be difficult, but how many of us in this hon. Court have seen thousands of brochures delivered outside the local travel agent and, many months later, thousands being sent to landfill sites, unopened, still in their polythene wrapper? Businesses have to address positive reduction in the waste that is generated on this Island. I have never heard of so many recycling schemes about to start or being progressed or being looked at by businesses as I have since the charges were introduced, and that is a fact. We have businesses who have looked and found and worked with other people, and we have a number of initiatives now for recycling. The cost to the taxpayer of landfilling our waste is, in real terms, £118 per tonne. Is it acceptable that the taxpayer is paying for businesses to be able to

landfill their waste which is not, at the present time, being addressed by the business? Now, I think businesses are looking to the waste they are producing on the Island. They are looking to reduce the amount of waste that they are producing, and they are looking to recycle waste that is being produced in a more productive manner.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. Could I ask the hon. minister: can she just confirm how many tonnes of refuse are dealt with by her department on an annual basis? How was the figure of £100 for refuse disposal determined? And is it the department's policy, and therefore intention, for it or the Waste Management Board to make an overall profit or surplus, whichever way you want to term it, on the waste it receives from local authorities, businesses or the general public? Can she confirm that it is still government's policy to bear the loan charges in relation to waste disposal?

The President: Minister.

Mrs Crowe: We are just having a re-audit of the waste arisings on the Island. I am sorry: I do not want to give the hon. Speaker misinformation; maybe my hon. colleague will be able to answer accurately at this moment, but unfortunately I cannot, but I will be able to tell you that within a day or so.

It is not the intention of government to make a profit at all. When I say that the actual cost of waste disposal on the Island to the taxpayer would be in the region of £118 per tonne, one has to bear in mind that never again on the Isle of Man will we have open landfill. We will always have an EU technically specified, engineered landfill site. The engineering alone will cost £1 million per annum. We have to make sure that our waste is disposed of, not as has happened in previous years, because we all know the problems that are being faced at the old Raggatt site, which we are still having to readdress and will still have to readdress for many years to come, and other old sites around the Island. So, no, the government will not be making a profit from waste disposal, certainly not. We want to see businesses reducing the amount of waste that they produce to enable them to have less cost in some cases, bearing in mind that local authorities, at the present time, throughout the Island, all have different regimes for charging commercial properties. I know that in some cases it is a flat rate of £300, £500 or £700 per property. Some of those commercial properties may be producing very little in waste; some may be producing a great deal. We know that some authorities charge per collection of a bin, no matter how much waste is in the bin, so what we are looking for is an equitable collection and disposal service, and hopefully the businesses themselves will be looking to reduce their costs.

The President: Right, hon. members, you have taken two hours and 25 minutes to deal with 19 and a half questions, I suppose, if we are half way through this one. I have just had an indication from three further members that they would wish to put supplementaries to this one. In that case, hon. members, I am proposing that this is a appropriate time at which to withdraw. Mr Singer.

Mr Singer: Mr President, I would like to move the suspension of standing order 3.5(2) to permit remaining questions on the question paper to be taken at 2.30 after lunch.

The President: Hon. members, I am entirely in your hands on that one. It fails to get a seconder, hon. members; in that case, the motion will not reach the floor. That will conclude our Question Time with question 20, and I think I will conclude it at this stage. Mr Karran.

Mr Karran: Eaghtyrane, would the minister not agree that this hon. Court is deeply concerned over this policy, which seems to have been built in sand and will fall over, like so many other of this administration's policies? And would she not agree that the present costs are more likely to be in the region of £20 than the £100 as far as the costs of the disposal at the present time are concerned? Would she not agree that it would be far better to bring this cost in on a more phased basis instead of allowing a situation where many outside this hon. Court just feel that, hon. member, the power has gone to your head as far as this issue is concerned?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. No, I will not agree. As I have stated previously, the policy of this government and previous administrations has been well known for at least six years: to reduce, reuse and recycle. (*Interjection by Mr Karran*) The onus is on everybody to carry out that policy, businesses included. The real cost is as I have indicated and will be in future. (*Interjection by Mr Karran*) I have heard irresponsible people on this Island saying 'There are many holes around the Island; we can just go and fill them.' Well, the answer is that we cannot, and if one was to say it would be £20 per tonne, you are talking about dumping in an unlined . . . not a sophisticated, engineered site that we are proposing for the Isle of Man for now and for the future. (*Interjection by Mr Karran*)

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

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister: do you consider that government has been lax in introducing a waste management strategy?

If that is the case, will the minister also agree that to introduce something such as this within four months is really quite unacceptable and very worrying, not just for small businesses, but big businesses and also many ratepayers? (**A Member:** Hear, hear.) Will she not, under these circumstances, talk to the Council of Ministers to see if longer cannot be given to introduce some of the aspects that she has talked about this morning within the waste strategy?

The President: Minister.

Mrs Crowe: Yes, I would agree. It would seem to me that the waste management strategy has not been addressed. And it has to be addressed; that is the problem. We have very little space left at the Bride tip. We are looking to introduce, as we know, a new site at Archallagan. No-one has taken account of reducing waste on this Island until charges were introduced. It may well be a bitter pill to swallow, but unfortunately, if we are to take hold of a problem and solve it, we have to do it with this swift introduction of charges that will focus people's minds on reducing waste in the Isle of Man, and that is indeed what it has done.

The President: Hon. member for Ayre.

Mr Quine: In respect of the level of charge to be introduced from 1st April, what discussions, what consultation, took place prior to the Council of Ministers' decision, and with which parties? Prior to the Council of Ministers' decision, what consultation took place?

The President: Minister.

Mrs Crowe: I am unaware of the consultation that took place. What I do know – and, of course, what the hon. member, who was in charge of waste management for five years within the department prior to my taking this challenge on, (*Interjection by Mrs Cannell*) will know full well – is that had costs risen incrementally through the years, we may not have been faced with this problem at the present time. I do not know what discussions have taken place. I am sure many discussions, over the years, have taken place with yourself and with businesses over the introductions of correct charges for the management of waste.

The President: Hon. member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr President. Whilst applauding the efforts to encourage reducing, recycling and reusing, would the minister not agree with me that we will actually reap the harvest of an ill-considered, ill-thought out policy (**Mrs Hannan:** Hear, hear.) that leaves more questions unanswered than answered? And would she agree also, then, that too little time has

been available so that too little thought has gone into ensuring the smooth implementation of the proposed scheme, and insufficient time has been given to provide adequate consultation with the local authorities and the commercial sector to enable them to gear up to the commencement date of 1st April 2003?

A Member: Hear, hear.

The President: Minister.

Mrs Crowe: Mr President, I will not, and I hope the Court will allow me, at some later stage in this sitting, to make a full statement with regard to local authorities, who actually are all now ready or almost ready to - (*Laughter and interjections*) No? Well, I have had discussions with the local authorities on this Island, and I know exactly what the position is regarding what they are going to do with the management of their waste collection and disposal service at the present time, all of which should have been done many years ago by the local authorities.

The President: Hon. members, that means that the remaining questions will be submitted to you within the standing order requirement of standing order 3.8, and we will resume our deliberations, as I indicated in my preliminary comments this morning, at item 24 at 2.30 p.m. Thank you, hon. members.

The Court adjourned at 1.16 p.m. and resumed its sitting at 2.30 p.m.

Douglas Harbour Oil Pollution – Legal Action – Question by Mr Waft

Question 21. The hon. member of Council (Mr Waft) to ask the Minister for Local Government and the Environment:

Will your department be taking legal action against those responsible for the recent oil pollution in Douglas Harbour?

Answer

The Department of Local Government and the Environment will not be taking legal action against those responsible for the recent oil pollution in Douglas harbour, as there are presently no powers to enable the department to do so. This is because the provisions of Section 3 of the Water Pollution Act 1993 relating to the offence of polluting ‘controlled waters’, which includes both inland and coastal waters, are yet to be brought into operation.

The only other provision relevant to the pollution of water is Section 27 of the Inland Fisheries Act 1987, which is enforced by the Department of Agriculture, Fisheries and Forestry. Whilst this provides for an

offence of introducing ‘deleterious matter’ into ‘waters’, ‘waters’ are defined as including an estuary but do not include any part of the sea, and ‘sea’ is defined as including the coast up to the high watermark.

Mr. President, I believe we are very fortunate with government to have a team of highly professional managers who respond to major pollution incidents. I should like to take this opportunity, therefore, to pay tribute to them for the expedient and effective way they dealt with the recent MEA pollution incident. I know that Jeff Smith from my department’s Environmental Protection Unit spent many hours as part of the corporate response team, and their swift action prevented much more serious consequences.

It is also fitting that I should compliment the MEA for not only accepting responsibility and for its efforts to assist those affected by the oil leakage, but also for the way in which they assisted the corporate response team in dealing with this unfortunate incident.

Refuse Disposal – Unauthorised Tipping – Question by Mr Quayle

Question 22. The hon. member for Middle (Mr Quayle) to ask the Minister for Local Government and the Environment:

As the proposed refuse disposal site may lead to an increase in ‘fly-tipping’ and unauthorised tipping of materials upon land for which planning approval has not been granted:

- (a) *what existing measures are in place within your department to control such activities and do you consider them to be appropriate and effective; and*
- (b) *what additional resources will be deployed within your department to ensure adequate enforcement of the relevant measures contained within existing legislation?*

Answer

I am at a loss to understand why the proposed refuse disposal site, or indeed the provision of any licensed waste disposal site, should increase fly-tipping. In fact, based on experience, the more licensed sites we have, the less likely it is that there will be an increase in fly-tipping.

As regards part (a) of the hon. member’s question, the statutory provisions for the unauthorised deposition of waste are contained within the Public Health Act 1990, as amended.

Section 57 makes it an offence for a person to cause or knowingly permit controlled waste to be deposited on any land unless the occupier of the land is

the holder of an appropriate disposal licence. Therefore, any person depositing the waste on unlicensed land or the person who has knowingly permitted its deposition may be guilty of an offence. The maximum penalty for the offence of 'depositing controlled waste without a disposal licence' is six months in prison or £5,000 when tried summarily, or two years in prison or a fine or both when tried on information. The department will not hesitate to bring a prosecution in appropriate cases where it believes an offence has been committed.

In addition to prosecuting the offence of the unauthorised deposition of waste on land, the requirement for the removal of waste deposited in breach of the licensing provisions may be formally dealt with by the service of a notice under section 70 of the Act. The notice can require the removal of the waste (to a licensed site) within a period not less than 21 days from the service of the notice or for such steps to be taken for eliminating or reducing the consequences of the deposit.

The department may act in default and, in such circumstances, is entitled to recover costs - and will do so.

Mr. President, the department considers that the existing legislation provides adequate powers and deterrents to deal with those caught disposing of waste illegally, provided that cases are referred to the courts and dealt with in accordance with the provisions contained within the legislation.

I can understand the hon. member raising the issue of 'fly-tippers'. This is an issue of potential concern. I am also pleased to inform this hon. Court that in this parliamentary year I intend to bring forward legislation that places a duty of care on waste producers and carriers and requires all waste carriers to be registered with the department. This new legislation will have the effect of making life more difficult for the waste carrier who may consider fly-tipping a less expensive option than using licensed waste disposal sites.

Mr. President, turning to part (b) of the hon. member's question, the resource implications of enforcement are basically twofold:

- (a) The need for an authorised officer to investigate complaints and gather evidence, in conjunction with appropriate legal support and input to provide satisfactory outcomes to litigation, ideally at the cost of the offender; and
- (b) on the assumption that landowners did not, or did not knowingly, permit the fly-tipping, the cost of recovery, remediation and proper disposal could be a significant burden on the department should there be an increase in fly-tipping.

I can assure hon. members that we shall be stepping up efforts to ensure compliance with the law

by the application of statutory duties as a deterrent to other would-be 'fly-tippers'.

Finally, Mr. President, as we are talking about an unknown quantity, I would like to make it clear that the department will monitor the situation and, if circumstances require it, seek to provide the resources to resolve the situation.

**Refuse Disposal – Cost per Household –
Estimated Increase –
Question by Mr Singer**

Question 23. The hon. member for Ramsey (Mr Singer) to ask the Minister for Local Government and the Environment:

What is the estimated percentage increase in cost for disposing of waste from an average size household skip when the new rate of charges is introduced?

Answer

The percentage increase in the cost of disposing of waste from an average size household skip will vary between 0 and 900 per cent, that is £10 to £100. However, as we all know, it is extremely misleading to quote percentages. The actual price can be controlled by the company providing the service, and the charge should encourage that company to absorb some or all of the cost increases or to use sites that charge less than the department's site at Wright's Pit. Several of the skip operators have their own landfill sites, for example, and need not use the department's site. Indeed, the department is actively trying to encourage contractors to apply for planning permission for sites to be licensed for this purpose.

The imposition of this change will encourage the sorting and segregation of materials from these skips, which will reduce the amounts to landfill, both at the department's and other sites, therefore reducing the costs of disposal.

I am pleased to say that certain skip contractors have already begun to put in place schemes to recycle materials by buying plant and machinery, as they also appreciate the benefits to their operations and profits of reducing their costs. There is also an advantage in such companies using licensed disposal sites which are closer to the main centres of population than are Wright's Pit East and North, and this, too, will have the effect of reducing operating costs.

The new charge is a reflection of the very high cost of establishing fully engineered landfill sites and disposing of the wastes we generate. These costs are increasing as improved environmental standards have to be met, and they cannot be ignored.

We have encouraged the general public to separate and recycle, and the providers of skips must encourage those filling them to do the same or take responsibility

for the separation of collected skips, as indeed is being implemented by responsible skip hire firms.

**Malew and Santon – Development Plans –
Question by Capt. Douglas**

Question 24. The hon. member for Malew and Santon (Capt. Douglas) to ask the Minister for Local Government and the Environment:

- (1) *When will the development plans for Malew and Santon be published; and*
- (2) *what will be the proposed timescale for the implementation of the Malew and Santon plan?*

Answer

The hon. member for Malew and Santon is no doubt aware that the department is in the process of modernising the planning system and that, as part of this process, we published draft proposals in August 2002, seeking comments and suggestions from local authorities, the general public and all other parties interested in land-use planning.

One of these draft proposals was that there should be a smaller number of area plans covering wider areas. Whilst the department has not yet completed its consideration of all the representations received, I do know that this idea has met with a favourable response. Accordingly, it has been incorporated in the department's business plan, in which we aspire to have in place comprehensive coverage of the Island with new area plans by 2006-7. Malew and Santon will be included as part of an area plan covering parts of the south of the Island which will be commenced later this year. I anticipate publication of an Issues and Options document in the autumn and, hopefully, adoption and approval of the plan about a year later.

**IRIS – Completion Date –
Question by Mr Houghton**

Question 25. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Transport:

In respect of the IRIS scheme:

- (a) *what was the original completion date for the final phase of this scheme; and*
- (b) *has this date been revised?*

Answer

- The IRIS project became the IRIS master plan as outlined to Tynwald in a speech by the department's former minister in April 1995. The master plan identified a range of individual projects which could be carried out in a phased manner. This would allow the projects to be included in the government five-year rolling capital expenditure programme as funds permitted. This approach also enabled a sensible approach to tendering by contractors with a range of skills. Consequently, although the policy was approved, no definitive date for completion was set.
- There have been occasions when the dates for a particular element of the master plan have changed, but this has usually been to the advantage of IRIS. Specifically, the works in Douglas were in advance of programme, as are the works to the south of the Island.

The flexibility that IRIS offers by being a range of stand-alone projects combining as part of a much wider master plan has tended to ensure that there has been no overall slip in progress, with flexibility to blend with government's overall capital programme.

This has also assisted joint schemes such as the works linked with the MEA to facilitate the subsea cable along North Quay and the works with the DTL for the renewal of the railway from Santon to Port Erin.

**Police – Youth Control in Noble's Park –
Question by Mr Henderson**

Question 26. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

What is your police force doing about the weekend nights when hundreds of youths are gathering in Noble's Park, often resulting in violence and acts of vandalism?

Answer

Over the course of the last two years, groups of young people have gathered in a variety of locations around Douglas on Friday evenings. From time to time, concern has been expressed about the activities of some of the young people. The police (who have worked closely with Outreach youth workers) have tried to reduce nuisance to the general public.

A very small minority of these young people have committed offences of assault and criminal damage in

the areas in which they have gathered. Similarly, a number of the young people have been found to be in possession of alcohol. The police have provided a positive response in each case.

During the course of the summer and early autumn of 2002, a series of police operations took place, aimed at reducing the nuisance and at combating illegal drinking, principally, but not exclusively, on Douglas promenade. A number of prosecutions of young people and of suppliers of alcohol followed.

Shortly before Christmas 2002, it became apparent that large groups of young people had started to congregate in Noble's Park. It is evident that they had done so as a result of enhanced police activity on Douglas promenade. This displacement was difficult to prevent. Since September, a total of eight offences have been reported to the police that can be attributed directly to the young people. These offences have consisted of damage and disorderly behaviour.

It must be stressed that the vast majority of the young people concerned are well-behaved. The police understand, however, that the residents of Duke's Road, St Ninian's Road and Marathon Drive are nervous because of the noise, nuisance and damage that the sheer volume of young people in the area can bring.

Since 20th December 2002, increased police patrols have been made in the area and a Community Orientated Problem Solving project, aimed at finding a longer-term solution to the problem, has been launched. The need for a sustainable solution is of great importance; given the size of the park and the number of young people involved, extra police patrols will have only a temporary effect. That might lead to the young people gathering elsewhere in less safe places.

In the coming weeks, residents of the area will notice yet more police patrols. They will also see police officers taking a firm approach, involving the searching of young people suspected of carrying alcohol. Other police activities aimed at enforcing the law will take place, but these must remain confidential for the time being for operational reasons.

The police are committed to trying to find a longer-term solution to the issues. Almost all young people are well-behaved, and it is important that they have somewhere to go in the evenings where they can cause as little annoyance to other people as possible. Noble's Park is, in most ways, a suitable place.

Police efforts at finding a permanent solution will involve the local community, the young people themselves and Douglas Corporation, which owns and maintains the park.

Foxes on the Island – Question by Mr Earnshaw

Question 27. The hon. member for Onchan (Mr Earnshaw) to ask the Minister for Agriculture, Fisheries and Forestry:

In the Isle of Man in the last three months:

- (a) *what evidence has arisen of problems caused by foxes;*
- (b) *how many foxes have been sighted by the marksman employed; and*
- (c) *if any have been sighted, how many have been shot?*

Answer

The answer to all three parts of the question is none, but I would like to thank the hon. member for his question as it offers an opportunity to inform the Court of the current position.

Foxes have been conclusively sighted on the Island. We do not believe they represent a major problem at the present time as the numbers are low and they are widely dispersed. However, if they are allowed to increase in number to the point where they become a problem, then it would be too late and there would be little chance of reducing the population to a harmless and acceptable level.

Foxes are an alien species to the Island, and our ecology has developed, certainly in recent centuries, without the existence of such a voracious predator. We have a unique wildlife of ground-nesting and ground-roosting birds whose continued existence would be threatened if the fox population were to expand. Foxes would also be a danger to lambs in spring and to poultry. Thus, we are firm in our belief that we should take action now to control, and possibly eliminate, the existing fox population, which has arisen from illegal importation.

Foxes are very elusive by nature and, with a low-density population, we recognise it will not be easy to cull them. The policy of lamping and shooting at night was recommended to our Wildlife Committee by the UK Game Conservancy Trust. This policy has so far proved unsuccessful, and we suspect the foxes have dispersed from the area they were initially seen in.

We have reviewed the policy of night shooting and have now modified it so that the marksman will only be called out to a particular area when there is a reliable sighting of a fox and provided that we are able to respond within a short timeframe. However, we expect that our efforts to control fox numbers may never be fully successful and that this will be an ongoing responsibility for years to come.

We will, therefore, continue to monitor our operational methods for effectiveness and the responsible use of taxpayers' money. We will refine and improve our strategy as appropriate.

The cost of the operation to date is £1,118. The bulk of this cost has been on specialised equipment and for time spent with the UK media, who have been very interested in this issue. Members will note that we had a five-minute slot on BBC Countryfile, where the Island and its wildlife were shown in a positive light. If we had set out to achieve such good publicity for the Island, independently of the foxes issue, it would have cost us many thousands of pounds.

Finally, I would like to thank those involved in the operation on the ground for their forbearance with the media interest, and also the DTL staff for their professional assistance in handling the logistics of the visiting film crews.

DAFF – Support to Fruit, Vegetable and Organic Food Farmers – Question by Mrs Hannan

Question 28. The hon. member for Peel (Mrs Hannan) to ask the Minister for Agriculture, Fisheries and Forestry:

- (1) *What financial support is available from your department to farmers for the production of fruit and vegetables; and*
- (2) *what support is proposed for organic food production?*

Answer

In reply to the first part of the member for Peel's question, I can confirm that support for farmers producing fruit and vegetables is available through a number of the department's support schemes, including the Loan Assistance for New Farmers Scheme, the Agricultural Credits Acts, the Provision of Lime Scheme, the Horticultural Industry (Temporary) Support Scheme and the Agricultural Holdings Scheme. However, the main source of support is through the Farm and Horticultural Improvement Scheme, which is usually in the form of grants towards the cost of packaging and labelling of produce highlighting the Isle of Man as the country of origin.

With regard to the second part of the question, I can advise hon. members that the department is currently consulting with the industry on its proposals for a support scheme in respect of organic farming. These proposals are seeking to offer a level of appropriate support for organic conversion and organic stewardship. Supporting initial organic conversion is critical for those seeking to move into organic production, since the conversion period required to

gain organic status is two years. Only after that period can produce be marketed as certified organic and sold as such. Ongoing support following conversion is intended because of my department's recognition of the wide-ranging environmental benefits gained from organic production methods.

The department will publish more comprehensive details of its proposals once the consultation process has been completed.

School Meals – Locally Produced Foods – Question by Mrs Hannan

Question 29. The hon. member for Peel (Mrs Hannan) to ask the Minister for Education:

What proportion of school meals are sourced from locally produced foods?

Answer

The aim of the department is to give children the best possible diet for the best possible value. It is extremely difficult, if not impossible, to answer this question with a simple figure or percentage because, although food purchases for school meals are made under contract with Isle of Man wholesalers, those suppliers often supply food which has been produced elsewhere.

All fresh meat used by all schools is sourced from local butchers and is expected to be of local origin. The suppliers awarded the contract for the supply of general provisions, including dairy products, quoted for both Manx and English cheese. Potatoes to be served traditionally are purchased from local suppliers who buy in from local farmers. Some bakery products are purchased fresh from local bakeries, whilst others are sourced through local suppliers as frozen or ambient storage products. Much of the food used within schools is ready prepared, all sourced via the local contracted frozen food wholesalers.

To quantify the amounts of local and imported foods is complex, however, bearing in mind that there are in primary schools 'non-choice' menus and the frozen regeneration menu, if we analyse dishes featuring meat, potatoes, cheese and bakery products, this suggests proportions of 40 per cent and 60 per cent respectively.

Church of England Churches – Marriages and Baptisms – Directions of Synod – Question by Mr Gelling

Question 30. The hon. member of the Council (Mr Gelling) to ask the Lord Bishop:

Are the latest directions of the Church of England Synod practised in all Church of England churches in this Island in respect of:

- (a) *marriage; and*
- (b) *baptism?*

Answer

Bearing in mind that clergymen – on the whole – are individuals who exercise leadership and flair in their parishes and also that we rejoice in a certain ‘Manxness’ in our traditions, I am not aware that we function as a diocese in any ways differently from the perception of the Church as portrayed via legislation from the General Synod of the Church of England. In respect of:

- (a) **Marriage.** We observe the parochial system, which holds that all residents of a parish are eligible to be married in their parish church. Those without residential qualifications may still qualify if they have placed their names on the electoral roll of the parish. It is usual to refuse marriage where both parties are unbaptised, and marriage law permits clergy to refuse remarriage to those who are divorced and who still have a former spouse living.
- (b) **Baptism.** Clergy are enjoined to encourage babies within their parish to be brought for baptism, and it is customary to conduct baptisms in the context of worship when the congregation is assembled. In this island diocese, however, we observe some flexibility, whereby baptisms when only the particular family and friends are present can be permitted with the goodwill of the clergy concerned. This is to take regard of travelling difficulties where families here have close members living in the UK or other areas.

The diocese sends four members to attend each session of the General Synod. Thus contemporary changes in both ecclesiastical legislation and liturgical matters are carefully monitored and recorded.

Government Reserve Funds – Book and Market Values – Question by Mr Cannan for Written Answer

Question 31. The hon. member for Michael (Mr Cannan) to ask the Minister for the Treasury:

What were the book value and market value respectively as at 31st December 2002 of the following reserve funds:

- (1) *Manx national insurance account;*
- (2) *reserve fund;*
- (3) *hospital estate development fund;*
- (4) *Manx currency account;*
- (5) *public service employees’ pension reserve; and*
- (6) *general development reserve?*

Answer

(See TQ 176 Table 1)

Government Reserve Funds – Quarterly Book Values – Question by Mr Cannan for Written Answer

Question 32. The hon. member for Michael (Mr Cannan) to ask the Minister for the Treasury:

Will the Treasury present a statement showing the book value respectively as at 31st December, 31st March, 30th June and 30th September of the following reserve funds:

- (1) *Manx national insurance account;*
- (2) *reserve fund;*
- (3) *hospital estate development fund;*
- (4) *Manx currency account;*
- (5) *public service employees’ pension reserve; and*
- (6) *general development reserve*

to each January, April, July and October sittings of Tynwald?

Answer

I will include a statement showing the book value of the requested reserve funds in the quarterly report to the Council of Ministers, which is issued to members of Tynwald.

**Government Reserve Funds – Cost of
Equities Purchased –
Question by Mr Cannan
for Written Answer**

Question 33. The hon. member for Michael (Mr Cannan) to ask the Minister for the Treasury:

What was the cost of the equities purchased by the fund managers of:

- (a) *Manx national insurance account;*
- (b) *reserve fund; and*
- (c) *public service employees' pension reserve during the following months:*
 - (1) *April 2002*
 - (2) *May 2002*
 - (3) *June 2002*
 - (4) *July 2002*
 - (5) *August 2002*
 - (6) *September 2002*
 - (7) *October 2002*
 - (8) *November 2002*
 - (9) *December 2002?*

Answer

(See TQ 176 for Table 2)

**Kirk Michael – Budget Provision for
Doctors' Surgery – Question by
Mr Cannan for Written Answer**

Question 34. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

Will you confirm that in the department's budget estimate for 2003-4 financial provision has been made for a doctors' surgery at Kirk Michael to provide primary healthcare for Kirk Michael and the surrounding area?

Answer

I can confirm that the General Medical Service budget for 2003-4 includes an element to meet the cost of the existing branch surgery operated by the Ramsey Group Practice in Kirk Michael.

However, on the assumption that the hon. member is alluding to his previously stated request for the development of a new purpose-built medical centre in

Kirk Michael, incorporating a doctors' surgery, then I regret to advise him that no such provision is included in the department's business plan.

In this respect, I can confirm that the department is in the process of carrying out an Island-wide review of the siting and availability of GP practices. This exercise is being undertaken as part of the on-going negotiations with the Medical Society in relation to a new GP contract. Until this is complete, and funding identified, no firm decision on the future development of practice premises, outside of those already agreed, will be possible.

**Local Government – Commissioners'
Terms of Office – Question by Mr Singer
for Written Answer**

Question 35. The hon. member for Ramsey (Mr Singer) to ask the Minister for Local Government and the Environment:

During the last 10 years, how many local authority commissioners/councillors have served a continuous term of:

- (a) *5+ years;*
- (b) *4 to 5 years;*
- (c) *3 to 4 years; and*
- (d) *less than 3 years?*

Answer

The answers to the hon. member's question are as follows:

- (a) 152
 - (b) 24
 - (c) 54
 - (d) 112
-

**Ballakinnish Nurseries – Purchase by
DoLGE – Question by Mr Cannan
for Written Answer**

Question 36. The hon. member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

Can you confirm that your department is negotiating to purchase Ballakinnish Rose Nurseries and, if so:

- (a) for what purpose and at what price;
- (b) will you make a condition of the purchase price/relocation grant that relocation is on government-owned land adjacent to the Jurby Industrial Estate; and
- (c) will you advise the proprietors of Ballakinnish Rose Nurseries that Jurby is in need of employment opportunities and that easy and speedy access to sea and air services (Douglas 35 minutes, Ronaldsway 40 minutes) for the export of roses in bulk cannot be considered a restricting factor?

Answer

The owner of the Ballakinnish Rose Nurseries has been having discussions with the Department of Trade and Industry about the relocation of his business to a new site with modern facilities. I can confirm that my department has also been involved in these discussions.

The Department of Trade and Industry has indicated a wish to purchase the existing site for future commercial purposes. There are, however, a number of issues to be resolved before any agreement can be concluded.

For business confidentiality reasons, I am not, at this stage, in a position to comment further on the detail of the negotiations.

In response to the third part of the question, I wish to inform this hon. Court that I will advise the proprietors of Ballakinnish Rose Nurseries that Jurby is in need of employment opportunities and that easy and speedy access to sea and air services (Douglas 35 minutes, Ronaldsway 40 minutes) for the export of roses in bulk cannot be considered a restricting factor.

Planning Committee – Non-Tynwald Members – Question by Mr Cannan for Written Answer

Question 37. The hon. member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

- (1) Who are the current non-Tynwald members of the Planning Committee;
- (2) will you provide the following information in respect of the non-Tynwald members:

- (a) date of appointment,
 - (b) date and place of birth,
 - (c) length of time resident in the Isle of Man,
 - (d) professional qualifications, and
 - (e) current employment status; and
- (3) how were the above persons selected, and do you intend to make further appointments to the Planning Committee during the next 12 months?

Answer

In response to the first question, the current non-Tynwald members of the Planning Committee are:

Mr J R Cannan
 Mr T K Marston
 Mr D Evans
 Mr J E Skinner
 Mr J Slater
 Mrs A Mather

In response to the different parts of the second question:

- (a) Mr Cannan and Mr Marston were initially appointed on 4th May 1992 and 25th October 1996. As each new planning Committee member appointment is made, existing members are reappointed. Accordingly, the formal date of appointment for all current members is 26th November 2002.
- (b) While the date of birth of each member of the Planning Committee is known by the department, this is not considered relevant to their ability to act as a member of the committee.
- (c) Four members of the committee are Manx-born and have not resided elsewhere. The other members all have a long-standing association with the Island.
- (d) The professional qualifications of each member are known to the department, but membership of the committee has never required professional experience as a prerequisite.
- (e) All members are retired.

In response to the third question, the appointment of a new member is made by the minister under Schedule 1, Section 2 of the Isle of Man Planning Scheme (Development Plan) Order 1982.

In the past, persons considered to be suitable have been suggested to the department by members of Tynwald or others. Some have volunteered their services to act upon statutory boards via the Chief Secretary's Office.

The latest appointments were made following the retirement of two long-standing members of the committee last year. Their selection and subsequent appointment followed a press advertisement in October 2002 inviting application, and a formal interview.

It is not intended to make any further appointments to the Planning Committee. However, the hon. member for Michael is no doubt aware that the department has consulted on proposals to modernise the planning system and that, as part of this process, draft proposals were published in August 2002, seeking comments and suggestions from local authorities, the general public and other parties interested in the planning system. One of the issues raised was whether the size of the Planning Committee should be increased. The department is considering the responses to the consultation at the moment and, as a result, additional members may be appointed, but there is no intention to do so at the moment.

**Jurby Campsite – Provision of Housing –
Question by Mr Cannan
for Written Answer**

Question 38. The hon. member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

Is your department serious about resolving the housing crisis and, if so:

- (a) *will you immediately increase the provision of serviced plots at the former campsite at Jurby from the present 10 plots to meet demand (25 applications);*
- (b) *when constructing the 10 serviced plots, will you simultaneously construct the three elderly persons' bungalows instead of leaving the plots marked on the plan 'for future development'; and*
- (c) *will you make land available on the Jurby campsite to private developers in order to meet the demand of the first-time buyers who paid deposits for housing at The Kella, Sulby, which you have stopped by refusing planning permission?*

Answer

My department is quite clearly committed to resolving the housing problem. Proposals for accelerating the first-time buyer and public sector housing programmes are set out in the July 2002 Housing Policy Report. Significant additional funding has also been included in the department's capital budget and the specially established £20m housing reserve fund.

Tenders for completing the infrastructure for ten serviced plots will be received next month, and my staff are currently in the process of allocating these plots to successful applicants.

I can confirm that it is my intention to also invite tenders for three public sector bungalows later this year once the roads and sewers are in place.

It is intended that the plots and the bungalows will be funded from the housing reserve fund, assuming Tynwald approval is received.

The future development of the whole of Jurby is subject to the Jurby study, and the first inter-departmental meeting was held on 14th January 2003. The study group believes Jurby does have development potential across a range of activities which might include:

- Leisure activities
- Industrial/commercial
- New housing
- Housing refurbishment
- Social infrastructure

The siting of the prison at Jurby is a major event, and the upgrading of drainage, electricity and water services et cetera as part of the project will enhance the potential for development. Unfortunately, until the new drainage system is installed, no further housing development can take place.

In the meantime, the Jurby study will continue and there will be liaison with all interested parties, including the hon. member for Michael, the local commissioners, tenants and residents in the area, sports and leisure groups et cetera.

Whatever the outcome of the study, my department believes there should be a proper plan and vision for Jurby that seeks to improve its image as well as development potential. This would not be achieved by piecemeal housing development for first-time buyers which, in any case, cannot be built in the short term because of infrastructure limitations.

**Gas Pipeline – Arrangements for Serving
the North – Question by Mr Cannan
for Written Answer**

Question 39. The hon. member for Michael (Mr Cannan) to ask the Minister for Trade and Industry:

- (1) *What arrangements are being made by the Manx Electricity Authority for a natural gas pipeline to branch from Glen Mooar, Kirk Michael, to serve the north of the Island; and*
- (2) *how will the construction of this gas pipeline be funded?*

Answer

- (1) Further to my reply to a question on this subject from the hon. member for Peel, Mrs Hannan, at the July 2002 sitting of Tynwald, the project to bring natural gas to the Island was originally initiated to facilitate the generation of electricity. At an early stage, Tynwald made it quite clear that any such project should also facilitate a supply of natural gas for consumers, and the project which has been undertaken satisfies that requirement.

I am not able to give any indication of a timescale for the likely provision of a natural gas supply to consumers across the remainder of the Island beyond Douglas, which was always recognised as the first area which would be provided with a natural gas supply. This area accounts for approximately 70 per cent of the gas consumers on the Island. One necessary step is to provide additional statutory powers to the Manx Electricity Authority to enable it to sell gas to others and to lay gas transmission mains, and it is proposed to achieve this in a Gas and Electricity Supply Bill, which will be brought forward shortly.

The authority is currently making no arrangements for a natural gas supply pipe to the north of the Island, although they have, as a desktop study, determined suitable pipeline engineering and routes, as a starting point for any future development.

- (2) The current estimated cost of laying the necessary infrastructure to provide a gas

supply to the other main centres of population is considerable, and no funding has yet been identified for this.

The anticipated consumption of natural gas in the north of the Island is not likely to be sufficient to pay for the connection infrastructure, and this is a factor which would have to be taken into account in devising possible funding options for any scheme.

**Redundancy Pay – Minimum Payments –
Question by Mr Henderson
for Written Answer**

Question 40. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Trade and Industry:

- (1) *What mechanism is available under the Redundancy Pay Act 1990 to calculate redundancy payments for employees, and is there a minimum payment set, and if so, what is it;*
- (2) *if there is, how many times has this figure been reviewed since the Act commenced, and is it subject to yearly reviews; and*
- (3) *if there is a minimum payment set, is there any difference between this and the Isle of Man national average wage, and if so, what is the difference - more or less - and by how much?*

Answer

- (1) There is no prescribed minimum payment in respect of payments under the Redundancy Payments Act 1990. There is, however, a limit set on the maximum amount of a week's pay to be used in calculating the payment due which, for an employee with two years' service, is based on one week's pay for each year of continuous employment, working back from the date of redundancy. This figure is presently set at £385.
- (2) This maximum amount of a week's pay can be varied by order of the department. The Employment (Maximum Amount of a Week's Pay) Order 1992 prescribed £250 as the maximum amount of a week's pay under the Act. This was increased to £385 by a new order, which was approved by Tynwald in June 2001.

The department has not amended the maximum amount of a week's pay on an annual basis, although it is kept under review. It should be noted that the maximum amount of a week's pay in the Isle of Man has consistently been higher than the amount provided for in the equivalent United Kingdom legislation. Thus, at the time when the 1992 order prescribed £250, the UK comparable figure was £198. The differential between the IOM and the UK maxima is even greater now; as stated, our limit stands at £385, whilst the present UK limit stands at £260.

- (3) According to the 2002 earnings survey, the average gross weekly pay of full-time employees in June 2002 was £441. This is £56 greater than the amount specified in the 2001 order. However, median earnings, which is the level of earnings such that half the sample have earnings greater than that level, were £375 a week, which is £10 a week less than the maximum amount of a week's pay as specified in the order.

Additional information

The question

Whereas the wording of Mr. Henderson's question talks about 'minimum' redundancy payments, it is considered that his intention is actually to enquire about the maximum limit of a week's pay.

The median

The median is the level of earnings such that half the sample have earnings greater than that level. This figure is arguably more representative in that the effect of very high earners on the sample upon which the earnings survey was based is discounted.

Enabling powers to vary the amount of a week's pay

These are made under paragraph 8 of Schedule 8 to the Employment Act 1991. The maximum amount of a week's pay is applied not only to redundancy payments but is also used for calculating the basic award of compensation which may be made by the Employment Tribunal on a complaint of unfair dismissal.

Indexation of certain sums in the UK

Section 34 of the UK Employment Relations Act 1999 provided for automatic indexation of certain sums which are relevant to the unfair dismissal

jurisdiction, including the maximum amount of a week's pay for calculating redundancy payments and the basic award of compensation which may be made by the Employment Tribunal on a complaint of unfair dismissal. This was due to the government's general desire to ensure that the relevant sums did not become devalued by inflation over time. In addition, the existing practice of reviewing the limits each year was felt to be inefficient and time-consuming. The Secretary of State is required to make an order increasing or decreasing each sum in accordance with the retail price index.

The problem with this system is that, to some extent, it has made structural reform of some of the existing sums more difficult. Had the government increased the maximum amount of a week's pay to a level bearing some relation to median or average earnings before indexing the sum, then indexation might have been useful. As it is, indexation has had the effect of freezing the maximum amount of a week's pay at a low level and reducing flexibility to change the value of sums to any significant extent.

Suggested review process for the Isle of Man

It is suggested that the department not accede to any request to automatically increase this and similar orders each year on the grounds that:

- annual reviews and preparation of new orders are time-consuming and prevent officers from attending to other priorities - moreover, they have little effect when inflation is low; and
- adoption of a fixed formula can inhibit significant change and freeze any existing disparities and anomalies.

It is suggested that it is preferable to review the maximum amount of a week's pay biannually as part of the department's overall employment law programme.

Police Force – Private Hire of – Question by Capt. Douglas for Written Answer

Question 41. The hon. member for Malew and Santon (Capt. Douglas) to ask the Minister for Home Affairs:

- (1) *Is it common practice for the Manx police force to be privately hired by corporate bodies, local authorities or individuals; and*
- (2) *if so, on how many occasions has it happened in the year February 2002 to January 2003?*

Answer

It is long-established practice for the Isle of Man Constabulary to offer its services for hire for special or private events. This has been the situation for a number of years.

It would be difficult, without a great deal of work, to list the occasions upon which such private hire has taken place. The main examples are:

- All duties associated with the TT and MGP races and practices.
- All duties associated with the Manx International Rally and other similar events.
- The provision of policing to a number of sporting events. The circumstances in which such charging can take place are bound by a 1994 agreement between the Department of Home Affairs and the Department of Tourism and Leisure. This agreement will be reviewed to ensure that it still meets the needs of both departments.
- The provision of support to the film industry in respect of road closures and other similar issues.
- The provision of training to organisations in cases where there is no legal requirement for the force to provide such training.
- The provision of escorts for heavy or abnormal vehicular loads.

In recent times, a number of local authorities have requested dedicated policing for particular areas. The Isle of Man Constabulary cannot always allocate officers to a particular time and place without this having an effect on police deployment. Naturally, the police endeavour to provide officers for specific purposes whenever this can be achieved. My department has now been informed that payment for the provision of policing is not possible for local authorities to undertake.

**Farmers – Financial Support Received –
Question by Mrs Hannan
for Written Answer**

Question 42. The hon. member for Peel (Mrs Hannan) to ask the Minister for Agriculture, Fisheries and Forestry:

- (1) *What level of financial support have farmers received from your department over the last three years in each of the areas supported;*

(2) *what was the average pay-out to farmers in each of the areas supported, and what was the highest pay-out to farmers in each of the areas supported, over the last three years; and*

(3) *what size farms received most support?*

Answer

For the purposes of the question, the areas supported by the department have been itemised as:

- 1) Beef Production
- 2) Sheep Production
- 3) Pig Production
- 4) Dairy Cows
- 5) Hill Sheep
- 6) Beef Cows
- 7) Hill Cows
- 8) Cereal Production

Where appropriate, figures relate to the 2002 calendar year, but otherwise they are the final figures for the financial year 2001-2.

Two answers have been provided for the size of farm which received most support. That included in the tables is the average size of the top three farms receiving support in each area.

Additionally, a separate table has been provided of the breakdown of farm size for the top 40 recipients of department support.

(See TQ 177 for Table 3)

What size farm received most support?

The top 40 recipients of department support through all schemes, by farm size:

Under 300 acres	1
301 – 400 acres	5
401 – 500 acres	7
501 – 600 acres	5
601 – 700 acres	6
701 – 800 acres	3
801 – 900 acres	6
901 – 1,000 acres	4
Over 1,000 acres	8

**Office of Fair Trading – Debt Counselling
Services – Clients – Question by Mr Waft
for Written Answer**

Question 43. The hon. member of Council (Mr Waft) to ask the Chairman of the Office of Fair Trading:

How many clients is the Office of Fair Trading dealing with regarding their debt counselling services?

Answer

The Office of Fair Trading currently has 42 clients who are receiving active advice and assistance from our debt counsellors. The level of assistance provided to each varies from straightforward advice on how to budget and manage short-term debt to full debt management, including contact with creditors to arrange repayment schedules.

Once a repayment schedule has been agreed with the creditors, it is then a matter for the client to maintain the schedule, and the cases are then treated as dormant until such time as the office is informed that payments have ceased or debts have been repaid. At the present time, there are 269 dormant cases, which date back up to six years.

Figures for the 12 months ended 31st December 2002 suggest that the average unsecured non-priority debt of each of our clients is in excess of £28,000.

Table 1

As at 31st December 2002	Book Cost £million	Market Value £million
Manx National Insurance Account	345.0	288.9
Reserve Fund	229.2	201.4
Hospital Estate Development Fund	84.6	87.4
Manx Currency Account	50.9	51.1
Public Service Employees' Pension Reserve	58.4	46.0
General Development Reserve	11.6	12.7

Table 2

The cost of equities purchased was:

	Manx National Insurance Account	Reserve Fund	Public Service Employees' Pension Reserve
	£ million	£ million	£ million
(1) April 2002	7.7	5.7	0.0
(2) May 2002	8.0	7.1	0.0
(3) June 2002	5.0	1.2	4.2
(4) July 2002	5.9	7.0	0.0
(5) August 2002	3.8	4.6	0.0
(6) September 2002	9.4	5.1	0.0
(7) October 2002	8.2	10.6	0.0
(8) November 2002	5.6	4.1	0.0
(9) December 2002	8.2	5.8	0.5

Table 3

Year	1999-2000	2000-1	20001-2
Sector	BEEF PRODUCTION		
Level of Support	£1,074,512	£1,040,812	£1,076,640
Average Support	£4,840	£4,731	£5,127
Highest Individual	£112,460	£86,184	£82,418
Size of Farm (Acres)		407	
Sector	SHEEP PRODUCTION		
Level of Support	£1,502,534	£1,091,713	£873,641
Average Support	£4,878	£3,544	£2,836
Highest Individual	£130,713	£93,362	£44,193
Size of Farm (Acres)		1,020	
Sector	PIG PRODUCTION		
Level of Support	£281,795	£222,250	£148,177
Average Support	£10,671	£8,231	£7,056
Highest Individual	£79,222	£59,602	£67,725
Size of Farm (Acres)		55	
Sector	DAIRY COWS		
Level of Support	£386,444	£780,594	£278,112*
Average Support	£4,442	£9,183	£3,476
Highest Individual	£11,890	£24,989	£9,330
Size of Farm (Acres)		514	
* Excludes any emergency support or 2002 calendar year support.			
Sector	HILL SHEEP		
Level of Support	£158,701	£164,560	£168,590
Average Support	£5,878	£5,674	£5,619
Highest Individual	£35,129	£35,129	£35,092
Size of Farm (Acres)		5,539	
Sector	BEEF COWS		
Level of Support	£794,251	£777,756	£768,711
Average Support	£5,157	£5,327	£5,736
Highest Individual	£43,079	£38,539	£40,108
Size of Farm (Acres)		629	
Sector	HILL COWS		
Level of Support	£542,584	£548,485	£556,518
Average Support	£9,689	£10,348	£10,621
Highest Individual	£45,338	£45,338	£45,175
Size of Farm (Acres)		759	
Sector	CEREAL PRODUCTION		
Level of Support	£891,863	£924,172	£991,048
Average Support	£4,054	£4,486	£4,882
Highest Individual	£32,294	£34,517	£39,569
Size of Farm (Acres)		824	