



**HOUSE OF KEYS  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHIARE AS FEED**

**PROCEEDINGS**

**DAALTYN**

**(HANSARD)**

**Douglas, Tuesday, 2nd December 2003**

### Present:

The Speaker (The Hon. J A Brown)(Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell and Mrs A V Craine (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 Mr P A Gawne (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

### Business transacted

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## House of Keys

*The House met at 10.00 a.m.*

### PRAYERS

*The Chaplain of the House of Keys*

[MR SPEAKER *in the Chair*]

## Questions for Oral Answer

### HOME AFFAIRS

#### Chief Fire Officer designate Brigade Command Course

1. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

- (1) *Has the Chief Fire Officer designate been enrolled on a Brigade Command Course; if so,*
- (2) *how many weeks will the course run;*
- (3) *how much will this course cost and who is liable to discharge these course fees;*
- (4) *who will be in charge of the Isle of Man Fire and Rescue Service during the absence of the Chief Fire Officer designate during this time;*
- (5) *has the opportunity to attend the Brigade Command Course been offered to the Deputy Fire Officer; and, if not*
- (6) *why not?*

**The Speaker:** Questions for Oral Answer, and I move on to Question 1, the Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I beg leave to ask the Question standing in my name, sir.

**The Speaker:** Hon. Member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**The Minister for Home Affairs (Mr Braidwood):** Thank you, Mr Speaker.

I can confirm to the Hon. Member that the Chief Fire Officer designate, Mr Crosier, has been successful in his application to be selected for attendance on the Brigade Command Course, the premier and management course for the Fire Service in the UK, and began the course on 26th May, 2003.

With this last statement in mind, I can also inform this House that Mr Crosier, in recognition of the importance of taking up the post on the Island, has deferred commencement of modules of the course until such time as it is appropriate for him to resume. I believe, Mr Speaker, this demonstrates the commitment Mr Crosier is prepared to give in taking up the role of Chief Fire Officer and the importance he places on ensuring that all efforts are focused on working with members of the force to ensure it continues

to live with a high quality service everyone here is aware of.

The course is scheduled in phases for May 2003 to May 2004. The main elements are four residential modules of 16 weeks' duration in total. Within the year there is a requirement to carry out primary research for the Masters Degree element of the course. This research must take place overseas and usually takes two weeks.

That said, the relevant employing Fire Authority has to decide whether to release the Brigade Command Course student entirely from active service, or only allow attendance on the residential modules and the foreign research trip. It is normal for the student to be released, but some authorities do not. In relation to Mr Crosier, he is not going to request release. Firstly, as a further demonstration of good faith, and also to reflect the fact that he has made arrangements with the Fire Service College to complete his international research project during the course year, that is, by the end of May 2004. He will also complete his Personal Development Plan by that time.

Hence two major elements will have been completed. The intention is to complete the International Research Project and the Personal Development Plan in his own time. The Fire Service College is happy with this situation. When the time is appropriate, the Chief Fire Officer designate will request of the Department his re-enrolment on the course.

The question relating to the level of fees and who will be liable to discharge them is purely hypothetical at this time, as it is currently being dealt with by Mr Crosier's current employers. That said, however, I can inform my hon. colleagues – and this is a very important point – the Brigade Command Course is due to change in the near future to a much shorter duration. The course fees are to reduce dramatically to between approximately £7,000 to £10,000. However the current fee is in the region of £25,000.

It is also understood that the Isle of Man, being a Crown dependency, could be eligible for a grant towards the cost of the course. However, at this time, we are unsure of the actual percentage, but we will, of course, be investing this matter further with the Brigade Command Course Director, as and when the Department has to decide when the Chief Fire Officer designate re-registers for the course.

In relation to the question of who would be in charge during the period of absence for the Chief Fire Officer, it would be exactly the same as the current arrangements, whereby the Deputy would take charge, or the most Senior Officer. I would see no reason why this would alter in the future. Attendance at the Brigade Command Course has never previously been seen as a requirement for the Isle of Man Fire and Rescue Service, and no previous Isle of Man Chief Fire Officers have applied for, or completed, the Brigade Command Course. That said, the responsibilities and wider experience required of the post of Chief Fire Officer I believe have changed and now make it increasingly important to have this type of proven ability, either achieved through attending this or other Senior Management Courses. The Brigade Command Course was discussed with Mr Draper during his debrief, following the interview for the Chief Fire Officer's post, and, although he showed no inclination to undertake the course, I hope he will revisit this decision in the future.

The comments I have received from the independent Board Member from Her Majesty's Inspector, Scotland, supporting this statement in that, and I quote,

At this stage in his career, Mr Draper would most certainly benefit from an exposure to further professional development, such as offered by the Brigade Command Course or other Senior Management Courses, to develop the necessary skills to fulfil the demanding role of a Chief Fire Officer.

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

**Mr Houghton:** Thank you, Mr Speaker.

I thank the Minister for his comprehensive reply, but can I just check with him, where he states in that answer, that there were no previous Chief Fire Officers who have ever attended such a course, can he qualify that, because I know of one who certainly has in the past? May I also ask if the Minister can explain why he has made this appointment, when this man was clearly unqualified for the position, and now this is just simply a game of playing catch up. Can he answer that? And, also, in respect of his remarks in respect of the Deputy Chief Fire Officer, after the appointment was made to an outside person, does he not really think that when the Deputy Chief Fire Officer was offered that position it was just merely a sop from his Department?

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, from the information I have, is that no previous Chief Fire Officer has been offered a position on the Brigade Command Course.

In relation to the appointment of Mr Crosier as the Chief Fire Officer designate, this was the view of the interview panel, which I have stated previously consisted of members of the Department, Her Majesty's Inspectorate of Fire Service in Scotland and myself, and it was the unanimous view of all the members that the most appropriate person for the position was Mr Crosier. And also, Mr Speaker, it was, in actual fact, after the interviews we asked Her Majesty's Inspector of Scotland to make enquiries, and that is why, during the debrief, Mr Draper was offered the chance to go on the Brigade Command Course.

**The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Can the Hon. Minister confirm that, other than the Brigade Command Course, the Deputy Chief Fire Officer and the designate Chief Fire Officer hold exactly the same qualifications? And, further, would the Minister concur with me that our current Deputy Chief Fire Officer is, in fact, three ranks within the service higher than their preferred candidate.

So, can he further explain why, then, bearing in mind that the designate gentlemen has not completed, although started, the Brigade Command Course, what, in fact, persuaded him and his colleagues to go for the off Island candidate, when they had an equivalent qualified local person already here?

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, during the interview of the four candidates Mr Crosier was the preferred choice of the interview panel because it was felt that the Isle of Man Fire

and Rescue Service is changing, and that Mr Crosier's view on the strategic direction and the change in the Fire and Rescue Service was the most appropriate for the position of Chief Fire Officer. In relation to the rank, yes, there is a difference in the ranks between Senior Divisional Officer and also the Deputy Chief Fire Officer, but it has to be taken in context that Mr Crosier at the moment is head of operations for a very large Fire and Rescue Service in the UK, and, in actual fact, when it came down to the interview, the rank was not taken into consideration. It was through the interview, and how the work of both of them had been perceived by the panel.

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

**Mr Duggan:** Thank you, Mr Speaker. Could I ask the Minister is he not aware that a previous Chief Fire Officer, Mr Caine, went on the Command Course?

**The Speaker:** The Minister for Home Affairs to reply.

**Mr Houghton:** There are not enough people in the Department who can remember that.

**The Minister:** Mr Speaker, as I have said previously, from the information I have no other Chief Fire Officer had been on the Brigade Command Course. If it has that Mr Caine, who I think was appointed in 1992, again after an appeal, so we know precedent had been set, then I will find the information out, sir, from my Department.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Laoyreyder.

Was the Minister fully aware of the Work Permit legislation when he made the decision not to appoint a suitably qualified Manx candidate? Was he specifically aware of that point, that it is not ability, but suitability, (**Several Members:** Hear, hear.) and would he agree that he can not make an appointment on a non-discriminatory basis, as he previously indicated?

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, we were well aware of the Work Permit regulations, but, at the time and at the interview panel, we thought that Mr Crosier was the most suitable candidate for the position of Chief Fire Officer. I am well aware of what it says in the Work Permit regulations.

**The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

The Hon. Minister said in one of his replies to another colleague that, there were changes within the Fire Service and that the designate was aware of that, and alluded that made him more appropriate. Can the Minister advise what changes he is proposing within the Fire Service. Can he confirm if there is a hidden agenda? Is there something afoot that Members are not aware of, and can he please elaborate?

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, there is no hidden agenda whatsoever, and can I please reiterate it is the strategic direction and development of the Force that is paramount to the Department, and that is why Mr Crosier was appointed, because his strategic view was, in the view of the panel, superior to that of Mr Draper.

**Deputy Chief Fire Officer  
Appointment to Chief Fire Officer**

2. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

*Following the decision of the Work Permit Committee will you now appoint the Deputy Chief Fire Officer to Chief Fire Officer?*

**The Speaker:** Question 2, and I call on the Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

**The Speaker:** I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**The Minister for Home Affairs (Mr Braidwood):** Thank you, Mr Speaker. The Hon. Member is well aware, as it has been publicly stated in last week's *Isle of Man Examiner*, the Work Permit Committee has rejected the Department's request for a Work Permit for the Chief Fire Officer designate, and, subsequently, the Department has submitted an appeal against this decision. It would be improper for me to make any further statement at this time on the matter.

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

**Mr Houghton:** Thank you, Mr Speaker.

Can I ask the Minister why is he going into the eighth degree in this matter when it is very likely that the Employment Tribunal will rule against him, and he will actually fail? Is it, therefore, a simple case of being foolhardy, or is he, and his Department, just engendering complete arrogance in this situation?

**The Speaker:** The Minister for Home Affairs to reply.

**Mrs Hannan:** Yes! (*Laughter.*)

**The Minister:** Mr Speaker, I have never been foolhardy and I have never, to my knowledge, been arrogant.

**Mr Houghton:** Not until he became Minister! (*Laughter.*)

**The Minister:** Mr Speaker . . .

**The Speaker:** Hon. Member, Douglas North, please!

**The Minister:** The decision was to go to appeal. I think

it would be totally inappropriate for me to comment on the Appeals Tribunal, because I do not want to go on the radio and try to influence the Appeals Tribunal. It would be entirely up to the Appeals Tribunal to make their own decision, Mr Speaker.

**The Speaker:** Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** Thank you, Mr Speaker.

Would the Minister agree with me that, whatever the outcome of this appointment, there are no winners? (**A Member:** Hear, hear.) And would he, furthermore, agree with me that, due to the way his Department have handled this matter, whichever man is eventually appointed, be it Mr Draper or Mr Crosier, both have been lastingly damaged by what has taken place?

**The Speaker:** The Minister for Home Affairs to reply.

**Mr Houghton:** Which is a shame.

**A Member:** That's what you've spoken about on the radio, John.

**The Minister:** Mr Speaker, yes, I would probably say that there are no winners, because it has been hyped up, you can say, and my view is that, no matter what will happen, I have the highest regard, and I have said in Tynwald Court and in this House, I have the highest regard for Mr Draper. (**A Member:** Hear, hear.) And the decision was taken by the interview panel to appoint Mr Crosier.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Loayreyder.

In answer to the previous question and a supplementary, the Minister seemed to indicate that he did not quite fully understand the Work Permit Legislation. Could he confirm that his understanding is that it is not the most suitable candidate, but it is whether the Manx candidate is suitable?

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, I thought I made it quite . . . I am quite well aware of the Work Permit Regulations, and may and shall.

**The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

I have asked this question of the Minister before, but can he advise Hon. Members what contingency he has should the Work Permit Tribunal, the Appeals Tribunal rather, reject his appeal. What contingency does the Department have then? Would it not then be appropriate to rely upon your Deputy and appoint him as the Chief.

And, further, in answer to another question, the Minister said, he did not want to influence the Appeal Tribunal. Would he concur with me, that, by the very nature of what he has said for his preferred candidate in the previous question, he has done more than influence the situation from his Department's point of view?

**A Member:** Hear, hear.

**The Speaker:** The Minister for Home Affairs to reply.

**The Minister:** Mr Speaker, it is a hypothetical question. Until the decision is taken by the Appeals Tribunal, I cannot comment.

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

**Mr Houghton:** Thank you, Mr Speaker. Can I ask the Minister why did his Department gerrymander the second consecutive advert for the position of Chief Fire Officer, when they moved the goal posts by changing the criteria, which denied, indeed, a second Manx applicant, who is himself a highly qualified and experienced Manx individual, the right to reapply and, by failing to advertise locally, does he agree that he, therefore, acted contrary to the work permit legislation, so, in simple terms, he broke the law? Does he not agree with that, sir?

**The Speaker:** Minister of Home Affairs to reply.

**The Minister:** No, I do not, Mr Speaker. We did not gerrymander the applications.

**Mr Houghton:** Yes, you did.

**The Minister:** The interruptions keep coming from Mr Houghton of Douglas North. If he gives me the chance, I will answer his question.

**A Member:** Don't vote for him next time. (*Laughter*)

**The Minister:** Mr Speaker, initially, I think, there were seven applications for the position of Chief Fire Officer. One, there was two applicants from the Isle of Man Fire and Rescue Service: one person did not make it to the final interview and there were two off Island candidates. Those candidates eventually withdrew, just leaving one Manx candidate. It was then decided that we should re-advertise and that previously unsuccessful candidates need not apply, and that was the situation, Mr Speaker.

**The Speaker:** Final supplementary, Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** I thank you, Mr Speaker.

Can I finally ask the Minister to reconsider this matter? Will he fall on his sword (*Laughter*) and appoint the Deputy Chief Fire Officer to that of Chief Fire Officer in an attempt, at least an attempt, to recover this ludicrous situation before morale in the Fire and Rescue Service sinks even further?

**The Speaker:** Minister for Home Affairs to reply.

**The Minister:** I am not going to commit hari-kari, Mr Speaker.

**Mr Houghton:** I will provide the sword.

**The Minister:** I will wait for the decision from the Work Permits' Appeals Tribunal.

## HEALTH AND SOCIAL SECURITY

### Ballamona Hospital architectural features Storage at new hospital

3. The Hon. Member for Douglas North (Mr Henderson) to ask a Member for Health and Social Security:

*Given that all architectural features removed from Ballamona Hospital prior to the Victorian structure's demolition have not been incorporated in the new hospital bar some granite stones in a landscaping scheme, and that most items, including heraldic shields, are being stored in an industrial zone on the new hospital site –*

*(1) where and what is this zone;*

*(2) is it a special storage area specifically for these items;*

*(3) are these items under cover and placed on stands to prevent any weather or water damage;*

*(4) are the items marked, catalogued and photographed; (5) was the large Peel sandstone block, ornately carved out and having the centre piece as the three legs of Man on it, above the double door entrance behind the old pharmacy and allowing access to the corridor to the old main hall, saved; and*

*(6) will you allow an inspection by a suitably independent person to view these items in storage to assess their current condition?*

**The Speaker:** Question 3. I call on the Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied ny feyshtyn y chur ta fo my ennym.

**The Speaker:** I call on the Hon. Member for Glenfaba, Mr Anderson, the Member for the Health and Social Security Department, to reply.

**A Member for Health and Social Security (Mr Anderson):** Thank you, Mr Speaker. In relation to part (1) of the Question, the industrial zone comprises that part of the new hospital building complex and its immediate environs, which is located in the north-east corner of the hospital campus.

In relation to part (2), salvaged items, excluding the Walter Craine Moore nursery rhyme tiles, are stored in a room in the industrial zone, which is secure and under the control of the estates service directorate. It is not a special storage area specifically set aside for these items alone.

Part (3), the items are under cover and stored on wooden pallets and, in relation to part (4), the items are not marked or catalogued. However, coloured photographs of the sandstone heraldic shields and the large Peel sandstone block are in the possession of the Department.

In relation to part (5), the large Peel sandstone block, ornately carved out and having the centrepiece as the Three Legs of Man on it, has been saved and is one of the items stored alongside the other items in the industrial zone.

In relation to part (6), there would be no objection to an inspection to assess the current condition of the salvage materials by a suitably independent person, such a qualified person to be agreed with the Department.

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

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I thank the Hon. Member for his cosy reply to this, but will he agree with me, in the light of my motion to Tynwald two weeks ago, where he and his departmental colleagues voted against a section of that motion with regard to liaising with relatives of Care of the Elderly, that this same departmental attitude could well apply to these architectural items of significant importance to the Isle of Man, and that, instead of dilly-dallying around, they should actually orchestrate an inspection themselves, for the Department to check that these items are fine? And will he not further agree with me that, up until very recently, the architectural items and heraldic shields and so forth, as mentioned, were actually stored in an open field, thrown in a pile at one point? Is he aware of that?

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson, to reply.

**Mr Anderson:** I do not agree with the Hon. Member's comparison in relation to the Department's response to his motion two weeks ago.

All I know is the advice that I have been given, that these are in a covered, secure location within the estates directorate's control and they comply exactly with the conditions put on by the planning committee at the time of the planning permission granted to the new hospital, in that the conditions said that, prior to any demolition or removal of any part of the structure, Manx National Heritage is to be allowed to record such a degree of detail in any such manner that they believe appropriate within the timescale, and that the Victorian tiles depicting characters from nursery rhymes, situated in the former nursery wing, be protected and salvaged, and, if not incorporated elsewhere into the Health Services' estate, be offered to Manx National Heritage. No decision yet has been made whether those tiles can be incorporated. If they cannot, they will be passed to Manx National Heritage for safekeeping in the future.

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

**Mr Henderson:** Guru mie eu, Vainstyr Loayreyder.

Will the Hon. Member with responsibility for the Health Services give an undertaking, here, this morning in the House of Keys, to ensure that an inspection of the items will be undertaken, and will he contact Manx National Heritage to make that undertaking and compare the items, with the photographs when they were removed, to their condition now?

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson, to reply.

**Mr Anderson:** The Department is very happy for Manx National Heritage to contact us and to inspect those items.

**Mr Henderson:** You give the undertaking.

**Mr Anderson:** If Manx National Heritage wish to inspect, they can at any stage.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Loayreyder.

Does the Member for Health agree with an answer given by the Member for Douglas North in last week's Keys that constant negative questioning of Departments undermines staff morale? Would he also agree that a more constructive approach to the work of Departments might result in the development of better long-term policy?

**Several Members:** Hear, hear.

**The Speaker:** Hon Member for Glenfaba, Mr Anderson, to reply.

**Mr Anderson:** In one word, I would say, yes, Mr Speaker.

**Two Members:** That is more - three words!

**Mr Anderson:** Our door is always open, and, if Hon. Members would like to ask questions, before coming to the Hon. House, we would be more than happy to answer them.

**The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Can the Member for the Department advise Hon. Members what the Department's intention is in respect of these items? He has advised us that, with regard to the tiles, MNH had an interest before their removal. What is the intention of the Department on the other pieces of heritage and the artefacts?

And, further, does he not think it might be appropriate in order to embrace the Hon. Member's from North Douglas's concerns that, rather than to try and rubbish his concern, but to welcome him and to ask him who he would advise on who should be doing an independent (**A Member:** Hear, hear.) inspection, to evaluate whether or not they are maintained in good condition and, further to that, will he action that by advising his Minister that that is what should be done? That his Department, that he is representing today, should write to the Hon. Member and ask him who would he like, who would he suggest being appointed to undertake such, and to make sure that it is done?

**A Member:** Hear, hear.

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson, to reply.

**Mr Anderson:** Thank you, Mr Speaker.

In relation to the first part of the question, as the Hon. Member will be aware, our Department and particularly the estates division of the Department, has been under a lot of pressure in delivering the services to make sure that the new hospital was up and running in time, and these items that we are talking about now, in comparison to the priority of getting the hospital up and running, are quite small.

However, now that they are coming to the end of a long line of work in relation to that, I am sure that they will be given due consideration in where to put them appropriately.

Coming to the second part of the Hon. Member's

question, I was not seeking to rubbish the Hon. Member's question. I was, quite seriously, saying that, if he has concerns, our door is always open (**A Member:** Hear, hear.) and we are quite prepared for him to nominate a suitably independent person with experience to come and inspect these items.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Oltey, the Member, not agree that this Member was one of the few that was fighting against the destruction of the building that had all these architectural features, and was proven right when it was talked about structural danger of it, which was, once again, proved as nonsense, but would the Hon. Member not agree that, if we are talking of a list of priorities to deal with the new hospital, this would not be in the top dozen. Issues, like getting the national audit office in, to try and get some of the money back for the taxpayer, and issues like that, would be of far more priority than the issue that is on the Question Paper here today?

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson, to reply to the question.

**Mr Anderson:** Thank you, Mr Speaker. I am not aware of the Hon. Member's endeavours in the past, but I am sure that he did everything in his power to make sure that the relevant parts were actually recovered and maintained.

However, I will agree with him that it has not been the top priority, because, as I have said in an earlier reply, the estates have had many pressing issues over the past few months, but I would not necessarily agree with him on where it sits within priorities. It might not have been the top 10, but my top 10 might not be the same as the Hon. Member's.

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

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Would the Hon. Member for Health agree with me that my question is correctly placed? Secondly, would he agree with me that I am not asking his Department to queue jump in any way? Thirdly, would he agree with me that what I am seeking to do is to find out exactly what has happened to some unique items of heritage for the Isle of Man and their wellbeing? And, finally, Vainstyr Loayreyder, could he clarify his hon. colleague's comments about undermining staff in the DHSS, as to who is undermined, because, as far as I know, Vainstyr, Loayreyder, the staff I am aware of who feel undermined are the hardworking nursing staff on the ground floor, who are trying to negotiate their own pay deals, and so on. And would he agree with me, under those circumstances, the undermining is actually being caused by his own senior management?

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson, to reply.

**Two Members:** It is not relevant.

**Mr Anderson:** Thank you, Mr Speaker.

Starting with the final part of the question first, I would not agree with the Hon. Member that it is caused by the

management of the Health Service and I think morale of the staff is important.

I do believe that constant questioning of something that has taken place and is up and running and is working well does affect morale, not just of people on the ground but people in other places (**Several Members:** Hear, hear.) within the Health Service.

I believe that, if any Hon. Member has questions of detail like this, as I said before, our door is always open, and people are free to come and ask. I have got no problem with that and, finally, can I say that I do not think we are saying that the Hon. Member is saying that he is queue jumping by putting this forward. I do realise that he is just asking for information.

## LOCAL GOVERNMENT AND THE ENVIRONMENT

### Energy from waste plant Air quality and emissions

4. The Hon Member for Rushen (Mr Gawne) to ask a Member of the Department of Local Government and the Environment:

*Will you provide assurance to people living in the area surrounding the new energy from waste plant and explain –*

*(1) whether your Department has taken steps to monitor current background air quality in a five mile radius surrounding the area; and*

*(2) if not, what bench mark will be used to monitor the impact of emissions from the plant?*

**The Speaker:** Question 4. I call on the Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

**The Speaker:** I call on the Hon. Member for the Department of Local Government and the Environment, Mr Houghton, to reply.

**A Member for the Department of Local Government and the Environment (Mr Houghton):** Thank you, Mr Speaker.

With regard to part (1) of the Hon. Member's Question, my Department has been measuring the background air quality in the area around the site of the energy from waste facility for a number of years. Two automated air-monitoring stations have been used for this purpose.

One station is situated near to the Quarterbridge roundabout and the other was installed specifically to monitor existing background air quality at a site near the disused transmitter mast, close to Speke Farm, at the top of Richmond Hill.

Both monitoring stations have provided almost continuous monitoring of background air quality since being installed, with results being published on a regular basis. Regular sampling and analysis of soils, milks and crops for the presence of dioxins has also been undertaken over a comparable period.

The Richmond Hill monitoring station site is approximately 1,400 metres west of the energy-from-waste facility at a location selected by the emissions modelling exercise as providing information most representative of typical background conditions.

It has not been considered necessary or appropriate to extend the monitoring further than this site and, therefore, steps have not been taken to extend the background air monitoring to an area of a five mile radius surrounding the site. With regard to part (2) of the Hon. Member's question, my Department is satisfied that the data collected from its comprehensive air monitoring programme will enable it to carry out very meaningful comparisons with the nature of the air quality once the energy-from-waste plant becomes operational. Thank you, sir.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Loayreyder.

I thank the Member for DoLGE for his comprehensive answer, but would he agree that it is important that the public are assured about the air quality in the areas surrounding the new energy-from-waste plant?

Would he also agree that it is important that the assessments of air quality are scrutinised by an independent body that, obviously as DoLGE is the Department responsible for the energy-from-waste plant, it is important that independence is also available?

**The Speaker:** Hon. Member for Douglas North, Mr Houghton, to reply.

**Mr Houghton:** I thank you, Mr Speaker.

I can totally assure my Hon. Member for Rushen that it is vitally important to ensure this monitoring. It is also done on an independent basis. One of those bases are that the information— and has been for some time — is reported to the Richmond Hill Consultative Committee, which consists of representatives of local authorities and others, and, in so doing, the information is provided to us at our meetings on a quarterly basis and is openly available to inspection at all other places also, sir.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Member explain to this Hon. House that the issue, as far as the five mile radius is concerned, is there any blot going to be created as far as agricultural land in the surrounding areas, as far as the incinerator is concerned.

Further, would the Member not agree that it seems crazy that we have spent millions of pounds on creating an incinerator that will have good air quality levels, but, with allowing for charging for waste, what we are going to end up with is with more air pollution, because people will simply burn their rubbish on their fires, in order to avoid the payment of paying their charges on waste, and would he not agree, then, that the fact is that all this expense really is going to come to nothing, unless we address the issue of getting rid of the charges for waste?

**The Speaker:** Hon. Member for Douglas North, Mr Houghton, to reply.

**Mr Houghton:** Thank you, Mr Speaker.

With regard to the Hon. Member's first part of his supplementary question, with it being a blot on agricultural land, that is indeed the whole purpose, the whole intended purpose for these two monitoring stations to take place, so that they can be properly monitored on a 24 hour basis.

The background monitoring being undertaken now, before the incinerator comes on line, then in order to monitor it carefully when it does come on line. So, that can only be a monitoring situation as matters progress, sir, in that particular area.

But turning to charging for waste, and the twist in the Hon. Member's supplementary question, dealing with fires burning, he may be aware, he must be aware by now, that even local authorities are replacing their open fires with central heating and that is cutting down an awful lot of emissions in the Douglas area.

In addition to that, the chimneys at Pulrose Power Station have become a great deal cleaner. So there is no need for that. As far as burning waste is concerned, as you know, burning waste on open fires would be household waste, which is simply subject to £10 a tonne and, therefore, no real need to burn it either in your back garden or anywhere else. But, just turning, if I can be further helpful to the Hon. Member, Mr Speaker, as far as burning waste, as far as commercial people burning waste, I can advise that the Department is looking into bringing an Amendment Bill in very, very soon to deal with that very matter and probably will be in the next session, sir.

**The Speaker:** Hon. Member, Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Can I ask the Hon. Member who is answering here for the Minister. Who will provide independent analysis of the data which is collected through these two pieces of monitoring equipment? Will it be done in-house? Will it be done on the Isle of Man, or is the Department engaging expertise off-Island to actually analyse the findings, and, further, is the Department he is representing today aware that dioxins accumulate in both human and animal, and has his Department done any assessment of the implications of that, bearing in mind he has informed us that they have monitored milk, soil and crofts? Has the department done anything in terms of assessing the level of dioxin in the humans or in the animals within the five mile radius, so that they can then monitor the differences once the incinerator starts burning?

**The Speaker:** Hon. Member, Douglas North, Mr Houghton.

**Mr Houghton:** I thank you, Mr Speaker, and I thank the Hon. Member for East Douglas for her question.

In regard to have we done any monitoring for humans or animals. Well, we certainly have not done that, because the fire has not been lit yet at the bottom of Richmond Hill.

The independent analysis, as far as that is concerned, is — and it is a very, very interesting area, this — and I would offer an invitation to any Hon. Member and would arrange for briefings to be given on how the analysis takes place, by Dr John Robertson of the Government Analyst Laboratory. He deals with all the ground monitoring side of it and then, of course, the air monitoring is dealt with by

Geoff Smith of my particular division, sir.

Now, as far as the question as regards an off-Island consultant, yes, indeed, we do consult off-Island and, no doubt, we will do that even more so, just so that we can be completely transparent, as and when the fire is actually lit at the bottom of Richmond Hill.

**The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Will the Department, the Hon. Member is speaking for this morning, appreciate that it is imperative that such analysis is done on humans and animals *before* the incinerator is lit and also, equally, after it has been lit, to get a true assessment of the picture of potential impact upon humans, and will he take that back to his Minister, please, and will he ask his Minister if she will talk with the Health Minister in terms of providing this particular test for humans, so that we can get on with it before the fire is lit?

**The Speaker:** Hon. Member for Douglas North.

**Mr Houghton:** Thank you, Mr Speaker.

I would be very pleased to take that particular query back to my Department and ensure that the Hon. Member has an answer. I do take cognisance of the fact that she is very concerned that she requires humans, as well as animals, to be checked out and would she actually put her name forward to offer to be a guinea pig. (*Laughter*)

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Loayreyder.

A final supplementary, then. Could the Member for Local Government and the Environment confirm that trials will be starting in the very near future, that the fire will be lit in January, and that, I think, this is the reason why members are concerned that proper testing and proper monitoring is in place at this point?

**The Speaker:** Hon. Member for Douglas North.

**Mr Houghton:** Yes, thank you, Mr Speaker.

I can advise my hon. colleague for Rushen that, yes, indeed, trials are beginning very soon. They are due to begin some time this month and it is what they call a wet commissioning period, whatever that means, but it is actually where they do not bring a number of wets to be incinerated (*Interjection*) I can think of a few wets that I would want to use to test the fire, but, going back to the question, it is where they put specialised waste, special types of waste, to try and see how the incinerator process actually operates with specific sorts of waste, and that has been arranged with local authorities to bring that specified waste on a proper programme basis, in order that they can test the operation, sir.

**The Speaker:** Hon. Member for Douglas South, Mr Cretney.

**Mr Cretney:** Thank you, Mr Speaker.

Could I ask the Hon. Member, when the incinerator is up and running, will there be a mechanism whereby the

public can be notified of any failures in the operation of the plant and what is being done to address any failures?

Secondly, did he see recently in the Isle of Man newspaper a photograph illustrating the ongoing weather inversion, which is still taking place over the Douglas valley, despite the good work which has taken place at the Manx Electricity Authority Power Station and in terms of the gas installations at Pulrose?

**The Speaker:** Hon. Member, Douglas North.

**Mr Houghton:** I thank you, Mr Speaker, and I am concerned also about that inversion, which needs to be monitored, and will be monitored also by those in my Department, because we need to see why that is obviously continuing. We have a good idea why it is still continuing and whether that inversion is as dense as it was in the past, because, obviously, Pulrose Power Station was a great contributor to that and that has now gone. So I do share my concerns with the Hon. Member on that.

As far as failures in operation of the plant is concerned, there are mechanisms and they have to be tested and I do agree with that. There are mechanisms for officers in my Department to be informed, should failures actually accumulate during the operation of the energy-from-waste facility, whenever those particular failures may happen. I am sure they will happen, but they must be obviously to an absolute minimum and must be monitored very closely, and I certainly can assure that from my position at this point in time, sir.

**The Speaker:** Hon. Member, Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr Speaker.

I would just like to ask the Hon. Member, if he would arrange to circulate an extract of the planning inspector's report, following the presentation of the medical and environmental evidence that was presented at the public inquiry for the incinerator? Would he also arrange to circulate to Hon. Members the supportive advice that was given from our own medical officer of health, who is attached to our own DHSS, supporting the air quality provisions and the environmental provisions laid out for the operation of the new incinerator?

**The Speaker:** Hon. Member, Douglas North, Mr Houghton, to reply.

**Mr Houghton:** Thank you, Mr Speaker. I can assure the Hon. Member for West Douglas that those matters, as far as I understand, are in the public domain. Now I am quite willing to make those available to any Hon. Member who requires them and, if the Hon. Member does, I will make that arrangement and speak with him at a later date, sir, but as far as I do understand, I do stand corrected, but I do understand that these are a public document and are in the public domain, so they are accessible, sir.

**The Speaker:** A final supplementary, Mr Gill, Hon. Member for Rushen.

**Mr Gill:** Thank you, Mr Speaker.

Given the repeated terminology that we have had

described today, can the member for DoLGE confirm that it is now his Department's policy to move away from the euphemism, 'energy-from-waste plant', and to describe it as it has been described today, what it is, 'an incinerator?'

**A Member:** Hear, hear.

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

**Mr Houghton:** I am very happy to confirm that. It is principally an incinerator and the incinerator is an incinerator which burns waste, and I do agree and support the Hon. Member in that. If we can get an energy out of that facility, well then that will be a bonus, sir.

**The Speaker:** Hon. Members, I have got a number of Members wanting to ask questions. Hon. Members, there have been plenty of questions, I think this question has been well aired.

Hon. Members have made a decision in Tynwald Court for this incinerator to be built and I think this question has been well and truly asked.

**A Member:** Hear, hear.

## COMMUNICATIONS COMMISSION

### Radio licences Policy and review

5. The Hon. Member for Middle (Mr Quayle) to ask the Chairman of the Communications Commission:

*(1) Would you outline the Commission's procedures for granting radio licences on the Isle of Man;*

*(2) what is the policy of the Communications Commission on allowing new radio licences for the population of the Isle of Man, and are any applications currently being considered; and*

*(3) would you consider a review of existing procedures to ensure that the licensing process is transparent and open to public scrutiny and debate?*

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker, I beg to ask the Question standing in my name.

**The Speaker:** I call on the Chairman of the Communications Commission, Hon. Member for Douglas East, Mr Braidwood.

**The Chairman of the Communications Commission (Mr Braidwood):** Thank you, Mr Speaker.

In answer to part (1), as the Commission indicates on its web pages, all applications for licences to provide sound programme services are considered on their merits.

Should the Commission agree, in principle, to allow an application to move forward, an analysis of frequency availability will need to be undertaken. Only when that has been completed successfully does the Commission take its

final decision.

There is a range of different types of services that can be considered, such as local services, like the one that has been on air in Ramsey for the past two years, as well as more commercial operations.

Part (2) the Commission considers opportunities on a case by case basis. As Hon. Members will recall, Tynwald Court last year broadly approved the Darwin Report on Manx Radio's future. That envisaged strong growth in the fully commercial sector, as Manx Radio's speech output is strengthened in its public service role.

The Commission does not have a pre-set fixed view on how many services can be supported by the Island's economy. Experience in both the United Kingdom and Ireland indicates that there is often room for a surprising number of small scale stations, even in a limited catchment area. The Commission is currently considering a number of approaches for new licences for different types of services, which are at various stages in the process.

In answer to the final part of the question, the Commission keeps its licensing procedures under review. Indeed, it is only because of the Commission's positive and flexible approach to licensing over the past two or three years that the Island has emerged from a rather straitjacketed attitude to broadcasting in the past and new operators have emerged in Ramsey and elsewhere.

The Broadcasting Act 1993 requires the Commission and I quote:

to grant such licences to provide programme services as it may determine.

That puts the onus squarely on the Commission to exercise its own judgement, but the Commission is also careful to take professional advice, especially on technical issues. Spectrum management is a major factor in whether a new radio station can be launched and is subject to the realities of physics, rather than being swayed by public opinion.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

In thanking the Chairman for that reply, could I ask him what sectors of the community are the current applicants targeting and does their programming submission offer substantial choice for residents of the Island, or will it be in competition with the existing broadcasters.

**The Speaker:** Hon. Member for Douglas East, Chairman of the Commission.

**Mr Braidwood:** Thank you, Mr Speaker.

The Commission is currently handling applications for the long wave project, for possibly three new general music stations, for possibly one television station, for possibly three new local stations, and for possibly a digital radio multiplex. **(A Member:** Hear, hear.)

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

Could I ask the Chairman of the Communications Commission if it would be better for the Communications

Commission to determine the nature of services best suited to the needs of the Island and then to seek applicants for the licence, should such a licence or licences be deemed to be necessary and could I ask him if he could, perhaps, consider the policy to be best for sustaining quality broadcasting services on the Isle of Man, particularly as, for example, there is a subvention by the Isle of Man Government going into Manx Radio, for example, of £870,000?

**The Speaker:** Chairman of the Commission to reply, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker.

It is not the policy of the Communications Commission to decide on what type of musical programmes should be broadcast in the Isle of Man (**A Member:** Hear, hear.) The Communications Commission is the licensing authority and, therefore, each application, as I previously said, will be based on merit.

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

**Mr Houghton:** Thank you, Mr Speaker.

Can I ask the Hon. Minister, is he really serious about the issue of licences for three further new local stations – three further new local stations for a tiny island – and will this not just simply mean that it will be damaging to Energy FM, who runs an excellent services for the young, and also will it not serve to increase the subvention already paid to Manx Radio, because of further losses on advertising revenue, sir?

**The Speaker:** Chairman of the Commission, Mr Braidwood, to reply. (*Interjections*)

**Mr Braidwood:** Mr Speaker, may I say that Energy FM do a tremendous job, basically, (**Mr Houghton:** Hear, hear.) for the under 35s in the Isle of Man?

**A Member:** Speak for yourself.

**Mr Braidwood:** On the Darwin Report, the subvention was for more speech for Manx Radio, but it also said that there was scope, as I have said in the answer to the initial question, for more commercial radio stations and, therefore, each application coming into the Commission will be based on its merits.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

Could I ask the Chairman if he could address the situation, in terms of the openness and transparency that the existing broadcasters on the Island are unaware of the nature of applications being considered, and could I finally ask the Chairman, then, would he consider bringing a motion to Tynwald so that the whole matter can be given a thorough airing and the issue (**Mr Houghton:** Hear, hear.) could then be given some public input, scrutiny and debate?

**The Speaker:** Chairman of the Commission, Mr Braidwood, to reply.

**Mr Braidwood:** Mr Speaker, Energy FM and Manx

Radio are well aware of the one application which is in at the present time, and correspondence has been received from Energy FM, but, as I have already stated, each application will be judged by the Commission.

**The Speaker:** Hon. Members. Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that it is all well and good saying that they will be judged by their merit? We have already seen an inconsistency in his response to a number of the replies to Hon. Members' questions, but it is all well and good saying that they will judge what is going to happen.

Will he make a point of providing the information to Hon. Members of this Hon. House? How can you fight something that you believe is a wrong decision when you do not get the full decisions, the full reasoning behind the decisions, as far as if there is going to be a third radio station?

Would he also not also agree that the problem he has, at the present time, is that you have got Manx Radio who is heavily subsidised for doing one purpose, which it does not do at the present time, and that the issue of the independent radio station on the Island, Energy FM, they have got a difficult enough job existing, (**Mr Houghton:** Hear, hear.) competing with Manx Radio, because of the lack of transparency over their advertising techniques.

Will the Chairman make sure that Hon. Members in this House have clear guidelines of the rationale of how they are going to go about producing a third radio station, which might end up meaning that we end up with even less of a choice, long term, but the State subsidised, Manx Radio, service, which basically is the Government's mouthpiece?

**The Speaker:** Chairman of the Commission to reply.

**Mr Braidwood:** Mr Speaker, I believe that the Communications Commission are transparent in their dealings. Although applications are based on their merits, it also depends if a frequency is available for broadcasting, but, in answer to the Hon. Member for Onchan, Mr Karran's, question, through the Commission I will try to bring as much information as possible to this House.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker, and I have to return to part (3) of my question to the Chairman. Would you consider a review of the existing procedures to ensure that the licensing process is transparent and open to public scrutiny and debate?

Would the Chairman not agree with me that, until this morning, Members of the House of Keys here have not been aware of the several applications before the Communications Commission? How can he possibly say that that is open and transparent if we, in this Hon. House, are not aware of those applications having been made? (**Mr Houghton:** Hear, hear.) How is anybody outside of this Hon. House to be aware of those particular applications? Will he please confirm that he will review the existing procedures so that they are open to public scrutiny and debate?

**Mr Houghton:** Hear, hear.

**The Speaker:** Chairman of the Commission to reply.

**Mr Braidwood:** Mr Speaker, I have already said, in answer to that part (3), that we keep our licensing procedures under review, and we do, and that is all I can say in answer to the Hon. Member for Middle.

**Mr Quayle:** We did not know until this morning.

**The Speaker:** Hon. Members, that concludes Questions for Oral Answer. We have Questions for Written Answer. There are two Questions which will be circulated.

## Questions for Written Answer

### HEALTH AND SOCIAL SECURITY

#### Bed management system at new hospital Total cost of lease

1. The Hon Member for Douglas North (Mr Houghton) to ask a Member for Health and Social Security:

*What is the total cost of the lease for the new bed management system at the new hospital?*

**Answer:** £65,000 per year for ten years.

### LOCAL GOVERNMENT AND THE ENVIRONMENT

#### Reduction in waste disposal charges Effect of reduction in domestic waste production

2. The Hon. Member for Rushen (Mr Gawne) to ask a Member of the Department of Local Government and the Environment:

*In an endeavour to explain how waste disposal charges will encourage a reduction in domestic waste production will you explain –*

*(1) what reduction in total waste disposal costs would result from a 10%, 20% or 30% reduction in total waste production;*

*(2) what would be the waste disposal charge if a 10%, 20% or 30% reduction in total waste production was achieved; and*

*(3) how would these charges compare with the existing waste disposal charge?*

**Answer:** The introduction of a charge for the disposal of domestic waste has encouraged Island residents to consider the need to recycle materials, rather than have them taken to the landfill sites, and the Department's policy is to facilitate this by providing conveniently located bins around the Island, where newspapers, glass and aluminium cans can be deposited.

At present, the impact of charging for the disposal of domestic waste has not been as significant as for commercial waste, as the Department decided that the 'user pays policy' should not be fully implemented for householders.

On current statistics, a household produces, on average, 1 tonne of waste per year. Consequently, the 90 per cent grant introduced by the Department and approved by Tynwald, means that *all* domestic ratepayers are only being charged £10 per year to dispose of their domestic waste. The Department has no plans to increase the amount charged to domestic ratepayers, so the reduction in the domestic waste streams is not expected to change to any significant extent.

In reply to the three parts of the Hon. Member's Question:-

(1) One of the key aims of the Waste Strategy is to reduce and recycle waste. As most of the costs incurred by the Department, through its Waste Operations Management Unit, such as loan charges, salaries, recycling costs, landfill costs, et cetera, are fixed and not based on an amount per tonne, a reduction in the waste produced for disposal will have little impact. Part of the charge for using the energy-from-waste facility is based on a price per tonne, dependent on waste type, so decreasing the amounts of waste sent to the facility would reduce the costs.

(2) As explained at the November 2003 sitting of Tynwald, the waste charge is calculated by taking the total cost to the Department of waste operations and dividing it by the tonnage delivered for disposal. Therefore, a reduction in waste being produced for disposal will cause the cost per tonne to increase. Whether any of this increase is passed on to the 'polluter' will be a decision taken ultimately by Tynwald.

(2) & (3) The overall increase in charges for a 10 per cent, 20 per cent and 30 per cent reduction in waste produced for disposal is detailed below, showing the comparison with the current waste charge.

|                                 | Cost<br>per<br>tonne<br>£ | Current cost<br>per<br>tonne<br>£ | Increase<br>per<br>tonne<br>£ |
|---------------------------------|---------------------------|-----------------------------------|-------------------------------|
| 10% reduction in waste produced | 130.67                    | 117.62                            | 13.05                         |
| 20% reduction in waste produced | 147.02                    | 117.62                            | 29.40                         |
| 30% reduction in waste produced | 168.03                    | 117.62                            | 50.41                         |

## Orders of the Day

### Bill for First Reading

**The Speaker:** Hon. Members, we now go to Bills for first reading and I call on the Secretary of the House.

**The Secretary:** Mr Speaker, the Bill for first reading is the Insolvency Service Office Bill, introduced by the Hon. Member for Ramsey, Mr Bell.

### Standing Orders Committee First Report 2003-04 received Recommendations approved

**The Speaker:** Hon. Members, we now move onto item 4 on the Order Paper and I call on the Hon. Member for Ayre, Mr Quine.

**Mr Quine:** Thank you, Mr Speaker.

The Report before Members concerns three issues relating to the dates on which the sittings of the Keys take place and I believe that the position is fairly clearly set out in the document which Hon. Members have before them.

The first amendment concerns the December sittings and is designed to maintain what has been practised for some years, that no sitting is held between the December sitting of Tynwald and Christmas. Standing Order 6.1, as it exists, but not as it has been applied, calls for a sitting of the House on the third Tuesday in December.

The rationale for the second amendment is set out in paragraph 7 of the Report. It brings Keys practice into line with that of Tynwald, the effect being that there would be a sitting of the Keys in the week before Easter, but not in the week following Easter.

The third amendment relates to the TT Race Week. The proposition is that this Hon. House should maintain the practice of holding a sitting during the practice week, but not have a sitting during the TT Race Week itself.

The norm is to have 20 sittings of the Keys in the legislative year, but, for this year, if these proposals met Hon. Members' approval, the figure would be 21 sittings.

Mr Speaker, I beg to move that the first Report of the Standing Orders Committee for the Session 2003 to 2004 be received and its recommendations approved.

**The Speaker:** Hon. Member for Douglas West, Mr Downie.

**Mr Downie:** I rise to second, Mr Speaker.

**The Speaker:** Hon. Member for Garff, Mr Rodan.

**Mr Rodan:** Thank you, Mr Speaker.

I see from the Report that one of the objectives is to avoid unnecessary prejudice to Easter family holidays by mismatched recess periods and to ensure a better distribution of sittings around the TT Week in June, and that is a worthy objective, especially for Hon. Members, who have families, and particularly children at school, and there would naturally be a common interest in ensuring that the two coincided.

Could I ask the Mover if, in fact, any consultation was undertaken with the Department of Education? I am not aware of any, but maybe there has been at a level that has not come to my notice, because, of course, this year that we are in, we did, for example, have a two-week break of the schools at TT in order to get the requisite number of holiday days and school days fitted into the year, the way the calendar happened to fall this year.

Hon. Members will also be aware that school holiday dates are announced three years in advance, at three year intervals and, in fact, the three years of school terms are to be announced very shortly, that is, the three years starting September 2004. And it may well be, without giving information ahead of any announcement, it may well be, for example, that the two-week TT break will be put in place for the next three years, as well as happened this year.

Now, the existing Standing Order 6.1(d) provides that the Speaker shall adjourn the House from the last Tuesday in May until the third Tuesday in June. It is intended that that will be substituted by a replacement Standing Order that the adjournment shall be until the second Tuesday in June, unless that day falls in TT Race Week itself.

I think, in practice, this will probably sit all right with the dates of school holidays in most years, but it is not necessarily so. Similarly, for Easter, the present provision, of course, the adjournment is until the third Tuesday following Good Friday. It is intended that that be changed to an adjournment until the second Tuesday after Easter.

Again, Mr Speaker, in most cases, any school holiday dates will probably co-incide, but, again, what steps were actually taken by the Committee to ensure that there was a co-ordination and any easily avoidable mismatch of these dates is, in fact, going to be avoided because it is as easy to get these right as get them wrong, and my only concern is that there may not have been the consultation over school holiday dates that there might have been, and if there has not, could we have an assurance, of course, that the matter will be kept under review for future years?

**The Speaker:** Hon. Member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr Speaker.

I would ask that the recommendations are taken in parts, because I have no problem with the first recommendation concerning the December sitting, but I do have a problem, in the same vein as the previous speaker, with the second recommendations. I do believe the fact the mechanism that we are using for determining the sitting dates is fundamentally flawed, in that we are trying to write into Standing Orders a mechanism for putting these days on, when year by year, or three years by three years, things change and so we are constantly having to look at Standing Orders to see 'shall it be the ninth Tuesday after the second Thursday?' or whatever it is, whereas, in fact, the underlying principle . . . there should be two underlying principles.

One is to achieve the number of sitting days of the Keys per year and the second underlying principle is that there should be an avoidance of conflict with school holidays, wherever possible, and any messing about with Standing Orders and trying to fix it through this mechanism just gets yourself potentially into further trouble. Perhaps it should not be necessarily Standing Orders which determines the precise dates, because, if, perchance, in future years, there is a two week holiday at Practice Week and TT Week, and

yet Standing Orders is now fixed that we will have a Keys sitting in Practice Week, then you are determining what Members who have families can do with their holidays.

And, likely also, in terms of Easter, whereas this may or not fall neatly most years, the underlying principle is that you have a recess during the Easter holidays, whenever they may fall. And this is not just my own self-interest, with a family – and my family is actually getting that little bit older, so, in fact, my self-interest is probably getting less and less, as the years go by – but it is a principle for people, who – it may be future Members, or other Members with younger families – should not be disadvantaged, because of the obscurities and antiquities of our Standing Orders system for determining days of when the actual sittings are. It is actually ludicrous to try and do that. It is a management issue; it is not a Standing Order issue.

And that should be done on a year-by-year basis, in relation to the school holidays, and it would be quite simple to do that.

Now, I realise and I accept that we cannot often avoid . . . in terms of some of the half terms in the autumn and in the winter, they do and have conflicted. Sittings of Tynwald or the Keys will always conflict there, and that is a penalty which is already paid – although I note in the House of Commons that they had a recess for the winter half-term this year and that, in fact, it was the Defence Secretary, Geoff Hoon, who was lambasted for taking his children away on holiday during that period, but there again . . .

So it is recognised, in other parliaments, that the sittings should be family-friendly and I do not think that the Report you have today necessarily achieves that purpose.

Thank you, Mr Speaker.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, my concern is that we have not addressed the real issue. I do sympathise with the previous speaker and Members who have children, and obviously you have to get times, you want to have your holidays, you do not want your children disrupted from the school holiday system.

But let us be honest with the whole status quo of the sitting procedures at the present time: they go back to the days when this place was full of farmers and then, with a second amount of hotel proprietors was then the second group of people that were in this House, and those were the days when we used to make the statements of ‘four legs and a woolly coat, pampered; two legs and no coat, ignored’ by this Hon. House, but those days have changed.

What concerns me is, the Standing Orders Committee should be changing the system of the whole way we sit anyway, in my opinion. The summer holidays should be cut, in my opinion, as far as Members of the House of Keys are concerned. One day we will get the right structure, as far the Council of Ministers is concerned, and the legislation, so that we do get a proper function and democracy, in that parliament holds the executive to account.

But, until that day, we still have to look at the other issues, such as the likes of the holiday periods. It is absurd that we have kept something that was an anachronism from when all the farmers were busy cutting their hay and the likes. I do think that the summer recess would have been far better being cut down severely and, maybe, putting further on around the Christmas period or whenever, if that

was to be a suitable compromise.

But, at the present time, I am disappointed that the Standing Orders Committee have not really addressed the real issue. We have the absurdity of the mad July pandemonium of a load of items there and issues do not get addressed. We have just been talking –

**The Speaker:** Hon. Member, could I just advise you that this is the House of Keys Standing Orders, not Tynwald, and I think you should be very distinctive about the differences, please.

**Mr Karran:** Yes, Vainstyr Loayreyder. You are quite right there that I was talking about the sittings of Tynwald on that point. *(Laughter)*

But the point is, the fact that this House now does as much questioning as Tynwald does, as far as that issue is concerned – even with the engineered laughter in this Hon. House. The fact is that this House is supposed to hold the executive to account, and if you have three months where you do not sit, virtually, then how do you hold the executive to account, even if it is very farcical when you do sit, to do so?

The fact is, I think the Standing Orders Committee should be bringing back the House of Keys much earlier in the summer recess in order to do it, and, if we have got to have something cut, then have shorter breaks in the summer and longer breaks in the winter. But I do feel that this House weakens its position because of that.

**The Speaker:** Hon. Member for Douglas West, Mr Shimmin.

**Mr Shimmin:** Thank you, Mr Speaker. I was not intending to speak on this. I can understand where the Member for Rushen is coming from; however, I disagree with him on this occasion.

A number of us did complain to yourself and Mr President last year, regarding the number of occasions when schools were off and we were on sittings. I think the Committee have attempted to try and resolve some of those issues. We will not get it perfect. It is a changing picture in the future. I believe this Report has tried to address a short-term, immediate problem for this December and has made genuine attempts to try, without investing too many hours, to try and sort out what is an imperfect world.

I do believe this will improve it for those of us with families. I think the Members have brought to attention a wider issue, which may involve the Standing Orders Committee, or other committees of Tynwald, or the House of Keys, to look at in more depth in the future.

This is what it is. I will support it. I think it is a genuine attempt to try and resolve some of the issues from last year. If there are other issues, then I believe Members can appropriately address the Standing Orders Committee with requests that may seek further investigation.

So I am grateful to the Committee for what they have done on this occasion.

**The Speaker:** Hon. Member for Ayre, Mr Quine, to reply to the debate.

**Mr Quine:** Thank you, Mr Speaker.

I think I will just start by agreeing one point with the

Hon. Member for Rushen, Mr Rimington, and that is that the overriding consideration is to ensure that we provide the number of sittings during the legislative years to carry out the business. That is the overriding consideration.

Beyond that, I think it becomes very difficult to get a common position in respect of these dates – even on a matter such as education, because, quite clearly, there are variances in the school dates, holiday dates, for parents who have children at school. Those dates do vary, from year to year, to give but one example.

So I would stress that the Standing Committee has not set out to do a radical overhaul of the recess dates for the House of Keys. What we have sought to do is to remove one or two anomalies and to fine-tune matters; anomalies in the sense that there exists, for example, a Standing Order which is honoured in the breach – it is there, but we do not comply with it; and other Orders that, quite clearly, do not provide the flexibility that we need to try to accommodate the proper transaction of our business.

So that is where we are coming from. We are not coming at this from a point of view of trying to do something radical about Standing Orders. I think we would have to approach or undertake a quite different exercise, if that was the wish of Members, and it would be extremely difficult, at the end of the day, to improve upon what, perhaps, we are proposing here today.

The Hon. Member, Mr Rodan, has raised the matter of the consideration presently being given by his Department to the school holidays and asks whether we were aware of that. We were certainly aware that there is a proposal, for which views have been sought from, principally I think, it is most parents in relation to the number of terms – the change from a five or six term-year to come in. We are aware of that, but they are proposals.

I do not think it is reasonable to assume that the Standing Orders Committee, when undertaking an exercise such as this, which is essentially trying to remove some anomalies and to refine matters, to take on board proposals which have yet to be finalised. Clearly, if those proposals did create a serious problem, it is a matter that could be revised at an appropriate time, but we cannot anticipate and it would be wrong for us to bring forward amendments to this Hon. House based on an anticipation of what is going to happen in that field. I recognise the importance of it, but I think that is really about as far as we can go.

But if I could just remind Members that, to a very large extent, we are doing one of two things. We are either removing an anomaly in the wording of an Order, and I think, if we look at the proposal in relation to Christmas, that becomes quite clear. It is, as we have said here, it has been practice not to have a sitting between the December sitting of Tynwald and Christmas, but, if you read this Order literally, then there could and should be a sitting of the Keys.

So we are bringing that forward as a matter to be considered by the Keys, in relation to this first amendment.

The other two matters here, again they are essentially maintaining practice. If Members look at paragraph 7, you will see that the Committee believe that the sitting in the week before Easter should be maintained. It is something which has been accepted; and, then again, with the TT Fortnight, to maintain the practice of accepting a sitting during the Practice Week.

So these are very small tweaks that are removing of anomalies. I do not believe for one moment that the Standing

Committee sought or, indeed, anticipated that they would be able, to remove or reconcile all the wishes of Members in relation to the recesses throughout the legislative year by virtue of this exercise. That was not the intention. I think the three propositions that are before this Hon. House today are quite clear and it is on those that I would ask Members to pass judgement today, not in relation to what may happen in the future vis-a-vis school holidays or other changes, it would be unreasonable to expect us to anticipate those.

I beg to move, sir.

**The Speaker:** Thank you, Hon. Member.

Now, Hon. Members, the Hon. Member for Rushen, Mr Rimington, asked if the recommendations could be put in two parts. As Hon. Members will be aware, on our Order Paper it is actually just a straightforward 'that the report be received and recommendations approved'.

However, if Members are content, I think it would be, in fairness, quite easy to split the recommendations into two parts, and I intend to do that, unless there is an objection to it.

**Mr Quine:** Well –

**The Speaker:** Hon. Member.

**Mr Quine:** I think we have to reflect, Mr Speaker, that if we do start splitting them, we may end up where there is a difference in the total number of sittings which can be held during the year, and Members will have to –

**The Speaker:** Think of that.

**Mr Quine:** – risk that. It is my recommendation that we should take a straight vote on it as it stands. If there are serious reservations about the proposition, then Members are not going to support it; but, if the situation were to arise where we approve one amendment and not the other parts, we could end up having an anomaly then in relation to the number of dates that are required for the total year, and that is a matter which we should consider as well.

**The Speaker:** Well, I am certainly in the hands of the House, and the point I would make is that there are two specifics here: one is in relation to the Christmas period, and one is in relation to the Easter period, and that was the only split I was going to do.

Hon. Members, I am in the hands of the House. If the House prefer, we will take it as on the Order Paper –

**Mr Rimington:** Mr Speaker, the Hon. Member –

**The Speaker:** And I am not allowing a debate to start again, but the Hon. Member for Rushen, Mr Rimington.

**Mr Rimington:** The debate has been started again by the hon. mover.

With respect, if one part was not voted for, then there would be an opportunity for the Standing Order Committee to reconsider and come back.

**The Speaker:** Hon. Members, I am going to put the issue in two parts, so as there is no anomaly.

**Mr Rodan and Mr Cannan:** A point of order, Mr Speaker.

**Mr Rodan:** Mr Speaker, if you were to do that, with respect, would it not be appropriate to put the motion in three parts? There is, quite specifically, a separate proposal for the period in June – the TT Week period.

**The Speaker:** Hon. Members, clearly Members are unhappy. We will, therefore, stick to the Order Paper.

Hon. Members, the motion before you is quite straightforward. The matter on the Order Paper is that the First Report of the Standing Orders Committee for the session 2003-04 be received and its recommendations approved. All those in favour say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

| FOR          | AGAINST       |
|--------------|---------------|
| Mr Anderson  | Mr Rodan      |
| Mr Cannan    | Mr Rimington  |
| Mr Quine     | Mr Gill       |
| Mr Quayle    | Mr Gawne      |
| Mr Houghton  | Mrs Craine    |
| Mr Henderson | Mr Karran     |
| Mr Cretney   | Capt. Douglas |
| Mr Duggan    |               |
| Mr Braidwood |               |
| Mrs Cannell  |               |
| Mr Downie    |               |
| Mr Shimmin   |               |
| Mrs Hannan   |               |
| Mr Bell      |               |
| Mr Corkill   |               |
| Mr Earnshaw  |               |
| The Speaker  |               |

**The Speaker:** Hon. Members, the motion carries, with 17 votes for and 7 votes against.

### **Race Relations Bill Third Reading approved**

**The Speaker:** Hon. Members, we now turn on to item 5 on the Order Paper, Bills for third reading, and I call on the Hon. Member for Onchan, Mr Corkill, Race Relations Bill.

**Mr Corkill:** Thank you, Mr Speaker.

It has long been established that provision would be made within the legislative programme for the accommodation of a Race Relations Bill. This would then demonstrate that the Isle of Man meets the requirements of the International Convention on Racial Discrimination.

I wish to remind Hon. Members that this requires the pursuit of policies to eliminate and prevent racial discrimination and to provide redress for individuals who have suffered such discrimination.

The Isle of Man Government, therefore, has a responsibility to ensure that the Island complies with its international obligations. This Bill is an important piece of social legislation and, without it, the Isle of Man's reputation in the international community could well be damaged.

The Race Relations Bill clearly sets out that

discriminatory treatment on the grounds of colour, race, nationality or ethnic or national origin, is unlawful and this applies, not only to private individuals, but also to action by public authorities.

During the clauses stage, several concerns were raised, and I will attempt to address those concerns and I hope Hon. Members will appreciate that I have done some work in the interim period.

One query was of the implications of this legislation on Manx nationality. Perhaps this is not the time nor the place to debate how we define 'Manx' and who is or who is not able to be classed as Manx. However, within the Bill the interpretation of 'racial grounds' is defined as any of the following grounds, namely: colour, race, nationality or ethnic or national origins and 'racial group' is defined as a group of persons defined by reference to colour, race, nationality or ethnic or national origins.

So, ethnic origins can be construed in a broad historical and cultural context, and people who share a common language and a shared history, and/or cultural traditions, could be included. So I firmly believe that this gives more than adequate cover to anyone who could be, or considers themselves as Manx.

Clause 10 deals with the effects of the Bill on the constitutional documents of charities, which contain an object that is discriminatory. Clause 10 actually modifies the constitution of charities, thereby voiding any reference there may be to colour. Maybe it would be useful, Hon. Members, if I give an example – and I hope this example will perhaps allay the fears or concerns of one individual Member of this House, if I go on to say, by way of example – if there was a pensioners' club, for example, in Kirk Michael, that stipulated it was for white Manx pensioners only, then if the Race Relations Bill was in force, the Act would automatically make the stipulation of 'white people' null and void, and the club's constitution would then be read as if it were for all Manx pensioners. Therefore, all reference to colour would be ignored as a result of this clause.

With regard to clause 15, reference was made as to why the Court could consider an application under section 14.3 up to a period of five years. I would assure Hon. Members that this time period is not linked in any way to limitations under the Limitations Act, and I would point out that six years is not the only time limit within the Statute of Limitations, and there are other time periods contained within that legislation.

The five-year limit in the legislation applies to the Attorney General applying to the High Court for an injunction and refers to discriminatory advertising, instructions to discriminate, and pressure to discriminate only. So the five years applies to the Attorney General's actions.

An individual who wishes to make a claim of discrimination must do so within six months of when the act complained of was done.

I move on now to clause 21, which also engendered some debate and this relates to the financial implications of the Bill. The Social Issues Committee has identified an estimated cost of £104,000 for training to enable Government bodies to comply with the proposed legislation. The Bill is not expected to have any other immediate effect on the expenditure and income of Government.

Under clause 16, the Department of Home Affairs may

issue codes of practice, and it would be expected that, if required, these would be incorporated into the day-to-day activities of the Department. The estimated costs for training are based on those that apply to the equal opportunities training that was set in place for each employee of the public service. Bearing in mind the good practice that was laid in the equal opportunities training, it would seem reasonable to expect the majority of employees to have a handbook on race relations and a back-up CD-Rom for those with desktop computers. This would be sufficient to raise their awareness of the new legislation and to remind them of equality, dignity and respect for all people.

The break-down of costs are estimated to be: £10,000 for the issue of the handbook; £10,000 for the equivalent CD-Rom; £64,000 in relation to development and delivery of training; and £20,000 with regard to administration, internal advice and other support.

I would conclude by saying that the Race Relations Bill does not include employment discrimination. As I said at previous readings, this will be included in a separate Bill, which is in the Government programme. I believe the Race Relations Bill that we have is relatively straightforward and limited in what it aims to achieve and I would ask Hon. Members to support it.

Mr Speaker, I beg to move the third reading of the Race Relations Bill.

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

**The Speaker:** Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** Yes, thank you, Mr Speaker.

I think I am going to be out on a limb over this one, to some extent, because I am not terribly happy with this Bill. When I say I am out on a limb, I do not think I am totally alone there, because I think there are quite a number of others who are probably about half-way out. I think they share my concerns, because, if the Bill becomes law, which it probably will, in my view it raises more problems than it resolves.

I think the issue is that, basically, you are either racially prejudiced or you are not. I am not; but I do not believe that passing of legislation will necessarily change the way people are. I think it is like trying to change a left-handed person to being right-handed. I think it is something you carry through your life. You are racially prejudiced, or you are not. Unfortunately, a number of people are. I believe most people are not.

I do have concerns also. I think it is important to consider fears of the indigenous population and employers. I think many have fears of a law of this nature, because I think it can be operated by certain individuals; it is open to abuse, I think. Hopefully it will not be, but it can be open to abuse and used as an offensive weapon against employers on occasions. So I think it could operate in reverse.

I do think this is unnecessary; it is unhelpful and excessive legislation. The Isle of Man and the United Kingdom, they are very different places now to where I grew up. Movements of population over the years, over my life-time, have been massive and I think prejudices are disappearing at an accelerating rate. This is automatically disappearing through the educational processes.

Once upon a time, when I was at school, the classroom was full of Manx children. We had all been born here; we

had all been brought up in the Isle of Man. That is not the case now. There are a lot of other people of other nationalities live in the Isle of Man. They go to schools, the children come up through the educational process, high school, universities, et cetera and I think education works in more ways than one here.

We have got the true educational process, where people are coming through the schooling system, but we have also got education of the population at large, as adult people.

So I wanted to say my piece, really, at the second reading on this. Unfortunately, I was unable to do so. I have had to wait until this opportunity arose. I am sorry I could not have made my feelings known at that point.

I am not going to say I will not support this Bill, but I want the hon. mover to be aware, I will say I do not want to support the Bill. That does not mean I will not support it.

So I am going to listen to what others have to say and to his summing up. I am aware that it is an important issue for the Isle of Man, but I do think we are looking at an excessive layer of legislation with this Bill.

Thank you.

**The Speaker:** Hon. Member for Garff.

**Mr Rodan:** Mr Speaker, I was a little bit concerned by the remarks of the last speaker, and I have a fear he has missed the point about this legislation.

The Isle of Man Government does have a responsibility to comply with its international obligations, and there is clearly an obligation in respect of legislation against racial discrimination and in the interests of good race relations.

The Hon. Member for Onchan, Mr Earnshaw, is, of course, correct that, in practice, there has not been a large problem to be addressed by this legislation and he is also correct that you cannot legislate against racial prejudice, in the same way you cannot legislate against people having criminal thoughts or being of a criminal nature, or a racially prejudiced nature.

What you can legislate, of course - and that is the purpose of legislation - is to set down rules of society and rules of behaviour, and that is what the purpose of this legislation is: to govern how people actually act and how they behave.

I would not agree with him; I think it is somewhat naive to believe that racial prejudice is automatically decreasing. I think, certainly in enlightened societies, enlightened people have more tolerant attitudes than they did in the past, but when one looks at the state of the world today, much of our problems are due to the flaws in human nature, which relate to the way people feel about each other, and race and religious belief, and creed and colour of one's skin, regrettably, are ingrained in the human psyche. It was as true of people in this country, and in the adjacent islands in years past, as it is today in other countries in the world.

So, we have moved on and, in the Isle of Man, we are indeed fortunate to live in an enlightened, tolerant society, but I am afraid there are many parts of the world where that is not the case, and it will be a good example to those parts of the world if this enlightened society was to have in place legislation of its own to show that, in terms of our international responsibilities and our own internal code of conduct, we can stand up there amongst the best.

Thank you, Mr Speaker.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I agree with the previous speaker.

I think the point is that we have got our international agreements, and, whilst I would defend my colleague's right for his viewpoint, and that is what democracy is about - the fact that you would defend everybody's right to speak, even if you do not always agree with what they say.

The thing is that I am a bit concerned about, I think it is - when my colleague, the Hon. Member that has taken his seat, said about the evolutionary period - not that long ago we had legislation that could have had him shot in his kilt, so that was racial discrimination! (*Laughter*)

So I think the point is that what we have to remember is, that we are supposed to be the guardians of the Island, in order to try and create the atmosphere, not just for commerce, but for what society thinks is right and wrong, and, obviously, I would hope within our society, this Hon. House, that we would think that to penalise somebody on a racial basis is something that we should not support.

I would have loved to have seen this sort of legislation 40 or 50 years ago, because of the situation of the policy of the then Government, as far as its racial discrimination against the Manx-speaking community, where the difference was that they were penalised for being Manx speakers; instead of going into the Red House or the Mannin Infirmary, they went into the lunatic asylum, because they, obviously, were mentally subnormal, because they could not speak English. That is the sort of ignorance which abounded 40 or 50 years ago, which led to the linguistic genocide of the language.

Fortunately, this administration and the previous administration have changed that policy and that is something which the Chief Minister and the previous Chief Minister can take pride in over changing that policy. That was racial discrimination - maybe not on the basis of colour, but it was racial discrimination.

So I have no problem with this legislation. I welcome this legislation, but there are two things that worry me about this legislation, and one is the transparency aspect of it. It is no good bringing this legislation . . . It is all right the Hon. Member for Peel looking up into the sky, (*Laughter*) but the fact of the matter is -

**Mrs Hannan:** I can see pigs flying over.

**Mr Karran:** Well, maybe, you are right; maybe we will never get transparency properly in Government, you might be right, but I have got to try and sort it out with Members of this Hon. House. (*Interjection by Mrs Hannan*)

The situation is, Vainstyr Loayreyder, was the fact, like the mover mentioned, about the pensioners' club. It is all right having the legislation, but if you have a situation where there is private vetting over whether who is going to become a member of that pensioners' club, this legislation will be worthless, because you have to prove there has been racial discrimination and if you cannot get the proof . . .

It is all right the Member for Peel talking about pigs flying. The fact is, pigs might as well fly if you have a situation where you bring this legislation in and you do not have the transparent procedures that follow it. So, that is the bottom line.

Now, the second thing is, Vainstyr Loayreyder, in my opinion, the issue of the six months. When we talk about the statute of limitations, it is six months from when you

know that there has been an act caused. Now, the fact is, regarding the individual with this piece of legislation, is it when they know there has been an offence against this legislation, or is it from when it happens?

You might not know that, for 20 years, or for 10 years, you have been racially discriminated against, but then the proof comes out, through transparency, that it is the case. Does it come in from when the decision was made or from when the individual understood, found out the truth that he was racially discriminated against?

These are simple little questions that need to be answered. It is no use window dressing. It is making sure that you have the right structure.

I will be supporting this piece of legislation, because I think it is a good piece of legislation and, as I have said, it is a shame it was not in 40 or 50 years ago and we would not have had to get into such a state over the Manx language and over the identity of the Isle of Man, when we had the predecessors in this House who were racially discriminating against the indigenous population. So I am happy to support this piece of legislation.

**The Speaker:** Hon. Member for Rushen, Mr Gill.

**Mr Gill:** Thank you, Vainstyr Loayreyder.

I am not going to dwell on the principles of it, because I think we have covered that and in clauses we have covered that, but there is a practical issue, sir; I would like some clarity from the Chief Minister.

He says in regard to the funding for the Department of Home Affairs that 'We will incorporate additional duties into our day-to-day workload.' That is all very well, so all I am just looking for is, will that be reflected in additional funding? Or is this the new Government policy where we will farm stuff out and we will expect more and more of the same resource, but we are not going to actually fund it?

**The Speaker:** Hon. Member for Peel, Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I would just like to make a few things clear. I support this legislation.

One of the things that does concern me, though, is that it takes a convention that we have to sign up to to encourage us, or, at least, make us, bring legislation in. I do not think we need to wait for international conventions. We should have this sort of legislation in. We should be an equality community - and that is not just on race and colour and all these other issues, but also on sexual matters, (*Interjection by Mr Cannan*) and all of the issues. We should treat issues of equality right the way throughout the whole of . . . certainly the public sector.

With this legislation, I would agree to some extent with the member for Onchan, Mr Earnshaw, with regard to, maybe it is not really needed, because you cannot legislate for what people actually think, but I think we can legislate to encourage people that we should be thinking this way, that we should not have these differences; that we are an open and a free society.

I think this legislation will work and I would hope that there is no need actually to use the legislation, because I think that people are moving that way, but I am just alarmed that it has taken us saying, 'Oh, we are going to sign up to a convention and therefore we need this legislation in place.'

But my comments to 'pigs flying' was not in relation to

this legislation, it was in relation to the Member for Onchan, Mr Karran, suggesting it was only he that could see to transparency and accountability and all the rest of it. We are all here to do that and it is a little bit . . . I think it is very damaging to the Isle of Man the way that he carries on about him looking for accountability and transparency, and how everybody is corrupt and all of that, because it is not –

**Mr Karran:** Point of order. I have not said the Hon. Member is corrupt.

**Mrs Hannan:** - it is not getting – (*Interjection by Mr Downie*)

**The Speaker:** Hon. Members. The Hon. Member for Onchan has a point of order.

**Mr Karran:** The point is, Vainstyr Loayreyder, -

**The Speaker:** No, point of order.

**Mr Karran:** The point of order is, is the fact that, once again, I am being purposely misquoted. I have never told the Hon. Member for Peel that she is corrupt, and I get a bit sick of listening to the spin, as far as this is concerned.

**The Speaker:** Hon. Member for Peel.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. That is another example of the Member for Onchan saying he is being misquoted, and this is the issue that we are looking at, I think, with regard to his comments; there are issues where he is quoted correctly, not misquoted at all.

The issue that he tends to put across all the time is that it is only he that is concerned about holding Government to account, about transparency and about all the issues of corruption, and it is very, very damaging not only to this House, but to Tynwald, to Government as a whole, and to all the other issues, which I believe that are at issue.

**A Member:** Hear, hear.

**Mr Karran:** I never called you corrupt.

**Mrs Hannan:** Now in relation to –

**Mr Karran:** You should withdraw it.

**The Speaker:** Hon. Member for Onchan, please. The point has been made.

Right, can I ask the Hon. Member for Peel now to concentrate on the legislation.

**Mrs Hannan:** Yes, I would just like to –

**The Speaker:** The point has been made.

**Mrs Hannan:** – comment on one of the issues made by the Member for Onchan, when he said this legislation should have been in 50 years ago to protect the Manx language.

Now, the Manx language 50 years ago was under no more threat than it was 100 years ago. About 150 years ago the people here were encouraged not to speak Manx. They were encouraged to speak English to get on. Lots of

communities feel like that, and lots of communities still act in that way, and therefore lose their culture, their tradition and everything, but I do not think it is necessarily this legislation which would have actually prevented that.

There is one case that I know of where I do think people were discriminated against, but it was in a social way, and I think, in actual fact, it played into the hands of the people that supported the language in a way that this legislation will also help people who are treated in the way that happened at that time. It will raise the profile, it will give legislative backing to the message that we want to get across, that we are an equal society.

Therefore I will support the third reading.

**The Speaker:** Hon. Member for Onchan, Mr Corkill, to reply to the debate.

**Mr Corkill:** Thank you, Mr Speaker.

I thank Hon. Members for supporting the Bill so far, and I hope that they will continue that support and give this Bill a third reading.

Can I say, at the outset, that it has been the Government's intention in relation to this Bill, and the Social Issues Committee has done a lot of work on this Bill and has looked at it pretty thoroughly for a long time now – maybe I would say to Hon. Members I have overegged this statement of our international commitment in this area, but, whether I have overegged it or not, the commitment is there and one day, sooner or later, if we do not put this legislation in place, someone will knock on the door one day and say, 'Well, where is your race relations legislation? We are doing an audit,' and we do have these independent bodies on an international basis scrutinise us from time to time. It would be nice, I think, for us all to have acted in advance of that.

There has been no contact so far with any organisation to say that this piece of legislation is missing, but, as proactive Government, we realise that, without this legislation in place, then one day we run that risk. So I would not want Hon. Members to think that there is any hidden pressure there, because that is not the case, but I do believe there is a deep-seated responsibility to respond to that international obligation.

With regard to my colleague from Onchan, Mr Earnshaw's comments, I do appreciate – because he raised with me in the margins – his uncomfortable feelings with regard to certain parts of the Bill, and I know he was not available to make his comments at the second reading, but I was aware of his concerns, and I think it was interesting.

'We cannot change the way people are', I think was the expression that he used. I would be the first to say, if someone does have a deep-seated prejudice, whatever that prejudice would be, then, in fact, it is difficult to change people's minds, and another Member has made reference to that.

But I think, nonetheless, we have a duty, as Hon. Members, to put frameworks of legislation in place which help society to do the right thing over a period of time, and, certainly, I see this legislation as that.

He used the expression, 'fears of the indigenous population', and I hope with previous readings that I have explained that, with regard to any prejudice against Manx, this Bill is actually a protection for that situation. Far from it being a threat, it is actually a protection. If people want to use this legislation, then that is a tool which is now there,

assuming it goes to become legislation.

But there were a couple of points the Hon. Member raised which were relevant to this particular Bill, and maybe that is because the Hon. Member was not here at the second reading, because he felt as though it could potentially be used against employers. And I have gone out of my way, Mr Speaker, to say, on a number of occasions, that this does not relate to employment discrimination. There is another piece of legislation which may come along at a later date, dealing with that particular issue. So there is less relevance than, perhaps, as is in the Hon. Member's mind over that particular issue.

He is quite right to point out that the UK has changed and the populations have changed; we are very much more cosmopolitan throughout the British Isles and Ireland these days. Things have changed a lot over the last 50 years, although can I say that, when I was at school there was certainly someone with coloured skin who had my surname in the North of the Island, and, therefore, there have been people of different racial background with different skin colours in our community for many years.

But the Hon. Member is quite right to point out that, perhaps, in the vast majority of people's minds, prejudice is not there and, therefore, why have the legislation? I think that is a valid point to put forward and so my opening remarks have been to try and say that this legislation is not on the floor of the House today because we have a race problem on the Island. There may – I am not saying there are not certain situations done, but really what we are talking about is a piece of social legislation, bearing in mind that life has changed over the 50 years, that this is the right type of framework to have in place.

Now the Hon. Member raised the issue of the UK and how it has changed. This legislation is not like the UK Bill. It is very much less prescriptive and more dilute in what it tries to achieve, and it is not bogged down by the constraints that are built into the UK Bill. So I do not believe it is actually in excessive layer of legislation. I think that is borne out by the costs and figures that I refer to, that it is not going to a burden to too many people.

So I thank the Hon. Member, my colleague in Council, Mr Rodan, Minister for Education, for supporting the Bill and he made a number of supportive comments relative to Mr Earnshaw's comments, but I would just pick him up on one point, because he used the word 'religion', in that that there are flaws in human nature and the discrimination in a number of areas throughout the world, including religious discrimination. Can I say that this Bill does not deal with that, either – just to make that clear. So religion and employment are outwith the remit of this Bill.

So my Hon. Colleague on my other side, Mr Karran, Member for Onchan, talked about shooting Scotsmen. Now, under the terms of one clause in this legislation, I think the issue is you can discriminate against everybody on an equal basis, but not on an unequal basis, so you could argue, jocularly, if I may say, Mr Speaker, that if you shot a Scotsman that would be alright, but if you shot him on the basis that he was black or white that would not be appropriate!

So that, certainly, is, in that example, trying to draw out, in relation to the charities that I have spoke about, that you can promote nationalistic ideals, you can promote and even structurally discriminate in favour of a particular ethos, but not on the grounds of colour.

I think the Hon. Member made a valid point, that Manx speakers in years gone by certainly were being penalised, basically economically they were penalised, into speaking English, a preferred language. But if this legislation had been around in those days, and someone had been discriminated against on the basis of his language and background, then this law would have been helpful in those days.

I do have to take issue with the Hon. Member when he talks about transparency, in relation to this Bill in particular. I know the Hon. Member has got a campaign on generally about transparency and holding Government to account, and I have no problem with Hon. Members in this House holding Government to account on the details of this particular legislation, but I think his comments were on a more general basis, and the Member for Peel reacted to those, and I will not add to any more comments.

But the Hon. Member for Onchan, Mr Karran, mentioned six months, and this being from when you know that a discriminatory act has occurred or from the time . . . if you do not know about it, the six months could elapse and you are outwith the time.

The legislation has tried to strike a happy medium. What it is saying is that if people know of a discriminatory act, they have got six months to register that complaint.

But one of the clauses in the Bill allows for the Courts to go outside of that six months, if they think that justice will be served as a result of that, so there is the ability for someone to bring a complaint forward outside of the six months in special circumstances, particularly if something had been hidden in a deep-seated manner. So I hope that will give the Hon. Members some comfort: the Attorney General can go to the Courts and a claim can be dealt with outside of that period.

The Hon. Member for Rushen, Mr Gill, who is a Member of the Department of Home Affairs, and I am very impressed is looking after the budget there so keenly.

**Mr Gill:** Oh, yes.

**Mr Corkill:** Very impressed, as Chief Minister, I think that is great news! But can I say that it is incumbent upon all Government Departments, as business comes along, and as legislation comes along, to produce codes.

Most Departments, whether it is Transport or Treasury, are producing and amending codes of practice, as part of the normal administration work of the Department. And, yes, this is an extra code, but there will be some other work that probably has dropped away in terms of importance now, therefore it is not necessarily extra workload; as someone who has spent five years in Treasury, I would say that, wouldn't I?

**Mr Gill:** Yes.

**Mr Corkill:** So I think the actual costs that I refer to are in terms of the new equipment, the new training, which is going to have to be dealt with by personnel at the 'coal face', dealing the general public.

I thank the Hon. Member for Peel, Mrs Hannan's, supportive comments, and I hope I answered, at the beginning of my comments, that we have not been forced into this by the convention, and maybe I have laboured that a little too much, but certainly we do want this open and free society.

The Hon. Member referred to other speakers, in that perhaps this legislation was not really needed. I believe that, on the ground you can argue that it is not needed – I think, if you are talking about legislative framework, which is part of the armoury of our social legislation, and there is some public debate always about the Isle of Man's social legislation in general terms, whether we have enough of it to protect people – I think this is another piece of the jigsaw.

I would ask Hon. Members to support it and hope that it gets its third reading, and I thank Hon. Members for their comments. I hope I have answered the points that have been raised.

**The Speaker:** Hon. Members, the motion before the House is that the Race Relations Bill will now be read a third time. All those in favour say aye; against, no. The ayes have it, the ayes have it.

### **Insurance (Amendment) Bill** **Third Reading approved**

**The Speaker:** Hon. Members we move on to the second item under this heading, and the Insurance Amendment Bill for third reading. Hon. Member for Ramsey, Mr Bell.

**Mr Bell:** Thank you, Mr Speaker.

The Insurance (Amendment) Bill 2003 is promoted by Treasury on behalf of the Insurance and Pensions Authority.

The legislation takes account of the core principles of the International Association of Insurance Supervisors, which formed a central part of the assessment of the Island's financial regulatory framework by the International Monetary Fund (IMF) last year, in addition to recommendations made by both the Edwards and the Financial Action Task Force (FATF) reviews made earlier.

Part 1 includes a statement of regulatory objectives and functions of the Insurance and Pensions Authority and the Insurance Supervisor. Greater clarity is provided to those, subject to the legislation as to the powers and expectations of the regulatory bodies.

Part 2 abolishes the requirement for an insurable interest to be present in contracts of life insurance written in the Isle of Man. The decision to adopt these provisions was taken after extensive consultation with the Island's life insurance industry, which is very supportive of the proposed change, which will clearly demonstrate that the Isle of Man is one of the most up to date and forward thinking jurisdictions in this area.

Part 3 enhances and clarifies the powers of the Insurance Supervisor, taking into account the considerable developments in supervision internationally since the 1986 Act, and provides a significant updating of the powers, in order to reflect modern standards and practices.

Amidst the miscellaneous amendments contained in part 4 is a revised and expanded right of appeal in respect of decisions made under the 1986 Insurance Act to reflect the wider powers given to the Authority and Supervisor.

Part 5 amends the Insurance Intermediaries General Business Act 1996. It clarifies and amends the business to which it applies and introduces powers to wind up a general intermediary for the first time. The section also introduces a new appeals provision.

Mr Speaker, this Bill is an important modernising Bill, which will introduce greater transparency into the supervision of our insurance industry, speed the responsibilities of the supervisor to perceived threats and opportunities and, with the abolition of insurable interest, give the Island a commercial advantage over many of our competitors at an economically challenging time.

There is only one outstanding question, unanswered at clauses stage, and this relates to the time period for records to be maintained following liquidation. The Insurance and Pensions Authority does not prescribe a time period, as this is governed under the Companies Acts. Section 266 of the Companies Act 1931 stipulates that records must be kept for a period of 5 years following dissolution.

Clause 266 deals with the disposal of books and papers of a company:  
(1) When a company is being wound up and is about to be dissolved, the books and papers of the company may be disposed of as follows, that is to say:-

(a) in the case of a winding up by or subject to the supervision of the court in such a way as the court directs;

(b) in the case of a members voluntary winding up in such a way as the company by extraordinary resolution directs, and, in the case of a creditors voluntary winding up, in such a way as the committee of inspection, or if there is no such committee, as the creditors of the company, may direct.

(2) After five years from the dissolution of the company no responsibility shall rest on the company, the liquidator or any person to whom the custody of the books and papers has been committed, by reason of any book or paper not being forthcoming to any person claiming to be interested therein.

(3) Provision may be made by general rules for enabling the court to prevent, for such a period (not exceeding five years from the dissolution of the company) as the court think proper, the destruction of books and papers of a company, which has been wound up, and for enabling any creditor or contributory of the company to make representations to the court.

(4) if any person acts in contravention of any general rules made for the purposes of this section, or any direction of the court thereunder, he shall be liable to a fine not exceeding £5,000.

I apologise for explaining this point at some length, but the same question was raised during the clauses stage of the Protected Cell Companies Bill, and so I hope this explanation will cover both pieces of legislation.

Mr Speaker, I beg to move the Third Reading of the Insurance (Amendment) Bill 2003.

**The Speaker:** Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** Thank you, Mr Speaker. I beg to second and reserve my remarks.

**The Speaker:** Hon. Members, the motion before the House is that the Insurance (Amendment) Bill 2003 be now read a third time. All those in favour please say aye; against no. The ayes have it. The ayes have it.

### **Protected Cell Companies Bill** **Third Reading approved**

**The Speaker:** Now, Hon. Members, we go on to the third item, which is Protected Cell Companies Bill for third reading. Hon. Member for Ramsey, Mr Bell.

**Mr Bell:** Mr Speaker, a protected cell company is a

corporate entity, similar in many respects to a limited company. The owners of the company subscribe for ordinary share capital in the normal way and the running of the company is the responsibility of a board of directors.

Where a protected cell company differs from a limited company is in its ability to create protected cells. Though each protected cell is not a legal entity in its own right, it can be thought of as being a mini company.

The revenue streams, assets and liabilities of each cell are separately identified and kept separate from all other cells. Assets held within a cell are legally protected from being used to meet liabilities incurred elsewhere within the protected cell company.

Any liabilities incurred by a cell must be met from that cell's assets. If its assets are used up, a creditor of the cell may then have recourse to the assets of the core - that is, assets of the non-cellular main body of the protected cell company - but does not have recourse to the assets of any other cells.

Protected cell companies can provide a means of entry into captive insurance markets to entities for which it was previously uneconomic. The overheads of a protected cell captive can be shared between the owners of each of the cells, making the captive cheaper to run from the point of view of the insured.

The Protected Cell Companies Bill, therefore, provides for a framework for the incorporation of companies as protected cell companies, for the conversion of companies into protected cell companies and for related purposes.

The proposed legislation is seen as being of particular importance to the captive insurance sector and that sector has been urging its introduction for some time, to enable it to compete with other jurisdictions, most notably, Guernsey.

To underline this, the Bill stipulates that a company may not be formed as a protected cell company, unless it is carrying on insurance business within the meaning of the Insurance Act 1986, or is of such other description as prescribed in regulations approved by Tynwald.

The Bill has been subject to extensive consultation with interested parties and now enjoys the full support of the industry.

At the clauses stage there were two unanswered questions outstanding: one was from the Member for Onchan, as to the length of time records must be kept after winding up, and I have answered that in my comments on the previous Bill.

Secondly, the Member for Rushen, Mr Gill, asked if the Supervisor has the right to appeal against a perceived lenient sentence. The Supervisor does not have a right of appeal, but, under section 41 of the Criminal Jurisdiction 1993, the Attorney General has the right of appeal to the Appeals Division.

This is an eagerly awaited, very important Bill for the insurance industry and we are aware of new business opportunities, which may flow quickly to the Island as a result of the enactment of this Bill and, therefore, I would urge Hon. Members to give this Bill their full support and beg to move the Third Reading of Protected Cell Companies Bill.

**The Speaker:** Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** Thank you, Mr Speaker. I beg to second and reserve my remarks.

**The Speaker:** Now, just before we continue Hon. Members, can I advise that the Hon. Member for Michael, Mr Cannan, because of pecuniary interest, has left the House with my permission, before we started the Third Reading of this Bill.

Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, all I just would like to say is that I did not vote against the clauses or the first and second readings of this Bill because 99 per cent of this Bill I am fairly satisfied with.

The only one that I am worried about is clause 31. I am concerned about the issue of the power of the Treasury to be able to make regulations and whether those regulations will be able to be made into other issues, other than insurance; that is an issue which gravely concerns me as a Member of this Hon. House.

I have no problem with the legislation, as far as the insurance industry is concerned. I think the Minister has done a good job; that is something that needs to be addressed.

But I am very, very concerned about too much flexibility in this clause, so that the companies legislation can have regulations to widen the scope of this type of protected cell company, which I have to say can be very dangerous, as far as the Island is concerned, if it is used in an abusive situation. So that is the only issue that does concern me as far as this legislation is concerned. If it is used in an abusive situation. So that is the only issue that does concern me as far as this legislation is concerned, and that is the only thing that I feel that unfortunately we have not been able to get changed to be more precise and prescriptive in the insurance legislation.

Apart from that, I have no objections as far as this legislation is concerned, but that one issue: can we have an assurance from the Minister that it will not be used for other types of companies, other than for insurance purposes? I think the argument is a good argument, a sound argument for insurance purposes, but, as far as the other side, there is a danger there could be a charter for it to be abused at a future date, if regulations are just allowed to be nodded through in another place at a later date.

**The Speaker:** Hon. Member for Ramsey, Mr Bell, to reply to the debate.

**Mr Bell:** Mr Speaker, I thought I had answered that point at the clauses stage, but to remind Hon. Members: this Bill at the moment is driven specifically with the aim of attracting more captive insurance business to the Isle of Man, at a time when there is a lot of opportunity available for the Island to capitalise on it, and the legislation is written in such a manner.

However, in clause 31 there is an ability to be flexible in the future, should another opportunity arise which we are not aware of at the moment, which may benefit from the use of a protected cell company. At this point, I cannot give any undertaking as to whether or not such a opportunity may arise or may not.

But I would say that the use of the protected cell company regime is not unique to the Isle of Man; there are a number of jurisdictions, and, in particular, Guernsey, now, which uses it with some frequency, albeit, as I understand it, only for insurance business.

But the Isle of Man, if it is going to succeed in the future economically needs to be as innovative and flexible as it possibly can be, and if a suitable opportunity were to come along, then it would be appropriate for Government to consider the possible extension of these powers to allow that opportunity to be taken advantage of.

But I would remind Hon. Members and, indeed, the Member for Onchan again, if they look at clause 31(6) that

regulations under this Act shall be laid before Tynwald as soon as practicable after they are made and if Tynwald at the sitting at which the regulations are laid or at the next following sitting fails to approve them, the regulations shall cease to have effect.

So Tynwald has the final say on any extensions of the use of the protected cell companies and, therefore, there is no possibility of any changes in the future going through without having the proper scrutiny. With that, Mr Speaker, I beg to move.

**The Speaker:** Hon. Members, the motion before the House is that the Protected Cell Companies Bill now be read a third time. All those in favour please say aye; against no. The ayes have it. The ayes have it.

*A division was called for and voting resulted as follows:*

*In the Keys – Ayes 20, Noes 1*

**FOR**

Mr Anderson  
Mr Rodan  
Mr Rimington  
Mr Gill  
Mr Gawne  
Mr Houghton  
Mr Henderson  
Mr Duggan  
Mr Braidwood  
Mrs Cannell  
Mr Downie  
Mr Shimmin  
Mrs Hannan  
Mr Bell  
Mrs Craine  
Mr Corkill  
Mr Earnshaw  
Capt. Douglas  
The Speaker

**AGAINST**

Mr Karran

**The Speaker:** Hon. Members, the motion carries with 20 votes for and 1 vote against.

Hon. Members, that concludes the business before the House. The House will now stand adjourned until 10.30 a.m. on 9th December in Tynwald Court. Thank you, Hon. Members.

*The House adjourned at 12.18 p.m.*

**Corrigendum**

In Volume 121:4, for page number 48 K121 read 116 K121