



**TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
QUAIYL TINVAAL**

P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Wednesday 19th November 2003

Present:

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

In the Council:

The Attorney General (Mr W J H Corlett QC), Hon. C M Christian, Hon. P M Crowe, Mr D F K Delaney,
Mr D J Gelling CBE, Mr J R Kniveton, Mr E G Lowey, Mr L I Singer and Mr G H Waft,
with Mrs M Cullen, Clerk of the Council.

In the Keys:

The Speaker (The Hon. J A Brown)(Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell
and 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

	<i>Page</i>
Leave of Absence granted	353
Orders of the Day	
Jurby village - a discussion document — Debate commenced.....	353
Jurby village - a discussion document — Debate continued -Amended motion carried.....	371
Procedural	373
Strategic Direction of Isle of Man Post Office — Report received, recommendations approved.....	373
Telecommunications Act 1984 — ManxTelecom Limited licence approved	391
Data Protection Act 2002 — Data Protection (Fees) (No. °2) Regulations 2003 approved.....	393
Registration of Electors Act 1984 — Registration of Electors Regulations 2003 withdrawn.....	394
Jury Act 1980 — Lists of Jurors Regulations 2003 withdrawn.....	394
Data Protection Act 2002 — Data Protection (SubjectAccess) (No. °2) Regulations 2003 approved	394
Procedural	396
Onchan District Act 1986 — Onchan District (Differential Rating) Order 2003 — Debate adjourned.....	396
Procedural	401
Social Security Act 2000 — Social SecurityAdministration Act 1992 (Application) (Amendment) (No. °4) Order 2003 approved.....	401
Social Security Act 2000 — Social Security Contributions and BenefitsAct 1992 (Application) (Amendment) (No. °6) Order 2003 approved	402
Social Security Act 2000 — Social SecurityAct 1998 (Application) (Amendment) (No. °2) Order 2003 approved.....	402
Social Security Contributions and Benefits Act 1992 — Income Support and Jobseekers Allowance (Exceptional Needs Grants and Budgeting Loans) Regulations 2003 approved .	402
Procedural	404
Social Security Act 2000— Social SecurityAdministration Act 1992 — (Application) (Amendment) (No. °3) Order 2003 approved..	404
Social Security Contributions and Benefits Act 1992 — Family Income Supplement (General) (Amendment) (No. °3) Regulations 2003 approved....	405
Social Security Contributions and Benefits Act 1992 — Income Support (General) (Isle of Man) (Amendment) (No. °6) Regulations 2003 approved.	405
Social Security Act 2000 — Social Security Legislation (Application) (No. °20) Order 2003 approved.....	405
Social Security Act 2000 — Social Security Legislation (Application) (No. °21) Order 2003 approved.....	406
Social Security Act 2000 — Social Security Legislation (Application) (No. °22) Order 2003 approved.....	406
Social Security Act 2000 — Social Security Legislation (Application) (No. °23) Order 2003 approved.....	406
Misuse of Drugs Act 1976 — Misuse of Drugs Regulations (Application) Order 2003 approved.....	406
Respite care for the elderly confused — Review of DHSS policy — Debate commenced.....	407
Procedural	411
Respite care for the elderly confused — Debate continued — Motion last.....	411
Petition for Redress of Grievance of David Arthur Newton — Motion carried — Select Committee appointed.....	420
Redress for Mr & Mrs D Spadoni — Debate commenced — Debate adjourned for three months.....	422
Archallagan Proposed Landfill Site —Annulment of Council of Ministers approval — Item withdrawn.....	437
Tynwald Hill —World Heritage Site designation — Item deferred until next month.....	438
House of Keys	438
Corrigendum	438

Tynwald

The Court met at 10.30 a.m.

PRAYERS

The Chaplain of the House of Keys

[MR PRESIDENT *in the Chair*]

LEAVE OF ABSENCE GRANTED

The President: Okay, Hon. Members. Both Mr Rimington and Mrs Cannell have been delayed this morning and will join us later.

Orders of the Day

‘Jurby village – a discussion document’ Debate commenced

8. The Minister for Local Government and the Environment to move:

That the Report, dated October 2003, entitled ‘Jurby Village - a discussion document’ on proposed development in Jurby Village – be received.

The President: And we recommence our deliberations on the Order Paper at item 8 and I call on the Minister for Local Government and the Environment to move.

Mrs Crowe: Thank you, Mr President.

As I mentioned yesterday, the Report before the Hon. Court today is about building a future for Jurby. The intention is to help it to become a sustainable village, with a centre and co-ordinated facilities, and with increasing and improving housing, social, recreational facilities and opportunities for work.

Since the Department’s report to the Council of Ministers in 2001, positive proposals and developments have arisen and these increase the potential for further development. These include the announcement of the Government zero tax strategy and renewed interest in the potential of the industrial estate; the Department’s scheme for self-build plots for sale for individual housing; funding approved for public sector refurbishment at Jurby, which will total £3 million; proposals from Andreas Racing Association, regarding the racing facilities at the airfield; the Department’s refurbishment of the hangars for manufacture at Jurby; and the choice of Jurby as a preferred site for the new prison.

However, it has to be acknowledged that, except for the building of the new school in the 1980s, the majority of housing and industrial buildings at Jurby reflect 60 years of under investment. (**Mr Cannan:** Hear, hear.) To turn this situation around and create a new future for Jurby will

require long-term commitment and considerable input from Government resources, in the form of social services, youth and community education, medical facilities, policing, transport and so on. All of this will be carefully co-ordinated. This Report indicates a way forward for developing Jurby village by identifying the various building blocks already in place. These are the airfield, the industrial site, the former campsite, and public sector housing at the Bretney and Threshold.

However, the most important building block is the existing community spirit. Despite, or perhaps because of, the present inadequacies at Jurby, there is a strong community spirit, a commitment by the local people to continue living in the area. It is this spirit that is behind the creation of a children’s play area, the football clubhouse, a cricket pitch and many other community efforts. The existing community is, therefore, a valuable resource on which Government needs to continue to draw if its proposals for the development of a village are to be successful. While still safeguarding the main runway as an emergency facility, and protecting the long-term option of using Jurby for civil transport, there is still considerable potential for further expansion and, already, a wide range of sporting and leisure activities take place on the airfield, but this expansion needs to be supported by the provision of proper camping facilities, toilet and parking facilities, an improved pit stop and an area for major motor sport activity.

My Department will work with Jurby Parish Commissioners – and I am delighted to see the Chairman here today – the Department of Tourism and Leisure and the Jurby Users Association, to explore how these improvements can become a reality within a reasonable timescale.

Turning to the industrial estate, the Report mentions the reasons for supporting investment on the estate and these range from health and safety responsibilities to demonstrating Government’s commitment to industrial development, creation of local jobs, and, by inference, to Jurby itself. Ideally, the development of the industrial estate will go forward, with a mixture of both Government and private investment, but in such a way as to support the interests of small companies who require small, basic workshops at affordable rents.

The Department has also identified a number of plots that will be cleared to enable small- and medium-sized companies to build their own units. These plots would be leased at a fair and reasonable rent and outright sale would also be considered. To kick start investment on the industrial estate, the Department of Trade and Industry is proposing to come forward in next year’s budget with a request for funding to build some small, basic workshops – maybe 1,000 square feet or less – on land to be provided by my Department. The Department will continue to use its estate’s revenue budget to gradually improve buildings that are to be retained and also to improve the roads and infrastructure. For financial reasons, this will take some time, but it will demonstrate my Department’s commitment to the future of the estate at Jurby.

I would stress that there is no scope for turning the industrial estate into a retail park or a high-tech science park. Realistically, it is going to evolve along the current lines, with a mixture of industrial activities which can best make use of the large spaces afforded by the hangars, together with small basic workshops and plots.

The other urgent requirement of Jurby is for a variety of private sector housing that would attract purchasers with a wide range of incomes. As the owners of considerable land suitable for housing on the former army camp site, the Department must play an active role in dictating how land is released to developers and what mixture of private housing there should be. It is essential that the housing is built to a design and layout that would create a village atmosphere and not a suburban estate.

With the Department's other responsibilities in mind, I believe that there should be an environmental theme to development at Jurby, including low-energy housing and other environmental initiatives, substantial tree planting and landscaping. The master plan attached to the Report indicates how the new village at Jurby might look, with its new housing, community facilities, enlarged school, improved industrial estate, all centred round the village green. Also shown are the camping facilities and the racetrack proposed for the airfield. Hon. Members will note the proposal to reroute all heavy traffic using the industrial estate, so it does not impinge on residential areas. At present, this traffic travels along past the school and past our housing estates.

Mr President, although Government is actively competing with the private sector in acquiring land for housing, and industrial land banking elsewhere on the Island, Government already has an abundance of land at Jurby. This is an extremely valuable asset. I am firmly of the view that now is the time to proceed and actively release this potential by creating a sustainable village at Jurby. The report maps out a broad way forward for achieving this objective. The actual details will require continuing consultation and liaison with other Government Departments and other interested parties, and, of course, most importantly, Jurby Parish Commissioners and the local community.

I should like to take this opportunity, Mr President, to publicly thank the members of the study group, who have worked on this for almost two years, and everyone else who has had input into this Report. It is most encouraging that all the contributions have been positive and supportive of a new future for Jurby.

Thank you, Mr President.

The President: Hon. Member for Michael.

Mr Cannan: Mr President, it is with very great pleasure that I second the motion presented by the Minister for Local Government and the Environment and I reserve my remarks, sir.

The President: Hon. Member for Ramsey.

Mrs Craine: Thank you, Mr President.

The preparation of this Report has been comprehensively carried out by the Housing and Estates Directorate of the Department of Local Government and the Environment.

Jurby as it stands, gives the impression of being a desolate, windswept, soulless outpost. Nothing could be further from the truth. There is a strong community within the parish who have been patient in waiting for long promised improvements. Generations of children have pleaded for facilities, which have been slow in coming and supported by ongoing fundraising. A sense of isolation is

emphasised by the lack of public transport.

However, anyone who visits Jurby at the weekends realises the value of the area for leisure facilities, which attract many hundreds of people. (**Mr Houghton:** Hear, hear.) The Department has taken all of these areas into consideration and I am pleased that the development of self-build homes is underway, and a mix of housing development will prove beneficial to the area, which is predominantly public sector housing.

Jurby is on an old RAF base, but it does not need to be derelict. We have to take the initiative offered to us to back the community, by enhancing the area. We can read from the comments within the document that the aspirations of the people of Jurby are not beyond the realms of reality. I believe them to be very basic requirements in developing a new lease of life for the community and which will give them a sense of being nurtured, instead of forgotten. They need the community facilities in which they can develop an even greater focus on socialising and care for their neighbours.

There is a place for the industrial estate, but quite simple rerouting of industrial traffic will promote the village concept around the school, shop and hotel, which can then be a safe environment for residents, divorced from the flow of heavy goods vehicles. I see that my colleague from Rushen has distributed this morning an extract from the Francis Report, which was commissioned by the Manx Heritage Foundation –

The President: Can I just, Hon. Member, if I may; Mr Speaker asked permission for it to be circulated and I concurred.

Mrs Craine: Oh, Mr Speaker, I beg your pardon. Thank you.

The Report that was commissioned by the Manx Heritage Foundation recommends the area to be a conservation area and certain structures to be listed as registered buildings. This is certainly something that I would wish to seek. This can be achieved without interfering with the desired development, but recognises many rare examples of their type, of structures which illustrate the significant importance of this site during the Second World War, without doubt one of the most important events of the twentieth century. These may only have survived through neglect, but now is the time to acknowledge their importance in the history of Jurby, the Isle of Man and the British Isles.

The commitment to Jurby will be long term, but it is investment that will change the face of the community and provide a greater sense of self-esteem and value for the people who live there. This community has been neglected long enough. Now we have the opportunity to make a difference to the quality of the lives of the people of Jurby and I urge Hon. Members to support this Report.

The President: Hon. Member, Mr Speaker.

The Speaker: Yes, thank you, Mr President.

I welcome this Report and I also support, and have done for many years, investing in Jurby area. Certainly, as Chairman of the Government Property Trustees (GPT), we undertook quite a substantial amount of work in those days in terms of upgrading some of the buildings in the early 1980s, and it is fair to say that any investment since then

has actually been extremely limited and I think we were all keen to see development there. In fact, the old army units were removed, but, unfortunately, nothing happened after that, and so part of the site lay empty for a long time.

So I am quite happy to support the basis of the document that we have got before us because I do believe to actually focus in on the needs of Jurby in the longer term, which the Minister has made clear that this would be a long-term commitment, is in fact a right way forward with what is a substantial amount of land that is in Government ownership, but most importantly, an area that has properties that need investment and then the area itself of course has a potential to develop.

The Minister has said, in her opening remarks, that it is her view to create a substantial village atmosphere and I think that is fine, and there is no doubt that this will change the style of Jurby, because it will change if we develop. There will be new people going there to live, and so be it, and it is important, in creating something like this, that you also have a comprehensive and integrated village, town, or whatever, it becomes in the future, and has all the infrastructure to make it work, because of its location.

So I have no problem on that and I have no problem in supporting, earlier on in the Order Paper, the item for the infrastructure investment which, I have to say, and I listened with interest to some of the comments that were made by Hon. Members, in fact, for £814,000, or whatever it is, is actually quite cheap. If you do an infrastructure development, if I use that term, of putting in the main infrastructure anywhere, £800,000 these days goes next to nowhere, (**A Member**: Hear, hear.) so it is, in fact, a better value than I thought it might have been, so, quite clearly, we are moving forward to try and do this. So I have no problem at all.

I am also pleased that, in the Report, it recognises the importance of the leisure facilities up there, because that, in itself, was always a matter that may have caused some concern, because, quite clearly, the use that Jurby has developed over the last 20 to 25 years, of the airfield being used for all sorts of leisure activities, has been something that has developed and grown. If it was to be removed from Jurby, the problem is that we have nowhere else to put it, and, therefore, leisure in the Isle of Man would be worse off. My concern would be that, if we do set up a user group, which has been talked about again for years, ultimately it is going to have to be financed and, again, I would say that, whether we like it or not, at some stage, the Department of Tourism and Leisure will have to be involved in terms of financially supporting it, because there is only so much that would be able to be raised from that facility up there.

That being said, what I am disappointed about in the Report is that the recommendations contained in the Francis Report, which Hon. Members had sent to them some time ago by the Manx Heritage Foundation, of which I am the Chairman, was a report that was commissioned by the Manx Heritage Foundation into the importance of Jurby, its archaeology, and the surrounding area.

I think that one of the problems we have, Mr President, is that we all see Jurby as a bit of a place – this is the airfield and some of its sites and buildings – a bit run down. It is time we did something with it. And, in principle, I agree with that, but I think we do have to be careful that we safeguard what are, whether we like it or not, buildings and structures that, collectively, are of historical importance to

the Isle of Man and the British Isles. (**A Member**: Hear, hear.) And the point that they relate to the Second World War, which is in recent living memory for most, is irrelevant, because, in 20 to 50 years' time, Jurby and its defences, its buildings and its structures, if we retain them, will actually be extremely valuable to the Isle of Man (**Two Members**: Hear, hear.) and to the British Isles.

It would be, if you like, as if they were developing Peel and they decided to pull Peel Castle down, or remove part of the Castle to allow a development. If they had done that 200 or 300 years ago, you might not have had parts of Peel.

Mrs Hannan: You cannot compare it.

The Speaker: Yes you can, because it is all to do with the history and the relevance of the history at the time. But the other important thing is, what I have a concern about is that the working group are saying that they are recommending that this area not be a conservation area, and they are recommending to look at some of the buildings that are in the Francis Report being considered for registration.

Now, Mr President, the first thing is, that it is a responsibility of the Department of Local Government and the Environment (DLGE), through the Planning Committee, to determine what areas should be conservation areas, and what buildings should be registered buildings, and it is its responsibility in statute, not anybody else's.

I think that it is important that we do not just overlook this issue. I have to say that I cannot understand why the planners are hesitant to consider properly making Jurby a conservation area. A conservation area does not stop development, and if you think it does, then just look around the Island, where we have conservation areas. Development goes on. What a conservation area does, first and foremost, is protect the buildings within that area and it makes the planners consider carefully whether or not a building is permitted to be removed, or a structure is permitted to be removed. Therefore, it means that somebody cannot just go in and pull a building down, and all they have to do at the moment is get a licence from the building control and give 28 days' notice that they are going to do it.

So, I think that we should just keep it in mind that this area, potentially, is very valuable because the structures are there. I would say to Hon. Members, that if you have not looked at Jurby and gone around it – and I recently went around it with others – you would be surprised at what you see up there that is still intact from the Second World War, (**Mr Earnshaw**: Hear, hear.) and they are not anywhere else, and the point that they were from the Second World War does not matter. They are now historic defences, which I doubt will ever be repeated because of the time period they were done in.

In the Francis Report, on page 56 and 57, he makes recommendations and that is the paper that I have circulated, Mr President, to Hon. Members. In that paper Members will see, under 6.2, the specific recommendations and it says there that consideration should be given to designating Jurby aerodrome as a conservation area under the Town and Country Planning Act 1999.

The conservation area boundary should be the current airfield boundary, including the technical site, but not including the regimental site or the 1960s runway extension. This is a defined area of special architectural and historic interest, which it is desirable to preserve and

enhance. Within this area there will be control over the demolition of unlisted buildings and redevelopment. Within the conservation area, consideration should be given to registering (listing) of certain structures, namely the guardhouse, the station sick quarters, type F seaplane/acroplane shed, bomb stores, pillboxes and watch office. In a conservation area it will be necessary to obtain consent from the local planning authority for works of demolition of an unregistered building. All unregistered buildings should not be removed without proper recording, including measured drawings. This is important, because original drawings of many of these surviving structures are not preserved at the RAF Museum, the PRO, or within Manx Heritage. Outside the proposed conservation area boundary are five pill boxes,

— and it lists them there, the numbers —

Consideration should be given to registering these in addition to those within the proposed conservation area.

This is from somebody off Island, independently commissioned to undertake a study which, as I say, was a comprehensive study which Hon. Members have had, his Report, which explains the whole history of the site of Jurby, and I have to say to Hon. Members that I believe we have a responsibility at least to ask the Department to look at this in depth and not allow structures to be demolished prior to this issue being resolved.

Manx National Heritage, of which I am Vice-Chairman, was concerned about the time limit, in relation to the time they were given for consultation for this document that has come to Tynwald today, and the time limit was literally a couple of days. A letter went to the Department, dated 23rd October, relating to the draft Jurby study consultation document, and it is from the Director of Manx National Heritage, where he says,

Late on the afternoon of Wednesday, 22nd October, staff of MNH were made aware that this document had been produced and had been sent out to consultation on 17th October, but there had been no approach of any sort by the Department to MNH. On contacting the DLGE about it, a copy of the Report was sent to MNH and received late in the afternoon of Wednesday 22nd October. We were informed that the Report was to go to the Council of Ministers next week and asked to pass on any comments by Thursday 23rd October.

Manx National Heritage wrote that letter to me, and there is more in it, expressing concern that they were not given adequate time for consultation. Now, Hon. Members, we want to see the Island develop. Nobody opposes Jurby developing. I do not oppose the Report on how we develop, but what I do say is that we should endeavour to protect and ensure that properly thought-out decisions are made before buildings are demolished up there, buildings that may, at the moment, look as if they are not worth anything to you and I, but, in fact, historically, they have a value and that historical value will increase as the years go on.

So, with this in mind, Mr President, I have put down an amendment, and all it does is require the Department of Local Government and the Environment to investigate this and report back to Tynwald before any developments take place that could affect this area. That is not going to hold anything up, because the Minister has said in her presentation that this is a long-term commitment. It is going to take time to do it. It is going to take time to get plans through the planning system. It is going to take time to get the money to progress it and, therefore, I do not believe that there is any problem.

I would also ask Hon. Members to look on page 21 of the Department's Report, and it is paragraph 9, where it is

entitled 'Way forward'. In there it lists a number of issues which need addressing and, Hon. Members, if you look at that and go through the list, it does not say that we need to address the historical importance of Jurby, but half way down it does say one thing:

Demolition of redundant buildings to be accelerated.

There are many buildings up there and structures that are empty and they are not used as a building as such, for a purpose, but what they do have is an historical purpose and I have to say that, if we allow that to go like that, I know what will happen and you know what will happen - the bulldozers will move in to start clearing out what are perceived as derelict buildings. And I have to say, that that will be done without thought as to whether or not they have any historical importance, and I believe that that issue needs to be addressed.

The Department then makes its recommendations on page 22 and there are its lists of what it should do, but, again, we have already had the study group, saying that they reject it being a conservation area. It is not their responsibility to reject it, by the way, but they reject it. What we are asking for, and I have written to the Director of Planning on this issue, as the Chairman of Manx Heritage Foundation, is that proper consideration to this important area be given before buildings, layouts, what are historical structures, are destroyed.

So, if we look at the area we are talking about, we are talking about the whole of the Jurby area being developed. None of this is going to delay the development of Jurby. The infrastructure has got to be put in, plans have got to be finalised and drawn up, programmes have got to be developed, funds have got to be found. Therefore, in the interim, surely we should look at whether or not what I am saying is right, and whether or not what Mr Francis is saying in his Report is right, and whether or not we, as an Island, believe that there is potential here for safeguarding some of this infrastructure. And I would make the point that, by safeguarding some of the wartime buildings and structures from the Second World War, there is a potential, in the longer term, of developing and creating a leisure market in the Jurby area for historical value, the same as we have for the other areas of the Island, and that we should keep that in mind.

It is all too easy to say, let us just sweep it all aside. I do not believe we should allow that to happen and, therefore, Mr President my amendment, which I wish to move, is quite straightforward:

In (c) after 'received' delete 'the full stop' and add - 'and;

requires the Department of Local Government and the Environment to consider the recommendations of "The Francis Report" entitled "Airfield Archaeology RAF Jurby and Associated Sites", a Report commissioned by the Manx Heritage Foundation, and to take the recommendations within the Report at pages 56 and 57 into account and to consider the implications of any future development proposals when determining the future strategy for the development of Jurby, with a view to safeguarding the important historical and unique buildings and defence structures located in the area and to Report to Tynwald with recommendations relating to

their future, prior to initiating any developments which impinge on the historical buildings and structures.'

These are part of the Jurby Air Field and its World War II defences.

Straightforward: not saying you cannot remove them; what it is saying, is examine the whole issue and if anything should be removed, then you make the case for its removal. For goodness' sake, Hon. Members, do not allow us to be put in a position where somebody can just go in with diggers and remove things that, afterwards, we find, 'Oh goodness me, that was actually an important piece,' and let me give you one example of where this happened.

In Castletown, the Highway Board, as it was in those days, was clearing out the Dumb River because it had been made a main river and one of the staff was using a JCB digger and there was this little bridge in the way, and it was a bit awkward for him to get all the silt out from under the bridge, so what did he do? He got the arm of the JCB and just knocked it all out of the way, dug it out and dumped it into a wagon.

That bridge was built by the monks. He did not think it was important; it was just a little stone bridge that you walked over, but it is gone forever and that is the point that I am making – we need to be careful.

If, at the end of the day, the case is made that these are not important, well, so be it, if that is what is agreed. But what I am saying to Hon. Members is, we are not holding anything up, let us please just add this safeguard to ensure that the importance of Jurby and the role it played in World War II, in terms of what is left there at least, should be examined thoroughly and reported back to Tynwald, as to whether or not we should remove any of these structures.

I beg to move the amendment standing in my name.

The President: Hon. Member of Council, Mr Singer.

Mr Singer: Thank you, Mr President. I am very pleased to see this Report come before us today and it has my full support.

Hon. Members will be aware that, over the last few years, I have always spoken up and supported the development of Jurby, possibly as the new town that the Island would need if the population continues to increase, rather than by accommodating people around Douglas, adding to the pressures on the infrastructure, which seem to be the favoured idea within this Hon. Court.

I do think that we should be, and at last we are, encouraging the use of Jurby, though we need to have in place all the necessary financial incentives for commercial development. I wish to see the provision of facilities to the people of Jurby, which they deserve, and which they need and they do not have now, but, in doing so, we have to recognise that we ensure that any of this development is done extremely carefully so that we do continue to have there a vibrant and caring community, that all that is not lost in the expansion of the area. I would like to identify a few points which are in this Report and which I feel need to be further addressed to help achieve the main aim of the Report in developing Jurby.

The first is, that we still have there the threat of this animal carcass pit and, when we discussed this in the past, and when this Hon. Court decided to keep that pit there, despite all the arguments as to why it should not be there,

and it is not just for foot-and-mouth, it was for putting other animal carcasses in at other times. That to me is a blight on the development of Jurby and I think, if we have a need for the disposal of animal carcasses, that we really need to be thinking that through again. I do not think that the present plan is to the advantage of Jurby at all and I think it is the wrong place.

I also was concerned when I saw it said that there was no perceived need for a fire station in Jurby. We are talking here of an area where we may have many new houses, a larger school, industrial units, motor sport facilities and yet the road system is not good enough to expect, with a larger community – because I do not think it is good enough for the community as it is now – to expect the fire engines to get there at any great speed from Ramsey and I really do believe that we need to be looking again at a fire station based in Jurby.

The second point which was touched on by the Hon. Member for Ramsey is the need of a regular bus service, because the bus service is abysmal now, the bus service to Ramsey in the evening is not very good and I understand that the Minister of Tourism has great problems in being able to provide enough buses and enough drivers, but if we are going to have a vibrant community and people are going to want to go and live in Jurby and remain living in Jurby, then they do need good communications.

I also think we need to look at the provision of the IRIS scheme – there is no plan. When I have asked the Hon. Minister 'When is the IRIS scheme going to be extended to the north?' the answer is, 'we do not know, sometime in the future.' But, here again, we are talking about the development of a complete community, with business, with recreational facilities. Let us have some idea when the north of the Island is going to have equal treatment to that of the south of the Island and Douglas, as far as the disposal by the IRIS scheme is concerned.

The other point I would like to make, that I think we need to look at, is the access to medical care, because at the moment out of hours it would take probably up to 45 minutes if an ambulance has to come from Douglas to Jurby. That is not acceptable. The people of Jurby must have access to medical care and, therefore, I hope that, when the review of the Ramsey Cottage Hospital's future is taking place, and it is taking place now, they must take into account the fact that we are going to have this increase in population in Jurby and that they should be looking at the future of Ramsey Cottage Hospital as a hospital because it still takes 15 minutes to get from Jurby to Ramsey Cottage Hospital.

But there are positive things as well; we have just had filming in Jurby; it is an excellent site for filming and I hope that will continue in the future. Also I would comment on the Minister when she talks about industrial development. I believe, Minister, that we can have actually larger industrial development in Jurby than she was talking, not just a small unit, I believe that we can have larger units, encourage larger units to come to the provision of more jobs and more high quality jobs in Jurby. That is exactly what is needed.

So, with those comments, I fully support the development of Jurby. I think this is a step forward, but we have to make sure that the momentum is maintained. If we say 'yes' today, then we have got to really start moving and keep moving.

Before I sit down, I would like to pay tribute to the Hon. Member for Michael (**Several Members:** Hear, hear.) over

the years for his tenacity and almost his blinkered view looking nowhere else but at Jurby, to ensure that the focus is kept on Jurby, and I would like to congratulate him on the actions that he has taken in support of that community which he represents.

Thank you, Mr President.

Mr Cannan: Thank you.

The President: Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane.

I have had a considerable involvement in Jurby, working with the Manx Language Organisation, and I am certainly very interested in that community. I think what is being suggested in this Report is an excellent development, it is a very important thing and I warmly welcome most, if not all, of the recommendations within it.

There are a few things, though, that I noticed in here, like Mr Speaker, that were of significant concern to me.

We were hearing yesterday about 'Justice for Jurby'; well, the plan for the increasing or the acceleration of the demolition of redundant buildings would be an injustice to Jurby. It would be an injustice, not only to the people of Jurby, but, also, bearing in mind we are little more than a week past 11th November, when we remember the people of the various wars, to basically say, well we are going to forget about that history, we are going to demolish it, supposedly in the name of progress. I think that is crass insensitivity to bring these sorts of proposals forward at this point. I do think it is important that people support Mr Speaker's amendment on that basis and I certainly would wish to second that.

A Member: Support the amendment.

Mr Gawne: That said, there are a lot of good things in the Report. I am very keen to notice, particularly, the reference there to the grassland, as is mentioned in the Report,

Airfield grasslands have been identified as the largest area of semi-improved grasslands on the Island. This is an important area for corncrakes and skylarks.

Certainly, I hope that, within the wildlife division of the Department of Agriculture, we will be able to move forward on that particular area.

As I say, the biggest concern has to be the way in which the Francis Report, or the recommendations of the Francis Report, have been so poorly dismissed by the study group, which feels there is no need for the creation of a conservation area, no explanation why, no consultation on the issue, just a complete dismissal.

We should not underestimate the value that could be placed on these buildings. It is not just a sentimental thing; there are potentially economic uses that the buildings can be put to; filming has been mentioned, but also the historical importance could actually be used to bring people to the Isle of Man.

The Francis Report makes it very clear that some of the buildings there are, if not unique, amongst a couple of remaining examples of their sort within the whole of the British Isles, so I think it is really important that we do not dismiss these concerns. Mr Speaker, again, mentioned the

bridge over the Dumb River. I have to disagree with him slightly; it was not actually the Dumb River, it was a little offshoot off the Dumb River, which I used to walk over on many occasions, bringing the cows in and out from milking. It was a wonderful little bridge.

The bridge that replaced it was really very useful, in that we could drive very big tractors with big loads over that bridge once it had been knocked down –

The Speaker: That is two bridges knocked down, then.

Mr Gawne: Well, yes, but the point that I would make is, yes, it was, commercially, considerably better for the sort of operation in the farm, but what we lost was a very important and significant part of our history, so we have got to be very careful here, for commercial expediency we cannot be too rough and ready in the way that we deal with historically important sites.

I am very keen to support the thrust of this Report. It is important, as I say, having worked for the Manx language charity in Jurby, you could see there was a crying need for facilities down there. I also noticed that, mentioned in the annexes to the Report, there is a call for more pre-school facilities in the area. Unfortunately, Mooijer Veggey was unable to continue working down there, simply because there were not any buildings available. There are no mentions in the recommendations of this Report as to how the call for pre-school creche facilities and the like will be provided, so I think that is possibly something else that could be looked into again in the future, but I think that would sum up my thoughts.

The President: Hon. Member of Council, Mrs Crowe.

Mrs Crowe: Thank you, Mr President.

Just speaking to the amendment, and to allay any fears in the Court, and had I been consulted prior to the amendment, it would have been unnecessary. As a Department, we take due care of many of the Island's buildings that require preservation, or are, indeed, being looked at for preservation. It was always part of our process to consider, as we have done, the Francis Report. What it says in the document at the present time is that we do not feel that the whole area needs conservation status; maybe it will be considered in time.

We are working our way around the Island at the present, with one conservation officer, trying to make sure that the areas that need conserving are being conserved. We have recently had areas of Douglas, as you will know, and we have conserved St Mark's village, so it is not the fact that we just said 'No, we are not going to do it', in time we will be looking at all areas of the Island. But it is certainly true I would have no problem whatsoever in the amendment being considered, because, of course, it would be part of the process that we undertook, in any case.

The President: Hon. Member, Mr Downie.

Mr Downie: Thank you, Mr President.

I rise to support the proposal that is before us today and I would just like to put on record, from a Department of Industry point of view, it has always been very difficult to actively market and promote Jurby, because of the very poor infrastructure, and the decisions that the Court have made

this week will enable us to go out and market the Jurby area much more vigorously.

For example, I wonder if Hon. Members realise that there is no three phase electricity supply for Jurby, so it is virtually impossible to run heavy equipment over 440 volts; for instance, the telecommunications system is poor, we heard about the water problems yesterday, there needs to be an investment in a reasonable water supply, and I think the decisions we have made will definitely give a major boost to Jurby and, in fact, the whole north of the Island. When you look at what is happening in Ramsey at the moment, Ramsey now is really the commercial seaport of the Island, all we see in Douglas now is roll-on roll-off traffic, but our traditional cargoes, fertilisers, timbers, agricultural machinery, all of that business, cement, comes through Ramsey and I think that anything we can do to stimulate the economy in the north of the Island will be a very positive boost for Ramsey and the north in general. (A Member: Hear, hear.)

I listened very carefully to the argument that Mr Speaker put forward regarding the Francis Report and I would tend to agree with him. Only recently I visited the Jurby area and parts of the old airport with people from Granada Television, and, on the back of that visit, we have been very successful in attracting a major six-part 90-minute television series called *Island At War*. It is based on a fictitious Channel Island called St Gregory.

ITV did go down to the Channel Islands and they found that the area was so abused and overdeveloped, that there were little or no remnants left of their wartime heritage and, when they came to the Isle of Man, they were absolutely amazed to see what had been left intact and what, quite easily, with a little bit of whitewash and tender loving care, could be brought back to their former glory.

While I would accept that it would be very difficult and onerous to single out the whole area, as Mr Speaker says, there are a significant number of buildings in the Jurby area and, should development take place over the future years, they can be kept and maintained in good order. They are not only a very important part of our military history, but they also have an advantage to us when we look at trying to make films down there and diversify the economy through the film industry, so I, personally, do not have a problem supporting Mr Speaker's amendment today.

We also have in the DTI a number of new enquiries for business. Within the next few weeks there will be a major factory opening in Jurby and this factory will be manufacturing timber-framed houses, and I am sure that the news that we have received this week that the Jurby area will get a boost, there will be plots for sale and there will be an opportunity for self-build. . . There is a new initiative being taken regarding the former Packaging Matters factory in Jurby, and, as was stated earlier, we are actively seeking Treasury support for new start-up units, money for that to come in quite early on next year, but, as I would just remind Hon. Members, this has not been possible without this significant investment in the infrastructure.

This is the key to it: if you have not got the basic components on the site, you are wasting your time trying to encourage investment in the area. We must play our part and I think, in supporting this motion today, Tynwald is playing its part. We are giving the Jurby area a new lease of life and I think the economic generation down there will spread out to the whole north of the Island on the back of

this, and I think it is to be supported.

The President: Hon. Members, I appreciate that Members wish to develop their argument; I have six names on my list still to get through. Let us try not to be repetitive.

Mr Houghton: Hear, hear.

The President: Hon. Member, Mr Quine.

Mr Quine: Thank you, Mr President.

I rise, really, to offer a word of caution. I can readily recognise the need to preserve our heritage. I have no problem with that. We have natural inclinations to preserve our heritage and, indeed, the inclination to do so is somewhat insatiable, but I think we have to be discerning, because preserving our heritage is a costly exercise. (Mrs Crowe: Yes.) It is simply not a matter of 'it is a good idea at the time', let us commit ourselves to spending more and more public money. There has to be an order of priority and some realism into all of this, and to look at any proposition in isolation, I think, is a disaster.

We have legislation, we have mechanisms for looking at all the competing projects or potential projects for conservation areas, for heritage and to simply pull this one out and to say this is the smell of the day, this is the flower of the day, I think that is not a very sensible path to follow.

My underlying fear, however, is this: we have waited 60 years to recognise the need to have Jurby regenerated and we have before us a Report which I certainly believe will go a long way to doing that, but I have this feeling that we may unconsciously undermine our efforts by the amendment which is before us. What is in prospect at Jurby is a scheme, it is a concept, and the public money that is going into that for good reason is very limited, not that I would go along with Mr Speaker and say '£840,000, so what?' That is a lot of money if you have not got it and the day may come when £840,000 is very important to us. So if this is to proceed we are going to have to look for money from the private sector. It has got to come through developers who want to go there and if we start from the premise of saying, right, this is a conservation area –

Mr Cannan: Nobody will go there.

Mr Quine: – I am afraid the private developers are going to be put off from going there. (Mr Houghton: Hear, hear.) I had responsibility for a number of years for administering these matters, entered into numerous conversations with developers for Jurby, I might add –

Mr Houghton: Hundreds of hours he did,

Mr Quine: And there has been a previous plan before this one for Jurby, that is right, and the Hon. Member has been in on some of the meetings with me. But if you go up to a developer and say, yes, there is a great prospect here, you can do all of this, but this is a conservation area, that is the one word they do not want to hear, because they will back off immediately.

It is quite a different matter to turn around and say 'this is for development', and, in relation to other competing projects for listing, these two buildings or these pill boxes should be set aside, that is quite a different matter, that is

specific and the developer knows what he is up against. (**Mr Houghton:** Hear, hear.) But when you start talking in terms of a conservation area of this size, you will drive investment away. (**Mr Houghton:** Hear, hear.) I honestly believe that we would be well advised to leave that amendment alone.

Mr Houghton: Alone, yes.

Mr Cannan: Hear, hear.

Mr Quine: If these particular structures have merit – and I am not disputing that; I have not examined them – but if they have merit, then they will stand up and measure up against the mechanisms and within the mechanisms that are there already for dealing with these matters. (**Mrs Crowe:** True.) But, on the hoof, to pick up an amendment and a precis of the Report, and say this is going to be a conservation area, look at this, consider this, because, once Tynwald says ‘consider’, that means, basically, do it –

Mr Houghton: Leave it as it is.

Mr Quine: My advice is certainly not to touch that amendment.

If we are serious about getting this attempt – and there have been others – to regenerate Jurby off the ground, then we should work on the premise that we have that concept, we are prepared to put that public money in and we have got to then look very carefully at, and remove from this equation, any possible moves on our part which would deter private investment and, yes, as I said, there might be some items out there which are really worthy of preserving, but, as one who lived through the war, and has been in the Services, there is not very much which is grand about war, (**A Member:** Hear, hear.) far from it, but that is beside the point. If we are serious about developing Jurby, then we have got to be very circumspect about how we approach this item on our agenda this morning.

The President: Hon. Member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr President.

There are only a couple of points I think I would like to add to the debate which has taken place so far. Firstly, I can only reiterate the comments I made yesterday about the proposals for Jurby for the infrastructure that I strongly supported. I welcome the moves and congratulate the Minister and the Department now for taking the steps forward, which many of us have believed to be important now for a number of years. At last we are seeing, hopefully, some movement in this area, so I support the Report wholeheartedly.

I do hope, though, that we can see that this is not simply a Report which is well intentioned now and is simply then put back on the shelf. We have been here before on a number of occasions, certainly in my lifetime in this Court, where similar schemes have been considered and they have really gone nowhere at all. We have paid lip service to it and that has been the end to it, so I hope, on the one hand, the Minister will, and, certainly in co-operation with the DTI, in particular, take a more proactive approach to the implementation of the proposals.

While saying that, I would like to put a marker down on

one particular issue. I did say yesterday that I believe the development of Jurby is not just a scheme for Jurby, it is a regeneration scheme for the whole north of the Island and I still strongly believe that, but I would just point out and ask, in fact, for the Minister to bear in mind that, whilst I am supporting this move for Jurby, it must not be allowed to detract from development in the Ramsey area, because we are very short of housing, certainly first-time buyer housing in Ramsey. We have had none built, really, for about the last ten years, even though there are one or two schemes in the pipeline. We must not take the foot off the pedal to get that development underway and, likewise, while I fully support any moves to develop new industry at Jurby, it must be borne in mind that Ramsey is the population centre in the north of the Island and we need new industry, new employment opportunities, in the town of Ramsey, as well.

So I would ask the Hon. Minister, and whichever Minister she co-operates with on this particular proposal, to bear in mind that while, yes, let us press on with Jurby as quickly as possible but, please, Ramsey is a growing vibrant centre, as well, and it needs ongoing nurturing, in terms of housing and on commercial investment in the town and I say that with one eye on the Tynwald.

Now, taxation strategy, where we have agreed to move towards a zero rate of corporate tax by 2006; this should give the Isle of Man a great selling incentive over many other areas to attract new industry, new business, new start-up business to the Island. So there is a great opportunity here, now, to tie-in the development of Jurby, the regeneration of the north of the Island, with a taxation strategy which will deliver new business and new life to the north of the Island.

I do take the point, though, of the Hon. Member for Ayre, Mr Quine, where he says, if this development is going to take place, essentially it has got to be private sector driven. The Government cannot afford to do all this itself, we have to find and create the conditions which a private sector will find attractive and will see as a major incentive to invest in the north of the Island. There have always been these problems in persuading people to come north, because the airport is in the south, the main seaport is in Douglas, the mountain has always been seen to be a barrier to investment in the north of the Island.

So we must listen very carefully, I think, to the words of Mr Quine that we must create the best conditions possible to encourage private investment, now, to come to Jurby and indeed to Ramsey and the north of the Island generally. There is a great opportunity there for us.

As far as the conservation argument is concerned, I have always been a strong supporter of conservation, but conservation in a selective sense, not to conserve for the sake of conserving, (**Mrs Crowe:** Well said.) just simply because it happens to have some age on it. (**A Member:** Absolutely.) And I think the impression is abroad on the Isle of Man that we have, on occasions, gone over the top on conservation and actually alienated people who, otherwise, would be quite supportive of the concept, because we have been too aggressive in our implementation of this conservation philosophy. So, I support a selective approach to conservation. If there are key buildings or key issues in that area, by all means let us look at it, but it is most important, again reiterating the point by Mr Quine, that we do not send out the message that Jurby, as a whole, en bloc, is a conservation area, because you will not get business coming in on that basis.

A Member: The amendment.

Mr Bell: I see the amendment, but it is the message, it is the perception that we need to be aware of here –

Mrs Crowe: That's right.

Mr Bell: – and I think we need to be very careful before we give any sort of blanket coverage of Jurby, because it will stop all the good intentions of the Minister for DoLGE, and indeed the DTI, it will stop their activities dead in their tracks, frankly.

Mr Cannan: It will stop everything.

Mr Bell: So I will be supporting it. I think the Department ought to be congratulated on the work that it has done. I look forward to working with her through Treasury to ensure that this development does go ahead, but I would just like to finish on one point.

I congratulate the Speaker on his eloquence on the issue of conservation and how important it is to maintain registered buildings and our history for the future and I hope those words have been taken up by Members of this Hon. Court, when we talk about the issue of conserving the Queen's Pier, for which the Hon. Speaker (*Laughter*) had responsibility for five years and I am pleased now he has been converted to the policy that we should carry out a proactive approach to conservation. So, I put the marker down that, while we are conserving the north of the Island, let us start conserving the Queen's Pier, as well.

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

Mr Gill: Thank you, Eaghtyrane. I will be brief.

There are a couple of points that I have heard that prompt me to stand. First of all, if you think of the comments from the Member of Council, Mr Singer, where he made the argument for a fire station in Jurby, on the pretty flimsy basis of 'what it may turn into', was his quote. Well, on that basis, I would put a marker down now that I think we should have one in Ronague, in case that turns into an urban sprawl. (*Interjections*) Probably one in Cregneash, as well, in case. So that is a nonsense. The rest of it was parochial tub bashing, and I can go along with that. That is good knockabout stuff.

Seriously, I can confirm that the Chief Fire Officer is perfectly adamant that the fire cover for Jurby area from Kirk Michael and Ramsey is entirely adequate, and I have confirmed that with my Minister in Home Affairs. So that is a serious point raised, and I do want to refute that, that the fire cover is perfectly adequate in Jurby, as it stands, and there is no need, as we are at the moment, for any additional services. But, of course, that will be kept under review.

The other point is made by the Hon. Member for Ayre, Mr Quine, when he talks about conservation areas would put the blanket completely on any development, because developers would not want to touch it with a barge pole. My understanding, from visiting the area and from looking at the map, is that this is a pretty limited area and the amendment does not say that it is all to be a conservation area, it says it is to report back, and that sounds an entirely eminent and sensible suggestion.

Mr Quine: That could take years!

Mr Gill: Well, we say it would take years, I do not see why that should be the case. Perhaps it would not have taken years if Manx National Heritage and the Heritage Foundation had been consulted in the process of collating this Report a little more readily than the entirely inadequate notice that Mr Speaker has outlined earlier.

So, if we are serious about preserving buildings of historic value, then let us look to track records, and all I would say is, DoLGE, as my colleague from Rushen, Mr Gawne, has mentioned in this very Report, says they want to move on apace to demolish buildings, so we cannot have any confidence on that. And if we want to look for confidence, let us look to Douglas Head and see what DoLGE are going to do with the camera obscura. (*Interjection*).

The President: There is no need to go round everything, I'm quite sure.

Mr Gill: No, sir, there is not and that is my point that I conclude with, but I would have happily seconded the amendment, as it stands. I think it is entirely sensible. It adds to the Report. So should we invest in developing Jurby? Of course, we should. So, on that basis, I shall support the Report, but I will also certainly be supporting the amendment.

The President: Hon. Member of Council, Mr Gelling.

Mr Gelling: Yes, thank you, Mr President. I arise to support this particular motion, and I suppose, other than the Member for the area, I could say I know the place very well, having lived there for 18 months, on what was a very vibrant airport, and I have seen what it was like then and I could imagine how it might actually be in the future.

I see very little point in having now established that we are going to put the infrastructure in and not to actually now continue and do whatever it is that could be done, which could not be done before, for the simple reason that the services were not available, and my only worry is the fact that we have already lost, I think, to the nation, the actual plotting station, which was for the bombing range, which was let go and that was an integral part. Although not on the site, it was actually there, and it could very well have been established. Now, I hear Mrs Hannan from Peel saying, 'No we have not'. So –

Mrs Hannan: No, no. It fell into the sea.

Mr Gelling: Oh, it fell into the sea. (*Laughter*) Sorry.

Anyway we have lost it, but, certainly, there are other areas on that station which have gone and it is a pity because they were areas that did have some significance and I think very much of the mortuary which was there. Why they demolished it, I do not know. The footings are still there and the slab is still there, but the mortuary building has gone, but it was an integral part of the sick quarters on that site, which did see what is some of the history of this Island, actually on that site.

But, certainly, looking at the amendment, I can appreciate what has been said there, but I do not honestly believe that anyone would go in there and actually demolish

these things that are of such importance, but we have to be selective, because I well remember the Hon. Member coming forward, I mean the Hon. Member for Michael, when all the airmen's huts were demolished. At that time it was fear of the boat people coming to live on the Island, now it is probably the asylum seekers, so if the huts are not there no-one can live in them.

But, certainly, when I think back to the trauma that was in the north of the Island, and the Hon. Member, Mr Bell, from Ramsey, was talking about Ramsey should not be forgotten, but certainly Ramsey was vibrant when the RAF station was there, because the highways and everything were constructed in such a way that the trip from Jurby into Ramsey would, again, be something that would develop and that Ramsey would be much more vibrant because of it. So, I will support this. I am still a little concerned about the amendment, as to whether it will hold up the actual development down there, but, certainly, I think it is something that we should support today, sir.

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

Mr Rodan: Mr President, quite clearly the motion is going to receive universal support today and, from the debate, it is clear there is a wide range of sympathy for those elements of development that have to do with the historic area, that is Jurby airfield, and the need to conserve and protect important structures. And I think we all have sympathy with that position. The problem that I share with other speakers is the practical effect of the passing of the amendment in bringing both of those worthy objectives about.

Now, the amendment, actually, is in two parts. The first half requires the Department to take recommendations in the Francis Report into account, and to consider the implications of any future development proposals when determining the future strategy for the development of Jurby. And the Minister has clearly indicated that she has no problem in running with that element of the amendment. The amendment does go on to state that there should be a report to Tynwald, with recommendations relating to the future of these buildings, prior to initiating any developments which impinge on the historical buildings and structures which are part of the Jurby airfield and the World War II defences. My concern relates, not to the good intent of the Department – and the Minister has clearly indicated that care will be taken in the development proposals to ensure that these historic structures are considered – my concern is, I think, the length of time now that will be required to report to Tynwald to bring the report back, and, in waiting, will this in fact put on hold the Jurby plan? Will it put the prison development on hold, as I understand, the prison is to be on a part of the airfield in the area? That will all have to be considered and Tynwald will need to pronounce itself satisfied that the prison is not going to run contrary to what is intended through this amendment. So, I stand to be corrected, but if this holds up the prison, Hon. Members, please think carefully before you run with the amendment.

The Report itself, on page 14, does clearly state that the study group – and I would remind Mr President that the study group includes on it a representative from the planning and building control section of the Department – feels there is no need for the creation of a conservation area, but, in

respect of the registration and preservation of existing buildings, as is detailed in the Francis Report, and read out by Mr Speaker, this requires further consultation with MNH, and that will clearly be bound to happen. Mr Speaker said, if I heard him right, that he did not think the Department had any right to say whether or not there should be a conservation area.

The Speaker: No. I did not say that.

Mr Rodan: With respect, it is the Department's very job (**Mrs Crowe:** Absolutely.) to identify whether an area should be put forward for consideration as a conservation area.

The Speaker: That is what I said.

Mr Rodan: That is the Department's job –

The Speaker: Hear, hear.

Mr Rodan: – and the Department, certainly, having accepted this Report, and that is moving the Report, is clearly of the view that there is no need for the creation of a conservation area, and I suspect that it has come to this view because it knows that conservation area status certainly furthers the most worthy objective of giving protection, but it also introduces time-consuming procedures for development. It does not sterilise the development.

It does not sterilise. Mr Speaker is right, that it is not a process that stops anything happening, but, without question, because of the necessity, which is spelled out in the Francis Report extract, to obtain consent from the local planning authority before there is any demolition, inevitably it will lead to slower development taking place. It is for the Court to decide whether that is the way it feels the development of Jurby should take place.

But if, coming back to the requirement of the amendment to report to Tynwald, that Report does say that a conservation area should be set up, for whatever reason, let us be under no illusion, that that very process of consideration itself takes time, and there will be a considerable lengthy process of consultation with the community. There will have to be a public inquiry by an inspector, who will then report to the Department. That report will then have to be brought to Tynwald. All this could take many months.

If that is the way we want to go, fine, but please accept that the consequence will be this Report, in my opinion, being put on hold, as far as its implementation is concerned. I do not think we want that; we do want the Department to carefully take into account, in parallel with the development, the necessity to look after the historic structures and what would be the potential conservation area, but I rather fear that running with the amendment will have unintended consequences that are actually going to be more serious than we might imagine.

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

Mrs Hannan: Thank you Eaghtyrane.

I was not going to speak on this particular issue, but things have been said that bring me to my feet, but one of the things which really surprises me is the attitude of Ministers, especially the last Minister who has spoken, with

regard to Tynwald holding things up.

We are here to consider issues such as this. We are here to direct. It is not a study group which has a brilliant idea and then we just say, 'Oh that is lovely. Yes, carry on with it.' We are the parliament, and I am sorry if the executives do not like what the parliament has to consider, or the time that it takes. I am absolutely appalled by the comments of the previous speaker, 'Oh it might hold things up by having a study into a conservation area.' We have had plenty of time, as Members have said around here. You know the time that is taken.

I have concerns about whether it should be a conservation area, but the study report actually says that, in respect of a registering or preservation of the existing building, further consultation is required with MNH. Why can it not be reported back? Why cannot the thoughts of a conservation area be reported back? I am really appalled that we should be treated in such an inconsiderate way by Ministers. I really am. Legislation comes into being because we consider it, and if it is there, then that is the direction which can be entered into or not. But, if something needs to come before Tynwald Court, then it has to come before Tynwald Court for consideration.

A comment has been made about Jurby being more important than Peel, or just as important as Peel Castle. We have to remember, and that is the reason why I wanted to comment on this, human habitation has been recorded in Peel Castle and St Patrick's Isle for over 10,000 years, to my knowledge, and all sorts of areas, communities, religious, monasteries and also military. The comparison should have been Jurby and Castle Rushen, (*Laughter*) for the military context. Now I would just like to put that on record, because I think that it is important that that is on record.

The Minister for Treasury – and I know that is on record now – but I would just like to talk a little bit about conservation areas, because the Minister for Treasury said about them being aggressive, with regard to conservation areas. In actual fact, I do not think that we are aggressive enough. I think we declare a conservation area, and we have done recently in Douglas, but we have not provided the funds. We should be providing the funds. Once we say it is a conservation area, we should be saying 'Yes, and there is money there to support that.' We are saying, 'We should be doing this, that and the other,' but there are not the funds there to support it, and this is really what we should be concentrating on.

I accept, with regard to Jurby, if you are creating a conservation area it is an area, and so, then, you have to take into account building, relation to building. If you are registering and preserving an existing building, it can be that building in isolation, you do not have to take into account the surrounds. And so there is this aspect of it, and that should be considered, but I do not think it should be in consultation with MNH. There are a number of other people that should be consulted in regard to this and, I hope, whether the amendment is accepted or not, the Department of Local Government will take a bigger outlook on the whole thing with consultation, and not just MNH, because there are other people that should be involved.

And I say that in relation to Queen's Pier, simply because the project that was put forward was retaining it in the way that it was built, not bringing in all sorts of other things which actually devalue it and that report, I think, was

accepted by Tynwald. The actual conservation aspect of Queen's Pier was paramount, and it was Mr Speaker that initially started up, through GPTs, which he mentioned, Laxey Wheel and the environs there, which will have been mentioned in later documentation we are considering before this, but also the introduction of registered buildings and conservation areas, when he was Minister for Local Government and the Environment. So, in one way, I am attacking Mr Speaker for what he has said, but, on the other side, I am actually supporting the work that he has done while he has been a Member and the representative for Castletown.

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

Mr Lowey: Thank you Mr President.

I would like us to get back, really, to what is on the Order Paper. (**Mr Karran:** Hear, hear.) We have gone a long way around, really, and I think there is universal support in this Court for Jurby.

Can I now, first of all, just go back a few days? I think it was an interview on Manx Radio by a lady, a resident of Jurby, who had been asked for her comments on the plan for Jurby. And this lady said, and I quote, 'Good idea, but it will never happen'.

Mr Corkill: That's right.

Mr Lowey: She has lived through it more than once, and I thought that is awful cynical, me, a politician, saying about a resident of Jurby that she was being cynical, but, if she was in this Court today, she would be forgiven for coming out with that expression, 'Here they are saying, yes, but here is an amendment that may inhibit.'

I have no doubt it is not the intention of Mr Speaker, who says so repeatedly, that it is not his intention to slow things down or to inhibit, but I am afraid, in examination of his amendment, you will see that it will do just that. (**A Member:** Absolutely.) Not forgetting the overall thing for private enterprise, and I do generally share the Hon. Member for Ayre, Mr Quine's, view, that I think we have to take it as a partnership here. We put the seed corn in and, hopefully, attract private money and it will do.

Mr Speaker's amendment, really, is in two parts. The latter part is the one where I do think it will inhibit and slow down.

And to report to Tynwald with recommendations relating to their future, prior to initiating any developments.

If that is not a classic, You can do nothing until you put a report together and report.

Two points on that. First of all, there is not a load of officers in the Department, (**Mrs Crowe:** Absolutely.) with time to do an academic exercise and then put all the procedures that conservation areas and conservation on particular buildings will take. Now, that is genuine and I have to say to Mr Speaker, also, that I did read the Francis Report; in fact, I congratulate the people who sponsored it and put it into being.

Like the Hon. Member of Council, Mr Gelling, I, too, have fond memories, not as a serviceman, but as someone who actually went there in athletics teams and competed and shared the general experience and social, the pool

ballroom in Ramsey and all that jazz. That is my misspent youth, but the place was vibrant, so it can happen. It can create a situation, which we are attempting to do.

The Minister, as I said in my opening remark, my Minister, in her opening remarks, 'Of course we would take note of what the conservation people say and this Francis Report.' We will, obviously, having had this debate and the expressions that have been put forward, take that into account. It would be very foolish not to. But I do think there comes a time in history, where you have got to go with the flow. You have got to take the time. You have got to take the opportunity.

Here is an opportunity for Jurby. Everybody has agreed it is a good idea. We have put the right amount of money, maybe not quite enough, but the right amount of money that we can afford at this time. Let's go for it, bearing in mind our history, but I have to say to Mr Speaker, for example, I am apprehensive. I am, in another part of the Government, the proud owner of two huts that came from Jurby – that is, in the Wildlife Park. They should have been demolished five years ago. I mean, they leak, but they have done a sterling job. I have to say they came from Jurby and I am sure they must be the only two in captivity in Europe, or in Britain, and, before I demolish them, do I have to get permission? I am in effect . . . Mr President reminds me that there is another one in Colby Football Club, but even they are about to demolish that and move forward.

I am only illustrating the point that you can become obsessive and there has to be a balance. I mean, we knocked down, in our haste, just after the Second World War, all the Nissen huts on the Isle of Man. Now, they were a part of our history, but we had to demolish them for practical reasons. I do believe the people of Jurby – and I have always defended them, whether it was animal welfare or the late J J Radcliffe, predecessor to the Hon. Member for 'Justice for Jurby' – have a right to expect today that we give wholehearted support to this particular scheme, and I think we can do that, and accommodate Mr Speaker's, no doubt, desire, which is, we should omit the last part.

Everything in there requires the Department of Local Government and the Environment to consider the recommendations of the Francis Report, entitled *Airfield Archaeology, RAF Jurby and associated sites*, a report commissioned by the Manx Heritage Foundation and to take the recommendations within the Report, at pages 56 and 57, into account and to consider the implications of any future development proposals, when determining the future strategy for the development of Jurby, with a view to safeguarding the important historical and unique buildings and defence structures located in the area.'

I think you can stop there, because I am quite sure the Department will do just that, as already initiated in her opening remarks by the Minister in moving it. That is what is required, the rest is what I would call, what will be used to delay and inhibit those requirements. I do not care, and it is not a crime for Ministers to want to get their policy through, and, in my view, on this occasion, we have to be pragmatic, and I do believe, if you accept the amendment standing in my name, you accommodate both Mr Speaker and the Minister, who is moving the original resolution.

So I beg to move the amendment, that I believe has been circulated, that stands in my name,

*In (c) after 'received' delete 'the full stop' and add -
' and;*

requires the Department of Local Government and the Environment to consider the recommendations of 'The Francis Report' entitled "Airfield Archaeology RAF Jurby and Associated Sites", a Report commissioned by the Manx Heritage Foundation, and to take the recommendations within the Report at pages 56 and 57 into account and to consider the implications of any future development proposals when determining the future strategy for the development of Jurby, with a view to safeguarding the important historical and unique buildings and defence structures located in the area.'

The President: Hon. Member Mr Braidwood.

Mr Braidwood: Thank you, Mr President.

I will not try to be repetitive and I will second the amendment standing in the name of Mr Lowey because, yesterday, we passed the upgrading of the infrastructure of Jurby and also the extra fees, pre-contract fees for the prison redevelopment programme and some of the fears I had were raised by the Hon. Member for Garff, Mr Rodan, in particular, the last part of the amendment which was moved by Mr Speaker:

To report to Tynwald with recommendations relating to their future, prior to initiating any developments which impinge on the historical buildings and structures which are part of Jurby airfield and its World War II defences.

Mrs Hannan: Impinging.

Mr Braidwood: My fear was that this would stop the development of the prison, although we are way away from any of the buildings, but we would still have to report back, because there is going to be a development on Jurby airfield which would have been in that area and I have to agree with the Hon. Member for Ayre that, at the present time, those buildings which are listed, the guardhouse, station sick quarters, type 'F' seaplane, et cetera, could be registered and preserved and it would give the Department, then, time to come back when looking at the Francis Report. Those were my fears.

The answer to a fire station by the Hon. Member of Council, Mr Singer, has been entered by my colleague on the Department. At least, then, it can go back, the Department can consider the amendment and eventually come forward, but, at the present time, Mr President, I will be supporting the amendment standing in the name of Mr Lowey.

The President: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr President. I would like to speak to Mr Speaker's amendment.

In his amendment, he asks that we take the recommendations within the Francis Report, at pages 56 and 57 into account and the recommendations actually say,

consideration should be given to designating Jurby aerodrome as a conservation area.

Consideration. It does not say that it should, or it should not, but that it should be considered. When Mr Lowey rose with his amendment, he finished his comments at a point where he said, on Mr Speaker's amendment,

Tynwald, with recommendations relating to their future, prior to initiating any developments.

‘Any developments’. That is not what Mr Speaker’s amendment says.

Mr Speaker’s amendment says,

any developments which impinge on the historical buildings and structures which are part of the Jurby airfield and its World War II defences.

I would ask Members, for a moment, just to turn to the map in the Report, because, on the map, you will see the area designated and, if you consider the purple area of this plan, you will see in the centre there the Airfield Heritage Centre which is at the moment the guardhouse, or has been. The area to the bottom and right of that is the only area that would, in any way, be affected by retaining the type ‘F’ seaplane/aeroplane shed.

Out of that area, and at the bottom corner, you will see there is the control tower, which, in the Report, is referred to as the ‘watchtower’. It has already been questioned by the Manx Heritage Foundation, the validity of retaining the sick quarters, because they are not unique, in a sense, and so a line of reasonableness has been drawn there.

The pill boxes are scattered outside of the entirety of this area off this plan.

The bomb store is at the bottom right-hand corner, below the proposed improved public transport link. So you see, colleagues, that, when we are actually talking about development ‘impinging on historical structures’, we are not actually talking about these structures being in the way of the development at all. I would be concerned if it was to, but there is no way in which any proposal for Jurby should be held up by Mr Speaker’s amendment. It is quite explicit in its recommendations and it would be for us, as Tynwald, to decide whether we accept those recommendations.

The reports are here, the Director of Manx National Heritage has seen the Francis Report a year ago. It has, maybe, now just gone to Manx National Heritage themselves for their consideration in this light, but they are not unfamiliar with it, (**Mrs Crowe:** Absolutely.) and I would suggest that there is no necessity for fears that this would delay the project. Jurby is what it is. Just as Ramsey is a seaport and Castletown has its castle and its defences. Jurby is based on an old RAF base, and you cannot remove that identity. What we need to do is to develop on that identity and do not be carried away with the bulldozer, be sensible in what we want to preserve, but, for heaven’s sake, let us just take the time to make the right decision, and I support Mr Speaker’s amendment.

The President: Hon. Member, Mr Anderson.

Mr Anderson: Thank you, Mr President.

I am broadly supportive of the aspirations of this study. However, I do have some questions for the Minister for clarification.

Could I, firstly, ask the Minister, does this Jurby Plan signify a change in Government policy, as she highlighted in her introductory remarks that this would take pressure off development of the rest of the Island?

For quite some time several Members of this Hon. Court have been imploring Government policy to look at putting major development in one area of the Island and take

pressure off various parts of the Island. So can I ask the Minister, does this signify a change in policy? I, personally, thought a location south of Douglas would be more logical for that, but, if this is a change in policy, I welcome it.

I was also pleased to hear again of the self-build plots to be made available at Jurby and would ask, is it possible that this scheme could be rolled out across any other areas of the Island? And my final point, Mr President, as the Department of Agriculture, Fisheries and Forestry has no other emergency burial pit, something we all hope will never be needed, could the Minister confirm that any developments will not compromise this scenario, if it was ever needed? And, maybe, if she could just confirm those points when she is winding up. Thank you.

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

Mr Cannan: Thank you, Mr President.

Hon. Members will all know that this document has my full support, representing the community at Jurby, which consists of the parish of Jurby, which is one of the ancient 17 parishes of this Island. Jurby just has not appeared out of the woodwork in the last few years, it is one of the Island’s ancient parishes. In part of that parish, in 1938–39, an airfield was developed, a time of war, and gave distinguished and proper service for the defence of the realm and, since then, very little has happened.

The airmen’s quarters has become the Bretney Estate, the officers’ quarters became the Threshold estate, the officers’ mess has become the Jurby Hotel and the hangars on the industrial estate and buildings have become industrial units, and that is about all that has happened.

The people living there, as Mr Lowey said, cried out for the community of Jurby to have a centre, like every other parish, whatever it is. The parish of Lonan has Laxey as its centre, the parish of Kirk Michael has a village, the parish at Arbory has Ballabeg and so on. And this document is to make a sustainable village and to give the people of Jurby a vision of a sustainable village. Let me make it quite clear, the people of Jurby are as good as any other community in the Isle of Man, (**Mr Houghton and another Member:** Hear, Hear.) and they deserve the same treatment as every other community in the Isle of Man. They are good and decent people and you have before you a document that has taken all things into account. For 60 years they have had promises, but no performance.

I am prepared to put my trust, on behalf of the people of Jurby, in the Minister to, actually, at last, after 60 years, give performance to bring this about. And we do not want it brought about with bulldozers all over the place, because, if you just look at page 13, 5.12, the Francis Report, entitled *Airfield Archaeology, RAF Jurby and Associated Sites*, recommends that the airfield, excepting the runway extension and industrial estate, should be designated a conservation area and that, furthermore, the following structures should be considered for listing as registered buildings: the former guardhouse; the former sick quarters; the seaplane/aeroplane shed; the bomb stores; the pill boxes; the watchtower, and that is the control tower.

But the Jurby Study Group, consisting of a lot of people, feels there is no need for the creation of a conservation area, but, in respect of the registering and preservation of existing buildings, further consultation is required with Manx National Heritage. That I accept, the people accept, but to

put this whole blanket on everything is, in my view, unacceptable, and will only give succour and encouragement to those who mock and say, 'fine words, another plan for Jurby and another wait for 60 years.' Register the buildings, yes. List and register them, but you do not put a blanket over the whole area; this is nonsense and some of these buildings, like the pill boxes, are outside the conservation area anyway and they should be preserved.

Before I go any further I would like to welcome the Chairman of Jurby Commissioners, who has been at the two debates yesterday and is at this present debate, too. Jurby Commissioners have sent their representative here to report back to the people, and Jurby Commissioners, myself, and the people all speak with one voice. Yesterday, Hon. Members, you voted to improve the infrastructure. Yesterday, you voted to progress the prison. Today provides an amendment that says,

a report commissioned by the Manx Heritage Foundation and to take the recommendations within the report at pages 56 and 57 into account.

And you were all sent, I would ask you to look at this, pages 56 and 57, and 6.2 has been highlighted and what does 6.2 say?

Consideration should be given to designating Jurby aerodrome as a Conservation Area under the Town and Country Planning Act 1999.

And do you know what that would mean? That would mean, instantly, that, as the prison has not yet received planning approval, the planning authorities, by will of Tynwald – and this is what will be read into it, you had the papers before and this is what we read – everything comes to a halt –

and to report to Tynwald with recommendations relating to their future, prior to initiating any developments

et cetera. The whole thing becomes a blanket.

I do not believe that that is the intention of Tynwald. After all that we have been through, after the consent of the people, the desire of Tynwald to improve the lot of the people, to suddenly try and throw the great blanket because a Report to Tynwald and consultations and, then, if there is to be a conservation area, then that will have to have another public inquiry, and the Hon. Member, the Minister for Trade and Industry, he knows, as well as I do, that, if he supports this, and I hope he does not, that industrialists will walk away so quickly he will not even see the dust from their heels, and all the work that we are doing to market and promote the industrial area . . .

Register and list certain buildings within that area, that is right and proper, but, for the open spaces, everything to be held back, the new starter units to be built on open ground, all to be held back for reports. Young people, our people, want small industrial units, (**Mr Houghton:** Hear, hear.) they are crying out for it, and you want to just stop that?

By all means, and I speak like one or two others, and there are not many of us left now, who have done National Service, who lived in the north during the wartime, and who know a little bit about Jurby. We want to preserve what is best, but not put a whole blanket over everything and stop everything.

The people in that part of the parish do not want to live in a museum; they want to live in a vibrant economy, in a

living village, because I can see that certain people would want to create out of this for Jurby to become a Cregneash. Do not get me wrong, I am all in favour of Cregneash, it is a wonderful thing, but this is Jurby, this is a different place, in a different area, and the people want to live in a sustainable village, developed with housing and employment. And I say to the Department of Tourism, you have a wonderful facility for leisure here, this document preserves it. A wonderful facility for leisure and you want to improve it, and the people who use it want to improve it, and suddenly, again, we talk about this massive blanket.

I urge Hon. Members to support the amendment of Mr Lowey. Mr Lowey is both a member of the Tourist and Leisure Department and of the Local Government Department. I have absolute confidence, Tynwald would not allow it anyway, for those listed buildings, which I have read out, which are in the Report, to be damaged, knocked down or kicked out. This says, if I can repeat it again by Mr Lowey,

'requires the Department of Local Government and the Environment to consider the recommendations of the Francis Report entitled "Airfield Archaeology, RAF Jurby and Associated Sites",'

and goes on to say,

'with a view to safeguarding the important historical and unique buildings and defence structures located in the area.'

It is already written in here, it just re-emphasises it by putting this amendment. It just re-emphasises what is already here, to give people confidence. But do not destroy all that you did yesterday by waiting for a report, and then there will be another report, and then there will be consultants, and then it will all drift away and people will get tired of it and there will be something else on and all the work the Hon. Minister for Trade and Industry is doing to promote the area will suddenly fade because: 'This report – nothing can be done.' Everything will come to a halt.

And he just told me yesterday, 'I have got an industrialist willing to invest,' or about to invest, or considering investing, or negotiating in the industrial estate and people are looking forward to it because Packaging Matters, which was there, it is a subsidiary of a UK company, have closed down.

Who are we here to represent? We are here to represent the will of the people and I believe, standing here, and I have had the privilege to represent Jurby for 21 years now, that I can speak with confidence. They want to be a sustainable village. Good and decent people want the same as the rest of the Isle of Man are getting and having and I urge you, support the amendment of Mr Lowey and let us move forward and let us consolidate what we did yesterday. Thank you.

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

Mr Waft: Thank you, Mr President.

I would just like to say that I fully support the motion here today and I have looked at the amendments. I am inclined to go with Mr Lowey's amendment. It does not tie this motion up in any way and, although it has not got a

final date on the end of it, I do know they are taking cognisance of the situation with regard to the Manx Heritage Foundation and the conservation area and the situation that evolves from that.

I think this is a way forward for people of both sides to, perhaps, get this thing off the ground and get it moving. I am in favour of the thoughts of the Hon. Member for Glenfaba, when he says about other areas on the Island with regard to the change in policy.

I think there must be a change in policy within the Council of Ministers, because, when it has been mooted in the past, that we should have a new town somewhere, out away from Douglas, Onchan and the Braddan area, because of the over population that is happening in that area, it has been turned down flatly, but I gratefully see that now there is a possibility of putting something into Jurby which is long overdue, instead of having to put thousands of houses on urban areas which totally rise up the residents to come up and badger the MHKs and MLCs and say, 'What is happening here? Why are you putting another 500 houses here?' The road structure is not there, the infrastructure is not there, the schools are full, the sewers cannot take it and here we are, we get another application, and if we have to turn down that application, you can bet your bottom dollar that another application will be there in another name, within not a short space of time, and this is an ideal situation where, hopefully, when the infrastructure is in, these people will be able to see their area develop, as they want to see it develop, and the problem is not from the work that the Government does, but what the developers do when they come along afterwards and try and make the facilities available for themselves.

So I would fully support the motion and amendment by Mr Lowey.

Thank you, Mr President.

The President: Hon. Member for Middle.

Mr Quayle: Thank you, Mr President.

Just a few words, really, and those are briefly that I believe that Jurby has waited for long enough. The whole Island, all parts of the Island, deserve to share in the prosperity of what is available elsewhere and, until we had the amendment, I believe, in the name of Mr Speaker, we all thought Christmas was coming early for Jurby, because of the motions that were on the paper yesterday.

I believe that all the hard work that has been done by the study group could be stymied by accepting the amendment of Mr Speaker, which I think would put on hold and we would be talking about Jurby in other reports coming to this House, before anything could be done. I noticed, actually, within the village master plan there are spots there for gateway public arts, and I noticed they are not even mentioned, but one thing that appears to be missing is, perhaps, a place for a statue for the Member for Michael. (*Laughter*) I think it is his dogged determination –

Mr Delaney: They haven't got a piece of stone big enough, have they?

Mr Quayle: – to bring justice for Jurby and the investment in jobs for the north of Island, and I share the view that has already been said by the Hon. Member for Glenfaba, and I have made the point myself, that, instead

of concentrating development in areas which have had that burden, in times –

Mrs Craine: Not burden.

Mr Quayle: – then it makes sense to revitalise an area which is crying out for development. So, with those words, Mr President, and we do not want a stymied development, we want to look after the heritage, and I am sure that the words that have been expressed in Tynwald today will most definitely be borne in mind by the Department of Local Government.

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

Mr Rimington: Thank you, Mr President. I am fully in support of the document and also the amendment moved by the Hon. Member of Council, Mr Lowey.

I would just like to welcome very strongly what is probably on the Island one of the first attempts to say, let us design our houses and design our community in advance, (**Mr Houghton:** Hear, hear.) rather than have the hodgepodge, adding field by field on existing urban areas. So, we now have an opportunity to do something of value in the way we develop communities and I think this needs to be recognised and, hopefully, we can learn from that and perhaps see other areas of improvement in how we develop housing and communities that, maybe, flow from this wonderful example.

Mr Corkill: All facing south.

Mr Rimington: And all the houses facing south, thank you, please. And my only other point is – and it is not really contained in the Report and was not necessarily the place for this issue to be looked at, at this point in time – but, as we are looking at how we develop the infrastructure and the development of that area, would this not be an opportunity to at least consider using a district heating scheme and a more energy-efficient way of heating our houses, which we have so far failed to do in any other area of the Island? Thank you.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President.

Speaking to the amendment in the name of Mr Lowey. A number of things have been said in relation to the situation and I think the one that I really want to get over is this issue, where it has been said that my amendment, against Mr Lowey's, will stymie the development at Jurby and will delay. That is absolute nonsense.

Mr Cannan: Rubbish.

The Speaker: With the greatest respect, Hon. Members, we have a Report here, an outline report, nothing more, an ideas report. Now, be honest, every one of you knows, who have worked through a report like this, that starts something. It does not happen in a few months from there, it takes time. There are no planning approvals. There are no planning applications in to try and proceed with these developments.

Hon. Members, how long does that take to do? (**Mrs**

Crowe: Yes.) It does not take a month. It does not take a week. How long does it take? It will take time. There are 18 issues here, listed by the Department in their own Report, on page 21, some of which are substantial, for consideration. It will not happen overnight. We have had red herrings thrown in. We have got the Minister for Home Affairs, who is concerned it is going to delay his prison. Absolute rubbish. Absolute nonsense.

We are told it will hold up development. No, it will not, because the development is not ready to go. If this was a motion to spend the money now, yes, my amendment or perhaps you could say, to some degree, Mr Lowey's amendment could hold it up, but what is the fear? Oh, I am sorry, can I say, the issue of a conservation area will scare off developers. I have to say, that is not the experience in Castletown. Why did we do it in Peel? I do not think it is the experience in Peel. Not the experience in Ramsey. There are other factors, but the point is, a conservation area gives it a status that actually attracts developers.

It is just excuses, and I have to say, it is excuses that are not even researched properly. The Hon. Member for Michael said, 'Do not go with the Speaker's amendment, because if we go for a conservation area we need a public inquiry.' Rubbish. The law does not require a public inquiry. It does not even mention it. A conservation area under the Act, the Town and Country Planning Act says the Department can designate a conservation area and it lays an Order before Tynwald. What really saddens me is the attitude of Members towards our heritage.

Mr Cannan: Ah, come on!

The Speaker: It is all right for the Hon. Member to go 'Ah!' I can say, if the Hon. Member for Michael was in favour of retaining the heritage, he would be upstanding, fighting to retain it. The point is, he does not want to retain it and that is why it does not matter.

Mr Cannan: I do, I said that individual buildings should be retained.'

The Speaker: So, the Hon. Member for Michael also mentioned – and I wrote it down when he said it – the registered buildings. There are none. It is mentioned they should be considered for registration, but Hon. Members, let me tell you, just so you are aware, now, Mr Lowey's amendment is saying 'Put your trust in the Department.'

That is fine, I do not have a problem with them, trust them to do a job, but, by the way, just ask them to consider it. Now, come on, Hon. Members, we are all on Departments, except me, of course. You are all on Departments and you all know, without us saying, 'And report back to Tynwald,' you can sit down for half an hour, consider what is there and say, 'No, we do not agree.' End of story. No justification to Tynwald why, just, 'We do not agree,' and, can I tell you already, because I have been involved in this, Manx Heritage Foundation have been involved in this and others, that the view in the Department is quite straightforward. This area is not going to be a conservation area and why? Because we cannot afford the grants. The point is that most of these buildings are owned by Government, anyway, and are not eligible for grant aid.

So, the conservation area will say, 'Is this area to be a conservation area?' That is all we are asking. We are saying,

'Look at it.' It will not delay the principle of this Report that is to be received at all. I just find it unfortunate and sad and worrying that the view is, 'Oh, no, we want to get on with this now,' because I can tell you, Hon. Members, if you do not have a report back to this Hon. Court, things will happen you do not like, simply because the Department can go away and consider it, as the Hon. Member of Council, Mr Lowey says, 'consider it.' End of story. Do not tell anybody, do not report back. We just consider it. I know the Hon. Member of Council's tactics. I have known him long enough, I know it. I do not blame him, I would do the same if I was trying to do it on the Department.

The point is, Tynwald, Hon. Members, it is for you to decide whether there is any importance at all to the infrastructure in Jurby which relates to the Second World War. If you say it does not have any importance then that is fine, because you are going to be able to vote on that now, and vote and say it does not, but what I am saying to you, and I would say to Hon. Members, listen to the words of the Hon. Member for Ramsey, Mrs Craine. Not only a Member of Tynwald, but a member of the Department of Local Government and the Environment, who, I know, has a keen interest in this, because the Hon. Member has taken the time with myself and with the administrator for Manx Heritage Foundation, to actually look at this issue in more depth. The Department had the Francis Report very soon after it came out and all we got was negative.

One could argue it is the Department who should have done the Report, because it is about the conservation of the area and the importance of buildings in the area, but that was not done. So we have already got the view that they do not want to do it, anyway, and this amendment from the Hon. Member, Mr Lowey, leaves out the important words and the thing that is important is: 'and report back to Tynwald', and if you do not get a report back to Tynwald, I am telling you now, Hon. Members, it will be considered, because that is what you have asked to happen, but it will be considered very quickly. A decision will be made and there will be no justification for that decision, because we will have nothing to tell us why, if they do not make it a conservation area, they did not feel it warranted that status.

I just finish by saying, Mr President, conservation areas are important, because the main thing a conservation area does is stop indiscriminate demolition of buildings, (**A Member:** Hear, hear.) because there is no other way to stop somebody demolishing a building without getting permission.

The President: Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane.

I will be very brief, speaking against Mr Lowey's amendment. There are two sentences that I would like to read out. The sentence on page 14 at the top of the page,

In respect of the registering and preservation of existing buildings further consultation is required with MNH.

Then page 21,

Way forward: the issues which need addressing include the following, demolition of redundant buildings to be accelerated.

(**Mr Houghton:** Absolutely.) So that is what it says in the Report. That is what you are being asked to vote for.

The Minister has said earlier on, 'Oh, yes, well, of course, we will look into this,' but it does not say that in this Report.

This is what we are being asked to vote on and I think it is very important that we do ensure that we vote for Mr Speaker's amendment, so that a report can come back, hopefully as soon as possible, which deals with this matter.

The President: Chief Minister.

Mr Cannan: Now, come on!

Mr Corkill: Thank you, Mr President.

I have found this debate, although we are split into different camps, very interesting, (**Mrs Crowe:** Hear, hear.) because the people who this Court nominate and provide to preserve our heritage have put up a sterling co-ordinated debate as part of this motion, and I find that quite encouraging that our national heritage is obviously being actively pursued and there is an active interest from a number of Members, obviously on a continuing basis and obviously on quite a broad basis.

Earlier on in the debate, I wrote a note down to the Hon. Member for Michael. I was not going to speak at that stage. Going back to this motion and what Government is trying to achieve here. What we are trying to achieve is a bridge to Jurby, and, although I have found the comments earlier about the bridge that the monks built and unfortunately it was taken away – I am not sure that that is really relevant in the minds of the people who live in Jurby, as important as that example was – this is a totally different environment up in Jurby.

Now I am not saying that heritage should be done away with in the Jurby area, far from it, and the Report quite clearly talks about a list of buildings, and it specifically will pay attention to the registration of certain buildings, and I think, if this debate has done anything, it will have forced the Department of Local Government and the Environment to actually look at whether these buildings should be registered, and there is a process and the Hon. Member, Mr Quine, Member for Ayre, I think made reference to that process earlier on in the debate.

There is a system there which applies to the whole of the Island, which there is an obligation on the Department to proceed with. My overall concern in this debate, Mr President, is that this Tynwald Court, when it finally concludes the debate, gives out a positive message to Jurby, because it has been said, on more than one occasion, that the investment that is required in that part of the Island is not going to all come from Government. It cannot come from Government. It never does, whichever the part of the Island we are talking about, and if you look at the regeneration of major parts of Douglas over the last 15 years, some of it has come from Government; the majority of that investment, that property redevelopment, has come from people making profit in the private sector. It is that sort of entrepreneurial activity and zest to make things change that we are trying, by putting infrastructure framework down in Jurby, we are trying to get that zest introduced to Jurby.

I am encouraged by the debate, Mr President, because I think we have all fallen in love again with Jurby, but I would suggest, Hon. Members, that, like all loved ones, when the moment has passed, you tend to forget and take for granted your loved ones in a family and we run that danger here today. We run the danger of saying, 'Yes, we love you all in

Jurby, we want this, we want that.', coming up with a variety of opinions which are all loving in their own way, but, at the end of the day, we then get back to our normal business and forget about them again. As the Hon. Member for Michael has said over many years, 'This is not the first scheme to try and regenerate Jurby, we have a go at it and then we forget.' Well, I do not think, this time around, we ought to take that risk, Mr President.

We have had an agenda this month dominated by Items all relevant to Jurby. That is no accident, it is Government policy to co-ordinate some improvement in this area and to encourage that entrepreneurial zest from the private sector to get involved there and so the message, unfortunately, that conservation gives out, I am afraid, is negative at times.

Mr Speaker is quite right. It should not be that way, introducing in planning terms a conservation zone should really be a positive message, but I am afraid, in terms of the type of development and the type of industrial activity that we want to create in Jurby, this entrepreneurial zest that I pledge, conservation is a negative for those people who are involved in that type of economic activity. It will be seen that way and I think that is unfortunate, because, overall, I would support the Hon. Speaker's comments that the conservation zones should be a positive factor, but think about the environment we are dealing with here and I think we have got a different answer.

So, I think I would urge Hon. Members to support the amendment in the name of Mr Lowey, who is on the Department, and much play is being said that obviously he would make an amendment like this, because he is on the Department. Well, I could equally argue, Mr President, that the amendment in the Speaker's name would be supported by members of Manx National Heritage and the Heritage Foundation, wouldn't they? Yes, we are in a political forum and we have our allegiances and we have our thoughts and we try to elucidate those on the floor of this Court.

In looking at the buildings, a guard house, I thought that might be quite useful from a prison point of view. The station sick quarters, I wondered whether the DHSS might want to renovate them. The bomb stores I thought could be reserved for the purposes of the Member for the area, Mr Cannan. (*Laughter*) Pill-boxes, and I know there is one down the road from where the Hon. Member lives, could be quite useful for the Chief Minister to keep an eye on what the Hon. Member is up to from time to time, (**A Member:** Hear, hear.) but I wondered, in my line of work, pill-boxes, Mr President, only involve pharmacy work. So, there is a definitive list of things there, the point I am trying to raise, for the Department to get their teeth into.

The concern I have with Mr Speaker's amendment is in the final paragraph. 'Prior to initiating any developments.'

Mrs Crowe: That is right.

Mr Corkill: It is this 'prior to initiating', as prior to a planning application, (*Interjection*) it certainly will, I believe, Mr President, stall the impetus that a lot of people have put a lot of capital into –

The Speaker: It is only initiating . . .

Mr Corkill: – and hopefully the private sector will put real capital into in the years ahead. I think I have said enough.

It has been a long debate, Mr President, and I do not want to add to the time too much, but certainly, please, Hon. Members, support Mr Lowey's amendment and be wary of ignoring our loved ones as soon as we walk out of this Court, because that is what will happen. We will have a debate about Jurby today and then the impetus will be down to other people and it is the lasting message that this debate gives, that will have an impact on whether those people take up the cudgels or not.

The President: Now, Hon. Members, before we go round a complete Court again, let us ask ourselves whether or not our contribution will really alter the outcome of the debate. (**Members:** Hear, hear.) Hon. Member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Speaking to Mr Lowey's amendment, where he says, 'After the Report is received.' I have just got a query in regard to this Report, because (9), on page 21, it says,

As a first step the Department needs to know whether the general thrust of this Report meets with the approval and support of Tynwald.

On the Order Paper we are looking to receive the Report, so I am rather confused as to the approval of it and support of Tynwald, when we are not actually asked to do that in the motion. I realise that, over the page, the recommendations are there and it is, sort of, like carrying on the work, but this relates to what we said yesterday, 'Oh, you approved it, you approved it.'

Now I am not approving anything. What is on the Order Paper is to receive this.

Mrs Crowe: That is right.

Mrs Hannan: Now, in relation to conservation areas, which Mr Speaker dealt with, but Peel is quite a large conservation area. Now, planning is the same in a conservation area as it is outside a conservation area. There is nothing extra. It does give a little bit of extra protection to buildings, but in a conservation area you cannot knock down a building without supplying to the Department of Local Government Planning Committee what you are going to put there in its place, because it is a built environment and I think it is that which we really need to sort of try to concentrate on, but a conservation area does not put everything in aspic. Even registered buildings and preserved buildings do not put everything in aspic. We are not saying that Jurby should continue just the way that it has. Some of this Report says that it should. Some of this Report says 'do not touch this, do not touch that' and in a way we have to ask why? Why should the runway not be affected? Why should these things not be changed?

Mr Corkill: Common sense.

Mrs Hannan: Does the Department of Transport want to open it up again? Is it going to continue to be a play area, because, once you get more people living there, there will be more people not wanting it to be used as a playground and so there are things in this Report that will concern a lot of people, maybe not necessarily today, because it is putting the infrastructure and it is supporting Jurby and development and trying to get some . . . and I support all of that, but, with the way the discussion has gone, I think there is a little bit

of disingenuousness with regard to, 'Oh, this will stop this, and this will stop that.' No, it will not and I think we ought to recognise that and the Department of Local Government could put before Tynwald at the next sitting a conservation area because it is laid before –

Mrs Crowe: No, it could not.

Mrs Hannan: – and so I would hope that the Department and the Chief Minister goes down to Jurby and has another look and refreshes their memory about what we are talking about.

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

Mr Karran: Eaghtyrane, the only thing I wanted to raise, as far as this subject is concerned, I really do see this coming down purely to a battle between trying to get the function of parliament to put the checks on the executive.

Now, whilst I agree with the Minister – but it is all right us pulling a face, as far as that is concerned, but the fact is, we have only got to look at our lists over recent years where things have been allowed – the executive have just been allowed to do whatever they want and look what a sorry state . . . We have left a long list of sorrows, as far as our taxpayers are concerned and the next generation.

So, all I would say is, that I hope the Minister would take on board the Speaker's proposal, because, at the end of the day, as the Hon. Member for Rushen, Mr Gawne, says, under the received Report, demolition is the first action, as far as it is concerned. So, please, it is not something that should be seen as an assault on the Hon. Member, or the point that the Member of Council, Mr Lowey's amendment. It is a very good amendment, but, at the end of the day, what we have got to get is checks and balances, as far as the executive is concerned.

I think it would not be unreasonable for the Minister to be able to come back at the next sitting with the places she is going to put a registration on, because, at the end of the day, this Report has been going round for the last year, two years is it? This Report has been fought by her Department tooth and nail, as far as it is concerned. So, please, let us just try and get our functions right. Executive have a role and we have a role as a parliament and all we want them to do, is to come back and make sure that they do not just rip out the lot and then it is all crocodile tears at a later date.

Eaghtyrane, I just hope that we will support the Speaker's amendment. I am happy to go along with the Member of Council's amendment, so long as the Minister can come back with some sort of report to this Hon. Court on the issues that are going to be preserved for the next generation. There is a sensible balance; it is always a shame that, when people try to hold people to account, they get so upset. Eaghtyrane, I do hope that Members will support the proposal by Mr Speaker, unless the Minister comes along and says what she is going to do, because, as a member of the Heritage Foundation, I have seen the report. I have seen the reaction of the DLGE and I know what is going to happen. It is going to be 'let rip, do what you want' and then we will all be 'oh, so sorry' later and that will be a shame, Eaghtyrane.

The Speaker: Absolutely.

The President: Now, Hon. Members, I think it is

inappropriate to invite the Minister to wind up at this particular stage. So the Court will adjourn for lunch. We will recommence our deliberations at 2.30. The Minister at that stage will wind up the debate, Hon. Members.

*The Court adjourned at 12.58 p.m.
and resumed its sitting at 2.30 p.m.*

**‘Jurby village – a discussion document’
Debate continued
Amended motion carried**

The President: Hon. Members, as I indicated before we broke for lunch, I call on the Minister for Local Government and the Environment to reply to the debate on Item 8.

Mr Delaney: Agreed. (*Laughter*)

Mrs Crowe: Thank you, Mr President. Now I know that the Court is hoping that I will be brief, but I do have 16 pages of notes. However, I will try and summarise those notes and I hope that Hon. Members who are not mentioned will not feel disadvantaged in that.

Several Members: No.

Mr Singer: Why should anyone?

Several Members: Vote! (*Laughter*)

Mrs Crowe: Right. I did pick up some comments from the Court regarding the Report, and firstly, one of the comments that I noted was from the Hon. Member for Karran (*Laughter*) – for Onchan, Mr Karran –

Mr Karran: We’re getting a true picture here!

Mrs Crowe: Well, he actually said that my Department has fought against this Report all the way; it is my Department’s Report. We have compiled it. We have progressed it. We have been the instigators of it, and the working party have worked with us. So, really, we are fully behind all of the recommendations that are in the Report. Now, I am sorry if that is not what he meant, but that is on my notes.

Also, the Hon. Member for Peel made mention about conservation grants and conservation areas. I just wanted to make it quite clear that conservation grants are available from my Department. Conservation grants for people living in conservation areas are available.

The Hon. Member for Rushen, Mr Rimington, mentioned, of course, the need for environmentally friendly houses. Now, he knows how very keen I am to progress energy-efficient housing, built to the highest progressive environmental standards, and I do hope that is what we will be doing in Jurby.

The Hon. Member for Rushen, Mr Gill, answered the Hon. Member of Council, Mr Singer’s point about the fire provision, which, of course, will be a note for his Department, but he has another role in representing the House of Keys on Manx National Heritage. Whilst I do not mind criticism being levelled at me, in fact, it becomes quite

a habit, really, doesn’t it? (**Mr Delaney:** Hear, hear.) It is the daily dose for me to be criticised for what I do.

I would just like to say there is no criticism, I could not be faulted in any way, over the conservation of the camera obscura, and, had I had a little more co-operation from, perhaps, the body he represents, it would have now been enshrouded. As it is, my hon. colleague from the Department of Tourism will be taking on that facility.

I think many of the other comments that were made can be covered in some closing remarks, and I hope that that will be acceptable.

Mr Speaker, of course, as usual, a fine orator, is fully supportive of the proposals to develop Jurby, but nothing has to be done. No development can take place until we have reported back to this Hon. Court on the conservation of the area, or the preservation of buildings therein; conserve or preserve. That is what we have to decide. What is important?

And I would just like to point out that all the buildings in Jurby are of a historical nature - all of the buildings. I include in that the public sector housing, because, if we are looking at historical buildings, you need to look no further than the Bretney and Threshold estates. (*Laughter*)

We, of course, take fully on board, as I said when he made his amendment, we are fully supportive of the amendment, where he suggests that we consult, to conserve and preserve what is required in that area.

The Hon. Member for Ramsey, Mrs Craine, the Member of my Department with responsibility for estates and housing, will ensure that we do as we say in the Report. We will continue to consult with Manx National Heritage, and we will act responsibly.

I have checked in the lunch break - because I do not want to be, once again, accused of misleading the Court - how long it would, perhaps, take for the Conservation Officer to carry out the public consultation and the character appraisal for the area in order to produce a Report for us. Now, the timescale that was mentioned for that would be something in the order, working it out by month for consultation et cetera and the preparation of these schemes, of reporting back to Tynwald in July. But then, of course, if we did not quite make July, it would be October. So we are talking about a substantial delay for us in the progression of these plans.

Whilst that conservation work was being undertaken, the conservation work that is presently being progressed in the Department would have to be put back. Presently we are working on the St John’s area, Port St Mary and Port Erin. (*Interjection by the Speaker*) If we feel that we can postpone all those areas whilst we progress this other area, so be it. (**The Speaker:** Yes.)

Mr President, it is a very simple motion on the Order Paper:

The Minister of Local Government to move: that the Report dated October 2003, entitled Jurby Village - a discussion document on the proposed development at Jurby village, be received.

The recommendations you are receiving are: (a) that Tynwald acknowledges that the Government owned land at Jurby is a valuable asset, the potential of which needs releasing; (b) that, in principle, Tynwald accepts the Report as the way forward for creating a sustainable village at Jurby; (c) that the lead Department, DoLGE, should continue to consult with other Government Departments and interested

parties in addressing the issues raised in this Report - that includes Manx National Heritage; (d) that Tynwald notes that items requiring Tynwald approval will be brought forward at the appropriate time as part of the business planning, budget and administrative process; and (e) as the first step in redeveloping the Government-owned land in Jurby, that an early application be made for the necessary funding for the upgrading of the infrastructure, which was completed yesterday.

So we have just four items to consider in receiving this discussion document for the Jurby area.

I urge Hon. Members to support the amendment of Mr Lowey. The amendment will go some way to enabling Mr Speaker's concerns to be addressed and it will mean that the Department can make progress at Jurby, which is what I feel this Hon. Court would like to vote for.

So I do hope, Hon. Members, that you will support the amendment from the Member of Council, Mr Lowey, which does address the concerns of Mr Speaker in some way.

The President: Hon. Members, the motion which I have to put to the Court is that printed at 8, and you have had circulated the two amendments, in the name of Mr Speaker and in the name of the Hon. Member of Council, Mr Lowey. I propose, Hon. Members, to put to you Mr Lowey's amendment first, followed by Mr Speaker's amendment. If Mr Lowey's amendment is carried, then it can add to Mr Speaker's amendment, or Mr Speaker's amendment will be a more full amendment in that regard.

Know where I come from, Hon. Members: I will first put to you the amendment in the name of the Hon. Member of Council, Mr Lowey. Those in favour of Mr Lowey's amendment, please say aye; against, no.

A division was called for and voting resulted as follows:

In the Keys – Ayes 15, Noes 5

FOR	AGAINST
Mr Cannan	Mr Anderson
Mr Quine	Mr Gawne
Mr Rodan	Mr Karran
Mr Quayle	Mrs Hannan
Mr Rimington	The Speaker
Mr Gill	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mr Downie	
Mr Shimmin	
Mrs Craine	
Mr Corkill	

The Speaker: Mr President, the House of Keys has voted 15 votes for, 5 votes against, therefore the motion carries.

In the Council – Ayes 7, Noes 0

FOR	AGAINST
Mr Lowey	None
Mr Waft	
Mr Singer	
Mrs Christian	
Mr Delaney	
Mr Gelling	
Mrs Crowe	

The President: With 7 votes for, 0 against, in the Council, Hon. Members; Mr Lowey's amendment, therefore, carries.

I will now, Hon. Members, put to you the amendment as moved by the Hon. Mr Speaker. Those in favour of Mr Speaker's amendment, please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 8, Noes 12

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Gill	Mr Quine
Mr Gawne	Mr Rodan
Mr Duggan	Mr Quayle
Mrs Hannan	Mr Rimington
Mrs Craine	Mr Houghton
Mr Karran	Mr Henderson
The Speaker	Mr Cretney
	Mr Braidwood
	Mr Downie
	Mr Shimmin
	Mr Corkill

The Speaker: Mr President, in the House of Keys the amendment fails to carry, with 8 votes for and 12 votes against.

In the Council – Ayes 0, Noes 7

FOR	AGAINST
None	Mr Lowey
	Mr Waft
	Mr Singer
	Mrs Christian
	Mr Delaney
	Mr Gelling
	Mrs Crowe

The President: With 7 votes against, 0 votes for, in the Council, Hon. Members, that amendment, therefore, fails to carry.

I put to you now the motion, as amended, Hon. Members. Those in favour, please say aye; against no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 18, Noes 2

FOR	AGAINST
Mr Anderson	Mrs Hannan
Mr Cannan	The Speaker
Mr Quine	
Mr Rodan	
Mr Quayle	
Mr Rimington	
Mr Gill	
Mr Gawne	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mr Downie	
Mr Shimmin	
Mrs Craine	
Mr Karran	
Mr Corkill	

The Speaker: Mr President, the motion carries in the House of Keys, with 18 votes for and 2 votes against.

In the Council – Ayes 7, Noes 0

FOR	AGAINST
Mr Lowey	None
Mr Waft	
Mr Singer	
Mrs Christian	
Mr Delaney	
Mr Gelling	
Mrs Crowe	

The President: With 7 votes for, 0 against, in the Council, Hon. Members, the amended motion, therefore, carries.

Procedural

The President: Hon. Members we now -

Mr Cannan: Mr President, can I just make a point of order, and congratulate the Hon. Minister for Local Government for her outstanding work in bringing -

Mr Delaney: Hear, hear.

The Speaker: Point of order.

The President: Hon. Member, you have made a point, but it is *not* a point of order.

Mr Cannan: The point was raised.

The President: Incidentally, Hon. Members, we have now reached a position of being almost quarter to three on our second day of the sitting. (**Mr Cretney, Mr Houghton and Mr Duggan:** Hear, hear.) Hon. Members, I anticipated originally that we could have possibly have got through this sitting in the one day. I then revised that to saying that we could probably finish in a day and a half. It would be my intention, Hon. Members, still to finish today.

Several Members: Hear, hear.

Strategic Direction of Isle of Man Post Office Report received, recommendations approved

9. The Chairman of Isle of Man Post to move:

That the Report on the Strategic Direction of Isle of Man Post Office be received and the recommendations approved.

The President: Item 9. I call the Chairman of the Post Office to move.

Mr Quine: Thank you Mr President.

Hon. Members are, to some extent, familiar with the substance of this motion, and they may recollect that I wrote to them on 12th May 2003 to outline the position of the Isle

of Man Post, in particular the problems with which the organisation is faced.

Additionally, over the last two weeks most Hon. Members found time to attend a briefing on this matter, and I thank them for that.

This motion does not deal with the Post Office network per se, for the simple reason that the future of the network depends to a large extent on the strategic direction that this Hon. Court determines for Isle of Man Post. It could exist, which I shall address later, where the Post Office network could have a much more meaningful and productive role than is presently the case.

In seeking a future for Isle of Man Post there are two basic objectives. The first is to ensure that the organisation continues to provide Island-wide postal services for the benefit of the entire community. The second is to secure the employment of the 400-plus people, who, in one capacity or another, work for Isle of Man Post.

Logic dictates that the business model to sustain these objectives should be financially viable, if for no other reason than that there are many demanding calls on public funds.

There are a number of reasons why Isle of Man Post is in this present difficult position. Mail volumes throughout Europe have levelled and are forecast to fall, in large part because of the development of electronical alternatives to conventional mail. Over the last two years, the Island's posted volume of mail has fallen by 5 per cent, and independent consultants have estimated that a 1 per cent reduction in volume equates to a £100,000 reduction in profits.

It is not possible to address this loss in mail volume, and consequent drop in turnover and profit, by unrealistic increases in mail charges. The fact is that most of our mail flows through Royal Mail, and this organisation, in concert with the UK postal regulator, has the greatest influence on charging levels.

It must be borne in mind that 80 per cent of the Isle of Man Post turnover relates to postal services. Isle of Man Post is facing stiff competition from major international operatives. Economies of scale apart, these operatives are benefiting from deregulation in Europe and the United Kingdom markets and the move within the European community to liberalise postal services.

The effect on Isle of Man Post has been quite dramatic. Net profit has fallen from £2.2 million in 2001 to £650,000 in 2002-03. Operating profit, as a percentage of net profit, has shrunk from 80 per cent in 2000-01 to 45 per cent in 2002-03.

The total cost of operating the Post Office counter network in 2000-01 was £2.05 million. The greater part of this cost is borne by third party non-postal business. This third party business is greatly exposed to commercial competitors, who have the freedom to operate on a fully commercial basis.

Hon. Members will have gathered that the focus, in large part, revolves round the structure of Isle of Man Post. It is, of course, a statutory Board, and there is nothing exceptional about that.

However, it is founded on the Post Office Act 1993, which is based on the UK Post Office Act 1969. Aspects of the Island's postal legislation are 30 years out of date and the structure fails to recognise the dramatic changes which have taken place in the trading environment and the marketplace over that period.

While control is vested in a Board consisting of a chairman and three members, the Board is subject to direction by the Council of Ministers, DTI and Treasury. In the context of commercial operations, this structure impedes efficiency. Potential commercial partners, essential in the new order to achieve cost effectiveness and competitiveness, require clarity as to who is taking Isle of Man Post business decisions. An extended line of control is not conducive to timely commercial decision making.

Additionally, existing legislation fails to provide clarity as to Isle of Man Post purpose and public service obligations - its so-called 'universal postal obligation'. This obligation needs much greater definition.

There is a need to revisit the monopoly vested in Isle of Man Post. Is it to be retained, and, if so, at what level? The present £4 per item level set in 1993 does not offset the cost of the current universal postal obligation. It may be desirable for Government to discharge certain social obligations, but where should the costs fall?

Notwithstanding these obstacles, Isle of Man Post has sought to maximise its effectiveness and invest for efficiency. The automated sorting of mail, at a cost of £2 million, has been introduced. A new computerised retail system for the counter network at £1.4 million has been installed. That system is compatible with Government's Jupiter system and those of a number of our major clients.

The redesign and streamlining of work processes, so-called 'business process re-engineering', has taken place to effect savings, and these are in the order of some £200,000 per annum.

A successful marketing offensive by a taskforce targeting existing and potential corporate customers is continuing. That has also been most productive.

These are beneficial developments, but not such as to overcome the major problems faced by Isle of Man Post, and not such as to secure a future for Isle of Man Post. They do not change the conclusion of the Board and senior management of Isle of Man Post, that the present trading position is not sustainable. The situation remains that the fixed costs of the business cannot be sustained on the strength of the present turnover and profit.

Further, subsidy alone cannot secure a future for Isle of Man Post, a matter I will revert to a little later.

I would add that an assessment by Transend, the consultancy arm of New Zealand Post, internationally recognised consultants, specialised in postal operations, have similarly concluded that the Isle of Man Post position is not sustainable. In their view, change to company status is a key driver in securing a future for Isle of Man Post.

The need for a more commercially orientated approach to the business was also identified by these consultants. They make the comment that a 10 per cent downturn in mail volume would place Isle of Man Post in a loss-making situation - Members will recollect that I referred to a 5 per cent loss over the last 2 years a little earlier.

It is the view of the Board that there are two basic approaches to finding a meaningful future for Isle of Man Post. The first involves a somewhat negative concept: centre operations on core public services and seek to constrict the cost base to provide a better match with turnover and profit.

However, the situation would remain, that mail volumes would reduce, leading to diminished operations, increased prices - accepting that price increases are limited - and decline in service standards. Curtailing third party business

would have a destabilising and adverse effect on the Post Office network.

Subsidy could not preclude some staff positions being put at risk. It would be untenable to have staff, other than meaningfully employed.

The second approach is to diversify and develop on commercial lines, essentially building on the third party business now being undertaken by Isle of Man Post. However, to diversify and develop to any significant extent would require that Isle of Man Post be given the commercial freedom to compete in the new trading environment and marketplace.

The potential for Isle of Man Post to diversify and develop as a company, trading in postal services and commercial logistics, exists. In this role, the Post Office network could be an asset. Assuredly, it offers the best prospect of justifying the retention of the Post Office network. This would require Isle of Man Post to become a company, wholly owned by Government, trading in postal services and commercial logistics.

Fourteen out of fifteen European postal operators are already state-owned companies. Guernsey Post is a state-owned company and Jersey Post is set to become one in 2005. The public service obligation - so-called universal postal obligation - would be embodied in a postal licence and would be policed by a local regulator.

A change of Isle of Man Post to company status would provide the freedom to operate as a commercial entity and would carry with it acceptance of an infusion of commercial ethos. This structural change would achieve little without Government revisiting the makeup of Board and senior management membership to ensure that the control and direction is provided.

Mr President, Isle of Man Post is at a crossroad; it is for this Hon. Court to decide the future direction.

I beg to move.

The President: Hon. Member, Mr Corkill.

Mr Corkill: I beg to second, Mr President, and I reserve my remark.

The President: Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Eaghtyrane.

The single most important things which will carry this strategy forward, as far as I am concerned, are the staff and the sub-postmasters. (**Mr Houghton:** Hear, hear.) This is a case of strategic drift, pure and simple, and there is no better example I can describe than what we have placed before us today by the Hon. Chairman of the Post Office - I do not envy his position and he is new into the position. (**Mr Houghton:** Hear, hear.)

We have a result here of years of floating away from the general market thrust, and, certainly, an organisation that has become all-too reliant on a captive market for many, many years, as well - a market which has provided a comfort zone and very little competition, and has engendered, possibly, a culture of becoming reliable and somewhat indestructible. Now we have come to the crossroads that the Chairman has talked about - or should I call it a strategic paralysis, almost? - in this vein, because the market is not indestructible and business ventures have taken off. And,

as the Chairman has outlined, e-commerce has taken off and little has happened in the Isle of Man Post Office in this respect.

I have made calls long and hard, on and off about market analysis and so forth, and have provided papers to the Post Office. I have posed questions in this hon. place as to ideas and options to be worked up.

So where does that leave us? Basically, where the Chairman has illustrated: falling profits, competitors eating away at a once captive market. Yes, we do need this strategy and it is vitally important, and I fully agree: the whole organisation does need to realign itself and, certainly, align itself to business planning and environmentally scanning the system to look into the markets and as far into the future and as far over the horizon as you possibly can, basically, to try to foresee any threats, as far as practicable.

But, as I outlined in opening my speech, the single most important item to success is the staff: the sub-postmasters and anybody else who services the organisation. They are the ones who are going to be charged and tasked with this strategy to bring it forward from the ground.

To this end, we must cast a backwards glance into Post Office history, and when, in fact, the current Chief Executive came to power, it was well known then that the Post Office markets and profits were steadily being eroded - some good years, some bad, but the trend, undeniably, was always going to be downward.

The Chief Executive, Mr Bill Collister, set about a new regime to try and address this situation. It was a regime, as far as I am concerned, of macho management. And it set about addressing regrading the staff of Isle of Man Post Office, instituting directorships, bringing in what was seen as new talent to director up these directorships and try and set a new course for the Isle of Man Post Office.

This, ultimately, as far as I can see and from the people I have spoken to and personally dealt with, set a mind-set of tyranny from the very top that trickled down to the very bottom, (**Mr Houghton:** Hear, hear.) caused gross low morale and caused a lot of people to leave the Post Office at that time -

Mrs Hannan: Hear, hear - and they are still leaving.

Mr Henderson: It caused a lot of staff with many, many years of good service to leave.

As I say, Eaghtyrane, I have had the experience of these people to me personally and I have tried to help many of them personally. And that was seen as the way forward at that time. That is what worries me, because we are here again at another crossroads, with another strategy, that may this time be a more correct strategy, in my view.

But what we need to be careful of is not going down the same road as we went down before, where it seems to me that the ultimate answer was staff regrading, trimming the troops, pulling in the horns and so on, but, in the process, we seem to have forgotten what was happening in the outside world and what was happening in the markets and ignoring the advances of e-commerce, faxes and everything else that was going on, and the private enterprises which were eating into the Post Office's marketplace - slowly and insidiously, which could be put to one side to start with because it did not make that much of a difference. But, by golly, it has now and a big, big difference!

As companies become more automated and more up to

speed with modern technology, it is going eat more so into the marketplace, and, as the Chairman said, the Post Office has got to become more market effective. It has got to recapture the lost portions of the market to gain any progress in this. And that is fine.

Legislative bureaucracy and all the rest that can be rearranged, that is fine, too, and that is recognised as being a shackling point and to become business effective that is what you need to look at, so you can be sharp, responsive and, to a degree, almost able to foresee problems that are arising on the horizon and possible threats.

So, my single most important point is my concern for the staff: that they are brought along with this, (**Mr Houghton:** Hear, hear.) that they are sold this in a proper and professional manner - I am sure the Chairman wants this - but what I do not want to see is this transgress down the lines of management, so it transcribes into some sort of management situation again, where staff are bullied and pushed around (**Mr Houghton:** Hear, hear.) and told, basically, that if they do not like it, they can leave.

I do not think that is the answer. We need to sell this to the staff. They need to be brought on board and they need to buy into this, so that they feel ownership through the project and that they feel able to support it and they feel motivated.

My final comments, Eaghtyrane, are on management style, especially important in what we are trying to achieve today. As I say, I am particularly supportive for a move to save our Isle of Man Post Office. What we do not need is a directive, dictatorial management style, but one which enables and motivates staff to come to their own conclusions, basically, so that they feel part of the solution and feel brought into it.

And I would seek those assurances from the Chairman of the Isle of Man Post Office that staff are brought along in an enabling fashion, rather than a pushed and shoved fashion, or 'if you do not like it, you can leave'. We have done that already and we have lost many staff with many years of experience.

I do not want to hear comments, as I am sure they will come in this debate, that 'old soldiers cannot move on, they cannot change, they cannot do that'. We are being asked to make changes here today, and the way to effect change with staff is to help them along, nurture them, empower them, offer training courses, show them the way forward, let them make some of the decisions, let them feel brought in, rather than being pushed around, and I am sure we will get a long way further than what we have seen.

So I hope the Chairman can give us those assurances, and, certainly, I will be watching this with great interest over the (**Mr Houghton:** Hear, hear.) next 12 to 24 months, as we go along this road, Eaghtyrane. Gura mie eu.

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

Mr Lowey: Thank you, Mr President.

I say to the Chairman, I was not one of those Members who was able to get along to his information forays, and I apologise for that because I know they are helpful. They are not a substitute, as the Chairman readily agrees, for the debate on this. It is for background information in more depth, so I apologise for that.

I heard what the Chairman said about falling profits, and the need to advance; well, with the greatest respect,

obviously every organisation needs to be abreast of modern technology, modern needs. That is why I think the Board is important; that is what it should have been doing. And there is one question I want to pose to the Chairman, and that is: what is so important about making the Board a private entity, as opposed to what it can do now?

The Board should be doing all the commercial things. I was in this Court when we actually took it over, and we took it over and it was very commercially driven by the politicals and the Board of the day. It was innovative, it did do all the things right, and it did prosper and there is no reason at all why it should not do that now, and, unless the Chairman can tell me what those advantages are, releasing them into more commercial freedom . . .

I also come more up to date: when I was Minister of Trade of Industry, I think it was in the 1990s – and forgive me if I cannot remember the exact time in the 1990s – but we actually brought all the legislation up to date, and it was the Post Office legislation. There was a great cry then for what I would call the commercialisation and the privatisation, because that was the ‘in’ word at that time, and the Isle of Man has never gone for the extremes. We do not nationalise, denationalise, privatise, deprivatise, or whatever the word is; we do what is right.

I had come to the starting line: ‘what do I want of the Isle of Man Post Office?’ And I wanted to provide a first class service in communications and serving the community – because that is what it is about – and I believe that it could and should be able to provide all of those things in the set up that we have got at the moment. It does mean changes in practices and all the rest of it, but as the Hon. Member for North Douglas, who has resumed to seat, has said, that is an attitude and leadership problem that has to be addressed. And I agree with every word that he said regarding the Post Office morale and all the rest of it. (**Mr Henderson:** Hear, hear.) I mean we cannot get away from it, to say that it was a happy ship. It is not! (**Mr Houghton:** Hear, hear.) So there is no need to pretending it is, when it is not.

So I come from the fact: what do I want from the Isle of Man Post Office? And, like everybody else here, I want it to be profitable, I want it to be well regulated, I want it to be providing the service that our industry wants, which is communication, however that form may take, and I would hope that the Board would be energetic in being commercial; in the sense that it should not be afraid to break out into new fields and new technologies. But that is a requirement even now of the present Board of Directors or the Department, as it is.

Then I would say that I think this is a bit premature, because, while we are being asked to receive this Report and adopt its recommendations, and then, in January, we will talk to the staff – well, what sort of message is that going out to the staff? ‘We have made the decision and we are now going to talk to you about your concerns’. I would have thought that this is a bit premature.

I seem, in this Court, in this session, to be adopting an amendment every time I get on my feet, but to try and get over that one I believe it would be best advised if the Court just *received* the Report.

I have to say that we have, as I said, with the staff not having been consulted yet, that it should really be a holding exercise: consult the staff and come back with the final recommendations after consulting the staff, because I do

think they are important and I do not think they should be ‘tail-end Charlies’. They should be inclusive and up front.

I also then have to come to the point that we have inquiries going into the Post Office into the manner in which they work, which have not been reported yet, and I think that is important and we should really wait to see what they have got to say and perhaps that might have an effect on what sort of Post Office that we are actually dealing with.

So, we have no consultation with the workers, and I do believe we have social obligations there, and I do believe we have an obligation to the general public to be listening to what they have to say. We have brought in consultants, and I am getting a little bit wary when I am told that we have been brought in consultants to tell us what to do. Now, you know what they are going to tell you to do: they will tell you what your customers, the man who is paying, wants you to do, so I am not overimpressed when consultants are trotted out to defend or to propagate the belief that the only thing that matters is profit. That is what is told.

I am not against profit. It is very nice when the Post Office makes profits, but it is not the only thing that should be, that our profits should be rising, rising, rising. As long as it is in profit, and as long it is producing the goods, and it has, and the Chairman said that perhaps the Post Office is open to direction. I know, I was a Minister for nearly 15 years and I can never ever remember the Council of Ministers ever directing the Post Office really to do anything.

Now, they may, at the end of the day, be accountable even more closely with the Treasury on an annual basis, but what is wrong with that? What will this private firm . . . ? We have already seen what one of the utilities has done to this Court in this session, where the chief executive of that utility believes that we should not know what he earns!

If we again move out this particular operation, does that mean that the arrangements that are made between the directors, because it is commercially sensitive, would not be available? I do not think that is right. It is only a detail and not, in the greater picture, vital, but it is part of the accountability that I feel . . . The public utility is the monopoly suppliers. If you are going to have monopoly suppliers, you have got to decide whether they should be in public or private ownership. You have no say in the matter. I believe the Isle of Man has got the right attitude, the right balance, where we make them commercially as independent as we can, and have the Treasury look after them on the financial matters at the end of the day, because shareholders . . . and the Chairman will tell me that the shareholders of this company will be the Isle of Man Government. But that is as it is now, so there is no difference.

So what is this dash for freedom that is so vital? I would imagine it will be because it has given us more commercial freedom. I believe the Isle of Man Post Office has all the commercial freedom, I would hope – and if there is not, perhaps the Chairman can tell me what it is that is holding them back – but I would hope that they have always had the freedom, and no-one has said anything to me that they have not been able to do anything because of some constraint by Government. There may be constraints because of international agreements, but that is going to apply, whether they are a private company or a public utility.

I know it is always easier to make the case for doing nothing than it is for change. I would accept that. It is easy to say no, it is much easier to be negative. I hope I am not

appearing too negative to the Chairman. I have a vested interest in the Post Office being a successful, well managed, serving the Isle of Man. That is my objective. I say to the Chairman: I believe it can be done with the direction – and I am quite happy with the direction that the present Chairman of the Post Office is in, driving the thing forward. He and his colleagues have my confidence. But I cannot see what they need, in this move to be free of constraints, that is not available to them at the moment. Perhaps he could tell me that.

But, as an interim, and I think it is a prerequisite, if you wish to take – and I do believe that the Post Office's biggest asset is its workforce, and I do not believe, elementary though it may seem, that you consult them after you have taken the decision and say that is consultation.

I believe you should consult with your workforce and then come back. I do not mind you saying today 'We have received the Report, these are the recommendations'. Go away, consult with them, come back and then we will make a decision, whether we are for them or not, in the light of the views of the workforce.

I believe it is premature and that is why I have great pleasure in moving the amendment standing in my name, which has been circulated:

Delete the words 'and that the recommendations be approved.'

I think that is quite clear to Members what my intention is. That it should be just received today, not the recommendations should be endorsed, but they should be received, consult with the workforce, and come back, hopefully, in the early part of next year with recommendations to move forward.

I beg to move, sir.

The President: Hon. Member Mr Delaney.

Mr Delaney: Thank you, Mr President. In brief, I was lucky enough, unlike my colleague, to make the presentation from the Post Office, and if I was to tell Members that, all the years I have been here, it is the first time I have actually gone there on Tynwald business.

I have always thought, as an undertaking, they worked well. But, like everything else, times change, it changes, and, particularly in the Post Office, all the ground rules have changed; there is no doubt about that. What once was a monopoly – a very well run monopoly, I may add – has now become a victim of change.

Looking around the Court, there are about half a dozen of us here who have started a business from scratch, built it up and took all the worries and concerns – not joined a business and been successful, not inherited a business and been successful, but actually took a business, built it up and made it work. And that is what me and Bill Collister have in common. He actually worked for the accountant who did my business when I started mine. So it has gone full circle, as far as his life is concerned and mine. And I will tell you why I am interested in this development.

I know that this will not work – and I said it to the Chairman, because you do not say something here that you would not say to him privately – this will never work, unless there are two things happening. One is working with the staff of the Post Office to make it work. If you have not got

the staff with you, you can get forget about this before you get outside the door of Tynwald. (**Mr Houghton:** Hear, hear.)

The second thing that has got to happen is: it has to be run and done from a marketing point of view to be in real competition with the competition. You have got to be better at it, you have got to be more highly motivated, you have got to have the drive.

What worries me about this – and the Chairman and Mr Collister know it – I asked them the question about the staff consultation, and I asked him in relation to the marketing. The situation we have got here is, while you have got the cushion of the profits which are still there from the traditional Post Office, there will be no motivation to make what you are asking today work, (**A Member:** Yes.) because you will be able to fall back on the idea 'Oh well, we are here anyway. We have always been here,' and that will mean that the public money will be diluted, will be put away until you are back here.

And to follow up from what my colleague said, it will be a case of subsidising the Post Office to a figure that would frighten me, and, if times get hard – and I look at the Treasury Minister – he will be the guy, or the successor will be the guy – somebody has got to be the guy – who is going to have to explain to us in the budget why we are going to be giving hundreds, if not millions, of pounds to the Post Office to pay for the service.

And that worries me, because that will be the death knell for the staff of the Post Office as well. The first thing that will come to them is: 'We will have to cut the service, because we cannot afford it'.

So what I am asking the Chairman of the Post Office, Mr Quine, to do – I raised it there at the meeting and will raise it again – I want an assurance that, before this gets to the road of where the directions are coming out from the director's chair, and then they are getting as far as the administration and nothing is happening further down the line than that, that he will give me an undertaking that consultation with the men, in *meaningful* terms, will occur and that they will be as much in the picture at the bottom, as they are at the top.

And the second thing I am asking for is the assurance that this will be marketing led, and results will be asked for, and proven results, not only once a year when they are counted on, but during the year, when the real money is out and about. Because, without those things, I do not see any of this happening. It is all in the mind and not in the real world.

I wish the Chairman and the Post Office well. I think they have been successful in the past and I think they can in the future, but, without the two things I am asking for, I think this is just wishful thinking.

Thank you, Mr President.

The President: Hon. Member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. I have heard nothing, in the presentation or the presentation by the Chair of the Post Office, to convince me that this is a move forward (**Mr Downie:** Hear, hear.) – nothing at all. And I have been waiting to hear something.

We have got this document produced on the agenda and it tells me nothing. The only thing that it does tell me is that the Post Office is frightened of the public and politics

(**A Member:** Yes.) and that is what they are frightened of. And I do not know why, because some of the support actually comes from us for the Post Office (**A Member:** Yes.) – I think somewhere in the region of £0.5 million from the DHSS alone is paid to the Post Office –

Mr Houghton: And reducing.

Mrs Hannan: Now, if there is no longer a political sort of . . . why should Politicians feel anything towards a market-force company out there, which has lost lots of its employees recently, long-term employees in my area, and I do not know why, but it has.

One of the areas that concerns me is that it states that:

the mechanisms for exercising their ownership and duties are clearly set out in the Companies Act .

The Companies Act is one thing, and it is market forces, and if we vote for this – mind you, I will second Mr Lowey's amendment – I feel it is something that we cannot endorse today, because legislation has got to come forward. So I do not think it is something that we can endorse. We can receive it and I think that is enough for this today.

But if we have got the Companies Act, the Companies Act clearly gives a responsibility to that company and then we come up with:

As owner, Government ensures appropriate control over the public service requirements through the regulatory licensing framework.

I do not think that you can have one sat alongside the other. I think you either have the Companies Act, which controls things, or you have a public service requirement. And I think supporting this and supporting this Government company . . . I have to tell Members, from what I gleaned yesterday, that a Statutory Board – and I might be thick for not realising this in the past – is a Board of Tynwald, as opposed to a company set up under this law, which will be responsible only to Government. It can be raised here to discuss, but the company law prevails: no responsibility to anyone else except the shareholders, which will be the Council of Ministers' appointees.

So, in actual fact, what we are doing is giving away our Statutory Board. (**The Speaker:** Hear, hear.) We are releasing . . . And that is what this Statutory Board is frightened of.

In the presentation to Members, 'The constraints of current structure: the Statutory Board of Tynwald':

- (1) Lack of clarity about purpose and public service obligations.

I cannot see any lack of clarity at all for public service to serve the public.

- (2) Not able to compete on equal terms.

Well, some of these equalities have been brought in just because it has been necessary to, because of the demands of the marketplace. Now, if we are also turning this Statutory Board over to the marketplace, I have not yet heard how this is going to change their approach.

We have a Board at the moment brought in from the outside. The only difference is that it is chaired by a Member of this Hon. Court. That is the only difference.

And then the next constraint is:

Government constraints inhibit decision-making and flexibility.

But if that is the case, then the case should have been brought to change the legislation, not change to a company. I know from what has been said that this will be supported today, because my understanding is that the Council of Ministers have decided that they are going to take this over as a company, so what Tynwald decides, collectively, is not going to affect that, because the Council of Ministers has decided this.

The Council of Ministers has the monopoly when it comes to votes in this particular area, and I think that even some of the people that actually understand what is going on with the Post Office are still going to let it go, after people have been treated the way that they have over the last couple of years, with a Select Committee still waiting to report – and not reporting yet. I think, maybe, it is that that has concentrated the mind to say 'We have got a Select Committee looking at this particular issue', and the Select Committee is looking at it because they are a Statutory Board of Tynwald. And I do not believe that we should be giving this company away to Government.

There is one area – no, there are a lot of areas that concern me – but there is an area which has concerned me for a number of years and that is the issue of stamps. What has happened since the very beginning is that we have devalued the philatelic side of the Post Office. It has been devalued, every month almost, by putting a new selection of stamps, and it has been totally devalued. Manx stamps – it does not matter how old, where they come from, whatever – are absolutely of no value at all, and yet we continue to publish stamps and have this philatelic side of it.

So, even on that side, we have a Statutory Board by appointing somebody. The value of us having our own stamps, except for putting them on our own letters, of course, the actual value has completely gone and actually not worth the paper they are printed on. I think that is a really sad exploitation of the production of too many stamps, too many issues.

I will not be supporting this; as I said, I will support the amendment in the name of the Hon. Member of Council, Mr Lowey. Nothing has been said to me that has convinced me that I should be supporting this. This belongs to Tynwald. It is a Statutory Board of Tynwald, and we should not pass it over to Government and to one or other people as a play-thing. It is too serious for this, (**The Speaker:** Hear, hear.) and I would urge Members to support Mr Lowey, and obviously the battle will come then when legislation is brought in.

But can I just say that the reason why I do not support the recommendations is that (c) and (d) – I do not support it anyway, but I bring it to your attention anyway:

Request the Attorney General as a matter of urgency to prepare the legislative changes necessary.

And on (d):

Request the Attorney General as a matter of urgency to prepare the legislative changes necessary to enable the establishment of a limited company wholly owned by Government .

Why should Government have the monopoly of urgency

on the production of legislation over anything else that is before the Attorney General. I do not believe there should be that urgency. There is other legislation which I believe has been in the pipeline for a very long time, and I believe that, because it is in the pipeline for a long time, it should get preference over something that we vote on today.

I am saying that, I hope that others Members will vote against it as well.

The President: Mr Gawne, Hon. Member for Rushen.

Mr Gawne: Gura mie eu, Eaghtyrane.

I have to say, up until I heard comments from various Members, I was minded just to go along with the recommendations, but there were a few things that I was concerned about, not least recommendation (b), which requires the Department of Trade and Industry to work with the Board and the executive management of Isle of Man Post to define the public service obligations for the Isle of Man, in consultation with the people of the Isle of Man.

I was a little bit concerned that we were not given an awful lot of information as to what that consultation process was going to be, and then we were told that the proposal for the public service requirements was in appendix 1. I looked through that proposed requirement and I do not see any mention of the sub-post offices. I do not see any mention of the infrastructure in that respect and, to me, probably the most significant role that the Post Office undertakes is the community role that the sub-post offices supply, (**Mr Houghton:** Hear, hear.) and I am very surprised that there is nothing in the proposed public service requirements which mentions this.

Having said that, I was generally quite of a mind to go along with the recommendations; certainly, in speaking with the Chairman of the Post Office, he did indicate that this was a possibility that some requirement could be included for sub-post offices.

But there are a few other bits in this that do concern me. I know that some Members would see this as privatisation by the backdoor, and, just mulling that over for a bit, privatisation would actually bring something to this Hon. Court, the Government, we would actually get some money out of it.

What we are actually getting here is where, effectively, Tynwald is losing control over how the Post Office is run and we are not getting anything out of that in terms of any finances. So you do actually wonder (*Interjection by Mrs Hannan*)

Mr Cannan: Does that sound familiar to you?

Mr Gawne: Well, as I say, I was a little bit concerned about that as well.

I can see the point, the main idea behind the strategic direction that has been suggested, and, certainly, when you look again, I think it was at appendix 3, and you look down all the relationships in other countries, most of these are state-owned postal companies, which would certainly indicate that this is the way forward.

I think, again, the issue raised by the Hon. Member for Douglas North about the relationship with the staff, this was something else that I noticed which I was prepared to overlook initially, but certainly after the impassioned speech from the Hon. Member for Douglas North, I am concerned

that we have in paragraph 2.7 statements (**The Speaker:** Hear, hear.) on the lines of:

Further pressure on the business comes from the culture and expectations set by the business's status as a Statutory Board.

It goes on:

Furthermore in negotiating increases to pay or in varying terms and conditions of employment, there is a clear belief in the workforce that Government is the provider.

I just get a feel from that, that the staff are not trusted by the management. (**The Speaker and Mr Henderson:** Hear, hear.) It is very telling that it was felt that that paragraph was necessary, and I would have said that that really shows there is more to do with a breakdown in the management-staff relationship than anything.

So I think I will be considering this very carefully, but I am minded at the moment to go along with Mr Lowey's amendment, providing that the Chairman of the Post Office does not come up with something in the meantime.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. The Chairman of the Post Office Authority is well aware, and it will not be any surprise to him at all, that I am not going to support the motion on the Order Paper and my starting point is quite simple.

The Isle of Man Post Office is owned and controlled by Tynwald and is operated as a Statutory Board and, if we allow this to happen, Tynwald loses control of the Post Office for the Isle of Man. It passes over to the Government, it becomes a private Government company and all you have to do, Hon. Members, is look at all the other private Government companies and ask yourselves what control, what influence, do you have over those? Answer: none.

Mr Downie: Do you want to control Tynwald Boards?

The Speaker: Now then, Hon. Members, *if* – and I use the term 'if' – a strong case was made that this was vital for the survival of the Isle of Man Post Office, and I could be convinced, that is fine. But I went to the presentation, we had an opportunity to speak, and, yes, I had to leave a bit early, but I was there for the full presentation. I read the document and *nothing* convinces me that, in the Isle of Man context, we need to make this change.

And worse: I do not believe that making this change will improve the situation.

Hon. Members, the problem is clearly identified in the Report. Read it, it tells you the problem. It is as simple as that: read between the lines.

The Hon. Member for Rushen mentioned about paragraph 2.7, and I picked up on that when I read it. It sounds to me like: 'If we are not a Statutory Board, we will be able to sort the staff out,' and that will be because – and it says it, really, if you read between the lines – they are staff employed by Government, they are paid too well, and their terms and conditions are too good, and 'we want to sort that out, because, Hon. Members, how else are you going to save money to make it work?'

And the bottom line is, when you read all this, and it is in the Report, if it all goes wrong we will still pick up the

bill, i.e. the taxpayer. (**Mr Houghton:** Hear, hear.) So whether it is a Statutory Board or a private company, the taxpayer will pick up the bill.

So why are we where we are? We are partly where we are because the Hon. Member for Ayre, who is the Chairman of the Post Office Authority, is straightforward.

Mrs Hannan: No, he isn't!

The Speaker: Before he was Chairman of the Post Office Authority and in the last two terms of the House of Keys, his policy was quite straightforward: he did not believe that the Post Office should be a statutory board with a political chairman and the Chief Minister recommended his appointment and Tynwald approved it and the Hon. Member is carrying out what he believes in.

I do not argue with that, that is his view. He believes that this is a way forward.

But Hon. Members, why do we need to do it?

The argument will come back, 'Oh, because it cannot compete, it cannot do this, it cannot do the other'. Again, I keep reading the Post Office Act 1993. It tells them they can do all sorts of things. In the Report it says, 'it would be helpful' – and if I can turn, Hon. Members, to page 19, I think it is, and you go there to 5.2, the second paragraph, and it states:

Isle of Man Post believes that it is vital that the public services needs are defined clearly and transparently to reflect the changing needs of the public over time.

Nothing in the Act stops that happening. That can be done by policy of the Post Office because the Act says, 'You have a social conscience.' The Act says, 'You should do x, y or z.'

One of the things that I know from going to listen to the evidence on the Castletown Select Committee was, in fact, that the management who were answering questions did not seem to understand what the Act said and especially in relation to section 2.2 of the Act, because those questions were asked and it was clear that the management were not clear on their responsibilities.

So what are we doing? What we are doing is being asked to move it from the control of Tynwald to the control of Government, so that the Board are protected and are not answerable. It is as straightforward as that, Hon. Members, because they will not be able to be directed, even if we wanted to direct them – and when I say 'we' it is Department of Trade and Industry, or the Council of Ministers – because, simply, they would not be – or the Treasury, which the Act says can – because, simply, they will be in a position where 'Sorry, we are a private company; we are a Government-owned company, but our responsibility first and foremost is to the Government and not Tynwald any more.'

That is the big change, Hon. Members. The change is one thing only: that is to take a big stride away from us.

And, as the Hon. Member for Peel said – and it comes out clearly in the Report, because it says it more than once – 'politicians interfere'. 'We want to get away from the politicians.' If you are a publicly owned company you are answerable to the politicians! It is as straightforward as that! And if you want to be privatised, the answer is straightforward too: set up a private post office. (**Mrs Hannan:** Yes.) If the management is convinced this will work, set up a private post office because what they have

said in this Report is that the monopoly position does not matter any more, anyway.

By the way, it says that in one breath, and in the other breath it says, 'but we need some sort of protection'.

The other thing, Hon. Members, and I flag this one up: I wonder how long it will be before we see a partnership between Isle of Man Post, if we allow this to happen, and one of the big players in the UK or in Europe. I bet it will not be long: three or four years, maybe shorter. I can hear the argument coming: 'We are too small to sustain our own little private company; we need the comfort of the big company to be able to compete in the world'.

But also one of the things about this change is that we are going to allow the Post Office to step into the commercial world in the Isle of Man and compete against privately owned companies in certain areas where I do not believe they should compete. What I want them to do is to run a good, effective post office and a good effective post office network, and I do not believe that this step makes that change to make it any different from now, because the powers are in the Act.

Maybe, if people were looking at the Act more carefully to see what they are able to do, then it may be we can do more than is realised.

The other issue is that the Post Office has a network and we know that the sub-post office network is under threat. The evidence given, again, in public at the Select Committee was – and one member of staff said it – 'we do not see any future in the post office sub network'. Hon. Members, that is why it is owned by the Isle of Man Government, that is why it is responsible to Tynwald, because, if it needs the funds to enable it to sustain an effective network, maybe that is what should be happening.

But it is not happening; in fact, quite the reverse. There is less money going from Government now through the Post Office to help sustain it than there was five years ago and we are talking about substantial funds. We are happier, because we do not take into account the value to the Post Office – which I support, by the way, and the Chairman knows this, because of the point I raised when I was at the presentation.

The Post Office, which is owned by the Isle of Man Government, is a Tynwald Board. The Isle of Man Government is putting less money through it, when it could make decisions not to do that. And, yes, it might cost a bit more, but no-one is taking into account the value of jobs, the value of retaining the network, the value of so on and so on. And I am not talking about making it inefficient. You can have a state owned body and it can be efficient.

The wonder of this is – and people are going to get up and say 'Oh, but you do not understand' – the point of this is what they are doing is saying, 'We will cure all the ills if we make this a private company'.

I gave a good example to the Chairman when I was talking to him; I said about the Laxey Mills.

Laxey Mills is the same as what is being proposed for this, and I said: 'For years the Isle of Man Government pumped in hundreds of thousands of pounds into the Laxey Mills to keep it going when it was a company and it then started making money.'

But why did it make money? Because an entrepreneur, I suppose is the best way to describe him, set up a business called Ramsey Bakery and he gets most of the grain that goes through Laxey Mills. And who supported him in setting

up the company – rightly? Government, by providing grant assistance through the DTI. So it was all interlinked.

But we are saying in the Post Office, we cannot do that interlinking and we are happy for our business to be fed out through the banks, which are not owned by the Isle of Man – the five big banks. And we are promoting it, we are driving it and, yes, it will cost us money if we continue to feed that work through the Post Office, but the advantage of that is a social one. One is you keep the business within the Isle of Man, through the Post Office. It means that you get people to go out and collect their money – maybe that will change over time and maybe over time with technology, which is available now, the Post Office could actually put in facilities so people could actually use a card, as they do at a bank, to draw their money out of the Post Office.

But we will not do that, because it costs us money from that Department, and it means that we have got to put money just to pay for that to be serviced and we can get that done for nothing if we go to Barclays or National Westminster or Bank of Scotland. So we take a short-term view: it will save money, but no long-term vision that it actually helps keep our Post Office going.

That is why the network is going down the pan, and the network will go down the pan faster if this is approved.

And also from my point of view, it is a matter of philosophy. In my terms, the Isle of Man Post Office should be owned by the Isle of Man Government and Tynwald, and controlled by Acts of Tynwald, in terms that it is directly answerable to Tynwald, not created into a private company; ‘a private company owned by Government’ – but we know what that means. It takes it away from here. It takes away the influence; the Report keeps saying it: ‘the political interference, the political intervention’.

What I have said will be no news to the Chairman of the Post Office, because he has heard me say it plenty of times, it will be no news to the Chief Minister and others, because I said it when I was in the Council of Ministers.

I support the Isle of Man Post Office. I believe the people of the Isle of Man want it retained as an Isle of Man Post Office and, I believe, responsible to Tynwald directly. If we make this change, there will be nobody in this Court appointed to run the Post Office and directly answerable to Tynwald Court.

All the questions, if there are any, will be answered by the Minister of the DTI or the Chief Minister and they will say: ‘But it is a private company; I am sorry, Hon. Members, the directors have a responsibility to the company. We only provide the support.’ And we will be neutralised: it is as simple as that.

If you want to be neutralised, Hon. Members, be neutralised; but if you do not and you want the Post Office to be successful, then, yes, have an investment programme to make it work.

If we permit this change to happen, we will have permitted the Post Office to separate itself from the direct control of Tynwald Court. I do not agree with that. I think there is a big fear for the staff, because I think the report flags it up quite clearly in the section that was read out by the Hon. Member for Rushen, Mr Gawne, and I think we just need to be conscious of that.

I do not support this change. I will support the amendment in the name of Mr Lowey, and, if that fails, I will certainly vote against the Report.

I do not believe the people of the Isle of Man want this.

Again, it is another issue of something being progressed that has never been flagged up in the public area, that this is the way forward for the future of our Post Office. I am sorry: I do not believe in this stealth direction of changing our policies. I think it is wrong and I will oppose it.

The President: Mr Shimmin, Member for West Douglas.

Mr Shimmin: Thank you, Mr President. The previous speaker made the comment, ‘If I could be convinced, I would go along with this’ and then, as he summed up towards the end of his contribution, he did point out it is a fundamental principle to him, it is his philosophy. There is nothing within this Report which could have actually changed the previous speaker’s view, and I do not dispute or criticise for that. But he has admitted it as a fundamental philosophy of his that it should be maintained in its current form, and variations can be operated within the current structure.

I am not aware of this, but the previous speaker commented also that we are here today because of the Chairman’s belief that this is something that he has always believed in. I am not aware of that, but that is for the Chairman to actually make comment. I stand this afternoon because I was the former Chairman of the Post Office and I was a convert.

I was the previous Chairman, not the only one, and during the last seven years within the Post Office, prior to my time and subsequently since, it has been fairly clear that the writing was on the wall as to the way the future was going. We have had the economic position outlined by Mr Quine, in that the economics which were anticipated and predicted some years ago are now actually being realised.

As Chairman for two to two and a half years, the Member for Castletown, the Speaker, will remember that the Post Office did come in quite frequently to the Council of Ministers to try and point out many of the issues which we are here discussing today.

One of the fundamental problems it was always trying to get across to Council was that the Post Office is so much more than the sub-post office network (**The Speaker:** Absolutely.) and, politically, we look at that as being the shop window of the Post Office. It is in our communities and it is a vital link which, as far as I am concerned, every member of management, the Board and the staff of the Post Office fully agree, as much as anyone in this Court.

The difficulty is that the major financing of the Post Office is its bread-and-butter postal services and the amount of political involvement in the sub-post office network, because of the problems many of you will recall in Ramsey and elsewhere were not – despite allegations to the contrary – a determined effort by the Post Office to make wither and die the sub-post office network; that was the commercial reality that people are voting with their feet and were not using them in the communities.

Everybody wants to have facilities in their area, and we need to have facilities in the sub-post office network that people will utilise in the community, and before my time, during my time and since my time, that has been one of the key areas in which the Isle of Man Post Office has been working to improve the facilities operated in the sub-post office network.

But the fundamental issue that has been outlined today

and previously is that the safeguarding of the sub-post office network, if it is left to its own devices at the moment, will continue to diminish, because the private businesses that operate them cannot sustain their profitability. They are not in it as a charity and each time a sub-post office master or mistress comes to try and retire or to sell their premises, there is a difficulty in getting people to see it as an economic going concern.

Now, we do not like that because that affects our communities, but that is experience over several years that we have witnessed and it will continue to happen.

The main issue, as identified by the first speaker, Mr Henderson, that everybody refers to, following the sub-post office network, is the staff. I have worked there, and it might be a surprise to some of you, but I have spent all of my professional life as a teaching trade union representative, whether it be president of a branch or a school representative. So my credentials for actually trying to support the staff with which I was working are there and that would put me at some distance, possibly, from the current Chairman of the Post Office.

And when I went into the Chairmanship of the Post Office as a relatively inexperienced politician, I certainly shared many of the views of maintaining the sub-post office network, looking after the staff, having good staff liaisons and relationships.

But, as Chair of the Statutory Board, the main responsibilities were the economic and successful operation which would maintain employment opportunities, because that is what we are talking about: the employment opportunities within the Post Office, the large number of those very staff that people have said need to be consulted and need to be considered, are exactly why the Chairman is here today, and I previously moved down this road, because the future is *not* rosy. The future is not able to just continue a minor deviation from what we have got at the moment.

The first speaker, Mr Henderson, and the final speaker, Mr Speaker, talked about: 'We can do it within the current structure', and there was a swingeing attack against the management.

Mr Henderson: Hear, hear.

A Member: Quite right.

Mr Houghton and Mr Henderson: Justifiable.

Mr Shimmin: And so we have individuals who are not on the Board. The previous Board of three Members appointed by Tynwald and a political Chair all looked at this issue and came into the same position that the current Board and the current Chairman have been in.

The management are tasked there with carrying out the wishes of the Board and they are, therefore, hit from both sides. And I think it is unfair in the way in which the management of the Post Office has been targeted and blamed for attempting to do their job of carrying out the wishes of the Boards, and we then talk about, 'Well, let us change it; change the management style'.

Okay: let us have the same people talking about our own failings within the Civil Service system, where we all know that there are some officers who are not performing. (**Mr Houghton:** Hear, hear.) You try and remove some of those; you try and remove management and identify what

they are failing to do when they are trying to carry out the wishes of the board of the Statutory Board of the Post Office.

The management, in the time I have known them, are basically the 'meat in the middle'; they are attempting to be 'all things to all people', which is almost verbatim what I think the Member of Council, Mr Lowey, wishes the Post Office to be. It is a lovely aspiration, but I do not believe it is a realistic, achievable target.

Mrs Hannan: That is going into the job.

Mr Shimmin: The only way of achieving that for those who would say 'do it within the current structure', is remove management. Remove the current Board and replace them. (**Mr Quine:** Hear, hear.) The problems do not change.

You can bring other people in, and how much do we pay the management of the Post Office? I remember a conversation with the Chief Executive, who I did not know before I arrived there, and he identified that he is not an outstanding, wonderful chief executive. He does his best. He works damn hard for the Post Office, and he actually admits that he is not paid, nor able, to be what we would like him to be, which is all things to all people: wonderfully motivational to every member of staff to keep them happy, wonderfully market effective with business planning, market analysis, run the sub-post office network to keep everyone happy, improve the facilities of the sub-post offices.

He is a good chief executive compared to many chief executives we have in the Isle of Man Government. I would put my support behind the determination of himself and others to try and lead the Post Office.

I think some of the personal allegations and comments against him today are unfortunate. (**A Member:** Justified.) For people who are unable to support and defend themselves, we try normally to avoid doing that.

However, we have a situation of change elsewhere in the world and we need to either change with it or we will wither. If we wither, the Court knows the alternative. The Chairman of the Post Office, whoever that would be, would come back here and, instead of being the only net contributor to Government, will actually be a substantial drain upon it.

And how will you do that? The issue of providing the services in a diminishing market will affect employment opportunities. The Member for Rushen, Mr Gawne, talked about staff not being trusted by management. The whole issue of staff relationships with the Post Office is historic, with the equivalent colleagues of the union in the United Kingdom – and we have all witnessed, if we are honest, some of the old fashioned methods of the Royal Mail and their staff, between the management and staff, there have been major difficulties.

It still continues today. Industrial disputes: that has a serious effect upon the Isle of Man, but also it is a culture within the Royal Mail, which is self-defeating, because it is ripping Royal Mail to pieces, our main trading partner from the Post Office. Now the staff on the Isle of Man deserve better representation than they sometimes have had at the senior level of their union in the United Kingdom.

The issue that we do not like grappling with is, yes, we are held to ransom by a number of sectors of our workforce in the Isle of Man, and I have an area within the Department of Transport where, certainly, there are people who have a major influence on our ability to operate.

The Post Office staff are a fantastic asset. The reputation

of the Post Office is what sells the Post Office on the Island. It has the credibility and the affection of our community. The management, in all the time that I have been there – what was described as ‘tyranny from top to bottom’ – and, as Chair, I therefore accept that was against myself as well as the Board and management –

Mr Henderson: Trickle down.

Mr Shimmin: – that might be a perception from those who did not like what was happening within the Post Office; it certainly was not the intention, nor is it today to actually try and have conflict with the unions, but, certainly, the current policy endangers jobs for the future. It endangers finance for the future.

We have heard from Hon. Members that there is the principle at stake, this is Tynwald. Fine, Tynwald appoints the Chairs or approves the Board of the Post Office; fine. I am sorry, Hon. Members: if we do not go down this route, which has gone through two separate Boards, two very politically different Chairmen and has come forward from consultants – the Member moving the amendment talked about consultants (*Interjections*) and this is the Hon. Member within DoLGE, who knows fully about the issue – and, depending on what you wish to set out to achieve, if you are weak, then you will get what you want. Basically, I do not believe that either the time I was there with the Board, or the existing Chairman of the Board, have set out with an agenda to say, ‘Deliver us this.’

Transend put forward their reputation; they are innovators. They have come forward with changes elsewhere and made profitable businesses out of businesses going nowhere. It is not an attempt to merely hide behind consultants. It is the way the world is going in postal services and, however much we might be affectionate for 10 or 20 years ago, if we do not acknowledge that the world has changed, if the Isle of Man Post Office does not modernise in a way which is going to be sustainable, I am afraid you have had the writing on the wall here today: the changes will happen and the cost will be borne, either by the taxpayer or by ourselves within this Chamber, with the comments that people have made to date.

The President: Hon. Member, Mr Karran.

Mr Karran: Eaghtyrane, I will be supporting Mr Lowey, as far as his amendment is concerned. I am a little bit concerned with the previous speaker, as far as his trade unionism is concerned. (**Mr Henderson:** Hear, hear.) It must be a different type of trade unionism from his profession –

Mr Shimmin: Support the workforce.

Mr Karran: – from some of us other people who have been members of trade unions since we were apprentices and still are –

Mr Shimmin: How long ago was that?

Mr Karran: – but the situation is, the fact that what concerns me is, yes, we know the future is not rosy for the Post Office, like for many other places; we know that there are difficult times ahead in this Hon. Court.

I have to say that I totally agree with the Member of

Council with his concerns, as far as this Item is concerned and I support the Member for Peel and the Speaker as well.

He talks about a change of management. What I worry about, with the change in management, is the fact that we will go down the same road that we have seen with the likes of the MEA, and the veneer is only starting to crack at the moment.

We saw that we cannot even find out how much the man is getting at the top of the MEA. ‘Oh we are going to protect the workforce.’ I know, we suspect what this is about. It is not about protecting the workforce, but about protecting themselves.

I do not know how many Members have written to the Post Office in recent times. I wrote not so long ago asking them whether they could try and come to some arrangement with the banks, as regards the bank cards. We have got to try and help the Post Office, (**Mr Henderson:** Right.) – try and get things like that.

I would have liked to have seen a more positive . . . we are talking about the problems with the Post Office. I would like to see the development of some sort of national banking system on the Island. I think that there is a move, there could be a move, as far as that is concerned.

Mr Quine: Of course, there could.

Mr Karran: And I think that the problem is, that my concern today is the fact that, if we support this – whilst I have got some empathy with some of the contents within this Report – this is a charter for ‘let it rip, let it go and let us keep our fingers crossed, and, even if it does not happen, we are all right because the executive will not be held to account.’

Like the Speaker says, we will have no input, as far as putting any. . . we will get the ‘dumb blonde’ routine: ‘Nothing to do with us!’ And we will end up with a situation where we will have another Statutory Board that is allowed to be out of control, unaccountable, and that is the road.

Yes, we will end up with all the people at the bottom, the people who actually do the work, will be the ones who pay the price.

Eaghtyrane, I hope that Members will support the Member of Council, because my concern is – and I have been ridiculed for the last two or three years about the MEA – but the veneer is starting to crack. The fact of the matter is that when we have a situation where you create structures where there is no accountability, then they are left to ‘power corrupts and total power corrupts totally.’

I believe that it would be wrong for us to allow them to use this as a smokescreen. We know there will be awkward decisions in the future for the Post Office, but leave the control, as the Speaker has said, in this Court, so that there is somebody accountable.

If you do not, what we are going to see is, I believe, a worse scenario than ever you will have, as far as it being a Statutory Board, and I do hope that Members will consider the fact that they are not part of the Council of Ministers, and just receive this Report, because if you do not, I can tell you now that things will suddenly start to appear and I believe that you will find out that you will lose your staff.

I do hope that the Caairliagh, the Chairman, will come back about these other issues because there does not seem to be any enthusiasm. I have to go and pay my bank with my bankcard; if I could go to the Post Office at Baldrine, it

is an awful lot easier than having to try and park down in Douglas.

These things need to be looked at and I do not really think that there has been that sort of commitment to look at those sort of things.

I believe that the Post Offices create a social service, as well, and I think that that is part of the equation. But let us not have this rosy-tipped way with the Hon. Member for West Douglas. We do not want that; we want the reality and the reality is: go down this road, let them have no control and what will happen is that you will have the tears, and, all right, we might not see them before the next election but the tears will be back and the problem will be that there will be a bigger problem –

Mr Houghton: It is here now.

Mr Karran: – than there would be if it is a Statutory Board and the only difference will be that whoever is Minister of Trade and Industry in the future will say: ‘Oh it is nothing to do with me, boys.’

The only other issue I can see, as far as this proposal is, is whether, Eaghtyrane, the long-term agenda is, when we have run out of taxpayers’ money and we have already started on the water bond money, that maybe we will be privatising it, so that it makes it a little bit easier to privatise, because there is that little bit further away. That would be sceptical, maybe, on my part, as far as that is concerned, but that concerns me: at best, we end with a situation where they are totally out of control, totally unaccountable, and, at worst, it gives them enough arm’s length to privatise them so that they can spend their money – the executive – on another unaccountable, crazy waste of public taxpayers’ money.

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

Mr Houghton: Thank you, Mr President.

Mr President, I give this motion this afternoon very cautious support, sir, but that is not after seeing at first hand the Post Office management absolutely wreck the Post Office, and second to the senior Post Office management, who have wrecked the Post Office, is the Department of Health and Social Security, Social Security Division, which has done whatever they can to see that the core business of sub-post office and counter network be transferred to direct credit into people’s bank accounts. (**A Member:** Hear, hear.) (**Mrs Christian:** Wrong!) It may be said it was the public’s choice but –

Mr Anderson: It was choice.

Mrs Christian: Indeed it was.

Mr Henderson: Temptation was there.

A Member: You have choice.

Mr Houghton: – the temptation – but the layout of the application form for pensioners –

A Member: It’s a free country.

Mr Houghton: – and I raised this issue in the

Department when I was there shortly after the election in 1996, whereby the application form said: ‘How would you like your payment?’ ‘Through a bank account’ and then, on the other side of the page at the bottom, ‘or do you want it through a Post Office?’ (*Laughter and Interjection*) Let us know, do not come back to us.’ Absolutely disgraceful!

But, during the time that I have seen, of latter years, of the senior Post Office – and the Post Office have got a blame in this whole matter; they take a certain lot of blame on their own shoulders for this – is the short-sighted views of management when issues from the Sub-postmasters’ Federation have been brought to their notice, (**Mrs Hannan:** Hear, hear.) at various levels of management, but never the top management. We were never allowed to see the Chief Executive, it was always others who were brought in, who seemed to be friends of friends, hired to do fancy jobs in middle management. Brian Whatton was one of those and there were others who were paid just to listen to us, pay lip service, but ignore us, and we had a share in that business – sub-postmasters did – because sub-postmasters were already privatised when they went in those businesses.

So we had an interest; nothing was ever taken up, they just paid lip service to us and completely ignored us, so I do support very much the contentions of my Hon. Colleague for Douglas North, in how he has received complaints himself from the way that the Post Office senior management have treated their employees. It is completely abysmal.

In addition to that is: what the Post Office management has is that it has built up its ranks of management. We began in the Post Office with one Director of the Post Office – or, even before that, we had an overseer from the United Kingdom, under the Liverpool head postmaster, before the Isle of Man was privatised – then we had one Director with a number of overseers.

Now we have got a chief executive and a load of directors, and then a load of middle management below that, and that management is seriously overburdensome and top heavy, and that is what is required to be done, at a possible – if it can be acceptable and stomachable by this Hon. Court in the future – company level, no doubt by natural wastage, I would imagine, rather than actually having to get rid of these people; it really is a shame that that cannot be done.

But the Post Office management slumped to an all-time low around the early 1990s – so they have had another decade out of us – when they could not care less – so much that they used to finish at lunchtimes on a Friday and go home. You could not even ring the cashier up for any additional cash to pay your pensions after lunchtime on a Friday! In fact, they did not want to know on Friday morning, because they were finishing at lunchtime! (*Laughter*)

Now, that has changed because they are there longer now, because they have become worried people because of successive chairmen, who have had to put them under pressure, whilst this review is going on.

But it is a very, very sad situation, when all this has happened and it has slowly deteriorated into the condition it has. It has not just been the loss of business, but, on the loss of business, I have mentioned our core business at counters, was the loss of pensions and allowances by natural wastage, by transferring across, of course, to that and that really could have been done without.

The DHSS, as I say, were saving on fees. The money

would have gone back through the Treasury, anyway, but that was the Post Office's core business on counters. But, in addition to that, business has gone down in the Post Office – all types of business. There have been other smaller businesses frittering away the Post Office's core postal business for years and years.

Also, with the United Kingdom's Post Office arrangements, we used to have all the mail order business that used to go through the postal side, through the mail work side. That business was lost many years ago, stage by stage. Grattan's went first, Great Universal next, and, of course, when it went into privatised hands, such as Island Express and the likes of those other people, of course, when people then came to send all their mail order catalogue stuff back – because very often they would send you the wrong item and you had to send it back, there were always two goes at –

Mr Cretney: Wrong size, wrong colour.

Mr Houghton: – oh, absolutely – in those returns. So the sub-post offices did a lot of trade themselves, whereas there was a contract with the United Kingdom on returning mail back, sub-postmasters put stamps on them and that helped their livings, indeed.

But I have to say that, just as an aside, it was quite funny when that began and there was a red van going up a street – that was the Post Office's van out delivering parcels, less and less by the year – there was also following them an Island Express van and another delivery van. We have seen them all around and there have been vans following each other – three vans doing the job of one – for quite some time. And I cannot see the sense in that, because none of them are getting that business. But it used to be quite funny when they used to call into the Post Office – the 'opposition' – and ask me for directions, I used to make sure that they were sent to the other side of Douglas, never mind . . .
(*Laughter*)

Mr Anderson: Just as helpful! (*Laughter*)

Mr Houghton: A leopard never changes his spots, does he?

The Speaker: I bet he did, too!

Mr Houghton: And I support what many, many Members have spoken about this afternoon about bringing the staff along with you. Indeed, when I went to the presentation, I raised that very issue and one of the deputy directors or the deputy chief executive, who we spoke to at that meeting, could not really assure me that the staff had at all been brought along.

In fact, the staff had not been brought along and that is an absolute disgrace in this day and age, because the thing is, all of those staff themselves have ideals. They have got good ideas. They would have helped in the development stage of all of this that is going along, but they do require to be paid from a thriving business. This business is no longer thriving.

And that is why I would ask, with caution, that we need to support a change in direction and a cautious change at that, as I say.

Of course, the Hon. Chairman of the Post Office goes

on that the arrangements must change or affect the way the Post Office can attract business on a level playing-field and I do support him on that, because he will explain to you, in his summing up, that there are differences in the way that the Post Office can and cannot work. It cannot charge £1 for a letter, say. Nobody wants it to do that, but the thing is, you go and try and send it with some of those other competitors of the Post Office and they will charge you £3 to send a letter up the road, so a lot of those issues and constraints fall all the way across the whole spectrum of the mail work and it does need to be looked at on much more of a commercial basis.

Mrs Hannan made a valuable contribution, insofar as when she mentioned about the philately. Now philately, philatelic sale of stamps – and we have had the most beautiful stamps, the best stamps and designs in the world (**The Speaker:** Hear, hear.) that have had a massive, massive support worldwide – has slumped a long, long time ago, Hon. Members, very unfortunately, but it has. As time has gone along and computerisation has gone in, all our young generations are looking at computers – God, what a boring life! But they are, aren't they? And instead of, say, collecting stamps and so on (*Interjection and laughter*) and so forth –

A Member: So that's not boring, is it?

Mr Houghton: And that is not boring! (*Laughter*) Anybody would think I still had a vested interest in it, but the thing is it is, unfortunately, a dying interest, and as the generations are working out now, there really are only, in the main, elderly people who still maintain an interest in philately.

But philately has brought about an awful lot of income by way of excess profits into the Post Office, which – the excess of that to Post Office profits – has been re-injected back into the Treasury year on year, at possibly the rate of £500,000 a year when they were running really well, in fact, sometimes more. (**The Speaker:** Hear, hear.) That is dying off to zero now, it really is. And that area alone cannot be looked at to uphold and underpin the Post Office's continued trading, unfortunately.

So we do have to look at other areas, because of the fact that philately was dying. Possibly it was over-killed a little bit, or over-arched, when the Post Office brought out rather too many issues of stamps, but, at the time, when there was the real interest there, there were not enough issues out. And the way that they were brought out, there were not enough issues, because commemorative issues have a limitation as to how many stamps you can actually issue and, of course, as it has been dying, those commemorative stamps have been issued to sub-postmasters to sell as definitive stamps, instead of using definitive stamps, in order to get rid of those, rather than wasting the printed edition.

So I would turn to the Chairman's main plank here, that the fact that his emphasis is not necessarily on the network. He does intend to secure the employees and the employment of those people within the Post Office new strategic network, but he is looking in a strategic direction.

Now, as I say, I would support a staged introduction of that and this Court needs to be kept fully informed of that stage, just so that we can have a hand in it. The staff need to be brought along, the sub-postmasters need to be brought along in all of this, but we do need a clear contention from the Chairman, also, what he intends to do with sub-post

offices. It is quite clear that there is an intention somewhere that at least one dozen sub-post offices are likely to be axed at some time in the future. Now, can they be saved by the change in emphasis of the Post Office? I do hope that they can, because they do provide with them all those community aspects into what is left of communities.

Having said that, as far as communities, communities are only as good as the public that support them and it has always been this issue: if you do not support post offices and your local bank and your local this, that and the other, you will lose it. So it is 'use it or lose it', Hon. Members, (**Mr Quine:** Yes.) because, to a certain extent, they cannot be supported 100 per cent, but they can be supported to a greater extent than the Isle of Man Government gives.

We all support communities, so why does the Government not do what we wish, which is put more work . . . ?

The Hon. Member, Mr Karran, has named one issue. I always wondered about an internal banking organisation. We support at least two, if not three, bank – two current account banks – agencies in the Isle of Man Post Office. There are three, if you take the National Savings Bank, which currently is completely defunct because of interest rate levels, so that business has gone, but why do we not run our own internal cash flow arrangement, our own internal Post Office bank and that itself would help the Post Office, both from the top to the bottom of the Post Office as such, because the Post Office's vaults that used to be there in Circular Road were bigger than any vaults anywhere else on the Isle of Man, and could have held the Treasury's reserves as well.

Mrs Hannan: What reserves?!

Mr Houghton: Never used; left alone. Well, they have got plenty of cash reserves, I can tell you that, but –

Mrs Hannan: I don't believe they are sat in little bags somewhere.

The Speaker: It's called the 'Treasury'.

Mr Houghton: So, as I say, Hon. Members, in closing there has been a lot wrong but we have got to look to the future now; that is what the Chairman is saying, and I do support that, but, as I say, on a staged approach, so it is not as though I support it all the way along, but we need to think stage by stage, exactly what we are doing.

Do not forget the Post Office also is a service. It provides services which you cannot equate to business, but then also it transacts business and it interfaces with international business on many, many fronts – that is all detailed in the Report – and that does need to be run on a business-like basis in order to do it and if, for instance, the company is constrained to those areas – which I am quite sure form part of the Hon. Member's proposals in the future, as things work their way along, well, then we can see that and agree to that, if we are agreeing to that as time goes along.

Thank you, Mr President.

The President: Hon. Member, Mr Corkill, Chief Minister.

Mr Corkill: Thank you, Mr President.

An interesting debate so far; a number of Hon. Members have discussed issues to do with political philosophy – very valid philosophy, and a very valid place for that political philosophy to surface in such a place as Tynwald Court.

In terms of my part in this process, Mr President, can I just say that, at the beginning of this administration, I was given a copy of the Transend Report from the outgoing administration of the Post Office and I read that in my spare time, in between knocking on doors and trying to get re-elected and all of those things.

I have to say that I was alarmed at the information that this firm of consultants have produced; there was some criticism of relying on consultancy earlier, and I think that that is unfortunate, because we do need consultants in the right places at the right times to help us determine what trends are happening around us and it was quite clear that there was a trend here at the Post Office.

Now that was two years ago, Mr President, and the figures and the results of the Post Office have done nothing, in my mind, except reinforce the conclusions of what was in this Report and so I think that they are still alarming and that is why the Hon. Member for Ayre, the Chairman of the Post Office, Mr Quine, has been coming to Council of Ministers since he became Chairman, with a number of presentations and eventually he has brought a report about the strategic options, or the favoured options to Tynwald Court, because he has a duty to do that.

In inviting him to be nominated to this Hon. Court for the position of Chairman, I asked the Hon. Member, Mr Quine, if he would take careful note of what was in that Transend Report, because I thought it was only fair that someone who was being invited to be Chairman by this Hon. Court . . . and it was supported and the Board was selected by this Hon. Court – and can I say that the members of the Board came from a list of names that we had before us at that time, and, in my mind, I chose people or voted for people when I was sat here, who I know are commercially aware and have understanding of commercial trends, competition, business –

Mr Karran: A case for privatisation.

Mr Corkill: – now that, certainly, is the effort that has produced this Report, but as the Hon. Member, the previous Chairman, also said, different board, different chairmen, same conclusion.

And I think we ought to be very careful that we do take note that this is not some short-term trend that has surfaced. This is deep-seated change, and it is not change that is deep-seated here in the Isle of Man, Mr President; it is liberalised postal markets throughout Europe and throughout the world. We must be careful that we do not artificially try to create a ring-fence situation which we think will have some substantial benefit, but, in reality, is not achievable.

The one common thing that I found in all my discussions with the Post Office, and everybody, is that, really, what we are trying to do in all of this venture is protect employment and protect the service and to make the market grow, and to allow the Post Office to be competitive, and, at the moment, we know it is not.

Now, it has been curious that one or two Hon. Members have said that we ought to get into the banking business to give the Post Office that opportunity to make the business grow. Now, of course, we have a very competitive banking

business on the Island, anyway, so we would, in reality, in that effect be possibly duplicating business that is already there, that provides a service to the public.

But what is wrong, if you accept that principle of competing for business in the real world, with allowing the Post Office the ability to compete further in the areas that they are traditionally involved in, but which we know where the markets are getting eroded by competition.

I think it is important that it is recognised that this is not backdoor privatisation; this is an opening of a door to create economic growth and wealth for the benefit of everyone on the Island, including, particularly, those people who work at the Post Office, because, with these figures, Mr President, this decline, within a very short period of time, the next debate within this Hon. Court will be about how much subsidy and how many redundancies are going to be involved at the Post Office. I can tell you, Mr President, that that will be a very unpalatable debate and I hope that it is one that we can most sincerely avoid and the way to avoid it is to make that business grow.

It is the same with the whole Island's economy: if we want good levels of employment and good levels of remuneration for people in the Island, then we need to continue to make the economy grow and recognise where our markets really are.

I have said that the market is changing worldwide and it is these consultants who have helped us help the Post Office, I believe, identify that the marketplace is changing. Now, the core business at the Post Office is quite clear for all of us to see. There is a need to recognise that the Post Office wants to carry on doing that, even under the new structure. There has been a feeling abroad with this debate so far, Mr President, that the directors and the management at the Post Office are trying to get away from their responsibilities. But I think that they have been very responsible in bringing this issue to our attention. They are, after all, as things stand at the moment, a Statutory Board of this Court.

So, I certainly hope that Hon. Members can support the Post Office and give them some impetus for change. It does not mean that the Post Office would be automatically free to reduce services or close post offices. In fact, I believe that, under the new structure, they are going to be even more publicly accountable for their performance and providing post office services, because what we have not talked about in this debate – and I hope that the hon. mover will focus in on this – is that there will be a licence to operate, which includes a very detailed public service obligation, and that will be, I think, helpful.

The one thing that this Report has identified, Mr President, is that the current legislation is not helpful to the Post Office in actually determining what that public service obligation is. So, when our Statutory Board decides to do what they think is the right thing and rearrange, for instance, the sub-post office network, there is a great political outcry: 'We do not want this, we do not want that, but we do like that and we wish to cherry-pick, even though we have given the Board the obligation.'

But when you actually look at the legislation – and this has been clearly put across to me – the current legislation does not lay out in black and white sufficiently for the Post Office to know where it stands, and I think that that is important for us to put right. Whichever way this vote goes, Mr President, it is important that we give the Post Office certainty.

Now, there was a point raised by the Hon. Member for North Douglas, Mr Houghton, about the lack of support from the DHSS, and I know the Hon. Minister, Mrs Christian, could probably well answer this, but as I am on my feet and it is on my mind, the reality is that, in the budget of the DHSS, there is a budget to pay out benefits. Can I say that the benefits that have been paid out through banks, because the customer has chosen that particular route, probably because all through their life they have been paid that way, and it is a habit of a lifetime that has created this type of environment, I think the costs to the Department are somewhere in the region of £16,000 a year. The equivalent amount of payments through the sub-post office network has cost somewhere in the region of £440,000. That is £440,000 subvention to the post office network which could, if the DHSS was really strong about it, actually be paid out in benefits to the people that they are trying to benefit.

Now, to be fair to the DHSS, this is not a new issue; they have adopted a policy over a number of years, where they let the customer choose, and I think it is a very sensible option for them to do that. There is this argument about encouragement, but it is a long time since I saw post offices actually encouraging customers through their front doors and that relates to things like opening hours and all sorts of things.

So I think it is a bit disingenuous, Mr President, to criticise the Department about how they utilise the resources. There is, in reality, £440,000 there, which could be going directly to benefit the people that the Department is charged with trying to help, but is actually at this moment a subvention to the Post Office network, and, despite that subvention, it is still in trouble. So I think it is wrong to blame it on one Department of Government. There is a season of change abroad throughout postal services, throughout the network, not just on the global basis with international business, but by consumers who vote with their feet.

The Hon. Member for Douglas North, Mr Houghton, said: 'If you don't use it, you lose it.' (**Mr Houghton:** Hear, hear.) And he is quite right. That is what happens; that is the market operating.

My hon. colleague from Onchan, Mr Karran, talked about workers paying the price and that is the very thing that we are trying to avoid because I really do believe that, if the decline in the profits of the Post Office continue, in the structure that has been clearly laid out to us by experts – to be fair, it does not really need an expert to see the figures; I have run business in my life and I look at the figures and I can see where it is going – but when you actually have that confirmed by people who understand postal business worldwide then, as I say, the alarm bells should ring.

So, my fear is that, if we do not deal and make a strategic change to the Post Office, this lack of profitability will inevitably impact on jobs. That, at this particular time of the economic cycle, I think would be the worst timing of all. We need strategic thinking and we need strategic enterprise. There is a risk to this change, but I tell you, Mr President, the biggest risk is not actually going for a change. (**Mr Quine:** Hear, hear.) I believe the biggest risk is actually the status quo in this case.

Some of the things that have been said, I think, about management at the Post Office have been unfortunate today.

(**Mr Henderson:** True.) Whether they are true or not, I think it is unfortunate that we have the privilege to say things here and, maybe, certain things about management needed to be said. My understanding is that shortcomings within the Post Office are acknowledged within the Post Office, certainly in the dialogue that I have had, and yet they are trying to get away from this status quo to create the change, to create this viability.

The last thing I want to see in a global market . . . and this global market – the Hon. Member talks about letting rip – is ripping away and we have to react to what is going on. It is not a question of us wanting to let a particular market rip, it is happening all around us.

The last thing I want is jobs in this Island being transferred effectively to other jurisdictions – and that is the global economy. That is what happens in this type of service industry, which is dealing with communication. We see it in other areas of the economy and this is an area that we actually have some control over.

That is my concern. It has happened with e-mail, and electronics have changed the whole nature of where the market actually is. We are not talking about a market within the Isle of Man any more, Mr President. We are part of a much bigger issue and that is where the alarm bells started ringing.

It is not very palatable and it is not very easy to make such fundamental decisions sometimes, but I really feel that if we do not, then the next debate will be extremely negative. We have an opportunity here of being positive about the future of the Post Office.

When I was in Treasury, Mr President, I used to meet with the DTI Minister of the day and the Post Office Chairman of the day, and we would jokingly arbitrate as to how much profit would be put into the Government coffers. We used to agree it almost by horse trading over a cup of tea in the canteen. It has actually been done in the canteen, where I said to the Chairman once, ‘We’ll have £500,000 and you can keep £450,000’ and we shook hands on it!

Those days are not there any more, Mr President. The Post Office is going to be a net drain on this Tynwald Court if we do not act, and that is the duty that I, and I believe Hon. Members in this Court, (*Interjection by Mrs Hannan*) charge the Chairman with addressing and the Board and it is not an easy job that they have got to do.

They have addressed a number of issues in there to do with mail’s mechanisation and other things to try and make the business more efficient, but the actual business that they are doing is disappearing. We may have a great letter sorter up there but there is 1 per cent less post this year than there was last year. Next year it is likely to be 5 per cent less; 60 per cent of the post that we have is junk mail, anyway, that nobody really wants. They make a lot of profit out of junk mail. I would like to pay the Post Office to actually not deliver my junk mail – that may be a stream of revenue they have not thought about: a service to the community of not actually delivering half the stuff! (*Laughter*)

So it is a rapidly changing market, Mr President, is what I am trying to say and, really, I do hope Hon. Members will think about the broader picture, because these are serious issues for the people employed by the Post Office. I really want to make sure that they have an economic future, because I do not believe there is a future without the economics being put in place.

The President: Perhaps I could invite the Chairman to

wind up, and suggest to him that, maybe, we could do it in a quarter of an hour, sir.

Several Members: Ten minutes.

Mr Quine: It would be a record for me, sir! (*Laughter*)

Thank you, Mr President, I will be as quick as I possibly can. I mean, basically, this debate has unfolded, I think, in the manner that we have expected. There are those of a matter of philosophy, a matter of conviction, believe that the Post Office should stay essentially as it is, essentially as a governmental organisation; and there are those that believe that we have to look for a future for the Post Office that is not negative in that form, but looks to the future and tries to provide for the future, so there is nothing in terms of the balance of the debate that has surprised me.

The Hon. Member for North Douglas, Mr Henderson, raised the issue of the staff and the sub-postmasters and said that they are an important consideration in all of this and that is a point that I take very, very readily. I have no difficulty with that at all. I fully recognise that.

I think, in looking at the options which we have brought forward in this Report, and put to Tynwald, you will see that we have given that, in fact, a high degree of priority, because, out of the objectives – and there could be a whole string of objectives, that could be attached to a project such as this – we have picked the two key ones, which we felt carry forward the whole historical import of the Post Office.

One is keeping that universal postal obligation honoured and going, continuing to provide that service to the community as a whole and, secondly, seeking to secure the employment of some 400-odd people, who are attached to the Post Office.

So, take the point, but I think you can rest assured that it is foremost in the minds of all of us at Isle of Man Post, that that is dealing with it.

Although the Hon. Member for North Douglas, Mr Henderson, is not the prime offender here, I must say I am distinctly uncomfortable when – and one or two other Members have made this comment – we have a situation where individuals belonging to any organisation, who happen to be drawn in to these debates, are singled out and publicly criticised. (**Two Members:** Hear, hear.) I think that is wrong.

It is wrong on two counts, at least. Firstly, they do not have a right of reply and I think that is something that we should think about before we launch into attacks on the individual. It is contrary to natural justice and it is certainly very poor form.

But, more importantly, in an issue such as this, if we are taking about shortfalls within any organisation, and if there are people to be criticised, we should be criticising the politicians. We are the ones who are responsible. There is a Board for the Post Office. On top of the Board there is a Department, there is a Council of Ministers. So, if somebody feels that there is something wrong, by all means attack us. We are here, and most of us have got pretty thick skins. We can take that in our stride –

A Member: Some are thicker than others.

Mr Quine: Some are thicker than others, yes!

A Member: Skins, I mean. (*Laughter*)

Mr Quine: But I think that, as a matter of principle, it is quite wrong for us to – other than in the most extraordinary situation – draw into our debates individuals, and publicly make allegations against them to which they cannot respond, and for which, and certainly in this case, if the information was in the public arena it would be quite obvious that it is not the individuals who are in the senior management who have held up change to the Post Office.

The issues have been, for some considerable time, in the realm of politicians, so by all means attack me, and by all means attack other politicians, but I would ask that we try to refrain from attacking individuals involved with the management.

Mr President, if I could now just move on from there and come to Mr Lowey's contribution. He said: 'What is important about making Isle of Man Post a company?' and I would like, with Mr President's indulgence, to spend a little time on that to try to get this message across.

Isle of Man Post essentially exists and its activities are irretrievably bound to commercial operations. It is a commercial entity; it is not the normal run-of-the-mill Government Department or Statutory Board. It is a commercial organisation. It is dealing in the commercial field.

Not only that, it has an international connotation. Of necessity, they have to deal with private companies, because that is the field we are now in. It is private individuals that, by and large, Isle of Man Post has to deal with. It is a simple fact of life that, to survive in a commercial environment, not least an international environment, that you have got to compete. You must compete and the only alternative to that is to have an extraordinary situation where all your business is bound up in a monopoly, and you do not have to worry, you do not have to compete.

But that is not the situation, that is far from the situation – we have to compete. The monopoly the Isle of Man Post holds is of limited, if any, value and is by far already cancelled out by our universal postal obligations.

So that is the backdrop against which Isle of Man Post operates, and, therefore, it does not fit into the normal mould of what I would call a Government organisational model.

I think it is unrealistic to believe, in a Government mode, against all the run internationally, that Isle of Man Post can somehow work and survive and prosper in that competitive arena; it is just not logical, nor sensible.

If you turn to the position that we have to work from at the moment, because we are a Statutory Board, we are in a situation where we have legislation which is imprecise as to what our public service obligation is. Terms such as 'a reasonable level' – 'a reasonable level' to Isle of Man Post as to what they can afford is one thing, 'a reasonable level' to any one of 30-odd politicians could be something different; 'a reasonable level' from a public point of view depends on their own perspective. What is 'a reasonable level'?

This is the sort of legislation that we have got. We have to work, strike relationships and enter contracts with commercial companies, and they want certainty, they want matters to be expedited. They want certainty as to who is calling the tune and with whom they are doing business.

Companies do not hang around waiting for Isle of Man Post to go back through the DTI, to go to Treasury, bring it to Tynwald, they are not interested in contracts subject to Tynwald approval. They do not work in that way, and yet

this is the mode that Isle of Man Post has been placed in.

Unless we have got that certainty attached to the manner in which we conduct our business, unless we have got the flexibility to move – somebody mentioned about fixing and variant prices, for example – we had to bring our prices, part of them at least, to Tynwald for approval. That is not flexible; that is *inflexible*. Unless we are responsive, we cannot compete.

And the theory that one party has mooted today, 'you can alter the legislation and take these little hindrances out'; you know, as well as I do, that that is not going to be acceptable. You cannot have a piece of legislation which will, in fact, remove all the handicaps and leave Isle of Man Post floating. It is just not a practical proposition and I think that anybody who thinks about it will realise that that is the case.

So we are left to look for a model that will allow us to survive in this entity and the thought that you can just leave Isle of Man Post in its governmental structure and change the management, change the Board, change the senior management and put commercial people on top and say, 'Ah, all will be well now because we have got commercial people driving this governmental machine,' I think is ludicrous. That is like entering into a steeplechase race and you buy yourself the services of a top jockey and you stick him on a carthorse! (*Laughter*) How on earth can that work?

I mean, if you just think for a moment, you will see how impossible these situations would be. But that is what we have been asked to do. That is what some have asked us to do.

So you come down, basically, to the two options that are before us today. I have no difficulty – and I think anybody who thinks about this will have no difficulty – in accepting that the position that the Isle of Man Post is in is such that we are different, we do not fit into a governmental mould and they would accept, if they are going to be honest and open about this and not be tied to their own philosophies, that this is the mould for the future.

Now, Mr President, there has been reference made to profit, as if any organisation that makes a profit is somehow an untouchable organisation. Well, you can change profit. Profit is only financial viability, but if we own an organisation and it is not financially viable and if it is to continue in being, then it has to get public funds from elsewhere. In other words, we are into a subsidy situation, and it seems to me – and I think most people will see the logic – that it is highly preferable to seek to make the organisation cost effective, cost efficient, make it financially viable, rather than to fall back on subsidies.

Quite frankly, if I have a choice between propping up an organisation with £0.5 million or £1 million a year in subsidies – an organisation which could be restructured and changed and have a real prospect of being financially viable – if I had the prospect of that choice: putting my money into it and keeping this governmental format or seeking to make the organisation financially viable and having that £0.5 million or £1 million to put into social services or health, I know what my choice is! It is going to go into social services and health, and I think we would be failing the public if we did not do that.

We do have an option here. It is not as if we do not have an option.

Quite properly, this being a reference made to Isle of Man Post, making sure that its organisation and the way

that it is set up is conducive to attracting new business, I think that is a perfectly valid point. I would just like to mention here, although, those who attended the briefing will have taken this on board, that we are doing just that.

Indeed, if you take the current investment that we have got in the counters' automation, for example, where we are changing the system, that is intended to widen the whole range of facilities for doing business over the counter and to deal with card transactions, so that is taken on board. We would hope that, by fairly early next year, our post offices will be able to deal with transactions by a card. So that is that.

Two or three Members have spoken on the issue of consultation: again, a very good point. It depends what we mean by 'consultation' and it depends how and what you consult on. In the situation that Isle of Man Post has been involved in, where we have been trying to work a future out for the Post Office, then quite clearly you need a proposition to put to the staff and to the public and to our potential customers. You have got to have a proposition. The idea that you can just draw everybody in because you feel a change is necessary and somehow work up a scheme from the ground floor up and have consultation at that level, I do not think is really practical in these circumstances.

But we have recognised, we have involved ourselves in consultation and we have done that – and the board have been very anxious to do this – at governmental level, at the staff level and at the public level, in terms of going out to our existing customers and our prospective customers.

Hon. Members will remember that, about six or seven months ago, I wrote a letter to them indicating the Post Office's current thoughts about the situation we were in and how or what the options may be to address it and, at that stage, we did, in fact, go down and discuss with staff, we went to our customers and discussed with them.

So we have entered into consultation, but I think that, if you reflect on this, you will accept that you have got to have a proposition firmed up. You have got to have something in mind to consult on. You cannot just go on a broad front with nebulous ideas, but the need for consultation and the need for consultation from this point on, I would hope – certainly from this point on if we get the blessing of Tynwald today – that is readily taken on board by Isle of Man Post. We have a programme, which I have here, in fact, which takes a number of particular steps which we recognise is all part of the consultative process.

Mr President, if I could now just deal with the amendment. Mr Lowey suggests that we amend this motion by simply receiving it and taking out the recommendations. Now, I ask you, what would that achieve? It will leave us exactly where we are. It will leave us in a state of drift. It will give us no indication or guidance as to what this Hon. Court wants. Indeed, I think this Hon. Court would be seen by many outside as avoiding the issue.

I think that the time is here for us to grasp the issue, but all that this would achieve is that we would be saying, 'Yes, we have noted that Report; we are not going to take a firm decision on it,' and I think the express wish of those who, perhaps, promoted this is that the issue would go away and that we would stay in the present situation in which we are and that we somehow stick our heads in the sand.

It is not going to happen like that. This situation is serious. It is deteriorating and I have indicated to you the rate at which it is deteriorating. We should have grasped

this nettle a number of years ago. (**Several Members:** Hear, hear.) We have not grasped it. The last thing we want to do is to go through this whole process today and still not have a direction from this Hon. Court as to what we should be doing.

And so I honestly recommend to Members that this amendment should not receive their support. It would take us no further forward and it would just, as I say, be a negative posture. There would be no substance in it.

At the end of the day, we have to come to recognise what the situation is and I hope I have put this across. We are in a serious financial situation. At the rate at which we are losing business, we are going to be in the red in a very short period of time. It is as simple as that.

If nothing has changed, we are going to be calling and using public moneys for subsidy. If we reach that situation, then there is a real risk of staff positions being in jeopardy, because it is quite unrealistic to expect that, with mail volumes falling, we are going to have postmen going around with half empty bags. If the mail is not there to be delivered, we cannot justify the positions which the workers currently fill. And that is what is being suggested, if we take the negative posture that has been proposed by some here today.

The alternative is for us to look at this and take a position where we seek to make the Post Office more financially viable, and that is open to us if we have the conviction and the stomach to confront the issues that are involved in that.

It is clearly possible. I am convinced it is possible – my Board is convinced, the consultants are convinced, the Council of Ministers is convinced, the Department is convinced – that we can diversify our activities, we can develop this business, we can enhance our turnover, we can enhance our profitability and those moneys will allow us not only to provide the new lines of work to keep people employed, but also to provide us with the funds that we need to pay the wages for those people who are employed.

Through commercial partnerships, alliances, new businesses, we can reinvigorate the core mails business of Isle of Man Post, and we can build, I believe, quite dramatically upon the third party business, which is all important to Isle of Man Post in all of this. That new business is there, but we will not be able to attract it or get our share of it, unless we are in a position to compete. We have got to compete; we have got to have the structure to compete, we have got to have the ethos and the management that is there to drive that organisation forward.

I would, therefore, ask Hon. Members today to adopt a positive and a practical approach to this and look at Isle of Man Post in terms of the potential that is there for the business to be viable. That potential is considerable, but it does mean we are going to have to change our status, we are going to have to move into a wholly owned Government company and we are going to have to adopt a commercial philosophy – and there is nothing wrong with that.

I would ask Hon. Members to lend their support to the motion, as printed on the Order Paper, and I would ask Hon. Members not to support the amendment.

The President: Hon. Members, the motion that I put to you is that at 9 on your Order Paper. To that you have circulated the amendment in the name of Mr Lowey, Member of Council. Hon. Members, those in favour of the amendment, as moved by the Hon. Member, Mr Lowey, please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 5, Noes 18

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

The Speaker: Mr President, in the House of Keys the amendment fails to carry, with 5 votes for and 18 votes against.

In the Council – Ayes 1, Noes 6

FOR	AGAINST
Mr Lowey	Mr Waft
	Mr Singer
	Mrs Christian
	Mr Delaney
	Mrs Crowe
	Mr Gelling

The President: With Mr Gelling also against, we have 6 against and 1 for in the Council, Hon. Members. The amendment fails to carry.

I put to you the motion on the Order Paper. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 18, Noes 5

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

The Speaker: Mr President, the motion carries in the House of Keys, with 18 votes for, 5 votes against.

In the Council – Ayes 6, Noes 1

FOR	AGAINST
Mr Waft	Mr Lowey
Mr Singer	
Mrs Christian	
Mr Delaney	
Mr Gelling	
Mrs Crowe	

The President: With 6 for and 1 against in the Council, Hon. Members, the motion, therefore, carries.

Now, Hon. Members, I think it is an appropriate time at which to take a break. We will recommence at Item 10 at 5.30 p.m., Hon. Members. Thank you.

*The Court adjourned at 5.06 p.m.
and resumed its sitting at 5.30 p.m.*

Telecommunications Act 1984 Manx Telecom Limited licence approved

10. The Chairman of the Communications Commission to move:

That the Licence granted to Manx Telecom Limited on 27th October 2003 under Section 5 of the Telecommunications Act 1984 be approved.

The President: I turn, then, Hon. Members, to Item 10 on the Order Paper and I call on the Chairman of the Communications Commission, Mr Braidwood, to move.

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

It was very encouraging to note that the great majority of Hon. Members of this Court were able to attend the detailed briefing given by the Communications Commission and its advisers, Clifford Chance, in the Millennium Room at the end of last month. I also know that some of those who could not attend have been in direct touch with my staff at the Commission with specific queries.

In the light of that preparation, I shall endeavour to be brief and to summarise.

At its March 2002 sitting, this Hon. Court received the Communications Commission's response to the independent report by InterConnect Communications Limited (ICC) on telecommunications sector policy for the Isle of Man and endorsed its recommendations.

Amongst other conclusions, it was agreed that Manx Telecom should be relicensed to continue to provide services in the Isle of Man.

Hon. Members will recall that Manx Telecom has been licenced to provide a full range of telecommunication services in the Island since 1986. That licence would expire in 2006.

To ensure that Manx Telecom's capital investment is maintained, it is essential that the company is assured of security of tenure and has the necessary authorisation to continue to operate well beyond that date. My Commission has, therefore, been proceeding with relicensing in good time.

The ICC report, as endorsed by this Hon. Court, recommended that relicensing should proceed, subject to two major caveats. These were that the new licence should be for a period of 15 years, subject to a review after five, and that the licence fees should be set to cover the cost of regulation, rather than be set at 15 per cent of profits, as before - in effect, a hidden tax on telephone users on the Island.

The reduction in licence fee would be balanced by a reduction in tariffs. Those criteria are met in the licence before you, which is coupled with a side agreement on tariffs and investment in a new telephone exchange.

In the summer of 2002, the Commission went out to tender for legal support in drafting the new licence. Clifford Chance, which is the leading telecommunications practice in the UK, with a drafting team led by Mrs Elizabeth Hiester, the leading European telecommunications lawyer, were engaged to undertake the work. Their brief was that the new text would draw upon best practice in other jurisdictions, whilst taking into account the ICC Report's recommendations and the special circumstances of the Island.

Clifford Chance prepared a major discussion document for consultation, which was published by the Commission in December 2002. A significant number of responses were received from a wide cross-section of our Island community, including the Chamber of Commerce IT Committee, individual firms engaged in the telecoms business and those who are heavy users, such as banks, as well as Hon. Members, private individuals and other interested groups.

Taking into account that feedback, a draft licence text was drawn up. That was published for further consultation this summer. Briefings were held on the Island for the business community and others. More significant feedback was forthcoming, and, so far as possible within legal constraints, is incorporated in the final text.

Clifford Chance has drawn up a document that reflects best practice. It is also a practical tool, enabling the regulator to intervene in the market, if necessary.

Some Hon. Members may be aware that, in the European Union, telecommunications licensing has been superseded by a regime of general authorisations. The ICC Report recommended against that approach for the circumstances of the Isle of Man. Nevertheless, much of the modern terminology of the general authorisations now applicable in the EU has been incorporated in the proposed licence text, replacing the antiquated phraseology of the existing licence, demonstrating to the wider world that the Island, too, has moved on.

As part of the quid pro quo for bringing Manx Telecom's licence fee down from 15 per cent of profits - a sum effectively a tax on all telephone users - to an amount sufficient to cover regulatory cost, the company is committing to a number of balancing measures.

Hon. Members will already have noticed a stream of significant price reductions announced recently by Manx Telecom. The Island is now one of the most competitive telecoms jurisdictions for both business and domestic customers.

Amongst other measures there has been major price reduction in calls to international destinations and all Island pricing for high speed data traffic has been introduced. Long line aggregate services to London now undercut rival services from the other Crown dependencies. Manx Telecom is upgrading every exchange on the Island to ADSL service

ability, in contrast to the status in the UK or Ireland, and is enhancing other features.

Part of the package is to build a second Douglas exchange. This will, at last, remove the perceived fixed line single point of failure at the Dalton Street facility. This has long been requested by Government and by the business community, and is recommended in the ICC Report, but it is of no direct benefit to Manx Telecom.

The Dalton Street facility is quite capable of carrying far more traffic than at present. The full costs of the second exchange are still not known, but will be probably be about £6 million, whilst generating no extra revenue.

As well as the considerable capital commitment to the second exchange, it is proposed to introduce a significant increase in the 'Family Plus' discount for all residential customers' top ten numbers. There would also be reduction in broadband ADSL rentals.

The 'Family Plus' discount achieves most proportionality for those residential customers who have fewer destinations, thus targeting the less well-off of our constituents, while giving a major cut in bills for all.

A second line exchange gives the business community and e-commerce its most important, as yet unfunded, objective: the resolution of the perceived single point of failure problem. Reduced ADSL rentals should also increase take up rates. That will enhance the Isle of Man status as a broadband Island.

At the briefing attended by Hon. Members last month, there was a view expressed that, in conjunction with the measures already agreed, some of the tariff reductions should be applied to mobile charges. That feedback has been taken on board, and, although the details are not finalised, changes to incorporate Members' views on that topic are being explored.

Mobile charges have, of course, already been reduced over the past year. I understand that Manx Telecom are also hoping that roaming charges, which, by and large, are not in their gift, will also be falling soon.

The grant of this licence to provide Telecom services of all kinds marks a new era for Manx Telecom and for the Isle of Man. It will enable both Manx Telecom and the regulator to move forward into the 21st century with a sound modern relationship. With Manx Telecom's major commitment to further investment and to tariff cuts, the Isle of Man is truly becoming the 'Broadband Island'.

Mr President, I beg to move.

The President: Hon. Chief Minister.

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

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

Mr Karran: Eaghtyrane, I wish to move an amendment.

My amendment is quite simple, on the basis that the number of people who do not have a telephone are even less than the number of people who do not have a TV nowadays. So, I know about three households that do not have a TV and I know less than that that do not have a telephone.

So, I feel this licence of Manx Telecom effectively affects every household in the Island. Now, we know the history of the last licence, which runs out in 2006. I have to say that I am quite impressed with the Telecommunications

Commission, and, yes, we had lots of documentation and the report is very good, but I feel that Tynwald would do a disservice if it did not take the opportunity to give the public the opportunity to put input in having a Select Committee. Before we in this Hon. Court grant another 15 years' licence, I believe that we should give the general public - because this is basically an essential service now - the opportunity to put in their input, if they have any.

I am led to believe that they have had some input, but I am not sure that they have had the same amount of documentation as we have had in this Hon. Court. I believe that it is important that we, as the parliament, are there to put the checks and balances in, and there is no mad rush for this licence to be granted today, as far as telecommunications is concerned.

But, if we were to allow for the public to have an input into this 15 year licence and for that select committee to report back in February 2004, I cannot see what damage would happen, as far as that is concerned. I hope that Hon. Members will take this opportunity to allow a select committee of three Members, in order to take evidence from outside.

We heard the criticism - I am one of the few Members that are in this Court that was there when we had the previous licence - I have seen the criticism that we had, and, to be fair, we are quite wise with hindsight, as far as that licence is concerned - but I believe that we would do a disservice to what is an essential service, as far as the Island is concerned - something that virtually affects every household - if we do not take the opportunity to allow public consultation from outside this Hon. Court.

I hope Hon. Members will support my proposal, because it will give the flexibility, and, yes, the select committee might come back and say, 'this proposed 15-year document is wonderful. It is the panacea for everything.' It might do that, but at least the opportunity is there to allow, outside this Hon. Court, the input that I believe it should have.

I hope that somebody in this Hon. Court . . . I hope the Shirveishagh son Cooishyn Sthie will bear in mind, if there is no reason why it has to be signed before February, why we can not go down the exercise of doing this, Eaghtyrane.

The President: The Chairman of the Communications Commission to reply.

Mr Braidwood: Thank you, Mr President.

In response to Mr Karran, I think there has been major consultation, sir. This started in the autumn of 2000 when the Communications Commission invited tenders from a number of independent consultants to undertake a thorough review of the telecommunications and associated regulatory team on the Island and to recommend blueprints for the future.

ICC were appointed. This Hon. Court endorsed that report in March 2002 without division. Mr Karran was at the meeting of the Hon. Court and then it would have been more appropriate to have raised his concerns.

So, in actual fact, Mr President, I have nothing else to say; (**Mr Houghton:** Hear, hear.) I just to beg to move.

Mr Delaney: Good man.

The President: Hon. Members, the motion I put to the Court is that printed at 10 on the Order Paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Data Protection Act 2002
Data Protection (Fees) (No. 2) Regulations 2003
approved**

11. The Minister for the Treasury to move:

That the Data Protection (Fees) (No. 2) Regulations 2003 be approved. [SD No 780/03]

The President: Item 11. I call on the Minister for Treasury to move.

Mr Bell: Mr President, these regulations propose an additional exemption from the £40 annual registration fee for notification under the Data Protection Act.

The proposed exemption is extended to ensure that all persons who are either standing for election, or have been elected, to any public office, are not required to pay the data protection registration fee.

Many Members will be aware that local authority and Board of Education members are not paid a salary. It is the Treasury's opinion that requiring payment of a registration fee in these circumstances is not appropriate.

These regulations will replace the existing provisions. The exemption from fees for voluntary organisations, such as clubs and charities, will remain the same.

Mr President, I beg to move.

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

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

Mrs Hannan: I really feel quite strongly about this. I feel that, as Members of Tynwald, we should actually pay, and I feel local authorities who get an attendance allowance should pay and, certainly, Board of Education members should pay, because they get attendance allowances, now, of quite a considerable sum. Therefore, I think it is very wrong to exempt us and other people just because we stand for public election or represent people. I really think that the fees should be in place and we should pay them, and we should be prepared to pay them, because we are imposing it on other people and I feel very strongly about it.

I have not moved an amendment because it will go through, but I would hope that the next time that this comes before this Hon. Court, and before the next general election, we will be asked to pay a charge, as will all representatives.

Now, regarding charitable or community organisations, I have no problem with them - using a computer for their club, or whatever activities like football clubs, and people like that, no problem at all. But I think that, as elected representatives, I think we do a disservice to the people that we represent if we do not pay for data protection, and I would hope I would get support from Members of the Court with regard to this.

I do feel extremely strongly about it and I feel that the Treasury Minister should assure us that the next time he brings it forward that there will be a charge for us.

Thank you, Eaghtyrane.

The President: The Treasury Minister to reply.

Mr Bell: Thank you, Mr President.

I think, going back some time now, this issue was raised

in Tynwald at a previous debate and it was a reaction to the request from Members at that time, I think, that the Data Registrar has now brought forward this recommendation to the Court.

All elected members, whether it is for Tynwald or for a local authority, will still have to register. They will not be exempt from registration. The only difference here is that there is a recognition that a large number of people in public service are not paid, they are doing it voluntarily, and it would be unfair for them to be asked to pay a fee.

So, essentially, Mr President, it is in reaction to a request from Tynwald that this came along, and, therefore, I beg to move.

The President: The motion, Hon. Members, that I put to the Court is that the Data Protection (Fees) (No. 2) Regulations 2003 be approved. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 16, Noes 6

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

The Speaker: Mr President, in the House of Keys, the motion carries with 16 votes for, 6 votes against.

In the Council – Ayes 6, Noes 1

FOR	AGAINST
Mr Lowey	Mrs Crowe
Mr Waft	
Mr Singer	
Mrs Christian	
Mr Delaney	
Mr Gelling	

The President: With 6 votes for, 1 against, in the Council, Hon. Members, the motion, therefore, carries.

Registration of Electors Act 1984

Registration of Electors Regulations 2003 withdrawn

12. The Minister for the Treasury to move:

That the Registration of Electors Regulations 2003 be approved. [SD No 700/03]

Jury Act 1980

Lists of Jurors Regulations 2003 withdrawn

13. The Minister for the Treasury to move:

That the Lists of Jurors Regulations 2003 be approved. [SD No 785/03]

The President: Now Hon. Members, I report to you that Items 12 and 13 have both been withdrawn.

Data Protection Act 2002

Data Protection (Subject Access) (No. 2) Regulations 2003 approved

14. The Minister for the Treasury to move:

That the Data Protection (Subject Access) (No. 2) Regulations 2003 be approved. [SD No 786/03]

The President: So we turn, then, to Item 14 on the Order Paper, and I call on the Minister for Treasury to move.

Mr Bell: Mr President, when the Data Protection Act 2002 came into operation on 1st April 2003, it also modified the access to health records in the Reports Act 1993, so that a person wishing access to health records does so via the Data Protection Act.

Previously, under the Access to Health Records and Reports Act 2003, copying costs, as well as a £10 access fee, could be charged. Under the existing Data Protection and Subject Access Regulations 2003 the maximum fee that could be charged is £10.

At times providing copies of health records incurs high costs. For example, a copy of one x-ray costs in the region of £20 to produce. Last year the average copying costs incurred by medical records was in the region of £80 per access request.

These proposed regulations permit to help professionals recoup some of the copying cost incurred when a manual health record is to be supplied in permanent form. The maximum fee has been set at £50, to ensure that the cost of obtaining a health record does not become prohibitive.

These regulations will replace the existing regulations. In all other circumstances, the maximum fee remains at £10. I beg to move, Mr President.

The President: Mr Earnshaw.

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

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

Mrs Hannan: Thank you, Eaghtyran.

I am concerned about this, because, if the average cost is £80, not everyone is seeking the medical records, but it is quite a considerable burden, even if the average cost is £80. So, in actual fact, some are more and some are less, but, if the average is £80, then I would have thought that it should be the actual cost of reproduction.

A fee for going through the data protection, but an actual cost of - because all of the costs, I am sure, in time could be recouped, depending on what the person needs that information for and I do think that, if it is somebody going through a legal system, they are asking an advocate to get this information for them, and if they get the information they will be charged by the advocate for getting it. So, I do think this is another area which should be investigated, as well.

If it is a person individually getting the copy, then I think that is one thing, but I think it should be the actual cost. And, with regard to an advocate getting it, it is the time involved. People do not seem to understand the actual time that it takes to reproduce (**Mrs Crowe:** Yes.) some of these documents, not only for medical records, but for anybody else who is producing records for people. It is quite a considerable time, and I think, only through being on a Select Committee of Tynwald, the actual time that it takes to produce things for each Member is quite considerable, and when you take it that it is medical records that may be folded up or whatever, they have to be all got out and they have to be copied, (**Mrs Crowe:** X-rays.) x-rays put together, and the like, prescriptions and whatever is recorded.

Therefore, I think that this should be looked at. It does not affect everyone, but it protects individuals through the data protection, so it does not mean that just anybody could go and get your records.

So I really think that should be something that is looked at, as well. I fully support data protection, but I do think that somebody else should not be paying for getting these documents.

The President: Mr Speaker.

The Speaker: Just a question of clarification, Mr President, if I may, from the Minister.

I notice that this regulation comes into operation on 1st November 2003 and I wonder if the Minister can tell me what happens if anybody has already asked for access to information like this. Are they going to get a refund, or, if they have not paid enough, are they going to pay more?

The President: Hon. Member, Mrs Christian.

Mrs Christian: Mr President, I would point out that the change provides that there is a maximum fee of £50, so that anyone seeking records to the value of less than that would not have to pay the maximum amount, but, nevertheless, it does show that our Department will be out of pocket in providing copies, even at this rate.

Mrs Crowe: Absolutely.

The President: Hon. Member, Mr Gill.

Mr Gill: Eaghtyrane, who would be penalised as a result of having to pay £50 for this? That is the question I would have. In many cases it would be those who are least able to pay it.

So, whilst I agree you should have some minimum charging fee, I think even £50, for the average person, is a great deal of money and you add that on top of advocate's charges, as the Member for Peel has previously mentioned,

and you might be getting towards charges which, in some cases, are frankly prohibitive. So I do agree that there should be a minimum charge, but it need not go up as the manner that has been described in this regulation.

I suppose the other observation I would have is, say, that you charge the actual cost. I imagine that will be impossible to determine and who would make the definitive decision on what the actual charge is? And then you would have to have an appeal process and I guess that would be cumbersome, so I would say, leave well alone on this and I would vote against this.

A minimum charge of £10, as it stands, is sufficient; it would deter any frivolous applications, but, at the same time, yes, there would be a loss to the Department, I do understand that, but that is part of the service ethos that we would reasonably expect.

So I think they are my only comments, sir, but I hope that we can stick with a minimum charge that is not prohibitive and still allows access.

The President: Hon. Member of Council, Mr Singer.

Mr Singer: Thank you.

Following the last speaker, everybody is entitled, I would think, under freedom of information, to see their own records and to charge them at a figure of £50, I think that is absolutely ridiculous. That will stop a lot of people being able to access their own records to which they are entitled. I certainly think that £10 should be adequate, because some people will have a lot of records, some people will have a minimum amount of records to see, but this, I feel, is likely to stop people having access to their own records, to which they are entitled.

The President: Hon. Member, Mrs Crowe.

Mrs Crowe: Just a note of clarification in that regard. I do think it is important that people should have access to their medical records and should be able to view them, if so desired, but I think the Order is about copying the records and I think the Hon. Member of the Department has explained, and I do know how expensive this is because, of course, x-ray plates that are kept all have to be copied as to whatever documentation -

Mr Singer: People pay their stamp for that.

Mrs Crowe: - and you are talking about a lot of money for copying documentation in medical record terms.

Mr Singer: People pay National Insurance for that.

Mrs Crowe: So it is not about being able to see one's records, it is about the payment for copying, which I do not think is unjustified. Even copying a set of Standing Orders for Douglas Corporation, or whatever, or, indeed, from my own Department, can be charged and I think one has to make these charges.

It would be quite wrong, I think, for the Department to have to be faced with what could be . . . In fact, I feel certain that £50 would not cover the cost of the copying of most of a patient's medical records. So the copying, I think, should be paid for.

The President: Minister to reply.

Mr Bell: Thank you, Mr President.

Can I just remind Members what this is about. At the moment the maximum fee is £10. The regulation is to allow a maximum fee of £50, so it is putting a ceiling on the charges which can be applied to any applicant. This is not a fee for access to records; it is a charge for printing, for copying, and, in particular, the heavy cost relates, as I understand it, to the copying of x-rays, which are, I am told, around £20 per time.

There has been an attempt, I think, in fixing these particular charges to recognise that, as the Hon. Member for Rushen has said, there will be people who will find £50 - or certainly an unlimited real cost of copying charges - a burden financially and, therefore, in an attempt to recognise that, this ceiling has been put on it.

It is a sliding rate of charges, £50 is the maximum, and it will depend for the various types of documents which are reproduced what the costs will be. It will not be automatically £50; it is quite likely to be considerably less than that, it just being a more realistic assessment of what these costs are.

So, I think that answers most of the questions, Mr President.

The only other comment is in relation to Mr Speaker, who has said it is due to come in on 1st November - will they get a refund? Well, there will not be any refund, because they will not have overpaid; if anything, they will have underpaid between now, because the charges have gone up. So, as I understand it, anyway, there will no settling of the balance. From the day this comes in, the new charges will click in from that day, so there will be adjusting payments to take that into account.

But it is just a reflection of the increasing costs to the Health Service, in particular, in producing this service and it is to offset some of the costs in a fair and balanced manner.

I beg to move, Mr President.

The President: Hon. Members, the motion I put to you, then, is that printed at 14 on your Order Paper. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 19, Noes 4

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

The Speaker: Mr President, in the House of Keys the

motion carries with 19 votes for, 4 votes against.

In the Council – Ayes 6, Noes 1

FOR	AGAINST
Mr Lowey	Mr Singer
Mr Waft	
Mrs Christian	
Mr Delaney	
Mr Gelling	
Mrs Crowe	

The President: With 6 votes for, 1 against, in the Council, Hon. Members, the motion therefore carries.

Procedural

The President: Now, Hon. Members, I am aware of the clock. During the tea break one or two Members suggested to me that they did not particularly wish to sit late this evening. It would appear now as if we will not be able to complete the Order Paper this evening, at any rate. What I would be suggesting to you, at this stage, is that we take item 15 next in order, try to clear as many as Orders as practical, but look to finish at 7.30 to 8 o'clock and return again for 10.30 in the morning. Would that meet with your agreement, Hon. Members?

Several Members: No. (*Interjections*)

Mr Duggan: I would rather work on, Mr President.

The President: It is in your hands, Hon. Members. I just want to make the point that I do not wish to sit here until 11 o'clock tonight and then have to come back in the morning. (*Interjections*)

The Speaker: Can I propose that we reassess where we are up to at 7.30, Mr President.

The President: Okay. Right, if that is your wish, Hon. Members, I am prepared to do that, but, by Standing Orders, I should put it to you at 6 o'clock.

Onchan District Act 1986 Onchan District (Differential Rating) Order 2003 Debate adjourned

15. Mr Houghton to move:

That the Onchan District (Differential Rating) Order 2003 be approved. [SD No 747/03]

The President: We turn, then, to Item 15 on the Order Paper. (*Laughter*) (**Several Members:** Agreed.) Mr Houghton.

Mr Houghton: Thank you, Mr President. The village and parish districts of Onchan were originally amalgamated in 1986 under the provisions of the Onchan District Act 1986.

That Act provided that the general rate levied by the Commissioners should be reduced in respect of any hereditament within the rural ward, initially by 75 per cent in 1986 and then by a further 5 per cent in each year until 1991, when the reduction was 50 per cent, which has applied every year ever since.

This was to continue to take effect until such time as the Commissioners, by Order, altered the factor of the reduction.

Onchan Commissioners have determined that the time is right for the rate differential to be phased out. Although it is usual to phase in rate differentials over a 5-year period, to avoid giving ratepayers in the lower rate of area too much of a shock, the Commissioners feel that the 50 per cent rate reduction that has applied over 12 years is more than sufficient consideration for the ratepayers in the rural ward.

The Commissioners have, therefore, requested that the reduction in the differential should be phased in over a 2-year period. There will be no increase in public expenditure caused by the Order but there will be increased rate revenue from the rural ward, which will be offset by a corresponding decrease in the overall rate requirement. The equalisation of the rate will, therefore, marginally benefit the urban ward ratepayers. And, with that, Mr President, I beg to move.

The President: Hon. Member, Mr Henderson.

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

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

Mr Anderson: Mr President, I rise on a point of order to move:

That under Standing Order 10.14 the Chairman of Onchan Rural Commissioners be summoned to the Bar of Tynwald.

Mr Watterson, being the Rural Member for the Board of Onchan Commissioners, has already furnished this Hon. Court with information regarding the agreement between the two authorities that has led to the introduction of the Onchan district rate in 1986. I believe his knowledge will be useful in our deliberation. So, Mr President, I hope Members will be supportive of it.

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

Mr Karran: Eaghtyrane, I wish to move:

That under Standing Order 2.9 consideration of this matter be adjourned to the December 2003 sitting of Tynwald.

This is to give further opportunity for consultation between the Commissioners, the Rural Committee and the DLGE. I do move an adjournment as far as this, for one month, because I believe that, as a Member for the area, the criticism there has been the lack of consultation.

I do hope that somebody will second my proposal for the adjournment of this item to the next sitting.

The President: Hon. Members, I did not know what

Mr Karran was about. In order that we get this in sequence and have some structure to the organisation, I would be looking for a seconder. Hon. Member for Middle.

Mr Quayle: I second Mr Watterson being admitted to the Bar of Tynwald to speak to this assembly tonight, sir.

Mr Cretney: And I second Mr Karran's adjournment.

The President: Right. So now we move into, Hon. Members, an adjournment debate. Hon. Member, Mr Delaney.

Mr Delaney: Very quickly, Mr Karran and his colleagues, the Members for the constituency, if they are concerned about their area (**A Member:** Hear, hear.) and the problem of the rates and they think it can be amended by discussion further, that can assist us, I believe the voting should now be taken.

Mr Singer and Mr Duggan: Hear, hear.

Two Members: Agreed.

The President: Mr Earnshaw.

Mr Earnshaw: I would just like to say a few words. I am a former Chairman of Onchan Commissioners, as many of you will know, and, speaking to the adjournment, I would just like to point out to Hon. Members this was a decision that was taken last February. So there has been – I am not saying that I will not support the adjournment – adequate time during that period, I would have suggested, for the rural Commissioners –

Mr Karran: You haven't talked to the rural Commissioners!

Mr Earnshaw: – the Rural Committee, the Board of Onchan Commissioners and the Department of Local Government to get together to discuss this matter, and the Minister for the Department may wish to comment on that.

The President: Hon. Member, Mr Gawne.

Mr Gawne: Just to, I suppose, agree with the Hon. Member for Onchan: there has been adequate time for consultation to have taken place, but the evidence that has been presented, certainly to me, is that consultation has not taken place. (**Mr Delaney:** Right.) I think that it is very important that such a consultation does take place.

Mr Karran: And a month would be long enough.

The President: Hon. Member, Mr Cannan.

Mr Cannan: Mr President, I will be very brief.

I believe that if there is a requirement for an adjournment and consultation, then one thing that concentrates the mind is, as the two parties in Onchan will know, that there is a debate either today or next month. Let them sort it out, because they know that Tynwald is going to decide for them next month if they cannot do it in the next three weeks, and I hope that you will sort the adjournment out. It is far better

to let them sort it out themselves than us sort it out for them.

The President: Hon. Member, Mrs Crowe.

Mrs Crowe: Thank you, Mr President.

There was some comment made by the Hon. Member for Onchan, Mr Earnshaw, who was, of course, a member of our Department and *very* closely involved with working with all local authorities, and, indeed, did a great deal of work to help me with regard to my negotiations, which have recently started with them.

I would say that the first knowledge I had that there was any problem whatsoever with this Order going through . . . the Onchan Commissioners met as a body corporate, they made a decision as a body corporate. That decision was presented to my Department as the body corporate – Onchan Commissioners – that includes all the people who sit on that Board.

I had no knowledge that there was any problem whatsoever with this. In fact, the first I heard of it was when a member of my Department presented me with a letter that had been sent to them.

And it was only at that time that I contacted the Clerk of Onchan Commissioners to find out whether he had had a letter, or, indeed, had there been any knowledge of this with Onchan Commissioners, the body corporate. In fact, I was assured that they, too, knew nothing about it.

So what I am saying is that this has been ongoing, I think – and I stand to be corrected, of course –

Mr Braidwood: January 2000.

Mrs Crowe: – from January. (**Mr Braidwood:** Correct.) We are going into many months now that could have presented an opportunity to any of either the Rural Committee or, indeed, the Commissioners themselves to present themselves to my office for consultation, or to complain that there had been a lack of consultation. But I think for it to come up on the day of the debate, or the day before, is most unfortunate and really does not reflect very well on the local authority.

The President: Hon. Members, may I remind you that we are in an adjournment debate. The Five-Minute Rule will apply. I call on the Hon. Member for Garff, Mr Rodan.

Mr Rodan: Yes, thank you, Mr President. I think it is very clear that, within the last three days or so, sufficient evidence has been brought to the notice of all us to warrant concern, insofar as there do seem to be very much some unanswered questions and the case for adjournment, if accepted, as has been made, will certainly give the opportunity for a more informed debate, with having resolved at least some of those unresolved questions that have been brought to our notice only recently.

The case that the Hon. Member who moved the adjournment was on the basis to allow consultation to take place. Now, I would say that, Mr President, not only if consultation has not taken, ought it to take place – I am quite horrified at some of the things that I read in the way that the rights that certain people apparently have not been upheld – it is not just the case of allowing consultation, but I hope there will be some very clear indication when there is a full debate, actually as to what is intended to happen in

respect of Onchan District Commissioners, in terms of allowing full representation of their rural ratepayers (**A Member:** Yes.) on Onchan district. (**A Member:** Yes.)

I have seen nothing in this memorandum in respect of any amendment to the Onchan District Act 1986, (*Interjections*) establishing two wards, an urban ward and a rural ward. It would appear that the situation is to continue, with rural ratepayers not having the ability to elect those from the District Commissioners, elected by the urban ratepayers, who, nonetheless, will be determining (**Mrs Crowe:** Absolutely.) what the rate should be, and there is a very old maxim and principle of ‘no taxation without representation’.

Mr Downie: That’s America!

Mr Rodan: To me this is the crucial aspect of progressing a measure. We seem to have one half of the equation but not the other half, (**Mr Delaney:** Vote.) and I would be very interested to hear from the local department, in the light of the evidence, as to just what is going to happen.

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

Mr Waft: Thank you, Mr President. I was Chairman of the Commissioners when they did the amalgamation –

Mrs Crowe: When was that?

Mr Singer: Your fault. (*Laughter and interjections*)

Mr Waft: Mr Moseley pipped me to the post by 6 months, but, nevertheless, I think that the spirit that was contained within that amalgamation was very good at the time. (**A Member:** Hear, hear.) The Rural Commissioners and the Onchan Village Commissioners got together and in forthright conversations, it was spelt out to them. We gained a member of staff, Mr Kelly, at the time, if I remember rightly.

I have some problem: the spirit of the negotiations was, ‘As you have all been told, over the next few years . . .’ and the increase et cetera. But I can understand that some frustration from the Commissioners to say ‘Look, it has been all this time. It is about time we sorted this out’.

I have got the highest regard also for Mr Watterson, who is here with us today, (**A Member:** Hear, hear.) to give his voice on departmental rule. We have all heard the term in the past about ‘turkeys voting for Christmas’, but it is a situation that, although the adjournment is in place, if we vote for it, I would put it to you, Members, to just remember that Mr Watterson does sit with the Commissioners regularly on a monthly meeting. I am sure that will have been discussed, but I think, to make progress with this, I think that, as someone has already said, it does concentrate the mind, knowing that there is a date by which we will have to make a decision on this, and it might, perhaps, get some agreement between the two parties on this.

Thank you, Mr President.

The President: Hon. Member, Mr Houghton.

Mr Houghton: I thank you, Mr President. As the mover of this, simply, purely as the messenger, as it were –

Several Members: Shoot him! (*Laughter*)

Mr Houghton: Please do not shoot the messenger!

I am simply in Members' hands. As my Minister has already told you, this came as a body corporate and there is the seal signed by the Chairman of Commissioners and also the Clerk to the Commissioners. The decision was made in February of this year.

There has been ample time for consultation. Here we are all again running away from our responsibilities. (**Mrs Crowe:** Yes.) That is what we are doing, and I have to say that I was asked, obviously, we could not find within the Department – because Mr Earnshaw had gone at that time – a Member representing Onchan to bring it forward, and because, of course, I live in Onchan, I elected to do that.

I know every inch of that rural parish. I walk it very regularly with my dog, I meet many people. Not one of those people, farmers, has mentioned anything to me about how much this rate is going to 'skin them alive' –

A Member: They will now. (*Interjections.*)

Mr Houghton: Well, I beg to await that, because that is what I would like to see.

And, once again, Hon. Members, here we are – the highest Court in the land – and the tail is wagging the dog! That is what is happening here. You are there busy making easy decisions on £millions, and you cannot make a decision on a tiny little thing like this, of about £4,000 spread across about 300 people.

Mr Karran: What about the democracy? (*Interjections*)

Mr Houghton: That is a very good point.

The Hon. Member for Onchan, Mr Karran, is on about democracy. The democracy and the decision was taken at local level here. We are not barging in over Onchan Commissioners' heads. Onchan Commissioners have decided, and have consulted and this was months ago – get that into your head, Hon. Member, that that was what took place and there is the seal – (*Interjection by Mr Karran*)

Mr Houghton: It all has to be approved by Tynwald.

Mr Karran: Less than a month, that is.

Mr Houghton: It has to be approved by Tynwald. (*Interjection*)

Mrs Crowe: Rubbish.

Mr Houghton: There is not a Commissioner who is a Tynwald Member, so they had to find somebody to do it. The Department of Local Government is the conduit for it. And the whole issue here is: we are all getting really hot under the collar over absolutely nothing, (*Laughter*) and I will speak to any Onchan rural resident – as I say, I know many thereof – the fact is that there has been plenty of consultation.

I do not mind going that little mile further. I do not mind, and I am seeing us once again making a fool of ourselves, and come all the way back here to make a little decision on behalf of Onchan next month. If that is what you want, that is the way –

Mrs Hannan: This is people we are talking about.

Mr Houghton: Indeed, indeed, (*Interjection by Mr Karran*) but it is Members – it is you I am addressing, who are the Hon. Members – and if you cannot make a decision in this Court –

Mrs Hannan: Oh, we can make a decision! (*Interjections*)

Mr Houghton: Over a tiny thing like this –

Mrs Hannan: It is not tiny!

Mr Houghton: – do not bother with local government reform!

Several Members: Hear, hear.

The President: Hon. Member, Mr Corkill.

A Member: Follow that!

Mr Corkill: Thank you, Mr President. And I thank my hon. constituent, who has just resumed his seat – (*Laughter*)

Mr Houghton: You are my MHK! (*Laughter*)

Mr Corkill: Correct.

Mr Delaney: One of them!

Mr Corkill: One of them. Now, Mr President, (*Interjection by Mr Karran*) I am trying to address through the Chair.

I can declare an interest, like the Hon. Member who has just resumed his seat, who lives in the urban part of Onchan. I live in the rural part of Onchan, so I am a rural ratepayer and I get the 50 per cent discount. Can I say that, in the words that I have prepared for this motion, that there are three elements to this whole debate that has gone on. This issue surfaced about a year ago, whenever that was, in Onchan District Commissioners, as the result of the introduction of waste management charges. And, quite rightly, the Commissioners are charged with raising the rate. They looked at how they will raise that rate, how they will set that rate, and this issue came to light.

In that context what was attempted was incorrect, because there it was a change to the rating system on the back of a single issue.

The debate within the Commissioners has moved forward and it is now truly about equalising the rate between rural and urban parts of Onchan, and I think there are very few people, even in the rural part of Onchan, who would say they do not want to pay their fair whack, their fair share of the rate. I think they understand, also, that the equalisation issue is a bit of a lost cause, almost, if I can say that, inasmuch as we do, by and large, enjoy most of the same services.

A Member: Of course you do.

Mr Corkill: I have had lots of phone calls, and my wife has, because I have been here and away over this issue. It has come to light with me that many people who have been ringing do not know what their rates are actually covering,

and they do not realise that, in fact . . . I am getting into the actual substantive motion there and I do not want to do that. I will save that – I think that is an issue in itself

But the very point that concerns me – really, I would hope Hon. Members would support the move for an adjournment for one month only; (**Mr Delaney:** Hear, hear.) I think longer than that would be non-productive – is this issue of representation. As the debate has gone along in the District Commissioners from waste management charges to the valid issue about equalising the rates, which can be argued is long overdue and should happen, is the issue of how those rural residents express their democratic vote, their democratic right in relation to elections for the Board of Onchan District Commissions. That, I believe, is an outstanding issue that is relevant to this.

If the rates are equalised, that quid pro quo is unbalanced. Rural residents will pay the same rates – and I am sure they will pay whatever rate is set – but the situation will be that they are voting in a different election. I think Hon. Members ought to realise that the Rural Committee, that the rural ward has separate elections –

Mr Houghton: Amalgamate them.

Mr Corkill: – and that issue has not been addressed. And, yes, there have been months and months of time for consultation, (**Mrs Crowe:** Absolutely.) but this outstanding representation issue should have been running in parallel with this equalisation rate process and it has not got up to speed.

Now that is a criticism, I guess, of whoever. It is not meant to be, but I do believe it is an outstanding issue. There are three areas, and I think two of the hurdles are knocked down. The third issue is about representation, and I would hope that the Minister with responsibility for local authorities would ensure that that issue of representation can be sorted by the time this motion comes back.

I do not have a lot to say about the actual motion that is signed, sealed and delivered by 8 out of 10 votes on Onchan District Commissioners. Eight of the 10 Commissioners did vote for that.

The President: Thirty seconds.

Mr Corkill: Can I say, Mr President, at the last time that the mandate was available to me, I was only able to vote for one of those 10 Commissioners. That is the point. An Hon. Member talks about amalgamation, that may be a debate for another day; I would say that this issue has to be in parallel with taxation. It is a fairly fundamental point.

The President: Thank you, sir. Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr President.

I have only received two letters from people who feel aggrieved that this move is being put towards Tynwald today – two members of the public. And today, sir, I received, along with other Hon. Members, some papers circulated in the name of Mr Downie, the Member for West Douglas, and I have to say: I think it is not on.

I have been looking all the way through this. It would appear all this documentation in respect of the issue that we have been discussing is copies of this, that and the other.

Two lots looks as though they are copies of minutes, but it is not clear that they are copies of minutes. I cannot see whether or not they have been approved and agreed as a true record of the minutes that were taken of those particular meetings. I see no signatures on these to say that these are minutes which have been approved, and I think it is most unorthodox and unfortunate that everybody is jumping at the request of, as far as I am aware, two individuals that have written and said ‘Well, we do not think this is on’; a set of records here, some of which do not look as they have been approved, signed, amended or whatever.

Fine: have your adjournment for a month, give them another three or four weeks’ consultation. It is a great pity that we are giving another month of consultation here, but this same Court denied that for the Water Authority, a statutory authority.

Mr Downie: Oh, come on! Don’t start that! (*Interjections*)

Mrs Cannell: Well, I am starting it, because you have one rule for one and another rule for the other. You get a little issue like this, a number of people jumping, saying, ‘We enjoy lower rates. We do not want to pay the same as everybody else’. Tough luck! Times have moved on since the *Hansard* in these papers, which was 18 years ago, times have moved on.

And yet, at the same time, the statutory authority is rushed into providing free infrastructure, which is unprecedented, unorthodox, and *may* be against the law, and that just went through and we were asked – I suggested – ‘Could you pull this for another month, so we could try and hammer out the problems?’ ‘Oh, no; straight through!’ So, yes, expend £266,000 of water ratepayers’ money, because that is what you want to do, and you can order a Board, so you did it; but for just a little rural membership of a local authority, ‘let’s give them another month’s grace and bend over.’

Well, I am sorry, I am not supporting the adjournment on principle. You have one rule for one and another rule for the others. You need proper procedure here to deal with everybody in a fair and balanced way.

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

Mrs Hannan: Thank you, Eaghtyrane.

With regard to fair and equitable treatment, if that is the case, then I would suggest that the Chair of the Water Authority supports this, then, because she would have liked an adjournment and now she is objecting to someone else having an adjournment. So I think she should reconsider.

It has been some time since Onchan Commissioners have considered this, and for it to just to come before the Court now after all of that time, I think another month is not going to make that much difference. I think it would allow consultation.

With the documentation that we have been presented with, there is an Onchan District Differential Rating Order 2003, and I would think that that is more acceptable, and would be more acceptable to the rural community because it goes by 40, 30, 20, 10 and then in 2008 it would be the same as the urban area. I think that, as the urban area is going to get the advantage of that, then I think that is quite reasonable. As it says in some of the documentation, people do have to travel.

But I do think that we should allow an agreement between the rural authority and Onchan for it to equalise. I do think that the problem is in language, though. When people write 'ad infinitum' and 'in perpetuity', I think, if we use those terms, when we then start to change it, the language that has been used is used incorrectly and, therefore, it gives a false impression. And it is for that reason that I think we should, in actual fact, adjourn it, simply because we should allow them to talk more and because it puts me in difficulty when people have used that language.

But I can understand equalisation, I can understand wanting to give people the votes, but I do feel that it is quite a serious matter. I do not think it should be for us to impose at the moment without then discussing it further, and I will support the adjournment.

The President: Mr Speaker.

The Speaker: Thank you, Mr President.

The first thing I would like to say is that the Order before us is quite correctly put before us, in terms that it is, whether we like it or not, the responsibility of Onchan District Commissioners under the Act to put this Order. (**Mrs Crowe:** Absolutely.) And by a majority, or unanimously – I do not know what – including the Rural Commission, and I think it is by a majority, that Order has been approved to come forward to Tynwald. I think we just to keep that bit focused.

Now, I would not have a problem in dealing with this issue today, because of that, because that is what the Onchan District Act 1986 requires. But I have to say that we have two Members in this House representing Onchan, who say they wish for this matter to be adjourned to allow for consultation. If that happens, I think we should respect the Members of the House of Keys, also, who wish that to happen. If it was in my constituency, I would hope Members would respect it if I wish that to happen. (**Mr Henderson:** Hear, hear.)

The point I would say, though, Mr President, is that if it is adjourned for consultation I would expect the three members for Onchan to sit down with the Commissioners (**Mr Houghton:** Hear, hear.) and the rural body –

Mrs Crowe: And myself.

The Speaker: – and, if necessary, the Minister or somebody from DLGE, to see if they can find a way forward to deal with this matter – and can I say, Mr President, the matter is actually quite simple.

If it is the wish of the Onchan District Commissioners to achieve the aim of a nil difference, then they have to have legislation running in parallel which actually will remove the Onchan District Act and make everybody equal. To do anything else would be wrong and putting the Order without the legislation is, in my view, immoral. Therefore, I would ask that we support the adjournment, because of the views of the Members for Onchan and I would expect the Members for Onchan to sit down and try and find a way forward on this that is acceptable and we do not get embroiled in a local argument.

The President: Hon. Member for Middle.

Mr Quayle: Yes, thank you, Mr President.

Just briefly, that I would support the adjournment, which, hopefully, would give time for all parties to get together and come to an agreement, but noting that the information that was sent to us and that there was a memorandum to the Tynwald Select Committee on Local Government Reform from Mr J E S Smith, the chief executive from Onchan District Commissioners, and that quite clearly mentioned that the arrangement should continue ad infinitum and in perpetuity and concluded by saying the integration of the two authorities into one was very successful, without any problems being experienced, and that was as recently as 17th July 2000.

I have to say, and it is a matter, really, for Onchan, but it seems rather bizarre to think that here we are, just three years down the line, and I am wondering what has, in fact, changed to alter long-standing arrangements which were supposedly set in perpetuity and ad infinitum and if anybody looks at those particular meanings, then they will know what they mean.

So I would support the adjournment, Mr President.

Mr Houghton: Vote.

The President: Seeing, Hon. Members, that the Court is ready for the adjournment vote, I put to you, Hon. Members, the motion as moved by the Hon. Member, Mr Karran, that the debate on Item 15 be adjourned until the December sitting. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Therefore, Hon. Members, the Item 15 will be adjourned until the December sitting of Tynwald.

Procedural

The President: We will turn now to our Order Paper at item 16 and I have been notified, Hon. Members, that the Minister for Health and Social Security requests that we deal with 16, 17, 18 and 19 together, since there is a common objective, which is to collectively provide for the replacement of single payments and urgent cash payments, with the exceptional needs grants and budgeting loans.

Subject to your approval, Hon. Members, I am happy to move forward on this. Agreed?

Members: Agreed.

Social Security Act 2000 Social Security Administration Act 1992 (Application) (Amendment) (No. 4) Order 2003 approved

16. The Minister for Health and Social Security to move:

That the Social Security Administration Act 1992 (Application) (Amendment) (No. 4) Order 2003 be approved. [SD No 788/03]

**Social Security Act 2000
Social Security Contributions and Benefits Act 1992
(Application) (Amendment) (No. 6) Order 2003
approved**

17. The Minister for Health and Social Security to move:

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 6) Order 2003 be approved. [SD No 789/03]

**Social Security Act 2000
Social Security Act 1998 (Application) (Amendment)
(No. 2) Order 2003 approved**

18. The Minister for Health and Social Security to move:

That the Social Security Act 1998 (Application) (Amendment) (No. 2) Order 2003 be approved. [SD No 790/03]

**Social Security Contributions and Benefits Act 1992
Income Support and Jobseeker's Allowance
(Exceptional Needs Grants and Budgeting Loans)
Regulations 2003 approved**

19. The Minister for Health and Social Security to move:

That the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) Regulations 2003 be approved. [SD No 791/03]

The President: In that case, I call on the Minister for Health and Social Security to move items 16, 17, 18 and 19.

Mrs Christian: If there is anybody left, Mr President, then!

Yes, the Department wishes to replace the current provision for single payments and urgent cases payments with a new provision for exceptional needs grants and budgeting loans from April next year. This move is intended to modernise and make more flexible the provisions for lump-sum payments, designed to meet one-off and intermittent expenses (**Mr Karran:** Why?) payable to persons who receive income related benefits. The new exceptional needs grants and budgeting loans will provide support to a wider range of beneficiaries than their predecessors and the conditions of entitlement to loans will be less prescriptive. Their introduction will require this Hon. Court to give approval to the four Orders and regulations which, Mr President, you have mentioned. Full details have been sent to Members on a memorandum and we did present, to Members who were able to come, the details of these schemes.

The first of the interrelated pieces of legislation which constitute the package of changes is in respect of grants and introduces, for the first time, the availability of loans, is set out at Item 16. This Order provides that the regulations shall be made governing the application for and payment

of exceptional needs grants and budgeting loans and that the new benefits shall be funded from general revenue.

The Order appearing as Item 17 amends the Social Security Contributions and Benefits Act to revoke the current system of payments, namely single payments and urgent cases payments, and to provide that, instead, help shall be provided by the Department in prescribed circumstances to the recipients of income-related benefits, these new grants and loans.

Item 18 provides for a consequential change to the Social Security Act in order that, amongst other things, a decision on an application for an exceptional needs grant and/or a budgeting loan may be revised or superseded and that claimants shall have a right of appeal to the Independent Appeals Tribunal against a decision on their application, as is already the case for the benefits that the Department currently administers.

Item 19 provides for the detailed regulations, setting out who shall be entitled to exceptional needs grants and budgeting loans, in what circumstances and for what items payment shall be made, and what amounts shall be payable. Also, in the case of budgeting loans, they provide for the rate at which repayment to the Department shall be made on these interest-free loans.

I beg to move Items 16 to 19 on the Order Paper.

The President: Hon. Member, Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Eaghtyrane. This is a set of very interesting proposals (**The Speaker:** Hear, hear.) that have been placed here before us tonight. Very ingenious to move those folk who are hard-up to a possible loan scenario, that they may or may not be able to pay off.

Although, in principle, I am supportive of the initiative, even though I have attended a briefing session, Eaghtyrane, and read the Orders themselves, obviously, what I think we need to be aware of, what we are doing here in introducing this, is that the old system is for special needs one-off payment grants. Now we are moving towards putting an element in where we have loans for specific needs of up to a capped rate, I think, of £1,000, payable back by a maximum of £10 a week or thereabouts, which is fine. We are also told that this is customer led, through a survey of people using the social security services, a questionnaire and so on.

I do have my concerns, Eaghtyrane, as I say, with all this, because, on the face of it, a new element to helping the needy out and stretching the arm out and, further, to catch those who are needy, is fine, but are we getting them into some sort of a debt trap here or encouraging people to use this kind of loan system, who may not be able to realistically use it, and that is what I am specifically worried about.

I like the way there is a second element put in and it is ingenious in that it could be self-financing, but, having said that, are we robbing Peter here to pay Paul with these two elements, or are we going to entrap people who may not be able to pay the £10 a week off?

That may not sound a lot in real terms, but somebody makes or thinks they can afford to make a £1,000 loan, may

not be able to pay it off and it may encourage them down the road as something they are unfamiliar with and not able to understand properly, or pay it off, because their income is not that much. So we need some assurances that the ordinary emergency-need single payment grants are going to stay exactly the same as they are. The resource put towards that in monetary terms is going to remain the same and untouched and it is the second element, where we are looking at the loan system, that is an additional system that is put in place. It is not going to eat into the resources that are put by for the single cash payment grant. That is what I need to know there, Eaghtyrane.

As I say, it is an ingenious system, but we need to be careful how we are going to use it and will the social security officers assessing folk who come in to make urgent needs payments as to whether, in fact, an urgent need grant would be the best way forward for them or the loan situation. We need to be clear about that and what kind of culture the officers are going to be encouraged to use when somebody comes in, who is desperate.

It may be a genuine case, but there may be an inclination that, when the officers know that the loan system is in place, that they may be encouraged to push along towards that, when there is something else more applicable available to them. I say this even more so, Eaghtyrane, now, because, only the other day, one of my constituents failed to have their benefit cheque delivered by the post. We waited a second day, failure again. I rang the officers at the DHSS, who were very helpful. Passed on the information to my constituent, who went down to reclaim the cheque on Friday morning, once the second post had been late, and the attitude on the desk – and I have issued a formal complaint over this and it has gone to the manager down there, Mr Leece, with regards to this carry on – was that, ‘Oh, you have cashed your cheque already, you are going for a double payment. Go away, come back next week. Oh, it does not matter, you can pay your local authority housing rent double next week. We do not believe you.’

Now that was reported to me and I have got no real reason to doubt the constituent, they are very upset. So there is obviously what we are trying to do here is one thing. What has been transmitted on the ground floor of social security to our community members, appears to be something different sometimes, and I think what I am trying to illustrate there is an assurance that we are not going to try and put an arm round a lot of folk and get them into a loan situation when that is not entirely necessary or appropriate. It is engendering a different culture to what we have normally been used to and recognise in needy folk, and, as I say, Eaghtyrane, it is very ingenious, but I hope we are not going to cause a few hiccups on the way.

Gura mie eu.

The President: Hon. Member, Mr Gill.

Mr Gill: Yes, thank you sir.

Eaghtyrane, just briefly. If I could convey my appreciation to the Department for their very informative presentation recently. I do not have any difficulty in principle with the regulations as we have before us, but I would ask the Minister again if she would formally consider introducing an element of discretion into some of the regulations to empower her officers to actually use their professional experience and knowledge.

We do have a very good service down at Markwell House and we have some extremely competent and compassionate officers and I am sorry that the previous speaker has related this story. That is the other side of the coin and we have probably all got experience of that, but, in the main, I think we have a social security service which is extremely good and, really, I imagine, they might actually appreciate the fact that they have some discretion in certain cases, with appropriate checks.

So if I could just fly that and if the Minister could confirm that she would be willing to consider such a facility, sir, thank you.

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

Mr Delaney: My remarks on this are similar to the Hon. Member for North Douglas, and I wondered if he is talking about the same constituent that I brought to his attention with the problem of a non-payment due to late arrival of the cheque. If we are talking about the same person, I apologise.

The fact of it is, is that there seems to be what the Minister is trying to produce for us and the extremely good officers we have and what some people actually receive in service from some of the people down in Markwell House and I am aware of that situation and I do think that the Minister, with this, I can support it, but the message must go down the ladder to the people, that we are doing this for the benefit of the people, not for the benefit of the officers, and that is the message that has got to go down, that it is the people that are important, not the regulations.

Thank you, Mr President.

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

Mr Karran: Eaghtyrane, I am a little bit concerned about this Order myself, like the Member for North Douglas. Two reasons, one is should we be encouraging a debt culture, as far as these loans are concerned?

My other concern is that I would have to say that, unless things have rapidly changed from when I was on the DHSS, it is still too often where the staff feel like it is their own money and I would have been a lot more happy with these new moves, as far as the Minister is concerned, if we could get what I have always wanted since 1986; some sort of welfare rights officers to help these very vulnerable people. Anything that will stop the loan sharks and the disgraceful way that they prey on these vulnerable people and they can get the money, then that would be a good thing, but I am concerned about the fact that, when we start talking about loans, we just encourage people further and further into debt and I do not think that is good for society.

The President: Minister to reply.

Mrs Christian: Thank you, Mr President.

A couple of Hon. Members have referred to their concerns about us introducing loans and the possibility that we are encouraging people to borrow and, maybe, get into debt.

One of the reasons that we have made these changes is to assist people, (**Mr Delaney:** Hear, hear.) because, under the old scheme, as Hon. Members will be aware if they have read the memoranda, the rules governing these

payments were quite complicated and very prescriptive. For example, you could not get a fridge, which most of us would regard as a basic piece of equipment, unless you had some health requirement to keep something at a low temperature, a medical requirement. What we have said is get rid of all those very prescriptive rules and extend the ability to get these emergency needs facilities across a wider section of the community. But the observations and the reasons we have come to this decision is that we have had a working party, not just a form filled in by people, but actual recipients of benefits in our working party, along with other people who deal with income support and jobseekers' allowance cases, such as social workers, who come across their difficulties not infrequently. These people, themselves, have said 'we would prefer to have a wider range of availability of support, even if it means having a loan, which we can repay from our benefits'.

Now, there is a ceiling on how much they would borrow and I am not suggesting that many will get up to £1,000. I do not know, but the rate at which they will repay it is set at a ceiling of £10 a week. Where Hon. Members have suggested that people are getting into a loan culture here, let us not pretend that they are not already in a loan culture, many of them. What we have found from this working group, and from our experience with officers in different areas, is that, where they do not get it from our currently prescriptive system, they go out and borrow anyway from other people, from loan sharks, who charge them extortionate rates of interest. What we are saying here is that, okay, if they are going to borrow, at least let us try and make some provision at an interest-free rate, with a repayment on a reasonable basis (**A Member:** Hear, hear.) for people in their circumstances.

So, Mr President, those who are sceptical about this can weigh those two options up and they were referred to at our presentation. The issue of discretion is interesting. It does put officers quite often in a difficult position.

One might say that the case outlined by the Hon. Member for North Douglas was an officer exercising discretion under the rules currently applied

Mr Henderson: Plain rude.

Mrs Christian: – and, well, I would not excuse rudeness. I do not accept that there is any need for rudeness and, indeed, I do not accept that we need bad attitude in giving out benefits, either, (**Mr Henderson:** Hear, hear.) but, insofar as discretion is concerned, they probably do have a discretion under the rules to decide whether or not a claimant for a second cheque legitimately requires it or not, especially when it has already been cashed. I accept that, if it has been cashed, they may want to ask further questions about that, because it should not be able to be cashed by Joe Bloggs, but discretion does bring with it problems and it does bring with it different points of view, because one person's decision may well be different from somebody else's and can lead to unfairness in the system.

I do believe that this is an improvement. It is brought about by consultation with users. It is not dissimilar from provisions in other places, where our social security patterns sometimes mirror what happens in another place.

The Hon. Members have asked whether or not we will be restricting the grants element of it. There will be two elements to the emergency needs grants. Where people find themselves in absolute crisis after a fire or a flood, or some

such incident, the consideration of whether the qualifying periods need to be met, is different. Obviously they do not need to have a full qualifying period if there is an emergency of that kind, but, so far as the emergency needs grants are concerned, it is set out in the paper clearly that these are for specific groups of people now – the grants – the more needy groups of people, such as people discharged from prison, young people who are unable to continue to live with their families – and for the rest we are moving to the loan system.

If it does not work, I am sure Members will revert to this Hon. Court and seek to change it back, but I do believe that it is worthy of consideration and at least a try to see whether or not this does not prove helpful in keeping people out of the hands of loan sharks, because we do, maybe, have a loan culture and let us not pretend that we have not.

A Member: Hear, hear.

The President: Hon. Members, in order for clarity of our *Hansard*, what I propose to do is to put each of those Items to you individually, rather than as a group. So those in favour of Item 16, please say aye; against, no. The ayes have it. The ayes have it.

Item 17, those in favour please say aye; against, no. The ayes have it. The ayes have it.

Item 18, those in favour please say aye; and against, no. The ayes have it. The ayes have it.

Item 19, those in favour please say aye. The ayes have it. The ayes have it.

Procedural

The President: Now, Hon. Members, if I may just have your indulgence for a few moments before we move on to item 20. It has crossed my mind that, in dealing with item 15, we dealt with an adjournment debate, which you have accepted and that matter will come before the Court again at the December Tynwald.

Hon. Members, you will be aware that, prior to accepting and moving on the adjournment debate, the motion was made that Mr Watterson be called to the Bar of the Court to act as a witness and it was proposed and seconded. I acknowledge that it has not been put to the Court, but I wish to make it plain at this stage that I am considering that now to be null and void, and, as a result of the deliberations which will take place, between now and December, if it is the wish of any Hon. Member to bring forward under 10.14 the need to draw a witness, that would be entirely up to him, but it would have to start again from fresh in front of this Court. (**Members:** Agreed.) As long as we are clear on that, Hon. Members, I am prepared to move on to Item 20.

Social Security Act 2000 Social Security Administration Act 1992 (Application) (Amendment) (No. 3) Order 2003 approved

20. The Minister for Health and Social Security to move:

That the Social Security Administration Act 1992 (Application) (Amendment) (No. 3) Order 2003 be approved. [SD No 787/03]

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

Mrs Christian: Mr President, this Order updates the list of benefits included in the Department's annual uprating order by adding income-based jobseekers' allowance, maternity and funeral expenses and exceptional needs grants and budgeting loans. I beg to move.

The President: Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: The motion, Hon. Members, is that printed at 20. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions and Benefits Act 1992
Family Income Supplement (General) (Amendment)
(No. 3) Regulations 2003 approved**

21. The Minister for Health and Social Security to move:

That the Family Income Supplement (General) (Amendment) (No. 3) Regulations 2003 be approved. [SD No 792/03]

Mrs Christian: Mr President, these regulations provide that exceptional needs grants and budgeting loans, as well as the value of funeral plan contracts, shall be disregarded when establishing entitlement to family income supplement. Disregards are, of course, beneficial to benefit claimants. This Order applies to new grants and loans, disregards available under the old scheme also.

I beg to move.

The President: Hon. Member for Rushen.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: The motion, Hon. Members, is that printed at 21. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions and Benefits Act 1992
Income Support (General) (Isle of Man) (Amendment)
(No. 6) Regulations 2003 approved**

22. The Minister for Health and Social Security to move:

That the Income Support (General) (Isle of Man) (Amendment) (No. 6) Regulations 2003 be approved. [SD No 793/03]

The President: Minister, please.

Mrs Christian: Mr President, these regulations provide that a person who has been in receipt of income support for

26 weeks or more, and who leaves benefit to take up remunerative work, shall continue to be entitled to income support for the first four weeks of their employment.

This is a new provision. It replaces the urgent needs payments, which might, hitherto, have been paid in these circumstances, but it has the benefit of not requiring an additional benefit application, it simply runs on automatically. They also provide that housing costs can continue for up to eight weeks, notwithstanding that a landlord has waived payment in return for the claimants' work on the dwelling, but housing costs shall only be allowable in respect of genuine commercial circumstances and that guardians' allowance and exceptional needs grants and budgeting loans shall be fully disregarded when assessing entitlement to income support.

I beg to move.

The President: Mr Gawne, Hon. Member for Rushen.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: Mr Gill.

Mr Gill: Yes, sir, just very briefly to thank the Minister for this Order.

I think it is extremely welcome and I know, from my previous experience as a social worker, that it does fulfil a need which many people find very difficult to overcome that certain period that this is aimed at, so I very much welcome it, sir.

The President: Do you wish to reply, Minister?

Mrs Christian: No, I wish to acknowledge and thank the Hon. Member for his contribution, which reflects his experience. I am pleased that it is going to be beneficial.

The President: The motion, therefore, that I put to the Court is printed at 22, that the Income Support (General) (Isle of Man) (Amendment) (No. 6) Regulations 2003 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000
Social Security Legislation (Application) (No. 20)
Order 2003 approved**

23. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 20) Order 2003 be approved. [SD No 794/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this Order provides for updated consolidated versions of regulations concerning entitlement to child benefit and guardians' allowance. I beg to move.

The President: Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: The motion, Hon. Members, is printed

at 23. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000
Social Security Legislation (Application) (No. 21)
Order 2003 approved**

24. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 21) Order 2003 be approved. [SD No 795/03]

The President: Item 24.

Mrs Christian: Mr President, this Item extends home responsibility protection to foster parents, who do not receive child benefit and who have not paid or been credited with sufficient national insurance contributions in any tax year from 2003-04 for that year to qualify for retirement pension purposes. It also extends the list of occupations in relation to which hearing loss is a prescribed disease for industrial injuries disablement benefit and provides that the periodic re-assessment of a person's deafness for the purpose of that benefit shall no longer be required. I beg to move.

The President: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The President: The motion, Hon. Members, is printed at 24. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000
Social Security Legislation (Application) (No. 22)
Order 2003 approved**

25. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 22) Order 2003 be approved. [SD No 796/03]

The President: Mrs Christian, please.

Mrs Christian: Mr President, these regulations provide that a person who has been in receipt of an income-based jobseeker's allowance for 26 weeks or more and who leaves benefit to take up remunerative work, shall continue to be entitled to income-based jobseeker's allowance for the first weeks of their employment. This is an echo really of the provision for income support cases. The Order also provides that housing costs can continue for up to eight weeks and that housing costs shall only be allowable in respect of genuine commercial circumstances. Again, it allows that exceptional needs grants and budgeting allowance shall be disregarded when assessing entitlement to an income-based jobseeker's allowance. I beg to move.

The President: Seconder, please.

Mr Gawne: I beg to second and reserve my remarks.

The President: The motion, Hon. Members, is that printed at 25. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000
Social Security Legislation (Application) (No. 23)
Order 2003 approved**

26. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 23) Order 2003 be approved. [SD No 797/03]

Mrs Christian: Mr President, this Order provides that certain types of share incentives by employers to their employees shall not attract a liability for national insurance contributions, where such provision would not be chargeable to Isle of Man income tax. I beg to move.

The President: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The President: Hon. Member of Council, Mr Delaney.
Mr Delaney: I am sorry to hold things up that are going well. Could I ask the Minister, is there a ceiling on this amount of shares that can be offered by an employer?

The President: Minister.

Mrs Christian: Mr President, that I think would be a question to be addressed to the Treasury, that really what we are saying is, where the Treasury and the tax structures allow, shares to be given tax free, then we will not be imposing national insurance contributions, so I am afraid I cannot answer that. As part of my brief, all I can inform you is that we would not be charging national insurance.

The President: The motion I put to the Court is that printed at 26 that the Social Security Legislation (Application) (No. 23) Order 2003 be approved. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

**Misuse of Drugs Act 1976
Misuse of Drugs Regulations (Application) Order 2003
approved**

27. The Minister for Health and Social Security to move:

That the Misuse of Drugs Regulations (Application) Order 2003 be approved. [SD No 705/03]

The President: Finally, in this tranche of Social Security Items, 27.

Mrs Christian: Yes, Mr President. This is actually a Health Item, instead of a Social Security one.

Section 9A of the Misuse of Drugs Act 1976 makes it an offence to supply any article used for the unlawful administration of a controlled drug, or to supply any article to prepare such drug for administration.

However, an exception is currently made for the supplying of syringes and needles, to allow for the provision of our needle exchange schemes. This Order extends that exemption to allow doctors, pharmacists and persons lawfully providing a drug-treatment service, to also supply swabs, utensils, citric acid, filters and water for injection.

The aim of extending this exemption is to reduce the harm to the individual and to others, caused by the incidence of infection associated with unlawful administration of drugs and the sharing of equipment. It is widely accepted that re-use of all injecting equipment, and not just needles and syringes, increases the incidence of infection, in particular from hepatitis C.

This Order has the support of the Advisory Council on the Misuse of Drugs and the Chief Minister's Drug and Alcohol Strategy Committee. I beg to move.

The President: Hon. Member, Mr Henderson.

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

The President: The motion, Hon. Members, is that printed at 27 on your Order Paper. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Respite care for the elderly confused Review of DHSS policy Debate commenced

28. The Hon. Member for Douglas North (Mr Henderson) to move:

That Tynwald is of the opinion that as a matter of urgency the Department of Health and Social Security reviews its current policies affecting –

(1) Respite care beds for the elderly confused and reinstate a practical number of respite beds for the Douglas area;

(2) care of the elderly, confused patients given free health care under the auspices of Mental Health having this service transferred to Social Services where this care will have to be paid for; and that a number of these beds be kept under the Health Services to retain a free health facility with professionally trained staff to provide the specialist care required; and

(3) the transfer of confused elderly patients from the purpose-built ESMI Unit on the Ballamona site, known formerly as Grianagh Court, to the New Southlands – that these patients and their relatives be treated with more care and support, especially in travelling arrangements for relatives.

The President: We turn then to 28, and I call on the Hon. Member, Mr Henderson, to move.

Mr Henderson: Gura mie eu, Vainstyr Eaghtyrane. The first part of my motion addressed the point of respite

care for elderly confused patients in the east of the Island. Until recently, there used to be respite beds at Newlands on the Ballamona site, specifically designed for family carers to have their relatives they were looking after have a short stay at Newlands, thereby allowing them a much-needed break from the 24-hour care routines that they would be involved in. But these have now been lost, for whatever reason.

That means there are no respite care beds to service the eastern part of the Island, obviously including Douglas, Onchan and Braddan, and probably elements of Garff and pushing out to Glenfaba, no doubt.

Respite care provides specialist arrangements to take the strain off family members, who are providing the 24-hour care required for an elderly relative. Family carers providing care for relatives are obviously saving the DHSS a lot of money, as opposed to the costs of full time in-patient care. A family carer, providing 24-hour care for a relative 52 weeks of the year, obviously places a very great strain on that carer, especially now with the proposals of not having any relief.

Certainly, it is a voluntary thing and family carers agree to look after an elderly relative in the home setting at their choice, but the problems that can and do arise, as a result, have to be recognised. In cases that have been brought to my attention there have been considerable problems as a result of the loss of these beds. Two reasons: there are now less respite care beds, with the same growing demand, and, secondly, it can be difficult or impossible for some people to utilise what is available, as it is too far away and too difficult to get to.

Part 2 of the motion addresses care of the elderly, mentally infirm patients, being transferred to Social Services. The background to this point is that, historically, elderly patients of our community, who became confused and required hospital in-patient care, have always had that care provided for in the specialist care of the elderly wards within the Mental Health Service at Ballamona Hospital. Indeed, I have spent many years looking after elderly patients, providing such care, as a trained psychiatric nurse.

Now that is all going to change. Patients suffering from confusion, caused by many things, but commonly classed as Alzheimer's disease. . . is a progressive debilitating disease, with a very poor prognosis. Quite often, patients require 24-hour nursing care, as, in the end, they cannot look after themselves in any way at all. As can be imagined, to provide this very specialist care to meet the daily living needs of an elderly person requires specialist settings and specialist staff to provide that care.

I say this with nearly 20 years' experience as a registered nurse and hospital night manager. I also say it because I am voicing the concerns of relatives who are very worried over these changes. The case is simple and cannot be any plainer than I have put it: care for the confused elderly patient at times requires a specialist setting and professionally-trained carers; that is a medical fact. It does not need a total transfer from the Health Services to the Social Services, offering a totally different care package.

I realise that things have to change and the Department has to organise itself as best it can, but, in this case, I think it fair and reasonable to retain some of the specialist-care beds that will be lost in a hospital setting, wherever that may be, and that is why my motion is seeking to address the care imbalance that will arise and the very real danger of dropping standards of care.

I fully realise the hard work in care support that is provided in a Social Services residential setting and acknowledge the gratitude of relatives for the provision of the same. Nevertheless, the staff are usually not trained nurses and not in a specialist setting. I also realise that it is more preferable to care for someone in as homely environment as possible, but, in some cases, in my professional view, this specialist care cannot always be provided in a Social Services residential setting. We stand to lose a very valuable element of our care provision to the community.

Compounding this is the fact that, in future, all care of the elderly will take place under the Social Services, which has taken over Mental Health from the Health Services. This means that the patient has to pay for that health care, when once it was free, as in all other health care. This will cause a larger number of people to fall into the trap of 'where do they get the money from?', and, secondly, we seem to be ostracising a section of care and saying it has to be paid for now – care that is not care.

I strongly feel the elderly of our community are being discriminated against here. I understand that benefits may be available, but what happens if that person's level of benefit does not cover the costs? Then we are also back to the problem of a growing number of people who may have to sell their home, as the law requires, to meet costs. And it is not everyone who can meet the requirements of the new DHSS scheme, which allows them to rent out their home.

Part 3 of the motion is concerned with the transfer of confused elderly patients from Ballamona Hospital site to the new Southlands site at Port Erin. Basically, here we have a situation with the DHSS, re-organising the Ballamona site, and having to transfer confused, elderly patients off site to Southlands at Port Erin. This is, apparently, a temporary situation for, maybe, a couple of years or so, while the new unit is being build here in Doolish – hopefully, on the old Cronk Grianagh site.

Nevertheless, there are problems with this. How does the Department intend to ensure that relatives of in-patients can travel the greater distance to visit their family members in Southlands, and, indeed, in many cases, elderly pensioners who would find this very difficult or nearly impossible?

One particular gentleman pointed this out with regard to his wife being transferred down to Southlands, and he was extremely distressed and upset, as he did not see how he was able to get to Southlands to visit, and I would say that he is not alone in this.

This situation needs urgent redressing. The Minister must ensure that relatives can visit and, if necessary, put on a special mini-bus to ensure this happens.

As an aside, then, there will be staff travelling problems and upheaval, plus the job security issues, and these need to be resolved, and so do travelling allowances and other issues associated with such a move, as we encountered a few years ago when a unit from Ballamona moved up to Ramsey Cottage Hospital.

Further to that, there is also the issue of staff shortages currently, which, in care of the elderly areas, does require urgent addressing.

Minister, the relatives and the elderly patients affected by this move need positive assurance from you and your Department that there will be arrangements afoot to counter the unacceptable situation that seems to be developing here.

My motion is simple and it asks for a review of the matters; it is not asking for huge resource implications to burden the DHSS – far from it. It is looking for an assessment and a readjusting of on-going policies.

These are legitimate, important, and, quite frankly, human issues that we can do better at, Eaightyrane. I beg to move.

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

Mr Waft: Thank you, Mr President. I beg to second.

The charitable groups I belong to have been concerned for many years now with regard to respite care beds. It does come up from time to time, and we always have assurances from the Department that the issues will be addressed. It has not really become very satisfactory at all.

I understand that there are seven beds at Radcliffe Villas at the moment for the over 18s, and they are more or less occupied by permanent residents – which is understandable, they have to be housed somewhere – but it does reduce the number of beds available for respite. Some are waiting to go into the community and, at the weekends, it is virtually impossible, from the information I have received.

Ramsey takes those up to 18, and a home in Ramsey does take an elderly patient for the odd night. There is not much chance for a room for respite care in Douglas for young people at all. They have to go to Ramsey and there are very few respite-care beds available Island-wide.

The move of patients of the community from Ballamona was seen, at the time, to be a step in the right direction, and no-one can deny that, but we all realise that it was going to be a very costly exercise and respite care can be extremely costly. Having empty beds available just on the off-chance for somebody requiring respite care seems to be, for many people, a waste of resources.

I can assure you that it is not a waste of resources at all, it is essential for those who are accommodating patients in the community to be able to take a break. There has been a degree of uncertainty within the hospital setting, with regard to the patients who have been taken from Baldwin Ward and been placed at Surby Ward, Southlands, because of the up-grading taking place, and we can well understand that these things have to happen, and I am assured they will be returning.

On the plus side down there, that facility is second to none, and I would recommend it for any future buildings. There is said to be attempting to maintain three respite care beds in both Surby and Gansey Wards, and, hopefully, trained mental health staff will be going down with the patients.

Ard Aalin, as we all know, is due to become a detoxification and drug rehabilitation centre, four beds for rehabilitation and four beds for detoxification. They are apparently closing down this site for in-patient and elderly admissions. All mental health admissions will go in through a refurbished Grianagh Court, which will have an elderly side and an adult side, which will be a seven-day referral, 9.00 a.m. to 9.00 p.m.

Cronk Coar patients have also moved down to Southlands and they are staying there. Those patients will probably will have been from a southern catchment area anyway, so, hopefully, it will be helpful to them.

Apparently there is a 32-bedded unit to be built at the old Cronk Grianagh site, but that depends where they want

to place the new Hospice unit, so, until we get the new Hospice unit sorted out, this 32-bedder et cetera, is going to be wandering up in the ether until that decision is made. Hopefully, that will include the memory clinic they have been looking for.

Mencap is still of the opinion that a social centre is urgently required, and there is another group trying to address the situation, seeking to provide a multi-purpose building, which will include respite care services.

Clinch is still seeking the feedback from the Dugdale Select Committee's deliberations and recommendations, and charitable groups, which deal with these problems on a regular basis, seem to be doing the best they can, given the circumstances.

I do not underestimate the problems which are now facing the DHSS, with regard to the provision of mental health care. This move to the community is only a part of an Island-wide concept for mental health, and the changes which are taking place, or are in the pipeline, are a result of that.

But the changes taking place within that section of the community can be very confusing. Indeed, when I tried to find out what exactly is going on, staff even tell you different stories, but it is confusing for me and it is certainly confusing for those who are at the receiving end of the care.

The concept of providing free health care to those who have previously had this service under the auspices of the Health Services, and are now having to pay for their care under the Social Services –

Mrs Christian: No, they do not.

Mr Waft: – needs probably to be reappraised and a full audit of the practicalities of how it is working.

We were promised an audit as to how the resulting changes which took place over the last few years were working out, and this equation needs to be addressed – not only the financial aspect and what the problems are there, but the effects on the end-users are important.

And, also, I have mentioned previously the need for representation at tribunals, when they have to face these tribunals, when trying to get an upgrade in their disability living allowance. The allowances which are paid need to be brought into the twenty-first century, I would suggest.

I have made a suggestion in the past that an independent rights officer should be available to those who have to face tribunals, especially when there is any element of mental illness. These patients need every assistance from professional people, when they have to face some of the problems of a tribunal, and when they have been taken, especially from the umbrella of the Health Services and they have to try and exist in the community which can, sometimes, be a very, very hostile environment, they need a lot of help to get a decent quality of life.

There are many facilities and courses available for those who can help; they specialise and take up the cause for a client who is disputing a decision on their social security benefit, they can assist with providing help with their personal capability assessments, which are the main medical tests for clients claiming incapacity benefit.

There has always been a problem expressed to me between the decisions taken with regard to those who have been assessed as having a medical problem, as to those who are assessed having a mental illness, on which the medical side is much easier to make decisions on. There are now

many more clients living in the community, living also with a mental health problem, and having to fight, perhaps, for their rights for an increase in their Disability Living Allowance. Maybe, the Minister, when she replies, would be able to give an up-date on the situation.

The legal aid, to which we all subscribe, is becoming a very scarce commodity. We do not pay the advocates enough to take on this work; there are much richer pickings in the finance sector. There are a few stalwarts of the legal profession, whose names we see in the paper every week, fighting for the under-privileged in the community, and, occasionally, someone will take on some *pro bono* work, but there is a limit to what they can do.

The Council of Minister have had the report on legal aid and I understand it is going between the Chairman of the Law Commission appointed to look at it and the Council of Ministers, so, hopefully, we will see that, then, in the not-too-distant future.

Some people advocate the Scottish system of care for elderly, but, at the end of the day, whatever system is followed, there is a price to be paid. I would like to see our own personalised Manx system, where old age is not something to look at with fear and apprehension, (**Mr Delaney:** Hear, hear.) (*Laughter*) and the worry as to how to afford the escalating costs of residential care.

Respite care, I would suggest, is not a luxury, it is a vital necessity for those who are coping 24 hours a day with any form of psychiatric illness, or, indeed, with children with a chromosome defect, or the elderly often coping alone with a spouse who suffers from Alzheimer's, and, sometimes, pre-senile dementia such as Pick's disease. We often refer to things as being 'confused elderly', but they are not always elderly, pre-senile dementia can happen between 50-year-old to 60-year-old, (*Interjection by Mr Delaney*).

If I can just give you a point, it sounds very light-hearted at the moment when we talk about it, but imagine going from this room today and then going to your car and then sitting in the driving seat, and then suddenly finding you have forgotten how to drive the car – or decided to get a bus home and then find yourself in the wrong part of the Island, getting off the bus and not knowing where you are, and your family is frantic, not knowing anything at all, and you are found sitting in a bus shelter, with nobody knowing who you are, what is going on. You end up in the hands of the police and you are eventually sent home.

And you get home and you take the key out of your pocket, but you do not know what the key is for, you do not know it is to unlock the door, and, when the door is open, you are faced with someone you have never met before, and, even though you have been married to her for the last 30 years, this is more than just confusing, I tell you it is tragic. (*Interjection and laughter*)

You might think it is light-hearted, but when you see these people trying to make a cup of tea and knowing that the water comes out of a tap, but they have forgotten how to turn the tap on. And when they see the problem with getting up in the morning and trying to tie your laces on your shoes, and suddenly find that you cannot tie them, so you leave them undone, or you put so many notes in them you cannot get the shoe off. Going to the toilet: you know that the toilet works, but you do not know what you are going there for.

These people have to have 24-hours-a-day observation,

and when they are asleep it is usually when you are awake, and vice versa.

Sometimes they will sit in front of the television, watching the television, but not actually seeing what is in view, and it is tragic just to see them sitting there for hour after hour. And to be in a situation where you have been married to the spouse for a long number of years and find them in that situation, it is tragic. I have been told it is like living with a five-year-old in a 50 or 60-year-old body, and these people, when they ask for respite care, should be given prime importance, I really tell you.

As the Member for North Douglas has said, these people are saving the DHSS many thousands of pounds annually, and their contribution should be recognised. As I say, we have been promised an audit as to how we are getting on, and perhaps the respite review, which does go on from time to time, does need another look at. So, hopefully, we will be able to see a streamlining of the system and making it a much more user-friendly service in the future.

Thank you, Mr President.

The President: Hon. Member for Ramsey.

Mrs Craine: Thank you, Mr President. I beg to move Standing Order 3(12)(1)(b), that this motion be divided and voted on separately.

Whilst I am on my feet, I would just like to ask the mover of the motion, in reference to the third item: in his last part of his sentence, when he refers to travelling arrangements for relatives, is he referring to visiting arrangements for relatives going from wherever in the Island down to Southlands? If that is the case, we are really getting into a minefield here, because, certainly, everybody from outside of Douglas is very well aware of the difficulties of visiting, be it from Ramsey or from Castletown to Douglas, and, really, if you are going to support travelling arrangements for these relatives, then we are going to need to consider whether we are going to support other people travelling to sick relatives in other locations right across the Island.

I do think that those people who are situated in the new Southlands are, indeed, very fortunate to be in that fine facility –

Mr Henderson: They know that.

Mrs Craine: I would not wish to go away from that, that is fine, but I do have that concern as to whether we are really opening up a minefield in considering those travelling arrangements right across the Island.

Thank you, Mr President.

The President: Hon. Member, Mr Gill.

Mr Gill: Thank you, Eaghtyrane.

The former speaker, Mr Waft, when he was speaking, took me a bit down Memory Lane. On a Friday afternoon in Social Services Division, a regular, if not weekly – certainly most weeks – duty for social workers will be asking for what is euphemistically termed ‘stand-downs’; what that means is cancelling respite.

We have heard some of the effects from Mr Waft, not only on the clients, but also on their carers, and so that is the reality, and I know that there is nobody in this Court

who, if they had a magic wand would not wave it, and all the social provision that is necessary would be met. There is no suggestion that the DHSS are deliberately choosing to ignore the needs of people. But those needs are being unmet, and that is the reality of today, and I do not need to tell the Minister or her Members that fact.

But what I do need to do, and I am trying to do constructively, is say: ‘That is not good enough’.

What we have heard is that there has necessarily been this decanting of patients from the old Ballamona site to the Southlands site, and that was always the intention. I do not know if that was always the intention; there seems to have been so many intentions with the new Southlands building, that we have lost in the mists of time on what actually was the purpose, and who the client group was.

In fact, if I refer to a meeting that myself and my colleague, Mr Gawne, had with the Director and Deputy Director of Social Services and Political Member, Mrs Hannan, and Mrs Hannan made the statement: ‘Southlands is a residential home’. Well, it is a funny residential home if it has got healthcare needs being met in it! That is not my understanding, but I understand the needs that we have to get that. I understand the need that, while we are waiting for ‘approximately 18 months to two years’ to have a 32-bed place built in Douglas – that is, not only built, that is identified, the planning process going through, the design stage going through, it built, staffed and then commissioned.

I hope that, in 18 months’ time, we will all have the opportunity of seeing this building and seeing it fulfilling the urgent need that we already know exists. I think the ‘18 months to about two years’ will stretch considerably beyond that. So there is an issue which is not just going to resolve itself, or is going to be resolved in the short-term future; this is going to go on for a considerable length of time.

If I tell you that another of the facts that was agreed – it is not just my interpretation – at that meeting that I mentioned earlier, is that there is a waiting list of approximately 50 people who might require some further social work or healthcare provision in the south, in my constituency, and their needs are not being met, and 10 of those have assessed needs. The Social Services or the Community Health Services have assessed those needs, and they are not fulfilling them. They are doing their best, and I am not making any criticism of the individual workers, this is a matter of provision, but that is the reality.

I have a letter in front of me from Mr Cooke, the Director of Social Services, a man for whom I have nothing but the highest regard, and I know he is genuine in what he is saying, but, unfortunately, what he is saying is not satisfactory. He is talking about a particular older client I have, who is one of those 10 or 12 people who have an assessed need, and that need is not being met in the most full and appropriate manner; it is being met as best it can be. He concludes with:

Whilst immediate admittance to Southlands might be the ideal solution . . .

There is no might about it — it’s, that is the fact; his own staff have said that is the ideal solution, so if we rewrite that, to be more accurate: Whilst immediate admission to Southlands *is* the ideal solution, for my constituent,

your understanding of the current position as regards that facility is appreciated.

Well, my understanding is not the same as my standing

for it. And, again, I really do not want to get into a row about this, but I just flag up that this is a here-and-now need that my constituents have, and I am sure my colleagues in Rushen and across the south would share those concerns.

I appreciate they have other loyalties, which might preclude them from saying so quite as overtly as I am able to do, but what I hope that this Court could do, on the basis of what I have been describing, and their own experiences from other parts of the Island, where people are having to travel to the south to use a facility – which, frankly, was not the intention when it was originally envisaged and that has caused a great deal of disappointment throughout the south. To those people, I would say that I hope they will support an amendment which, you will see, I have circulated, which is additional to those on the Agenda Paper, and it is:

*After (2) delete 'and'; add 'and' after (3); at the end add –
'(4) the currently unmet needs of the elderly members of the southern communities which should be met, where appropriate, in the new Southlands or by the provision of community services.'*

That is what I am asking for: some clarity. We have got it verbally; that is not plucked out of mid-air, that is the professional management assessment of unmet need in Rushen, and across the south I suspect there will be further cases which will fall into those categories. I do not think that is what anybody wants, but let us quantify the problem a little bit more readily. Maybe that will help focus minds, and maybe it will add impetus to what I know the Minister wants to do, which is to improve services.

If this is going to be described as an 'improvement to services', I would have to say, I do not think so. I think that my constituents would say: 'I do not think so', and I am absolutely sure that those people whose needs are not being met would not only say 'I do not think so', their daily life would lead them to say 'I know that is not so.'

So, sir, I do ask that somebody would second this amendment and I hope it will receive some support. It is intended to be constructive. It is a situation that we are all on the same side, but it is not being resolved, so I hope that this will be one method of helping towards resolving that.

Thank you, Eaghtyrane.

Procedural

The President: Now, Hon. Members, as we agreed before, we would reconsider our position at 7.30 pm. I can tell you, at the present time, that I have still four names on my list in front of me, without asking for any additional Members. It would appear as if, maybe, we could finish this item (**A Member:** Yes.) and we could come back, or tomorrow or . . . I am in your hands, Hon. Members.

Several Members: Carry on, sir.

Mr Henderson: Carry on with the item and back tomorrow.

Mr Houghton: Complete the agenda.

Mr Corkill: No.

Mrs Christian: We could not complete the agenda.

Mr Singer: Open the box!

The President: Perhaps, Hon. Members, we should use the ballot box and take a vote on it.

Several Members: Hear, hear.

The President: In that case, Hon. Members, because there is disagreement, I am aware of that, Tynwald votes as one body under Standing Order 122. It is straightforward, Hon. Members, whether we continue to finish, or whether or not we finish at item 28.

Those in favour that we finish at item 28. How are we going to handle this? Are we going to have a called vote? A called vote. Those in favour of finishing at the end of item 28, please say aye; against, no.

A division was called for and voting resulted as follows:

In Tynwald – Ayes 12, 15 Noes

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Quayle	Mr Rodan
Mr Henderson	Mr Gill
Mr Braidwood	Mr Gawne
Mrs Hannan	Mr Houghton
Mr Bell	Mr Cretney
Mr Karran	Mr Duggan
Mr Corkill	Mrs Cannell
Mrs Christian	Mr Downie
Mrs Crowe	Mr Shimmin
Mr Delaney	Mrs Craine
Mr Lowey	The Speaker
	Mr Gelling
	Mr Singer
	Mr Waft

The President: Okay, Hon. Members, the result of the ballot is 12 Members voted for completion at the end of 28 and 15 voted against to continue to finish, so we will continue to finish, Hon. Members.

Respite care for the elderly confused Debate continued Motion lost

The President: I call on the Hon. Member, Mrs Christian.

Mrs Christian: Mr President, I think that in the contributions that have been made so far, we have had a pretty good illustration of the wide range of problems and issues facing the Department, just in the area of mental health. Now, multiply that across the Department and you will see that we are grappling with very many issues.

I think it would help, Hon. Members, if I were to explain a bit of the background about how services are provided to older people, who have a mental health problem, and to tell you about the recent developments in the service.

Services for older people, who have a mental health problem, have traditionally been based at Ballamona Hospital, which has provided an acute admissions and

assessment unit of 18 beds; a day hospital with 18 places; a memory clinic, which operates three days a week; an outreach team, which provides treatment and care in the community with eight trained staff; and a community nursing service, with six nurses.

In addition, there have been long-stay units for older people with mental health problems on the Ballamona site and in Gardner House in Ramsey Cottage Hospital. Day hospital services have also been available in Ramsey and in the south of the Island.

Respite care has been provided in Ramsey, with two places at Gardener House and three at Baldwin Ward, Grianagh Court: 5 respite beds.

Over the past five years great emphasis has been placed upon providing community based options which avoid the need for admission to hospital. Occupancy levels within the assessment unit and long-stay units have been falling as a result of the improved level of community support.

In 1991 Tynwald approved the strategy 'Health Services and Community Care', which included the objective of developing community based long-term care, as appropriate, which leads to a better quality of life for the older person. This means replacing the long-stay wards at Ballamona.

To further the strategy, the Department has developed, within the new Southlands building, a 12-bed EMI unit for older people, with mental health problems, who come from the south of the Island. There are two respite beds in this unit.

We are in the process of taking forward plans to build, in the Douglas area, a 32-place EMI unit, with respite facilities. They will replicate the existing facilities within the long-stay wards at Ballamona.

In addition, the strategy envisages Grianagh Court becoming the acute admissions and assessment ward, as Mr Waft has referred to, for all those who have a mental health problem. But, in order to achieve this, the remaining residents in Grianagh Court have been transferred to alternative accommodation on a temporary basis.

The acute assessment unit is transferred to Cronk Coar, along with day patients. Twelve southside residents have transferred to Southlands, along with a number of long-stay residents with mental health problems, who have moved there on a temporary basis.

Mr President, the original plan had been to transfer these residents to the purpose built EMI unit in Douglas, which had been planned to have been ready for occupation by now. However, the project has been delayed as a result of there being insufficient budget to meet the specification, and discussions have taken place to find solutions to these difficulties that the Department has found itself in, and it is hoped that a way has been found to develop that EMI unit in Douglas.

It is unfortunate that we have had to use up beds at Southlands to enable us to transfer out of Grianagh Court, in order to do our refurbishments, whilst this EMI unit has had to be pushed back. It was not in our plans and it is regrettable from the Department's perspective that we have to impinge on the beds in Southlands.

But, when this process is completed in approximately 18 months, the current acute admissions unit at Ard Aalin will be refurbished to become a drug and alcohol treatment rehabilitation unit. (**Mrs Crowe:** Excellent.)

Additionally, in December 1998, the Council of Ministers endorsed the policy that older people, with a

mental health problem, should be treated in the same way as those with a physical problem, in that, once acute treatment ended, the patient either returns home or goes into a care home for which a fee is charged. This means that the NHS, including mental health services, have focused on acute care.

The Council agreed also – and this has been in our policy documentation, which has come before this Court – that Health Services should transfer to Social Services. The current mental health strategy seeks to develop community-based options for older people, enabling services to be provided which allow those with mental health problems to remain in their own homes. Where this is no longer possible, that long stay accommodation can be provided in a care home environment, and not in a hospital environment. This is felt to be more conducive to living a full and active life for as long as possible.

Now, dealing with the issues in the motion, Mr President, the first issue raised by the mover is in relation to respite care beds. The current position is that there are two respite beds provided in the south of the Island, two in the north of the Island, and, when the new EMI unit opens in Douglas, there will be an additional five respite beds. Thus, at that time, there will be eight respite beds against the five that were provided up to now. We anticipate that that will be sufficient to meet the needs of older people with mental health problems and their families.

Therefore, for approximately 18 months, it is regrettable that there will be no respite facility available in Douglas, but there will be places in the south and the north and, currently, respite beds are not used to 100 per cent capacity. Difficulties do arise when people want them all at once – and that is often a difficulty with respite beds, in that there are periods when everybody wants respite care. When the Douglas unit is completed, there will be four respite beds in the Douglas unit, giving a net increase of three.

We have said, Mr President, if there are difficulties with people using respite facilities outside of Douglas in the short term, consideration will be given to using one of the temporary beds in Cronk Coar, subject to beds being available.

The second point of the motion concerns retaining three health care beds within mental health. As I have already pointed out, acute beds have been retained at Cronk Coar, as well as four long-stay beds for those who have difficulty transferring to the south.

Mr President, in response to the Hon. Member for North Douglas, we have done our best to accommodate the wishes and difficulties that families have had in relation to the move of people from the centre to Southlands, and we have made provision for four of those people in the centre of the Island. They have not moved to the south.

The NHS principle of providing free care at the point of delivery for acute cases will continue to be the case for older people, with a mental health problem, in assessment and treatment unit. Residents living in Baldwin Ward and Cronk Coar prior to the recent transfer will not be charged for the care provided. We have made it clear on previous occasions in this Hon. Court that transitional protection will apply to anybody who is currently in the service and moving into the Social Care/Social Services side of the delivery of care.

Only new admissions to those residential units will be charged, and, if they do not have sufficient resources, the Department can, following a means tested assessment,

Procedural

Respite care for the elderly confused — Debate continued — Motion lost

provide funding, as they do for chronic physical conditions, and I think that that is the principle that we are talking about here, Mr President. Why should we distinguish between physical considerations and mental health considerations, when the principle care they need is very much the same?

Care is provided in the continuing care units by the same trained nurses and staff as was provided at Ballamona Hospital, so the same people are looking after them. Medical and psychiatric cover is provided by doctors from the mental health service, in the same way that doctors provide care for those with physical needs in residential and nursing home situations.

The third part of the motion concerns the transfer of patients to Southlands. As I have said, the transfer of 24 older people has now taken place: 12 residents from the south of the Island have moved to Southlands on a permanent basis and 12 have moved on a temporary basis.

This move was thoroughly discussed with the relatives and, where they were unhappy about travelling to the south of the Island, they have been accommodated at Cronk Coar. However, most have chosen to move to Southlands, albeit on a temporary basis, because the accommodation is purpose built, with en suite rooms, and they are much improved facilities, as compared with Baldwin or Cronk Coar units. (**Mrs Crowe:** Beautiful.) In other words, the quality of life for people in those EMI units has been, I think, improved, and we will do our best to help any individual families if they are having difficulties.

The Hon. Member is focusing on the difficulties presented to people now having to travel to the south, but I think that the Hon. Member for Ramsey has clearly illustrated that many people from other parts of the Island have coped with those sorts of situations for years in having to come to the centre for various reasons

Mrs Crowe: Yes, from the south.

Mr Henderson: Under different circumstances.

Mrs Christian: Well, the circumstances are not different. They are the same, Mr President. (*Interjection by Mrs Crowe*)

I think, Hon. Members, I hope we will see that we are looking to try and improve the services to older people with mental health problems. We do have considerable difficulties in the Department.

The Hon. Member, Mr Waft, has mentioned the needs and wants of patients, the needs and wants of Mencap, the needs and wants of Clinch, the needs and wants of staff, and so it goes on. We know about all this; we are doing our best to deliver. We know that there are pressures on staff in certain areas of residential care and we have . . . I hate to say it again, but please be prepared for these issues to come up again and again, as we go into the future years, because of the pressures we have both on staffing and budget and they cannot be denied and we cannot easily bring in extra resource.

The question raised by the Hon. Member, Mr Gill . . . and I am not sure: has this amendment been seconded or not yet?

Mr Lowey: I will be seconding.

Mrs Christian: I will comment on. . . It has not been

seconded, but he did say that, 'It is the best it can be.' He wanted it to be not the best that it is, but the best that it can be. The Hon. Member has worked in the Social Services Division. He knows that a lot that we do is the best it can be within the resources we have. We would all like to make it a darned sight more all-encompassing, if we had the resources, but we are struggling in the Social Services area.

I do very much regret that Southlands is not immediately being used for the purpose for which it was built and that we have had to be imaginative in the way that we have coped with our problems, in relation to building the new EMI unit in the centre. That is regrettable, but we have to look at the needs of the whole of the Island and try and work within the resources at our disposal to do the best that we can for all concerned.

Now, the Hon. Member will be seeking for the provision of community services to cover the needs of everybody. We are doing our best to try and provide them. I would accept, in some circumstances, that they could be better, but we do not have the Asda wand, or whatever, to magic up the staff that we need.

So, Mr President, I really believe that, whilst the hon. mover has raised issues of concern to him, I do believe that the steps that we have taken are the best way for us to handle the difficulties with which we are faced in terms of placing elderly mentally ill people in appropriate accommodation, whilst we deal with our budgetary difficulties on the capital programme and the development of the EMI unit. I do believe that the equalisation of treatment, as between elderly people with physical problems and mental problems, is appropriate and, believe me, if you want to revert to the equality in the opposite direction and make everything free, fine, but just consider the budgetary implications and look at Scotland and see how they are going to cope. (*Interjection by Mr Henderson*)

And, on the third, issue, which relates to the transfer, I have covered that, but the Hon. Member is asking us to review our policies. Mr President, we are reviewing them all the time to try and cope within our resources. We are looking to improve our services. We are reviewing every day what we are doing and it was a review that led to us deciding that we should be moving in the direction that we have moved in to provide EMI units in the south so that people in the south can live near to their families. It is unfortunate that, on a temporary basis, people in the centre cannot be as close to their families, but let us remember that those southern people have, for years and years and years, (**Mrs Crowe:** Absolutely.) had to come to the centre.

Mrs Crowe: Yes.

Mr Henderson: That is not the point.

Mrs Christian: It may not be the point in the Hon. Member's mind. It is not a reason for us not to seek to have those people back in the centre close to their families, and that is what we are striving to do. But I do feel, Mr President, that this motion is unnecessary in terms of asking us to review. We review constantly to try and meet demands and I, therefore, would ask Members to reject it.

The President: Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr President. I support the

substantive motion, Mr President, and I would like to second Mr Gill's amendment, if I may.

Mr Henderson and Mr Waft have both put a good case, as how I view it, and I have taken into account what the Minister has to say here, too. Simply not to repeat what has already been said, but, in the case when there are further beds required for respite purposes, has she looked to see whether there are any external agencies that would be able to provide this? Could she take that on board and see whether that could be done? Are there? I do not know, but could, then, emergency resource be put into the private agencies to look into this?

Mrs Christian: We have not got any resource.

Mr Houghton: It would certainly be worth looking at, because, quite often, you have got a number of respite beds and then you have got a number of occasions when there are, indeed, no respite beds at all, because everybody has decided to go away and leave their people who require that care, in respite care, and that is what happens. It is an 'all or nothing' scenario.

So, it is simply a suggestion in that area, should the requirement be there? And, has there been any consultation with any exterior private resources, who indeed could provide that, if asked to provide on short notice? Who knows? But it is another step in the right direction.

This is a vitally important issue and it is something that I do support my hon. colleague in this. I have found circumstances that warrant the bringing forward of this motion myself and that is the purpose for seconding, also, the Hon. Member's amendment, as well as my support to the substantive motion.

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

Mr Lowey: No. I was just about to second. Withdrawn.

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

Mrs Hannan: Thank you, Eaghtyrane.

I will not be long, I think the Minister covered most of the points, but I just wanted to make it clear that, if we had all the resources that we require to operate the services, then, yes, we would have a different service, because of the policies that the Minister wants Social Services to follow in this particular area, but we do not have resources.

The Member for Douglas North, Mr Houghton, who is not in his seat at the moment, suggested that we have outside agencies and talk to them about respite care beds – but we need resources for that. We need funding for that, and we have not got the funding for this.

There are other areas, too, Eaghtyrane, that we need funding and personnel for, and we have not got them. Many more facilities are required within the service, whether it is in the Social Services side, or the Health Services side, or the Social Security side. We do need more resources for the expectations that people have placed upon us.

We have got Southlands. Southlands does fulfil a need there, but we do need extra personnel to operate Southlands, to the extent that it is needed. We have been able to facilitate and, I think, if the Member is suggesting that we should always keep people in a hospital situation, when, quite clearly, it is the policy of the Department of Health and

Social Security, and, indeed, Government and Tynwald policy to put people into the community and treat people in the community. It does not matter whether it is disabilities, mental health, physical. It is treating people as much as possible and supporting them in the community with their families and putting in as much support as we possibly can, and that is the policy and it has been since 1991, and this is where we have been moving to.

This other move that we have with regard to our facilities in the centre is investment within the centre, it is the investment within the whole of our Social Services side and, to allow that, we have moved people around in the short term.

I think that what we are doing will benefit people in the long term. What we have – and the Minister has spelt out quite clearly – is that there are people who have not liked it, but we have facilitated them in the centre and I think, if there are people who are finding it extremely difficult to get to Southlands, if they approach the social workers or the people at Southlands, I am sure that they will enter into a discussion as to how they can be facilitated in the centre, but we have tried to do our best with what we have and with regard to the staff.

Eaghtyrane, with regard to, certainly, the first 12 that moved into the EMI unit at Southlands, it was always the intention to do that. I have a constituent who approached me, somewhere in the region of five years ago, to tell me that this is what was going to happen, that the care that she was provided with at Ballamona was going to be provided at Southlands. It was always known that this was going to happen and, therefore, I do not think it should come as a surprise.

We do need, with the reorganisation of the Mental Health Services and the Social Services provision in the centre, to move people out, and I think that the majority of those people have understood why this has happened, and I think it is up to us to try to facilitate that. I understand, from the comments made by Mr Waft, that we need more respite care beds – of course, we do – but they are beds that sometimes are not going to be occupied. We cannot force people into respite care, if they do not want to use respite care.

So, it is a fact of people wanting to use them all at the same time and I think that we have to try and negotiate with people the bed space that we have and try and provide it and accommodate people's needs as much as possible, but it is not possible, sometimes, to get people into those beds, so that they are occupied 100 per cent. I think, again, this is down to choice.

Mr Waft did expand on what this actual motion before us is. I can understand, in a way, frustrations, because they are the same things that come up time and again and I would suggest that we will never get to the stage where all our aspirations are met absolutely and fully. There will always be people that need more, or require more, want more, and I think it is the very nature of the area that we are in that more people are needing more and more care, and, as I have said before, I know that the Minister wants to provide more services, and, where we can, we will. But it is also a responsibility on Social Services and this is where I am surprised at the amendment that is put forward by the Member for Rushen.

Working only two years ago in this service, he will understand that these sorts of needs cannot be gained

overnight, so I am really surprised that he is putting forward a requirement such as this, when he knows of the service. He also criticised my comments with regard to Southlands being a residential home. It has always been considered, ever since it was in the planning stage, that it would be residential, and this is why people have transferred into that area, because it is residential. It is improved residential, but it is still residential, and this is where I cannot understand his – maybe, it was not criticism – suggested criticism that this was residential. It *is* residential.

Mr Houghton: Not a hospital.

Mrs Hannan: We are also trying in the south to keep in their homes as much as possible and I would hope that that is supported. But I accept, alongside of that, as this motion says, that there should be respite care available and, as I have responded to Mr Waft, it is always possible to get people into those respite care beds on the times when they are actually available. I do accept that there has to be some juggling of the situation and I do accept that there are needs out there that we all aspire to.

It is safe to say that we have only just got, in my area, in the last couple of years, we have only got respite care beds very recently. All our nursing care beds are somewhere else. We have to look for them, wherever they are. We have one residential unit. We have people who aspire to that residential unit. We have a long waiting list for sheltered accommodation. It is huge: 60-odd and the Member is suggesting 50 in that area. There are needs. There are aspirations in all our areas and what I am trying to suggest is that we are trying to fulfil them, but we cannot do it overnight and, without more resources, we will not be able to supply them in the short term.

The President: Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Guru mie eu, Eaghtyrane.

I am quite pleased, in a way, that this motion has been moved and the amendment. I think it is a very healthy thing that we do discuss these matters, but I will be voting against, not because I have had a departmental lobotomy, as perhaps the Hon. Member for Onchan might suggest, but because I am actually a Member of the Department and I have been working with my colleagues on the Department on these very matters.

Yes, they are matters of concern. There are matters very much of concern in the south, as to whether there is enough space, and people are being shipped down from the centre to take up spaces which may have gone to people from the south. These are concerns, certainly, but the Department is working very hard to try to address the concerns: the officers are working very hard and the Members are working hard. We are aware of the issues, but there is not a bottomless pit of money.

Again, echoing both what the Hon. Member for Peel and the Hon. Member of Council have said, if Members want these services, if these services are considered to be of paramount importance, then, come budget time, I hope that Members will be supporting additional funding for the Department to pay for all these things. Money does not grow on trees and we are providing the best service, I feel, that we can under the circumstances. So I would urge Members to reject the motion and the amendment.

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

Mr Shimmin: Thank you, Mr President. I am grateful for the comments of the last speaker. I hope he remembers those sorts of comments when the rest of us and other Departments are valiantly trying to make budgets balance and meet. It is a serious issue.

The Member putting down the original motion and, indeed, the mover of the amendment both come from the care services and many of us bring with us baggage of our own backgrounds and, so, quite rightly, we argue the case from a position of knowledge and care, and I think that the arguments have been put forward and supported by everybody.

As a Minister, people know which way I will be voting on this; I did not have to stand up. I did so really to support the Minister, who, in my view, has often taken unfair criticism, but, from all of my dealings, all, her and the team she has around, both political and officer level, fully understand the human suffering that goes on within these areas and is doing everything possible, and I believe better than most, if not all, in this Court would be able to do in the same position (**Mrs Crowe:** Yes.).

It is a case of saying, yes, we understand the problem, we all have them in our own Departments. The DHSS has more acute life-threatening and life important issues and far more emotion than most of us have to deal with. (**Mrs Crowe:** Yes.) My roads and other issues cause problems, but it is nothing like the human suffering in the DHSS.

I do believe that the motion is genuine. There is a need. There is a shortage in areas that my constituents and others all suffer from. (*Interjection by Mr Henderson*) As a person who, very personally to me, suffered a member of my family in this condition, I am speaking from years of suffering with people in these conditions and I genuinely believe that, as the previous speaker has just said, the Department is alive to all of these issues, is doing what it can, and I would say that the Department is already reviewing its policies; the Minister has made it clear. I do commend the efforts being made. We will always try and do more.

But isn't it nice that, in the Isle of Man, we are attempting to try and increase further and further the facilities available to the people of the Island? The expectations that we have now for service delivery in our own areas and to this level of care is a testimony to the success of our predecessors and some of you in this Court who have got us to this position.

The problem is the expectation grows every year and, at the moment, the real need is to actually understand where the priorities of Government are and that does mean that difficult decisions will have to be taken, affecting people within the DHSS world and, indeed, Departments like my own, which are not as emotionally problematic for politicians to deal with, but we have to deal with it.

At the moment, I think there is a trend that many of the Members speaking are constantly after more and we are not actually doing the other part of the balance, which is saying either 'where is the economy coming from to fund it?' or, alternatively, 'what provisions are we not going to offer?', and it does become as stark as that.

We can always prioritise, but we do have to either generate more income or we have to cut services elsewhere, and I do not believe that it is often in this Court that anybody

proposes (*Interjection*) cuts in services, because we want to grow the Island, we want to provide more for our people, and I do believe that the Department is doing everything it can, sir.

Mrs Crowe: Well done. Excellent.

The President: Hon. Member, Mr Downie.

Mr Downie: Thank you, Mr President.

There is no doubt that this motion that is before us this evening has thrown up a few interesting points and it is a pity, really, that the Health Minister did not hang back a little in the debate and perhaps had an opportunity of speaking a little bit later on.

I am brought to my feet because I feel that there is a problem in this area. I have had constituents recently who have been fortunate, because they have been able to be accommodated on the existing new Noble's Hospital site within the old Ballamona complex, and I know the concern that they had that, if their relatives were moved, they would have significant difficulties in visiting them, particularly at night time, because it is more difficult for them to get about at that time of the day.

However, following discussion with the DHSS, those requirements were satisfied, as it were, and the elderly people were accommodated.

But, given the constraints that the Health Service is under at the moment to produce these beds, surely it is not beyond the wit for us to go back to the old Noble's site. I am talking about the new parts of the building and opening a ward on a temporary basis. Some of it is in very, very good condition, and, perhaps, it would be worth pursuing that and looking at that. You do not need to open up the whole hospital, as long as you have got a separate heating facility and plenty of hot water. We are not talking about people who are clinically ill here and requiring intensive nursing, we are talking about people who are normally at home for a lot of time with their families and what we are trying to do is provide respite care, so that they can go in somewhere and be supervised.

I very much supported, initially, the policy of the Health Services by putting patients back into the community, particularly people who had suffered from mental illness and people who are handicapped in some way. That was a very laudable principle.

But, in my constituency now, I have five or six properties which must have tied up several million pounds; they all need maintaining, the staffing ratios are 3 or 4:1 in these establishments, they have to have a car, as well, provided and, really, if you look at what we are expecting to produce here, on behalf of the people we represent, perhaps it is time that we looked at putting those type of people in a more cost effective environment, where they, perhaps, can be together.

Now, I think that there are times when you have to cut your cloth accordingly and, with demands on the Health Services, we could throw £20 million a year extra at them and you would not even touch the edges.

I fully support the Minister. She has got a very, very difficult job to do and, no matter what you do in the Health Services or education, there is always somebody standing in a line with a begging bowl, looking for more.

So, I would urge Hon. Members, if you are going to

support this motion that is before you this evening, there are significant cost implications and I think that the message has got across to the Minister and the DHSS and I hope that she can look at it in a new light, as it were, and perhaps come up with some sort of a support measure. But I am afraid that there is going to be a cost to all this, Hon. Members.

The President: Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr President.

I will be very brief because of the lateness of the hour. The motion on the agenda, Mr President, is merely asking that the Department review its current policies (**Mr Henderson:** Hear, hear.) which affect respite care, with a view to reinstatement of a practical number within Douglas

–

Mrs Christian: Not occupied.

Mrs Cannell: – care of the elderly, confused, with respect to the free healthcare that they have been enjoying for a long time and the concern of that moving from one division to the other, where there would be, or could be, a cost imposed.

So, the concern there in part two is to retain a free health facility that also provides the professionally trained staff and the specialists that are required in the care of those who are elderly and confused and also to have a little bit more 'kid gloves on' when handling with those who are going to be transferred, in terms of travel arrangements and more care and support needed.

The motion is asking for the Department to review its current practice; that is all. I would hope that the Minister would embrace that, would welcome that. In order to help her embrace that, I think it would be beneficial for everybody involved if Members are given an opportunity to have input into that to try and help the Minister to, perhaps, look at a way in which certain policies can be reviewed that may prove to be more cost effective than currently is the case.

Now I say that, because I feel somewhat inspired from the contribution made by the previous speaker, the Hon. Member for West Douglas, Mr Downie, because he said, maybe it is time that we came up with some kind of scheme, where we can have more people together and treat them like that, rather than all this decentralised-type policy that the Department has been implementing over the last 10 to 12 years.

I come at it from the care in the community aspect of it. I am a great supporter, and Members know that in this Hon. Court, of village communities, core-and-cluster type accommodation and provision, because I believe that that is actually more cost effective and it not only provides a choice for people who are confused, elderly, mentally or physically handicapped, of where to live, and how to live and who to live, but it means that a cross-section of those people who have problems, who can share and would like to share accommodation, recreational facilities, meaningful daytime activity, and so on and so forth, can do so and you would require fewer vehicles, you would require less staff, you could be able to have a pool in which to source staff for other areas.

The problem lies in the fact that a lot of money is being

soaked up exercising and implementing the current policy, with all these homes and houses. I know this is a slightly different issue and I can see some expression, but it is people (*Interjection by Mrs Hannan*) who we look after, who have a range of things that need to be looked after – people who are nursing elderly and confused parents and relatives at home, who need respite from that situation.

There are those who also look after their handicapped, physically or mentally or both, at home, who need respite. We had eight respite beds in Douglas for that situation; they are no longer available. Respite is respite. Respite is for the carer who looks after the loved one, irrespective of the condition, whether it is a mental handicap, an illness, a confused state of mind, dementia, physical handicap, whatever it is, there is a demand upon the carer and we are failing to be able to back that up.

Now, I appreciate that the Department is doing all that it can and has been working very hard and, yes, they must be greatly taxed at times, because they are dealing with human frailties and all the demands that that imposes, but I think it is time to start reviewing to see how we can bring in these extra services, how we can deviate from the existing services, without cutting service and, perhaps, even being more cost effective in so doing.

So I welcome the motion on the agenda. I know where the Hon. Member is coming from on this and I do not think that it should be judged as a case of the Department's doing all it can, 'sorry, we might be able to improve and bring this on and bring that on in 18 months' time.' We want to help the Minister and the Department in this aspect, so if we can do it, let us do it.

I would suggest that what might be prudent, in order to review it, that Members are given an opportunity – not merely just a letter and 'write in by a certain deadline'. Let us get around the table for once, those of us who have an interest in this area, and talk about our ideas, aspirations, together with the political heads and the officers, to see if we can, in fact, come up with a scheme that is going to satisfy everybody, take the pressure off the Department, satisfy the concerns of Members in here, representing their constituencies, and be cost effective. And I think that kind of working, now and in the future, and particularly with this, is the way we should be working. We are supposed to be 'corporate government', aren't we? Let us put it into practice and start it working.

The President: Hon. Member, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. I really was not going to speak. (**Several Members:** Oh.) (**Mr Henderson:** Vote.) I am sorry. I am very supportive of the Hon. Member of my Department, who is so supportive of me in the Department, but I have heard today around the Court some very parochial views about healthcare on the Island.

For many, many years I brought visitors from the south of the Island to avoid them having two long bus journeys to visit these elderly patients in the facility that was provided. Now, they did not complain. They knew that it was an onerous thing. They had this visit, two long bus journeys into Douglas, and then out again to the facility, but these things happen. The beds are not always available in one's own particular area and I know that it most probably has caused problems when the removal is from one area to another. I do fully understand that.

But there have been so many mentions around the Court of things like 'kid gloves' and 'we know how to help the Minister – we can open up a ward and provide hot water.' I think one commodity missing from that was the people that were going to look after the elderly patients. That is a commodity that we could all help the Minister with. We could all give her extra staff and we could give her extra money and we could solve all of these problems, because that is what is required.

If we wish to establish more beds in different areas, that is what is required. All the other Departments chip in and they give DHSS more money and more staff. It is very simple!

The Hon. Member for East Douglas, Mrs Cannell, said: 'We want to help the Department.' That is the way we help the Department.

Now, it is not a bottomless pit. We have all been told that. There are other demands on the resources – education, waste management I see nodding over there! (**Mr Lowey:** Absolutely.) – all the other demands that come from running a Government. So we do have to make best use of what we have at the present time.

We have got the most wonderful facility in the south of the Island for our elderly and I do not know if everyone here has been to visit it. It is superb. There is not anyone in that facility that would not tell you that.

Now, at the present time, we do realise that some of those beds are being utilised to treat patients who, perhaps, do not come from the south and I do not think that there are very many people in that facility that would criticise us one little bit, because all of the people that are there at the present time, may, of course, in time, need to utilise those beds. So I think that we should support the Minister as we have heard all around the Court – everyone supports the Minister in what she is trying to do. The DHSS is always committed to reviewing. It seems to spend its life in constant review of what it is doing for the patients on the Isle of Man.

So, whilst I do support Mr Henderson bringing this motion forward I would say that I would support the Minister in all that she is doing in the care of the elderly and, of course, the Members of the Department.

The President: Mr Henderson to reply.

Mr Henderson: Gura mie eu, Vainstyr Eaghtyrane. I have to say that the main thrust of some of the comments have surprised me tonight in this debate.

I must thank, firstly, Mr Waft, Hon. Member of Council (**Two Members:** Hear, hear.) for seconding my motion and for putting some very useful observations and comments into the debate to try and set the base of things and sense of importance and urgency on the type of person and patient that we are talking about.

I have to say, Eaghtyrane, I was most unimpressed with one or two of the disingenuous comments that came out tonight and, certainly, one or two of the asides in the Court background noise, which showed disrespect to the subject that was on the Order Paper tonight, especially when the Hon. Member of Council was giving us a short account of the kind of person that I was trying to help here tonight. (**Mrs Crowe:** Absolutely.) I think it was disgraceful, to be quite honest, Eaghtyrane.

I also find that the only set of arguments to my motion tonight have been advanced by one or two folk, including

the Hon. Health Minister, is to talk up a great cloud of dust and obscure the original kernel of what it is that I am after. That is what has happened, Eaghtyrane: there has been talk of resources, budgets, staff, impact on other services, there has been talk about the fact that everyone else's relatives have to travel everywhere else.

And the last one particularly stung, because I know the difficulty they have in trying to get from A to B. What has bothered me is the fact that I am talking about a large tranche of displaced persons. Their relatives were travelling from all over to come and see them, but the point that I am making is that it is even more difficult now and I would like to see what would happen here, Eaghtyrane, if other parts of the Island – and I am not just speaking for Douglas, I said the Douglas area: Onchan, Braddan, Glenfaba, – a large area, a quarter of the Isle of Man. I would like to see other Hon. Members, if a facility in their area suddenly shut down. It is like saying to the care of the elderly . . . if Peel, or Ramsey Cottage suddenly shut tomorrow and all moved to Douglas and then you would get the complaints, and you would see what it was like.

Because the other point that stung, and I found quite patronising, Eaghtyrane, was from the Health Minister: oh, it is *my* concern. It is *not* 'my' concern, Health Minister, they are the concerns of my constituents and interested people of this Island, who have bothered to contact me when I have been progressing this matter. (**Mrs Cannell and Another Member:** Hear, hear.) I am here because of them – not me, not to 'blow my trumpet', or anything else; I am trying to help some folk, which I have been trying to do for some considerable time. That is the point.

Also, I think we need to examine the issue of budgeting and resourcing, which was being thrown around, and, as the Hon. Member for East Douglas, Mrs Cannell, quite rightly pointed out, my motion specifically asks for a review. That is quite simple. The Health Minister is chuntering, Eaghtyrane; she said in her remarks to the debate: 'Oh, we have reviews every day.' If there were reviews and no problem every day, I would not be stood here, having to do this, Eaghtyrane, at the end of the day.

All I am asking is for the situations I have highlighted specifically, instead of having a review in six months' time, I am asking for her senior staff and managers affected to have a look at it now. Is the Hon. Member for North Douglas making a reasonable point? Are there problems? Have relatives raised points of view? Have relatives expressed a difficulty? That is what I am asking, Hon. Members. I am not asking for more staff and hundreds of beds to be left open – far from it.

My motion on the Order Paper is very clear. It is very specific – the sole reason: to try and counteract some of the waffle we have had tonight in opposition to what I am trying to do. A simple review of if the relatives, the elderly folk, have been displaced to Southlands – are the relatives managing to get down there? Is there anything else that can be done? I am not asking for the world, Health Minister, I am not asking for the Treasury Minister's budget; simple little communications that would make all the difference.

And, when we look at the respite care bed situation that I am talking about, my point is proven, Hon. Members: QED. The Health Minister is on record now as saying that there is a problem in the Douglas area. There is a shortage of respite care beds and I think it is something that needs to be addressed, sooner rather than later. There is no use saying

that I am screaming for wards to be opened up and let us open up the old Noble's Hospital and all the rest of it. Those are all red herrings, Hon. Members. Shove it all to one side.

What I am seeking: is there a way that the Health Service for the eastern part of the Island can put some temporary measures in place to cover over, until the new units come on stream, come into place and the beds are ready? That is all.

Mrs Christian: We have said we would try that.

Mr Henderson: Can we use Harris Terrace, for instance? Can we use Glenside? Simple measures that do not require hardly any resources.

The other thing with respite care beds, while we are on the subject, Eaghtyrane, is the fact that they are 'respite'. That is the whole point: that they are there and available to cover emergencies. Other relatives know and have the knowledge of that comfort that that is there. It does not cost a lot to keep a respite care bed open and they can be closed down or opened up, as and when the need requires, as well. I think it has gone over the Health Minister's head that I did work for her Department for nearly 18 years.

Mrs Christian: Oh, no, it hasn't.

Mr Henderson: So I know how it works and I know that it is easier than it has been made out here tonight, Eaghtyrane.

Now, in looking at the contributors, Eaghtyrane, I think I have answered Mrs Craine's points, with being transferred and the displacement of folk, and they certainly are pleased with Southlands. That was put into the debate and that is not fair, either, because that was never a point that I raised. The facility is smashing and we can put that on record.

Mr Gill's contribution and input: certainly, I would have been quite supportive of the amendment on the paper.

I think I have addressed the Health Minister's comments, to all intents and purposes.

Mr Houghton I thank for his input.

Again, Mrs Hannan's input was all about resources and the fact that people have to be treated in the community, which reverts me to a piece of my motion, which is asking for specialist healthcare beds to be kept within the mental health service for proper hospital care, because some of the patients do need. . . We have just had a Ballastowell incident and the whole point of what I am trying to bring here is that we need to strike a balance. Now, keeping some beds in mental health, again, is not a huge resource impact. It is a question of whose personal policies we are playing with here. That is what a lot of this is down to.

Mr Gawne: I thank him for his contribution. Again, he is on the bottomless pit of the resource fund and 'Henderson is going after the Treasury cash bag' et cetera – far from it, Eaghtyrane. It is just a smokescreen, I think, really to put Hon. Members off the motion which, again, is asking for a review – nothing more. Maybe a few changes in some policies would not go amiss, but I am not asking for anything that is going to be a massive resource impact – far from it.

Mr Shimmin – I thank him for his input, again, budgets and how marvellous Government is et cetera, et cetera. (*Laughter*) That is fine, Eaghtyrane. Lots of good things have happened. I know that and I acknowledge and, where credit is due, they will get credit – always. That is fine, but

I am not chasing a budget. I am just chasing one aspect of our community, which I feel is getting somewhat ostracised at the minute.

I thank Mr Downie for his comments, but I am not recommending opening the old Noble's Hospital – far from it.

Mrs Cannell I thank and I thank Mrs Crowe for her support, in the words that she said and so on. So those are the main points, Hon. Members. I am not asking for the earth – far from it. What I am asking is a little humaneness in this and I am asking to look after the elderly folk in our community. Thank you, Eaghtyrane, I beg to move.

The President: Now, Hon. Members, the motion that I put to the Court is that printed at 28 and, to that, you have had circulated to you on a white paper the amendment moved by the Hon. Member for Rushen, Mr Gill.

So there is no confusion, Hon. Members, I propose to put to you first the amendment as moved by Mr Gill. If that is accepted, Hon. Members, it becomes part of the substantive motion and, in line with the request from the Hon. Member for Ramsey, I will then take the four parts of the substantive motion. If the amendment fails, I will simply take the three parts of the motion.

Those in favour of the amendment, as moved by the Hon. Member for Rushen, Mr Gill, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 8, Noes 12

FOR	AGAINST
Mr Cannan	Mr Anderson
Mr Gill	Mr Rodan
Mr Houghton	Mr Quayle
Mr Henderson	Mr Rimington
Mr Duggan	Mr Gawne
Mrs Cannell	Mr Cretney
Mr Karran	Mr Braidwood
The Speaker	Mr Downie
	Mr Shimmin
	Mrs Hannan
	Mr Bell
	Mrs Craine

The Speaker: Mr President, in the House of Keys the amendment fails to carry, with 8 votes for and 12 votes against.

In the Council – Ayes 4, Noes 3

FOR	AGAINST
Mr Lowey	Mrs Christian
Mr Waft	Mr Gelling
Mr Singer	Mrs Crowe
Mr Delaney	

The President: With 4 votes for, 3 votes against in the Council, Hon. Members, the branches are in disagreement, the amendment therefore fails.

I now put to you the three parts of the motion printed on the Order Paper. Hon. Members, those in favour of part (1) please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 8, Noes 12

FOR	AGAINST
Mr Cannan	Mr Anderson
Mr Gill	Mr Rodan
Mr Houghton	Mr Quayle
Mr Henderson	Mr Rimington
Mr Duggan	Mr Gawne
Mrs Cannell	Mr Cretney
Mr Karran	Mr Braidwood
The Speaker	Mr Downie
	Mr Shimmin
	Mrs Hannan
	Mr Bell
	Mrs Craine

The Speaker: Mr President, part (1) of the motion fails to carry in the House of Keys, with 8 votes for, 12 votes against.

In the Council – Ayes 3, Noes 4

FOR	AGAINST
Mr Waft	Mr Lowey
Mr Singer	Mrs Christian
Mr Delaney	Mr Gelling
	Mrs Crowe

The President: With 4 against, 3 for in the Council, Hon. Members, part (1), therefore, fails to carry.

Part (2), Hon. Members. I put to you part (2) of Item 28. Those in favour, please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 6, Noes 14

FOR	AGAINST
Mr Gill	Mr Anderson
Mr Houghton	Mr Cannan
Mr Henderson	Mr Rodan
Mr Duggan	Mr Quayle
Mrs Cannell	Mr Rimington
Mrs Craine	Mr Gawne
	Mr Cretney
	Mr Braidwood
	Mr Downie
	Mr Shimmin
	Mrs Hannan
	Mr Bell
	Mr Karran
	The Speaker

The Speaker: Mr President, in the House of Keys part (2) of the motion fails to carry, with 6 votes for, 14 votes against.

In the Council – Ayes 3, Noes 4

FOR	AGAINST
Mr Waft	Mr Lowey
Mr Singer	Mrs Christian
Mr Delaney	Mr Gelling
	Mrs Crowe

The President: With 4 against, 3 for in the Council, Hon. Members, part (2) fails to carry.

Part (3), Hon. Members. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 6, Noes 14

FOR	AGAINST
Mr Gill	Mr Anderson
Mr Houghton	Mr Cannan
Mr Henderson	Mr Rodan
Mr Duggan	Mr Quayle
Mrs Cannell	Mr Rimington
Mr Karran	Mr Gawne
	Mr Cretney
	Mr Braidwood
	Mr Downie
	Mr Shimmin
	Mrs Hannan
	Mr Bell
	Mrs Craine
	The Speaker

The Speaker: Mr President, in the House of Keys part (3) of the motion fails to carry, with 6 votes for, 14 votes against.

In the Council – Ayes 3, Noes 4

FOR	AGAINST
Mr Waft	Mr Lowey
Mr Singer	Mrs Christian
Mr Delaney	Mr Gelling
	Mrs Crowe

The President: With 4 against, 3 for, Hon. Members, part (3) similarly fails to carry. Hon. Members, that means that 28 has been defeated.

**Petition for Redress of Grievance of
David Arthur Newton
Motion carried
Select Committee appointed**

29. The Hon. Member of the Council (Mr Gelling) to move:

That Tynwald appoint a Select Committee of three Members to investigate the Petition for Redress of Grievance of David Arthur Newton presented at Tynwald Hill on 7th July 2003, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report to the Tynwald sitting in March 2004 at the latest.

The President: Hon. Members, we then turn to Item 29, and I call on the Hon. Member of Council, Mr Gelling, to move.

Mr Gelling: Yes, thank you, Mr President.

I am reminded of the Chief Minister, when he spoke at 12.47 today, when he made the statement ‘We love them at the time, but then forget them when it is all over. We get back to everyday activities.’

Now, basically, Hon. Members, that is why I stand here today, having picked up the petition of Mr Newton at Bay View, Ballamodha, because I am not here going to go into a great detail as to the for and against on this particular petition, but all I am going to do, Mr President, is say to

Hon. Members: at the time I think everybody was doing their very best, and I would like to say achieved the very best, inasmuch as we prevented foot-and-mouth coming to the Isle of Man, because that would have totally devastated our Island.

However, as and when things were happening, it was unfolding in a way that we were finding that there were areas that we had not covered, because, let us face it, this was the first experience in many, many years, and certainly the first experience for Hon. Members at the time, of the threat of foot-and-mouth, which was already rampant in the United Kingdom.

Now the story of Mr Newton is quite plain. He was very, very unfortunate that, at 6 o'clock on a February morning, a wagon arrived on his yard, with 34 young gilts that he had brought over to the Island, I would not say at the request of the Department, but certainly being encouraged by the Department of Agriculture, because our pig production had dropped to just about 50 per cent, so that we were not able to supply the local market.

So, you can imagine the situation: here is a man who had top quality pigs. He is on record as having been a pig producer that provided what was required by the market. His quality was excellent and he was encouraged and given a licence to import 34 new young gilts to actually start another phase within his breeding system. A breeding system which he had built up over many years, in fact, started by his father. I think it goes back to 1974, when this actual unit began. Now you can imagine his utter dismay, one hour later, at 7.00 a.m. on that very same morning, when he got a telephone call from our chief veterinary surgeon, who said ‘I am sorry, but your wagon load of gilts has moved within’ – I think it was – ‘90 miles of a’ – or wherever it was – ‘a market where there was foot-and-mouth. So, therefore, we unfortunately will have to declare your situation as if it was a full-blown foot-and-mouth case.’

Now, I think it is, again, fair to say – because it is on record, I have it here, that everyone said that Mr Newton co-operated absolutely 100 per cent with the vet and the Minister, Mr Downie, of the day, in saying, ‘Listen, whatever has to be done, has to be done’ and, of course, the result of that was that the vets and the slaughtermen arrived on the yard and he and his wife and his daughter, who run this unit, had to actually be part of killing off a total of 1,500 pigs, which was their entire stock of breeders and obviously followers.

Now, that devastated them, as you can well imagine. However, when the dust settled and all these pigs had been buried on his yard, you can imagine, actually, at that stage, not all, about 40 of his sows which that were actually in pig were still alive at this time when the message came through that these 34 had proved negative. That they did not have foot-and-mouth and, therefore, he pleaded at the time, could he not, therefore, keep the 40 sows that were actually having piglets as they spoke, so that he could start his unit.

But – and again, I have to say it was everybody’s agreement – it was too big a risk to actually allow that to happen, because you could get negative results and yet they could be carriers and, therefore, these 40 sows in pig were actually slaughtered, as well. So there is the scene set, this man is devastated. His family are devastated. He actually then came through a time where he was under the doctor and he had a nervous breakdown and his situation, after cleaning down the farm, was such that it was not like a

business where you could go out then and buy more products to put on the shelves in a shop. This was a breeding cycle that had again to be built up.

He was not allowed, due to the precautionary measures, to even put stock on the farm for six months, because he was under quarantine. Then he had difficulty in actually stocking, because the outbreak in the UK was still, as they say, rampant and, therefore, he has gone through a period of time where he was not able to earn a living. He was not able to produce, because he did not have the pigs and the cycle, as we all know, with whatever animals - although I have to admit pigs are actually quicker than if you go into beef, or whatever, because the cycle there is much longer - but, nevertheless, you cannot just produce them overnight.

Now, what I am coming to, Hon. Members, and Mr President, is this: we had introduced certain schemes to enable people to be assisted and helped. The one thing, of course, that probably we never even thought or dreamt could be possible was having someone who did not have foot-and-mouth, but have his entire stock killed and, therefore, you could say that all these healthy animals were killed for no . . . No, I would not say for nothing, because it was something that had to be done at the time, it was a decision that was made, but what I am saying now, Mr President, is, that hindsight is a marvellous thing, but when you look back and see the situation that that man was in, we had introduced a scheme to assist the tourist premises and anybody else that had losses with a limit, with a cap, but we had never thought of a situation of a farmer, because I think it was always in our mind that if we got foot-and-mouth, the Island would be devastated, anyway, and the entire animals of the Isle of Man would be gone.

But here we have one man, who put a petition to Tynwald, asking for his petition to be picked up to be looked into, to see if there is not a vehicle in which he could be helped.

Now, all I am saying today and tonight, Mr President, is this: I would say to Hon. Members, let three hon. people of this Court, Hon. Members, sit down and go through the information that is available. I have got it all here. I have got the situation in 23 pages, like a diary, with those first 6 o'clock and 7 o'clock telephone calls, and that is really what I am saying.

I think this man and his family deserve a committee of three to look into the situation and see if this Court cannot then look towards a way in which he could be helped. Now I am not saying his claim that he was asked to put in is absolutely what I am looking at, because I know that loss adjusters have already looked at his claim, but that is detail, that is the area that I would hope that a select committee could look into.

So, Mr President, I will not keep Members further tonight, only to say, can a committee look at the petition of this man, who put it to Tynwald this last July and, therefore, come forward to the Court with their comments and their recommendations, sir. I beg to move.

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

Mr Karran: I beg to second and reserve my remarks.

The President: Hon. Member, Mr Quayle.

Mr Quayle: Thank you, Mr President. I really rose to second that particular motion standing in the name of Mr

Gelling - beaten to it, I know, by the Hon. Member for Onchan, Mr Karran.

However, I will be very brief, just saying that it has been so well outlined by the Member who has resumed his seat and I think it would be eminently reasonable to allow this to go before a select committee.

The President: Hon. Member, Mr Downie.

Mr Downie: Yes, the Hon. Member of Council, Mr Gelling, is quite right.

Under the present rules and regulations that we have, which enable for outbreaks of disease such as this to slaughter animals, the compensation levels have not really been adjusted for some time and this is what the crux of the matter hinges on.

I know, at the time, there was much debate in the Department about this issue. There was an additional set of papers put to Treasury, but, because we did not have the necessary rules and regulations to deal with this, it was felt, at the time, that the Department could not go any further with this and I think this is what has prompted the Hon. Member of Council, Mr Gelling, and Mr Newton to get together and come forward with a petition.

I have no hesitation whatsoever in supporting it. I know that a lot of information has been collated by Mr Newton about his loss of living and his loss of profits, and so on. He was caught in an unfortunate situation and, as the situation in the UK became more and more prolonged, it presented Mr Newton with even more difficulties.

Could I just say that, when you are talking about foot-and-mouth disease, the porcine species - that is, the pigs - catching foot-and-mouth is probably one of the most virulent spreaders of the disease. A sneeze from one infected pig can produce enough virus to infect about 250,000 other animals and they come down with the disease very, very quickly indeed, and, if you leave it until they are actually sneezing themselves and spreading the disease on the air, you could have had the whole Island infected within a matter of hours. So that is really why this very quick decision was taken to deal with this matter, because of the serious threat it posed to both the wildlife and to the animals of the Isle of Man.

Three Members: Vote.

The President: Do you wish to say anything more, Mr Gelling?

Mr Gelling: Only, Mr President, to say that I have no criticism whatsoever of how the Departments worked.

They worked tremendously well together and, actually, I think that has been the success of the way in which we were able to keep it out. So, in that respect, no criticism; it is only that the vehicle was not identified to be able to help this particular case, sir.

The President: Hon. Members, the motion I put is that printed at 29. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Therefore, Hon. Members, we require nominations for three places.

Mr Karran: I propose the Hon. Member for Middle, Mr Quayle.

Mr Braidwood: I beg to second, Mr President.

Mr Cretney: Could I propose the Hon. Member –

The President: Mr Gill.

Mr Gill: I propose my colleague for Rushen, Mr Gawne, sir.

The President: Mr Cretney, you were . . . ?

Mr Cretney: I was going to propose the Hon. Member of Council, Mr Gelling.

Mr Henderson: I beg to second Mr Gelling.

A Member: I second Mr Gelling.

Mr Houghton: Can I second Mr Gawne.

Mr Lowey: Can I propose the Hon. Member for Onchan, Mr Karran.

Mr Rimington: I second Mr Karran.

Mr Braidwood: I would like to propose the Hon. Member for West Douglas, Mr Downie, Mr President.

Mrs Crowe: No, he is the Minister.

Members: No.

Mrs Crowe: The Hon. Member for East Douglas, Mrs Cannell, who has no farming interests - my reason for the proposal.

Mr Karran: I will second that.

Mr Singer: I propose nominations closed, Mr President.

Mr Houghton: Vote.

The President: When the ballot papers are around, Hon. Members, we will notify you of the names. Have you all got your ballot papers, Hon. Members? (**Mrs Crowe:** Yes.) The Clerk will read the names.

The Clerk: The Members nominated, Mr President, are Mr Gelling, Mrs Cannell, Mr Gawne, Mr Karran and Mr Quayle.

The President: We require three members, Hon. Members. Mr Singer to act as teller for the Council.

The Speaker: Mrs Craine to act as teller for the Keys, please.

A ballot took place.

The President: Hon. Members, the result of the ballot: Mr Gelling, 23 votes; Mrs Cannell, 13 votes; Mr Gawne, 16 votes; Mr Karran, 9 votes; Mr Quayle, 17 votes.

I declare that Mr Gelling, Mr Gawne and Mr Quayle are the committee relevant to Item 29 on your Order Paper, Hon. Members.

Redress for Mr & Mrs D Spadoni
Debate commenced
Debate adjourned for three months

30. The Hon. Member for Rushen (Mr Rimington) to move:

That Tynwald appoints a Select Committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to -

(a) investigate the circumstances of the Suzanna D's stability failure,

(b) investigate the role of the Isle of Man authorities, and

(c) seek a means of redress for Mr & Mrs Spadoni, and report back with recommendations.

The President: I call on the Hon. Member for Rushen, Mr Rimington, to move.

Mr Rimington: Mr President, it is not with any joy that I rise to speak to the motion in my name. I have given Hon. Members a precis of the evidence and the circumstances relating to this case, such a precis being the report on the *Suzanna D* contained in your Tynwald papers.

I seek justice for my constituents. The justice I seek is more than financial compensation for the losses incurred by Mr and Mrs Spadoni. It is now time that the incompetence and maladministration that exists in the United Kingdom Maritime Coastguard Agency (MCA) is substantiated and made public once again. It is time that the failures of our own authorities on the Island, which I allege have hindered the resolution of my constituents' claim, are also laid bare. That is the justice I seek today.

Before I expand on these issues, I must say a few words on the necessity of establishing a select committee. This is a case that should properly be considered by an ombudsman. (**Mr Gill:** Hear, hear.) The heart of the case is maladministration, with some quasi-legal issues and matters of technical complexity. My report has reference to a similar case, which was heard by the UK ombudsman and which found in the boat owners' favour. If the *Suzanna D* was a UK registered vessel and Mr and Mrs Spadoni were UK citizens, the terms of the UK ombudsman's ruling would have obligated fair compensation a long time ago. Unfortunately, we do not have an ombudsman - properly called a 'parliamentary commissioner for administration' - on the Island and the proposal to establish such a post seems to have sunk into obscurity.

Mr Gill: Shame.

Mr Singer: The Minister's fault.

Mr Rimington: The writ of the UK ombudsman does not extend to the Isle of Man.

I had considered asking for an inquiry established under the new Inquiries and Evidence Act. Such an inquiry, say, with the legal chairman from the Manx Bar and a professional assessor, could deal with this case with expedition and skill.

However, given recent events, I did not think Hon. Members would favour such a course of action and, thus, it was not proposed.

On simple examination, this case looks as if it should be resolved in the court. It is not that simple. Mr and Mrs Spadoni have no money for a legal action. They cannot receive legal aid on the Island to fight in the UK courts. They have been advised by their UK solicitors that there will be only a remote chance of receiving legal aid in the UK.

The similar case I referred to a moment ago was heard by the High Court in England and they found in favour of the boat owner. The case then went to the appeal courts and, despite expressing their sorrow that the law did not follow the path of natural justice in this instance, the judges found against the boat owners on a strict interpretation of the law of tort, and hence the case went to the ombudsman.

I have confirmed, in the last few days, from both the UK solicitors and my constituents' Isle of Man advocate, that a legal route in either the UK or the Island is extremely unlikely. Therefore, the mechanism that is before you is that of a select committee of this Hon. Court.

I do not believe that Hon. Members are elected to spend many months investigating complex issues of maladministration through a cumbersome committee process. It may be suggested that a legal route should be followed. That route has so far failed to materialise and if any contributor to the debate can highlight such a route I would be grateful.

If, perchance, a legal route does become appropriate, then there is no conflict with a select committee. A select committee can adjourn, sine die, whilst legal proceedings are completed and then reconvene to investigate the matters of public interest.

I will now return to the substantive issues. Hon. Members, the *Suzanna D* should never have been accepted on to the UK register in the early 1980s. The original construction drawings of 1966 show it to be a stability failure and this is evidenced in appendix F. There is no record of a fully valid stability test in the file of the vessel, until it came to the Isle of Man.

The surveyor in a similar case that went before the courts and the ombudsman was a Mr R Jones. He was shown to have issued a safety certificate, based on a test that never took place. All he did was write a new date over the date of a test seven years earlier. That earlier test, by the same Mr Jones, was incorrectly calculated. These are facts in the record of the court.

The name of Mr R Jones is evident in the file of the *Suzanna D*. In fact, of all the entries of MCA surveyors in the file, the name of Mr R Jones is entered more times than all the other entries put together. A safety certificate was issued for the *Suzanna D* in 1997, based on an invalid stability test.

Further stability tests took place in 1998. The wrong values were used in the calculations, as I have detailed in appendix E, and, therefore, the test showed a stability pass, instead of a stability failure. The safety certificate should have been annulled by the test. Instead, it gave Mr and Mrs Spadoni the false notion that they were buying a stable vessel.

At this point, I must make it clear to Hon. Members that both the Court and the UK ombudsman accepted as fact that the purchaser of a vessel would rely on the safety certificate to establish the stability. The pre-sale surveyor would not undertake a stability test if it had a valid certificate and no modifications had taken place in the interim. That

evidence is categoric and there should be no suggestion that, somehow, my constituents were to blame for not stability testing the vessel prior to purchase.

The vessel joined the Manx register and was refurbished in Portsmouth, with all works being properly recorded and overseen by the MCA, who are now acting as agents for the Isle of Man administration. Prior to its return to the Isle of Man, it was roll tested by the MCA and deemed a stability pass, albeit marginal.

Five months later, in April 2000, in a roll test supervised by the Marine Administration, the vessel was found to be a massive stability failure. This was confirmed by a definitive inclining test shortly afterwards in Ramsey.

Up to this point the actions of the Isle of Man Marine Administration were exemplary: they had questioned the marginal pass in Portsmouth; they had questioned that their instruction for a full inclining test had not been carried out; they were refusing to give Mr and Mrs Spadoni a normal four-year certificate, which was causing Mr and Mrs Spadoni huge problems with their insurers.

The Marine Administration asked for the MCA file on the *Suzanna D*. They studied that file and realised that the vessel was a stability disaster, as itemised in appendix C, and ordered it to be tested immediately in the Isle of Man. The Marine Administration were verbally very strong in their criticism of the MCA file.

Unfortunately, verbal criticism is not enough, and, at this point in time, in the early summer of 2000, the Marine Administration failed to undertake its statutory duty.

The *Suzanna D* had been sailing on the Manx register for four and a half months, whilst it was a massive stability failure. Lives could have been lost at any time, and, indeed, that nearly happened. The safety regulations had been breached. It does not require a sinking and loss of life, such as with the *Solway Harvester*, for the due process of law to take place.

The Marine Administration, as the regulatory authority, had a responsibility to initiate an investigation into the breach of regulations that had placed the lives of Manx fishermen in danger. No such investigation took place.

They were not short of evidence. The Marine Administration had the file of the boat. The boat was then detained and berthed in Ramsey. Details of the previous refurbishment were all there for the asking. There was no impediment to a thorough investigation, except, I suspect, that the transgressor was none other than the MCA, with whom they have a working relationship.

I accept that one Crown authority cannot prosecute another Crown authority, but a full report should have been made for action to be taken by the appropriate UK authorities. The consequences of not making a thorough investigation are far-reaching.

First, there is no pressure to purge the MCA of its 'rotten apples' – rotten apples that successfully offloaded a duff vessel onto the Manx register. How many other fishing boats have files which are similarly riddled with incompetence and mal-administration? How many of these boats are at the bottom of the sea with lives lost? Such gross incompetence that endangers the lives of fishermen should not be covered up. (**Mr Karran:** Hear, hear.) Should not the UK Government insist that a complete audit of such vessels is undertaken by the MCA to ensure that future lives are not placed in danger?

Second, the integrity of Marine Administration is placed

under question. When does the Marine Administration act upon a breach of regulations? Only when it suits their purpose and does not cause embarrassment? Was it an officer-led decision not to investigate, or was a politically influenced decision? Was the Attorney General made aware of the regulatory breach and the decision not to launch an investigation?

Third, Mr and Mrs Spadoni lost the support of the body they should most expect support from. They had never been provided with any written explanation by the Marine Administration of the reasons for their vessel's total stability failure.

The Marine Administration has lived in denial of the evidence in its possession. It has been trapped in its early wrong decision, even when all the key personnel have now changed. Thus it refuses to acknowledge now that the MCA file is in any way suspect. It has accused the Spadonis of 'muddying the waters' with their refurbishment, but has done nothing to prove or disprove that allegation. Professional opinion is that the refurbishment probably improved the stability.

The Marine Administration – and I am sorry I have to say this – has either been the source or the conduit for a stream of lies and innuendo (**Mr Gill:** Shame.) that have served to undermine support for the Spadonis from politicians and senior civil servants on the Isle of Man.

They have said things like: 'They employed dodgy contractors in the refurbishment'; 'the work was done on the black market'; 'they cannot provide invoices', et cetera - all black propaganda and never in writing. This has all been countered and shown to be false.

Mr and Mrs Spadoni have not had the level of support they should expect from their own Government, a Government that has already spent well over £1 million in support of the *Solway Harvester* tragedy. (**Mrs Hannan:** Shame.) By the time the due process of law has been completed in the Manx courts, a further huge sum of public money will have been spent in the course of justice.

Mr and Mrs Spadoni applaud the course of justice for the crew of the *Solway Harvester*, but feel betrayed that no such justice has been received by them.

Is justice only to be applied posthumously?

There are reams of evidence of the negotiations over the last few years – evidence of procrastination and unwillingness to compensate fairly. Whether or not it could be judged that Mr and Mrs Spadoni have in any way contributed to the length of these negotiations, the overwhelming guilt must rest with the MCA and other parties.

There have been two interim payments, which, on face value, seem generous. However, on the scale of their losses, they are far from a final settlement figure. I hope there are no snide references to these payments in the ensuing debate.

Mr and Mrs Spadoni live by the courtesy of their bank, whose tolerance and patience must be commended. Those interim payments have long been swallowed up and they are destitute, physically and mentally distraught, and with their livelihood destroyed.

Since writing my speech, I have heard the poison against my constituents that has been spread in the Members' Room. (**Mr Gill:** Shame.) It has been intimated that they have stacks of money and can afford to go to court, if, indeed, there was a legal route. It is alleged that they sold property off Westmoreland Road to DoLGE for urban regeneration for

a sum exceeding £400,000.

I have confronted my constituents with these allegations today – now, for the third time, these allegations – and they have given me permission to speak on their behalf. They have only ever owned two properties: the house they used to live in, and the house they now live in. They own a boat, which has a scrap value, a fishing licence which has greatly decreased in value, and their house. They are in debt to the bank, and, when that debt is called in, they will lose their home. There is no stack of cash.

I know the source of this poison, but I will mention no names for the present. However, it is already documented in my file of evidence.

I ask Members who have been subject to these mistruths to disregard them and treat the persons, who are spreading these numerous lies, with the disdain they have brought upon themselves by their reprehensible actions.

Earlier this year it seemed that, finally, the MCA were willing to enter into an independent process of mediation and arbitration. Along came a totally spurious allegation that I refer to in appendix G. They have used this to derail the mediation process, and hence I am standing up in this Hon. Court today. I will expand on this issue later, if necessary, but I will just simply point out that I have independent professional opinion on the nonsense of these allegations.

Finally, I must mention the case of the *Natalie B*, a vessel owned by a respected Manx fisherman, but on the UK register, not the Manx register. Over a year ago I learnt that the vessel had stability problems and, again, the MCA were in the frame for incompetence. I thought that I had a second case coming into my hands, which would have strengthened my position.

Then word came through that the owner was being looked after by the DTI. The *Natalie B* was in and out of the MacDuff Shipyard, and the owners compensated within a record six months. The owner of the *Natalie B* was lucky. He was in the right place at the right time. I would invite any committee to investigate the contrasting treatment and visit the appropriate paperwork.

Mr President, there is much more I can say, and perhaps I will later, and there are many questions that could be answered. I hope Hon. Members have a flavour of the issues involved and will support me in my bid for justice for my constituents and to bring these matters into the public arena. I beg to move.

The President: Hon. Member, Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

The President: Hon. Member, Mr Downie.

Mr Downie: Yes, thank you Mr President.

In reply to the motion by the Hon. Member for Rushen, Mr Rimington, I would like to add a further clarification. The technical matters are complex and I will try to make them as simple as possible.

Mr and Mrs Spadoni bought a fishing vessel called the *Suzanna D* in 1999. The vessel was built in Holland in 1966, so she was 33 years old when they bought her. She had fished successfully under the Dutch flag for 15 years, and, in 1981, she transferred to the UK flag, where she fished for a further 18 years.

Mr and Mrs Spadoni said, in a meeting with the Chief Minister in February 2001, that they paid £81,000 for the vessel. In correspondence, they have said that they borrowed money from the bank to finance the vessel and that, in total, with legal fees, interest, bank charges and other costs, they owed the bank approximately £180,000 in December 2002. No snide remarks, Hon. Members, from me, but I must tell you that, so far, they have received £375,000 from the UK MCA as a partial settlement of their claim. The vessel –

Mr Rimington: A point of clarification.

The President: Hon. Member.

Mr Rimington: I have documentary evidence that the sum was less than that by a considerable margin.

The President: Hon. Member, Mr Downie, continue.

Mr Downie: I can only go by what I have been told, Mr President, and that is £375,000 for the record.

The vessel transferred to the UK flag in 1981. When she did so, the UK authorities assessed the vessel's stability by a process known as a roll test. This is a special simplified process that is used to determine and measure a boat's stability. It is used for existing older vessels, as an alternative to the more exact and much more expensive process of a full stability assessment.

The roll test is based on a very simple fact. If a vessel has a lot of stability she is what is known as 'stiff', in other words, she will roll very quickly. If she has less stability, she is known as 'tender' and will roll much more slowly. The test involves making the boat roll in a calm dock and timing the rolls.

The test was devised as an effective means of assessing the stability of these older vessels, and has been in use for many years. It is widely accepted as a process that will establish a benchmark for a vessel that has operated successfully and allowed detection of any changes that might reduce stability.

Suzanna D was roll tested and surveyed on numerous occasions whilst she operated under the UK flag, and she was issued with continuing fishing vessel safety certificates. A certificate is issued for 4 years and is renewed on satisfactory survey and a stability check, using a roll test.

When Mr and Mrs Spadoni bought the vessel, she had a current certificate issued in the UK in February 1997 and valid until 2001. The roll test for the issue of the certificate was completed in September 1996. The vessel passed the test. The test was not well conducted and the calculation shows errors, but the test was a pass. The vessel, therefore, met the UK standards for stability in 1996.

In 1998 the then owner of the *Suzanna D* installed a new winch. He engaged the same consultant who had completed the 1996 roll test to check and make sure that the new winch was not causing any stability problems. The consultant miscalculated the test; in fact, the new winch did cause a problem and the vessel should have failed the test.

The test was undertaken at the owner's request, as part of his duty at law to advise the authorities of any changes and maintain his boat in a safe condition. He sent the results to the MCA – that is the Maritime and Coastguard Agency in the UK – who noted the change and the successful roll test. The MCA did not supervise this test. They did not

conduct the test. If they erred, it was in accepting the result from the consultant, without reworking the calculations. The owner subsequently removed the winch and restored the vessel to the condition she was in 1996, so the effects of the 1998 error by the consultants were cancelled out.

Hon. Members, I apologise for taking the time to look at this history in detail, but I feel that it is important to fully understand the points that the Hon. Member, Mr Rimington, makes. When Mr and Mrs Spadoni bought the *Suzanna D* she had a valid safety certificate issued by the Maritime and Coastguard Agency, which was the agency of the UK Government responsible for issuing such certificates.

Now, with your indulgence, I will turn to the issue of law raised in Mr Rimington's report and the case of *Reeman and another v. the Department of Transport and others* in 1997. This case was based on very similar facts. Mr and Mrs Reeman bought a fishing vessel. The vessel had a valid UK certificate. The vessel subsequently failed the stability test and was unable to fish.

Mr and Mrs Reeman went to court, where they won their case. The Department of Transport in the UK appealed the Court of Appeal, which considered all the issues. The Court of Appeal overturned the earlier result and stated the legal position with great clarity. The Lord Chief Justice, Lord Bingham of Cornhill, said:

The purpose of the certificate, and the test which preceded, or should have preceded it, was to safeguard the physical safety of the vessel and her crew. It was not directed in any way to the market value of the vessel. We cannot regard the Department's certificate as if it were a bill of exchange, of which the Raymonds became holders in due course.

Lord Justice Philips, in the leading judgment of the Court, said:

The protection of those whose commercial interest may foreseeably be affected by unseaworthiness of vessels forms no part of the purpose for which fishing vessel certificates are issued.

He also went on to say that:

In such a case as the present, however, it will always be open to a party entering into a commercial transaction in relation to a certificated fishing vessel to take steps such as surveying the vessel or stipulating for contractual warranties that will provide protection.

In other words, the law, as declared by the Court of Appeal, is clear, and says that the Department owed no duty of care to future owners and that a fishing vessel certificate is not, in any sense, a warranty of seaworthiness or stability.

On the basis of this decision, which accurately states the law in this area, it is clear that Mr and Mrs Spadoni have no case against the MCA. They should, before investing heavily in an elderly vessel, have sought expert advice. They should have investigated to see if the vessel would actually meet their needs. The situation is akin to the purchaser who buys a house purely on the strength of a survey report carried out some years earlier by the previous owner, or the buyer of a car who relies purely on the last MOT certificate. Such a purchaser, in my opinion, is foolish.

It is for the purchaser to ensure that what they are buying will be suitable for their needs. The Spadonis, as far we know, made no efforts to assess the suitability of their purchase, and made no effort to engage professional assistance in planning and assessing the significant work that they planned to undertake.

In May 1999 the Isle of Man Marine Administration received a request from Mr and Mrs Spadoni for the survey and inspection of a fishing vessel that they had purchased, with a view to registering the vessel in the Isle of Man. They said that the vessel was to be in Portsmouth for a refit of about four weeks. They also said that they did not want to pay the costs of an Isle of Man marine surveyor attending, and requested that the surveys be undertaken by a surveyor from the UK Maritime and Coastguard Agency, in order to save costs.

It is at this point, Hon. Members, that the Isle of Man Marine Administration became involved in this issue for the first time. Prior to May 1999 they had no knowledge of this vessel whatsoever. They agreed to the Spadonis' request and arranged for an MCA surveyor to be appointed. This was a reasonable thing to do. The MCA is the organisation responsible to the United Kingdom Secretary of State for the standards in British ships. It is the MCA that orders the Isle of Man Marine Administration from time to time to satisfy the Secretary of State that the Marine Administration here is enforcing standards at least as high as those in the UK; only last week an audit team at the Marine Administration undertaking this particular function. It is the MCA that sets the minimum standards for British ships, including Isle of Man ships. The Isle of Man Marine Administration has a duty to enforce at least those standards; it may choose, and does, in some areas, to enforce higher standards.

The process of the refit in Portsmouth took much longer than anticipated. The vessel was not ready until November 1999. During the process, the Isle of Man Marine Administration, whilst talking to the MCA surveyor, became aware that the scale of the refit was much greater than originally anticipated. It had been extended to include a new engine, new electricity generators, reconstruction of parts of the wheelhouse and the installation of new piping systems. The Marine Administration took the view that this amounted to a significant change in the characteristics of the vessel. Indeed, had they known in advance that this scale of work was proposed, they might not have agreed to the use of a MCA surveyor.

They were of a view that such a significant change could affect the vessel's stability, and requested that the MCA conduct a full stability assessment, instead of the much simpler roll test, as I explained earlier.

A full stability assessment is a much more comprehensive exercise. It involves measurements of the vessel's hull shape and the calculation of a large number of factors known as 'hydrostatics'. It includes an inclining test, which establishes the position of the vessel's centre of gravity. When all the hydrostatics are known, and the position of the centre of gravity is known, the vessel's stability can be determined with accuracy.

Unfortunately, the MCA surveyor misunderstood the instruction and conducted a roll test on 16th November. That test showed a very marginal pass. In fact, a pass result was only obtained by the application of an allowance for experimental error. It is also true that the test was not well conducted, but, nevertheless, there is no reason to doubt the result.

The MCA issued a provisional fishing vessel safety certificate and the vessel sailed to the Isle of Man some time in December 1999 or January 2000. This certificate was validly and properly issued.

However, when the certificate was received in the Isle of Man, the Marine Administration noticed that the stability had been assessed by a roll test and not by the computation of full stability, as was originally requested. The Marine Administration also noticed that the result was only a pass by virtue of the application of an allowance for experimental error.

Whilst the Marine Administration is bound to maintain at least the same standards of the MCA, it is open to the Marine Administration to apply higher standards. This is one of those areas. The Marine Administration is of the view that the experimental error is not good practice and, therefore, does not use it.

The consequence was that this vessel seemed to have stability that was very close to the allowable limits. This was a concern to the Marine Administration, and, instead of a full four-year certificate, they issued a short-term certificate, pending receipt of the MCA file for the vessel and a further examination of her stability.

Marine Administration could have refused to issue a certificate at all; instead, and in order to help the Spadonis to make a living from the vessel, they issued a short-term certificate.

This short-term certificate was valid, it was *not* an invalid certificate. It was based on an interim certificate, issued by a responsible authority and based on a roll test for stability that showed a pass result.

Mr and Mrs Spadoni threatened legal action against the Marine Administration, demanding the issue of a full-term certificate. The Marine Administration refused.

When the MCA file was received, Marine Administration studied it and noticed that this vessel seemed to have been close to the allowable limits for stability on a number of occasions. Knowing that major works had been carried out, and that the roll test in November was only passed when the experimental allowance was made, the Marine Administration decided that it was imperative to make another roll test, before issuing a full-term certificate.

At this point, Hon. Members, I would put it to you that the Marine Administration acted throughout in a thoroughly professional manner, a manner entirely consistent with a duty to protect lives at sea.

Mr and Mrs Spadoni objected strenuously to the idea of another roll test and delayed the process, but one was eventually undertaken in April 2000. The vessel failed – she failed by a substantial margin.

The Marine Administration immediately withdrew the vessel's short-term certificate; this was the proper course of action for them to take.

Subsequently, a full assessment of the boat's stability was undertaken at Ramsey, and this confirmed the results of the roll test in April. It was now clear that this vessel had deficient stability.

What was not clear was why the roll test at Portsmouth in November showed a pass, while the tests in the Isle of Man showed a significant failure. Until recently there has never been an explanation for this. The MCA has assumed that their test in Portsmouth was an error. In fact, the MCA was so sure of this that they paid Mr and Mrs Spadoni the sum of £375,000 in total, in two instalments, towards a settlement.

The MCA also offered to place the Spadonis in the position they would have had been in if the boat had not failed her stability test. They offered to test the boat at sea

to measure her performance. Then they planned to take her to Ramsey Shipyard and there modify the hull to whatever extent necessary, in order to make her comply with the stability requirements. Once modified, they planned to take her back to sea, and check that her performance was not reduced and hand her back to the Spadonis. This was to be at no cost to the Spadonis and any risk lay fully with the MCA. Mr and Mrs Spadoni rejected this offer.

Now we have reached a different position. The MCA have made further investigations and discovered that Mr and Mrs Spadoni added additional ballast to the vessel after she was tested in November. They added a quantity of concrete blocks. This was never revealed to the MCA, or to the Isle of Man Marine Administration. Both organisations only became aware of it quite recently. The measurement of ship's stability is a complex science. Generally, it is true that adding weight to the bottom of a vessel will improve the vessel's stability.

However, it is not always true. The addition of weight also makes the vessel deeper in the water. A fishing vessel that is deeper in the water has to have a larger amount of stability, by the regulations, to take account of the fact that the water line is closer to the deck. The volume and shape of the part of the hull that is submerged is different when a boat is deeper in the water, and this affects the hydrostatics.

In the case of the *Suzanna D*, we now have the vessel's full stability particulars, and it is possible to calculate the effects of adding additional ballast with accuracy. The MCA have made this calculation and they say it reveals the difference between the test in Portsmouth in 1999, and the test in the Isle of Man, is fully explained by the extra ballast.

If the concrete is removed, the stability will be exactly as measured in Portsmouth – in other words, the MCA test in November 1999 actually did come up with the correct value. The MCA have requested a further test without the concrete blocks in order to confirm this. The Spadonis have declined permission for this.

The motion before this Court is that a select committee be formed, with three aims. The first aim is to investigate the circumstances of the *Suzanna D*'s stability failure.

Hon. Members, the stability history of this vessel is not relevant to present events. The vessel was considerably modified in 1999 by the Spadonis. She was tested and found to barely meet the requirements for stability. Subsequently, she failed a more thorough test on arrival in the Isle of Man. There is already a process underway to investigate this and determine the true facts. The exercise will cost the Spadonis nothing. They refuse to participate in this exercise. (**Mr Rimington:** Wrong.) I would submit that a Select Committee can achieve no more.

The second aim is to investigate the role of the Isle of Man authorities. Hon. Members, I would say that, throughout this affair, the Isle of Man Marine Administration and the Department of Trade and Industry have acted properly and within the law. Their primary duty is the protection of life at sea. They accepted an interim certificate from a responsible marine administration in the UK. That administration maintains that the vessel would be entirely acceptable on the UK register on the basis of the Portsmouth test.

The Isle of Man Marine Administration applies slightly higher standards in respect of the stability of Manx fishing vessels, and for the purposes of protecting the lives of Manx fishermen. Those standards were applied, and, as soon as

the vessel was found not to meet them, she was prevented from engaging in fishing. There is nothing to investigate.

The third aim is to seek a means of redress for Mr and Mrs Spadoni. Hon. Members, Mr and Mrs Spadoni have already received a sum of £375,000. They have received an offer to modify the boat, so that she meets all requirements, at no cost or no risk to themselves. That they have declined this offer is their choice, but I would submit to you, in this Court, that they have had redress.

The position at law is as declared by the Court of Appeal. They do not have a case against the MCA at law. The MCA has already recognised some degree of error and made a substantial offer of redress. That this has been declined by Mr and Mrs Spadoni, should, in my view, not require the efforts of a select committee to examine it again.

That is all I have to say on this subject, Mr President.

I am sorry I have been a bit long-winded but I also want to put on record that I take exception to some of the allegations that the Hon. Member is throwing out. I did receive a lawyer's letter during discussions that were taking place on this issue. I have never met Mr and Mrs Spadoni, I bear them no animosity whatsoever. I have inherited this situation in the Department, it is long running and I can tell Hon. Members now that we have tried our level best to bring this matter to a satisfactory resolve.

The President: Hon. Member of Council, Mr Singer.

Mr Singer: Thank you, Mr President.

I think we are all . . . the Minister has given a very long explanation, Minister Downie, and I would like to just reinforce some of the things he has said, and add a couple of further comments to try and ascertain the case to try and simplify the position, because it has been a very complicated matter the whole way through.

I believe the Hon. Minister for the Department of Agriculture, in fact, realises, as time has gone on, that the case that he has tried to present has weakened and weakened as it has gone along.

The history of the *Suzanna D* is one where the owners and the Minister have been well aware of the circumstances, in regard to the Marine Division of the DTI, and that the stability problems of the vessel are nothing to do with the DTI – they had nothing to do with the instability of the vessel – and yet letters have gone from the Minister, scattered far and wide across to the United Kingdom, to people in Government in the United Kingdom, complaining about the way that our Marine Division has treated this case.

In simple terms, the MCA in the United Kingdom tested a vessel for stability before it came to the Isle of Man and gave it a certificate, even though, as we have heard, it was a marginal pass. And when it was retested in the Isle of Man it failed the test, and there was no alternative other than to find the vessel unseaworthy. As far as the Isle of Man is concerned, the vessel presented for test was unseaworthy and a certificate was refused.

The mystery is: what, if anything, happened between the two tests? What is clear is that alterations were made to the vessel, either with or without expert advice. One of the main changes was that concrete was placed in the bottom of the vessel, and it is suspected that this action helped produced the instability.

The question is: when was this ballast added? Was it added between the two tests? And the Marine Administration

believe that there is evidence that the owners added the additional ballast to the vessel after the roll test, that this was not made known either to the MCA or the Marine Administration and amounts to an unauthorised significant change, which should have been assessed for its effect on stability, because the Marine Administration believe that it is probable that the addition of this concrete reduced the vessel's stability.

When the MCA inspector witnessed the Marine Administration tests here, I would ask: was he aware of the addition of the ballast? Whilst there are various opinions as to the original vessel test by the MCA in the United Kingdom – as to whether that was properly undertaken or not – the MCA, recognising the original test may have been inconclusive, paid out, as we understand it, £375,000 to the owners after the results of the tests in the Isle of Man.

However, the Spadonis were so dissatisfied that they continue their claim for more money. Whether this was on the advice of the Hon. Minister for Agriculture, I do not know. But what is apparent is that any work that was carried out by the owners between the two tests, was not notified either to the MCA in the United Kingdom or to our Marine Administration.

Now, as the Minister said, the MCA have requested that they retest the vessel and check whether that concrete ballast was in the bottom of the vessel at the time of the original test, or whether it was added afterwards. And the owners, for reasons known to themselves, and possibly the Hon. Minister, have refused to permit the retest, and I believe there is a possibility that the MCA will now seek the return of that £375,000.

But, during all this time – and the Minister did refer to this – officers of the DTI Administration have been subjected to a disgraceful tirade of abuse and threats from the Minister of Agriculture and the Spadonis. Much of what has gone on is irrelevant, as far as the DTI and the Isle of Man Government are concerned, and I would totally defend the actions of the Marine Administration and their integrity, which has been challenged, and I hope that this Court will show their support of the Marine Administration, and their professionalism.

I would ask the Court to consider the following matters. The Isle of Man Government acted correctly in refusing the certificate, in the best interests of prevention of loss of life at sea. The accuracy of the MCA test in the United Kingdom does not have any relevance, as far as this Government is concerned, and the decision by the MCA is an argument between the owners of the vessel and the MCA, although, as we have heard, a Court of Appeal ruling on a similar case would indicate that the Spadonis would have no case against the MCA.

I would ask: why have the Spadonis withdrawn their permission for the *Suzanna D* to be reinspected by the MCA? The Marine Administration has no legal basis whatsoever to launch an investigation of the actions of the MCA in respect of a United Kingdom registered fishing vessel in the United Kingdom. The matter is not one for Tynwald, as it is a matter that should be dealt with through the courts, and, therefore, I hope Hon. Members will support the Minister of the DTI and will support the Marine Administration in rejecting the proposals before us tonight.

Thank you, Mr President.

The President: Hon. Member, Mr Gill. No? Mr Attorney.

The Attorney General: Mr President, thank you.

I suggest, if I may make a few comments, and I am particularly sensitive of the comment made by the Hon. Member, the Minister for Agriculture, that if this inquiry were to be established, one of the matters which would be looked into is the position of the Attorney General, as to whether he should have played, perhaps, a more active role in relation to a prosecution. I am particularly aware of that and I will try to be circumspect in my comments.

But if I may, I would just refer to the fact that, as I understood it, the Hon. Minister said that he fully acknowledged that the Marine Administration could not prosecute the MCA, it had no jurisdiction in relation to the MCA, in relation to Manx criminal law, and, therefore, I would suggest that the Attorney General's position would not be called into play, but I shall move on.

My primary concern in rising to my feet is to, perhaps, give some guidance, if I may, in relation to the essential legal position, as I see it, and to really ask Hon. Members if there is any real value and worth in establishing a select committee.

We have, I think, a situation where there is no doubt that there has been a very difficult situation for the Spadonis and one in respect of which one might have sympathy. It seemed, at one stage, that there might be an allegation of fault on the part of the MCA, although, as we have heard from the Minister, other issues have now arisen which might put the question of fault in issue.

But the important thing is that the MCA is outside the jurisdiction of this Island. It is outside the jurisdiction of this Court, the High Court, and of the criminal courts in the Isle of Man.

That being so, one asks: who is at fault within the jurisdiction of the Isle of Man? Again, one has seen that, from the speech of the Hon. Minister, in his view, the actions of the Marine Administration, as I understood him to say, were initially exemplary, and the Marine Administration acted entirely properly.

The criticism, as I understand it, is that the Marine Administration did not go further and then, as it were, bring some action against the MCA in England, but, as I have said, there is no jurisdiction in criminal law and we have heard that there is a Court of Appeal case in England, which says in the civil law, equally, there is no claim against the MCA.

So, although one might have sympathy, and, of course, sympathy arises in many, many cases, where litigants believe they have a proper case, but are defeated, sometimes on a technicality – often on a technicality. Nonetheless, I am afraid that litigants are sometimes left without a remedy, and it seems to me that the danger of the motion proceeding, as the Hon. Member is suggesting, is that this Hon. Court of Tynwald is invited to stand in and act as a court of appeal where all other remedies have failed. That, in my respectful view, leaving aside the merits of this case, and I have tried to steer clear of that, it does, does it not, create a very dangerous precedent? Whenever we have a situation where litigants fail or are disinclined to proceed in the courts, for all sorts of reasons – they might not have resources to proceed in court, they might not be entitled to legal aid – but are we in every case, going to be asked to set up a Select Committee?

In my respectful view, this is the very case which is *not* appropriate for Hon. Members; with the greatest will in the

world, this is the sort of case which has perplexed a High Court Judge in England, whose decision was overturned by the Court of Appeal, and in respect of which many court experts were required.

I should have thought – and I have spoken to the Hon. Member about this – that if his constituents believe that they have a proper case, they must get on with it in the courts. There is no one else who can help them, in my respectful view, and the danger is that, if there is delay in pursuing the case, the right of action that they might have, they be advised to have in Manx law, could be lost, because they are going to be faced with the defence: ‘You are too late, you have slept on your rights, the statutory limitation now cuts off your remedy.’

I am concerned – as I say, I must not dwell too much on the merits of the case – about the precedent that might be set in this sort of case, where we have very, very difficult, complex questions of law. In my respectful view, if the Hon. Member’s motion were to succeed, three Members of this Hon. Court would be tied up for a great deal of time, a great deal of expense would be incurred in summoning witnesses. But, bear in mind, the main witness, the main party that the Spadonis say is at fault, cannot be called, cannot be summoned, cannot give evidence and any evidence that could be put before the Committee, would be hearsay and inadmissible in a court.

I do hope that Hon. Members regard this as being an endeavour to help in relation to the type of case which you are being asked to adjudicate upon. I hope it will be helpful in deciding whether this would create an undesirable precedent, and, Mr President, with that I finish my speech.

The President: Hon. Member, Mr Gill.

Mr Gill: Thank you, Eaghtyrane.

We have taken the story from different perspectives, with lots of different facts to support each view, and I am not in a position to say where the truth of the matter lies.

If I could begin with some of the comments from the Hon. Member for the Department of Trade and Industry, Mr Downie, where he reminds us that the MCA is responsible in Britain for the safety of British ships, including setting minimum standards, and then he goes on to remind us that the Marine Administration (MA) here on the Isle of Man, can and does choose to set higher standards.

So he said there is a relationship between the MCA and the MA, they are related, and they work closely together. That is a fact: there is a relationship there, they have mutual interests.

Even by Mr Downie’s admission – and I hope he will excuse me if I have got some of the phrases wrong, but the emphasis is pretty much the same – he accepts that tests were not well conducted, that there were flawed procedures, incorrect assessments and a lack of clarity about the results of the Portsmouth test. These are accepted as being mistakes, as being poor practice, at very best.

And he also uses the analogy of the foolishness of a purchaser buying a car on the strength of an old MOT, or a house on a dated survey, and that is fair comment, but I think they are poor analogies in this case; they do not extend to this case.

We have heard the DTI Minister offer a version which firmly puts the blame onto the Spadonis, and you may feel that he has made some plausible and even compelling

arguments, but I would contend that, sadly for the Minister, he omits certain crucial points: he puts great emphasis on the concrete ballast, but, as I understand it, his Department was aware of that concrete ballast at the time of the test. Now, if that is wrong, I stand to be corrected, but I am not very confident that I am going to accept a correction from the DTI, because they have a vested interest! I do not doubt their veracity in this, but I do doubt their accuracy.

Further, we have heard that the MCA accept that they may have been ‘at some fault’, I think was the phrase, and they have tried to remedy this, and there is some uncertainty about the actual amount which has been determined for that.

So there seems to be so much disagreement in this case, even about facts which an investigating body could determine quite simply. But such determination seems, at the moment, impossible to reach.

As we have heard, in the UK an ombudsman would investigate and such a finding would be the end of it. I would welcome that system. It is a great shame that we do not yet have an ombudsman service, and I hope that, one day, we will be in the happy position of having such a service, and I doubt that anyone – except, of course, those who are culpable of mal-administration, or trying to cover it up – would argue with that sentiment, or, indeed, would argue with the need for such a service. That has been a common thread in this place, and elsewhere, over the past two years, to my certain knowledge, and I am sure Members who have been here a long time before me will be very well versed in the argument about transparency in Government.

We have heard my colleague, Mr Rimington, being attacked for tenaciously progressing, and, as I understand it, against at least inertia, if not threats, from the establishment, and yet he is accused of being abusive and threatening. Well, sir, they are not qualities I know from John Rimington. They are not qualities I have ever seen from him –

Mr Singer: I’ll show you the phone call.

Mr Gill: – and I find that extremely difficult, and I wonder what the motivation of the person laying those allegations against my Hon. Colleague is.

So we have heard the learned Attorney General’s wise comments and, of course, I bow to his expertise and to his advice. But I do take issue, with respect, when he represents issues by saying that the imperative here is to get the Marine Administration to act against the MCA. I do not think that is what we are looking for.

What we are looking for is transparency – transparency about what has gone on; facts which can be determined quite simply, that is all. What will flow from that will be a separate matter. Now, I think that is entirely reasonable. In fact, I find it very *unreasonable* to argue against that. I find it even more unreasonable to argue against it by attacking and accusing my colleague for doing his duty. That is me speaking; others will have different opinions.

We have also heard the learned Attorney’s comments about the inappropriateness of a Select Committee sitting in judgement of this, and I am sure that is absolutely right, but, as a starting point, I think it is perfectly reasonable for my colleague to suggest that.

What I have, and Hon. Members will be aware, is an amendment, which incorporates that advice from the Attorney General – and I know it will not be popular in

some quarters – and I will not read the amendment, but effectively, it is to delete ‘a Select Committee’ and substitute ‘instructs the Council of Ministers to appoint a Commission’.

I know we have had our fill of commissions, and I would be reluctant to have another commission, but, at the end of the day, if that is the only measure that we are going to be able to apply to actually have some transparency and, hopefully then, some justice in this case, albeit with a slightly heavy heart, because I am not in favour of expenditure for the sake of it, but we do not have an ombudsman system, it is not appropriate for a select committee. That is the avenue which might afford the Spadonis some justice, some transparency.

So I do not know if that will get the support of this Court; I hope it does. All I can say is that blame has been put on the Spadonis. None of us would want to swap places with the invidious position that they find themselves in today. We have heard that their livelihoods are at risk, the very roof over their heads is at risk, and for what? For the purchase of a vessel, which, from its design and construction, was unsuitable for the purpose. So unsuitable that it was a danger to the crew.

My Hon. Colleague, Mr Rimington, made mention of the *Solway Harvester*, and this Hon. Court took great pride in the response to that tragedy and they received great acclaim from the people of Whithorn, and I applaud that. But I do not think that rejecting this would reflect quite as well. I think that would tarnish that more proud episode in our history.

I also think that it would set a benchmark that says, ‘If there are dodgy dealings, if lives are lost at sea, well, we cannot have the MA accusing the MCA of anything. That would not be right. We are all in the same boat, lads’. But the boat that the Spadonis are in is unseaworthy and has always been. It is unfair and unreasonable to accuse and blame them for some action that they took in good faith. If it turns out that there is some blame to attach to them, let us have an independent commission to determine that. If they are, as I contend and I believe, acting entirely properly and honestly, let us have a commission to determine that. I hope that the vote will support the amendment in my name, and I beg to move it, sir:

Delete the words from ‘appoints a Select Committee’ to the end and substitute:

‘instructs the Council of Ministers to appoint a Commission of three independent persons to hold an Inquiry exercising the powers contained in the Inquiries (Evidence) Act 2003 for the purpose of -

(a) investigating the circumstances of the Suzanna D’s stability failure;

(b) investigating the role of the Isle of Man authorities, and

(c) seeking a means of redress for Mr & Mrs D Spadoni, the report of the Commission to be made to the Council of Ministers and laid before Tynwald.’

The President: Hon. Member, Mr Quayle.

Mr Quayle: Not to second, Mr President, but I wondered, having the benefit of the advice of the learned Attorney, would he perhaps share with us his recommendation or otherwise about what has just been proposed, as it seems to me –

Mr Cannan: It hasn’t been seconded.

Mr Quayle: – that, if it is seconded, it might be appropriate for the learned Attorney.

The President: Mr Attorney.

The Attorney General: Mr President, thank you.

Well, Mr President, as I understand it, the Hon. Member would like to have my views as to whether my objections, as it were, to the Tynwald Select Committee apply equally to the proposed commission, and I can confirm that this is precisely my view.

I think that, again, if we were to have a situation where disgruntled clients can go to their representative in Tynwald and ask that the Council of Ministers be instructed to appoint a committee of three independent persons to hold an inquiry, we have the danger that another level of courts, tribunals, courts of appeal, being established, and, of course, at huge cost.

The President: Hon. Member, Mr Karran.

Mr Karran: Eaghtyrane, as I was asked whether I would second this proposal, I will second this proposal, even though I am very concerned about it.

I am horrified tonight at this debate. It is the most worrying debate I have had in a long time. I have to be honest with you, from what I have seen around this debate, of where I was, ‘well, there might be something in it, and it would not be a problem going to a select committee anyway’, I am *very* concerned about what has been said in this Hon. Court tonight. If ever there were any embers, as far as some sort of cover up, the reactions in this Hon. Court have made me more concerned that maybe there is more need for something to be done, as far as this whole case is concerned.

And I have to say, I take exception to the Attorney General, that we now have the Attorney General getting into politics and telling us that we are not able to do this –

Several Members: Oh, no!

Mr Karran: – it is too complicated for this Hon. Court. *(Interjections)* The point is, is that is the influence. And what is the point having a petition of grievance system –

The President: This isn’t a petition of grievance. *(Interjections)*

Mr Karran: – as far as the Court is concerned, if we are going to end up saying things, and yet more are going to be filtered out, as far as what can come and be properly investigated in this Hon. Court?

The only concern I have, as far going down the road of the Hon. Member for Rushen, Mr Gill’s, proposal, is the fact that the Council of Ministers will be picking the very people who are on the commission. That concerns me, I have to be perfectly honest with you. And that was something that I would have preferred to have seen some way of . . . We have got to try and get a way of the separation of power.

The very people who have the most to be concerned about are the very people who are going to be picking the people who are going on the commission! That concerns me.

But I will put my negativity to one side, as far as that is concerned, and I will second the proposal here today for it, and I just hope that the Ard-shirveishagh proves me wrong. I know what was going to be dealt for other issues, as far as commissions of inquiry were concerned, and I just hope that the Council of Ministers will uphold the dignity of Tynwald and make sure that we do pick people who will look at this without fear or favour, as far as that is concerned. Maybe we could have some sort of recommendations of who they are who are going to be put on this commission of inquiry.

I will second the proposal. I have to say that I am rather alarmed about what I have heard today, in the 18 or 19 years that I have been in this Hon. Court, and I have to say that I applaud the Hon. Member for Rushen for being prepared to stand up and do what he believes is right, without the worry of the lobotomy club that so often affects this mutual appreciation society that seems to affect the Council of Ministers.

The President: Hon. Member for Peel.

Mrs Hannan: Thank you Eaghtyrane.

As Members are aware, I represent Peel, which is a major fishing port, and I know that my constituents, from time to time, have problems with vessel stability, new vessels, and great difficulties with vessels complying with the regulations to be licensed, so I sympathise greatly with the case that has been put by the Member for Rushen, Mr Rimington.

But I actually think that neither of these suggestions that have been put before us – either a select committee or a commission of three independent persons – actually solves the problem, or can get to the bottom of what exactly has happened.

Mr Singer: Get it retested.

Mrs Hannan: I have no ‘magic wand’ to try to get to the bottom of it. What I would suggest – and if I could put this forward as another amendment – if I could ask the Council of Ministers to see if they could at least investigate the Isle of Man part of it and, maybe, they can get further information that could feed back to us. But I do not think that would actually solve the problem that has been placed before us today.

I know, from the difficulties that my constituents have with regard to stability and the roll, and whether there is a problem with them or not, I know my constituents get extremely upset about it, and I can understand the concern and the frustration of Mr and Mrs Spadoni in this case.

My concern is that we discuss this tonight and both of these issues – either the proposal or amendment – are lost, and it leaves everything up in the air, from what has actually been said here tonight. I think my concern would be that, maybe, the Council of Ministers appoint three Ministers to actually look at the situation, between the points that have been made tonight, and can actually assess them, because, in actual fact, that is what has been asked of the select committee, or it is being asked of an independent persons.

Now, I do not think either of these are going to solve the problem of redress, or the role of the Manx authorities. It might cover the role of the Manx authorities, but we certainly cannot get to the MCA to find out exactly what happened there, and we have heard from the Minister for

the Department of Trade and Industry that they are now throwing another spanner in the works by saying that something happened when people did not know about it. So there is this difficulty right the way through it. What I would like to see is that somebody looks at the information and can do an assessment.

The President: Hon. Member, I consider, in fact, that you are struggling there whilst on your feet to try to think of a possible other amendment. I am quite happy to give the learned Clerk and yourself three or four minutes to draft an amendment, if it is practical and helpful to yourself.

Mr Downie: Just speaking to the amendment –

The President: There is no . . . I am still trying to sort out Mrs Hannan. the Hon. Member for Peel has the floor at the present time. I have stopped her, as I am a bit concerned that she is trying to get round an amendment while talking on her feet. That is the point I make.

Mr Speaker, do you wish to intervene, sir? No. Right. As Mrs Hannan is aware, I do not know . . . Learned Clerk, if you could assist her to draft an amendment. She is trying to write.

The Clerk: Mr President, I have done so. I will have it printed and brought in.

The President: Give it to Mrs Hannan. If she is content, we may make progress, Hon. Members. Continue, then, Mrs Hannan, if you would, please.

Mrs Hannan: What I am proposing is:

That the Council of Ministers investigate the circumstances of the Suzanna D’s stability failure, investigate the role of the Isle of Man Authorities and seek a means of redress.

The reason why I suggest this is that I feel that issues have been raised in the Court, and, even if any of these issues cannot be followed up, I think it should be in a report as to why they cannot be followed, when the Council of Ministers have, in actual fact, looked at this particular issue.

I feel it cannot be left up in the air, that there should be something on record to say that it has been looked at, even if we can not go any further, and report back.

The President: Mr Speaker.

The Speaker: Thank you, Mr President.

I was not going to speak on this issue. In fact, apart from hearing the name on a number of occasions over the last few years, and because the name is what it is of the family, it stands out, as against the name like ‘Brown’, and, therefore, when I have heard the name mentioned and the issue of the problem, then it has always been easier to recall when I have heard people discuss it. But I have never become involved, clearly, as they are not constituents of mine and I never really heard much about it.

I have sat here, then, listening very much about what has been said and I have to say I am quite concerned. I am concerned because of what has been said. The two main parties, i.e. the Hon. Member for Rushen, Mr Rimington,

and the Hon. Member for Douglas West, Minister for Trade and Industry, have both put two sides of a case before Tynwald Court (**Mrs Crowe:** Absolutely.) and it is just left there, and that is not acceptable.

Mr Karran: I agree.

Mr Downie: It shouldn't be here. (*Interjections*)

The Speaker: The Member has a right to bring it here, as the Hon. Member for Douglas West knows, and that is, then, when it is here, a matter for Tynwald Court to deal with.

The one issue that stands out to me, and I think it is an important issue, is whether or not and what the rights and wrongs are, we do not have an ombudsman, and, therefore, Tynwald Court becomes the ombudsman if it appoints a select committee – or that select committee does – and that is a simplistic principle to me, because we do not have anything else.

I certainly do not agree that we should have a commission of inquiry – not because of the issue of the Mount Murray Inquiry, but because, quite honestly, I think we are maybe pushing it too far when, in fact, Tynwald may well be able to do the job.

I listened with interest to the Attorney General. And what he said is, with respect to us all, nothing new. We all – most of us, I think – know we can only act within our jurisdiction. I think that we have to be absolutely clear and honest to Mr and Mrs Spadoni, that they understand that: we cannot summon the MCA. We cannot summon the officials of the MCA. We can only act with our own people in the Isle of Man – no different than if we were France. France cannot interfere in the UK. We are not part of the UK, we cannot interfere in the UK. We are a separate country, a separate jurisdiction.

So, if those boundaries are clearly defined, then I have to say I do not see where there is a problem with the motion on the Order Paper, if we wish to support it.

I accept all that the Attorney said, and, clearly, we are not a High Court or an Appeal Court. In my view, we would be acting as a select committee of Tynwald, looking into the issues.

What I think swings it for me to provide support is, in fact, because of the accusations that have been made, and have been rebuffed, and we are the 'piggies in the middle'. We do not know. (**Mrs Crowe:** Exactly.) (**Two Members:** Hear, hear.)

And the point is they have now been made in a public arena, and I think the public need to know. I think we need to know, and we also need to know why Mr and Mrs Spadoni are reluctant to allow their vessel to be further checked, if that is true, and it is all left in the air. And I have to say it leaves a bad taste, (**Mr Karran:** Hear, hear.) and we cannot leave it alone, whether we want to or not.

I do not believe the right way forward is to send it up to the Council of Ministers, with the greatest respect; not because I do not have respect for the Council of Ministers as a body, but it is just wrong. In all honesty, this is outside of Government, because it is Government which is going to be investigated, if Tynwald says we need to look into this. If our Marine Administration has not done what it should have done, if accusations have been made, if lies have been told, then we have a duty to investigate and bring that evidence back here to Tynwald Court. I think it is as simple as that.

And I would say to Hon. Members: I accept fully the advice from the Attorney, but that is not anything that surprises me because he is absolutely, as he will be, right because we cannot go outside our own jurisdiction, we have no powers to. The Mount Murray inquiry cannot go outside our own jurisdiction – no different.

So we know that and I think it is helpful that the Attorney has reminded us of that because Mr and Mrs Spadoni has heard it from the Attorney, they are now hearing it from others, but I do not see the problem, if Tynwald Court wishes to investigate on-Island the issues before us.

I have to say my neutral thought, which was I did not know what to do, has now come to, after hearing what has been said, that we should – and I have to say, I think it is unfortunate that we have actually heard the case argued on the floor of Tynwald Court tonight, (**Mrs Crowe:** Absolutely.) and rebuffed on the floor of Tynwald Court tonight, and we are stuck then with this issue, which is a very important issue to individuals, which is now an important issue before Tynwald Court, and we need to resolve it. The only way to resolve it, in my opinion is to have a select committee of three people investigate and report back, accepting the limitations under which they are able to do that, because the Isle of Man is a separate jurisdiction.

The President: Mr Downie.

Mr Downie: Yes, thank you, Mr President.

Having listened to the amendments that have been put forward, I personally am not in favour of any of them. I think it will only tie us up and involve us in a much more costly –

The Speaker: Point of order, Mr President. Mrs Hannan's has not been seconded yet.

Mr Downie: There are two others on the floor.

The Speaker: Yes, but Mrs Hannan's has not.

Mr Downie: I did not speak to Mrs Hannan's.

The Speaker: Alright, carry on.

Mr Downie: What I wanted to suggest to this Court tonight is one way we can get clear of all this, and we can be absolutely certain, then, if this matter is raised again: if Mr and Mrs Spadoni would consent to the vessel being properly tested in Ramsey, locally – it could be done independently at no cost to them – and, if that could be considered, I am sure that could be accommodated and we could get the proper people there to make sure the test was independently carried out and there could be representatives from all the parties involved and then we would have the figures, either with or without alleged concrete.

At least we would have some figures just to show whether there was a differential from the last time she was tested in Portsmouth in 1999. That is the quickest and cleanest way, and then, if necessary, Mr Rimington can bring the matter back before the Court.

Mr Singer: Hear, hear.

The President: Mr Gawne, Hon. Member for Rushen.

Mr Gawne: Gura mie eu Eaghtyrane.

Like many Hon. Members today, I have listened with a degree of concern at the very vociferous sides to this particular issue, and, again, like many Members, I, too, do not know which side is the correct side, but there are significant issues.

There are serious issues here, and I am very concerned that we do come up with some kind of remedy, some way forward. I would hate to think that we would just defeat the motion and not move this issue forward in any significant way whatsoever. We must, at the very least, come up with some solution to this, even if it is only just looking into the issues and reporting back. I think it is very important that we do this.

I was accused earlier on today of creating a smokescreen to hide the Hon. Member for Douglas's kernel behind –

Mr Henderson: Kernel of truth.

Mr Gawne: Kernel of truth – well, we have had two smokescreens in this particular debate, two very vociferous contributions, and you have to wonder why we had to have so much passion there.

It is not clear exactly what the real position is, but I think there are few issues, particularly with regard to the testing. Certainly, if you look at appendix G to the report that we have got, we have got Mr and Spadoni have agreed to a further roll test, but only if it is followed by a definitive inclining test, as it is the stability of the vessel which is the matter in question.

The MCA has refused to undertake an inclining test and is refusing to proceed with mediation. So I think that is a very significant issue.

We also had an intimation from the DTI Minister that certificates issued by Government Divisions and Departments are effectively not worth the paper they are written on. And that, again, gives me a very great degree of concern. If we are in a position where we are elected to represent the people's interests, we are members of Government and if the Government is supposedly overseeing issues, looking into issues, making sure that we have safety properly accounted for, and then we get a situation where there is a clear breach, it appears that, certainly, a Division of Government has been incorrect, and yet we are saying, 'Well, that is just unfortunate –

Mr Downie: Point of order, Mr President. At no time did I say that any certificate issued by the Marine Administration in the Isle of Man was issued incorrectly.

The President: Okay.

Mr Downie: All of our certificates that have been issued have been perfectly valid, although of a temporary nature, and I would like the Hon. Member to remove the implication that we have issued certificates that have been worthless. They are not.

The President: Mr Gawne.

Mr Gawne: Gura mie eu, Eaghtyrane. I did mention 'intimating', and that was really what I was getting at there.

I think it is unfortunate, if we are just going to leave the Spadonis, cut them adrift and say, 'Well, it is an awful,

terrible situation we have here. What a shame, but tough!'. I think we would do ourselves a great disservice if we do not come up with a proper solution this evening.

The President: Hon. Member of Council, Mrs Crowe.

Mrs Crowe: Thank you, Mr President.

I think, like the rest of the Court, I share a great many concerns. Certainly I share the concerns of Mr Speaker and, indeed, of the Hon. Member for Peel, and it is quite true. What we have heard today is presumably two advocates, as it were, both presenting a case – certainly it is the kind of case one would be expecting to hear in a court of law.

Now we have heard quite clearly from the Attorney General that that is the arena in which this case should be heard, that there is a form of redress and it has to go through the Court, so that would be an appropriate place, and I think that is what the Attorney General was advising us.

Now, my worries are, after hearing the evidence – of course, one has to have sympathy with anyone who feels that their business has been damaged, and we are talking about a boat now, presumably, that is 40 years old, maybe longer, this is dragging on and on, and I do understand that – but I do have concerns that if we do set up something like a select committee, or a committee of Council, or a commission, whatever we set up, the very people we are endeavouring to help might well be damaged by a lack of redress.

I think whatever conclusion that may have been reached by whatever committee we choose may very well damage their case.

Now, I do not know this, but I would – and I hope I am not troubling the Attorney General again –

Several Members: Oh, come on!

Mrs Crowe: No, I would like to know, I think it is very important that we know, because if we set up a set up a committee, that Mr and Mrs Spadoni would still be able to have redress, if that were the case. I am sure that no-one in this Court wants to damage the case that the very people we are trying to help are brought to us.

So, I am sorry if I am troubling you further, Mr Attorney General, but I do think we should be absolutely clear about if we set up a select committee, or, indeed, as we have all tried to find a solution – Mr Gawne, Mrs Hannan, all tried to help – but we do really need to know the facts. Are we going to damage the case, if any other case were bought?

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

Mr Shimmin: Thank you Mr President. I have agonised over whether to speak on this.

I was in attendance at a meeting some time ago with the family involved, Mr and Mrs Spadoni, when working in DTI, and, having left that Department, I lost my involvement of any sort – indeed, in the DTI, I was filling in for the Minister, who was off-Island at that time.

So I have known about the issues, but not the details that have been uncovered this evening. In the Council of Ministers, obviously, we have the benefits of the Attorney General's advice in advance of today's sitting, and, therefore, I had come to this feeling that a select committee would be an inappropriate body of lay people, who would

then need to employ a variety of legal advisers to come forward to try and find some resolution to it.

So, my initial reaction was to say I would vote against the motion.

Having heard the comments which have caused concern to all of us regarding the potential difficulties, I would urge the Court to realise that this has not been done lightly. Both my colleagues in the Council of Ministers are friends of mine, whom I have respect for, and they would have not done this lightly, if there were an easy solution to this issue.

The debates and the entrenchment on both sides have now been established for such a length of time that it was unlikely we were ever going to resolve it over the time allowed this evening.

I believe that a select committee would equally fail to actually achieve that outcome, because of the limitations they would offer, but I am reminded of a former select committee which was about Jean Noreen Thompson, which was one of the saddest days in my political career, when people who had so obviously been wronged were unable to find any precedent in order to find a satisfactory solution to their difficulties. The moneys involved were far less than we are talking about tonight, but it was the case that there was no way of finding a resolution.

I believe that the select committee may give a false hope to Mr and Mrs Spadoni, that there would be an outcome which would have powers to actually resolve the issue, but we cannot just leave it.

Having looked at the other two amendments, I believe that – whether or not the Attorney treads slightly into political waters – the amendment in the name of Mr Gill, I believe, would be very damaging and dangerous for this Court, to find that there was a vehicle that would be used increasingly with open-ended implications –

The President: If I can help the Hon. Member, I understand that Mr Gill wishes to withdraw that amendment, and Mrs Hannan's amendment has not yet been seconded.

Mr Shimmin: Thank you very much, sir.

So it then comes down to whether there is any benefit in a select committee or whether there is another vehicle. I do not believe that the offer made by Mr Downie just recently is viable in isolation; it is, off-the-cuff, attempting to find a resolution which has been unable to be resolved up until now.

What I would possibly urge the mover of the motion to consider is that this issue how has had an airing far beyond its previous three to four years' existence. The Member for Rushen has brought forward an issue which is now politically and publicly alive, and the Minister of the Department has come forward with an offer, which the mover of the motion will obviously be able to respond to, as to whether there is a way forward for all tests or other mechanisms to take place. I do believe that there is an opportunity for the Member for Rushen to come back again, if there is not a satisfactory resolution, now that this has actually been raised to this level.

From the Spadonis' point of view, the last thing I believe they want, after the years of the problems that they have experienced, is another one-and-a-half years' select committee which does not actually resolve the outcome, because the suffering has been tangible and visible, and Mr Rimington has made it perfectly clear that what they are after is a resolution.

Now, I will wait to hear the summing-up from the mover, the Member for Rushen, but it would strike me that we now have an imperative from this Court that there will be some further outcome. Whether that would be resolved more quickly by negotiations going on that have been unsuccessful in the past, because it was kept effectively behind closed doors . . . The alternative, if the Member for Rushen is withdrawing his amendment for a select committee – sorry, for a –

The President: Commission.

Mr Shimmin: – commission of inquiry, that is not on the cards; your options really are to vote against this, to vote for a select committee of lay people to try and resolve legal issues which have already been discussed, or for the motion to potentially come back again after a period of further exploration, now that it is not going to go away. I will be interested to hear the summing up of the Member for Rushen, but, certainly, if we do go down the route of a select committee I will put on record that I feel the Spadonis need to realise that it is unlikely that there will be any financial or legal remedy available to them, and, therefore, I think we need to know that that is possibly a false hope that they should not put too much store in finding a final resolution, sir.

The President: I call on Mr Attorney to respond to the query of Mrs Crowe, please.

The Attorney General: Thank you, Mr President.

I think that the query was a relatively narrow point of law and that, I think, was this: what is the period of time within which proceedings must be brought by Mr and Mrs Spadoni and, if there were to be an inquiry or a select committee, would that in any way affect the period of time running? I think that is the query.

Generally speaking, the law is that a claim for a breach of contract or claim for negligence, which has not involved personal injury, is six years from the date when the cause of action arises. So, the period of time runs from the cause of action arising in contract or in negligence, and if, in the meanwhile, there were to be a select committee carrying out its remit of the kind which is set out at item 30, time would still be running. Time does not stop merely because there is some other form of proceeding on the way, and, therefore, with the greatest respect, and, I hope, with a view to being of assistance, if Mr and Mrs Spadoni sit back and await the outcome of the select committee's work and they find that the six years' period has run out, then they will be in difficulty in bringing any further proceedings in court.

The President: Hon. Member Mr Cannan.

Mr Cannan: Mr President, I have great sympathy for what I am hearing in the way that we have got allegations and counter-allegations, but, also, having sat on, or being a member of select committees very recently, it is not, in my view, going to solve anything. It says here a select committee to:

investigate the circumstances of the *Suzanna D's* stability failure .

You can only investigate in the Isle of Man; a select committee can have no power to call anybody from the

United Kingdom. Therefore, what you are investigating in the Isle of Man would be basically irrelevant, because you would not have the other side of the story. You could not have it. You could not call any witness.

If I could digress and liken it to the Mount Murray Commission, where Mr Mitchell and, I think, there was another individual could not be called because they were outside the jurisdiction.

So, all the select committee could do, if it was so minded, was to investigate (b), the role of the Isle of Man authorities. They have no power to investigate the MCA and no power to call the witnesses. It can do nothing, so what is the value of the report if you are only investigating what the role of the Isle of Man was?

Then 'seek a means of redress for Mr and Mrs Spadoni' – I do not think that would be possible either, because, if there is a means for redress, in my view, it is that the MCA would have to be sued and they could only be sued in the UK courts, and if the Isle of Man authorities were to be sued, they could be sued here and the whole thing is unsatisfactory. It would all take more than the 18 months that we have in line here.

I also go along with the point that we just cannot leave it and forget about it. So I really think, without any amendment or whatever, if the Council of Ministers decided, like they did before, to appoint the equivalent of a 'Professor Crow' to look into it all, in the sense of the allegations and counter-allegations, to appoint a single person, such as a 'Professor Crow', to look into it and to give a report, but that report would . . . and the advice to the Spadonis is that you must seek your own redress in the courts, because this is a court issue, partly in the UK, partly in the Isle of Man. In the meantime, to clear the air on the allegations and counter-allegations, the equivalent of a 'Professor Crow' to look at what has actually gone on and I think that is the solution.

So, I could not possibly support the vote for the select committee, because it just does not have the powers to do what it is asked to do. It does not have the powers.

Mr Karran: Appoint a special adviser.

Mr Cannan: What can be done is for the equivalent of a 'Professor Crow' . . . but even if you appointed a special adviser to the select committee, he would have no power to go and see the MCA in the UK. They could say, 'We do not want to talk to you about it.' (**Mrs Hannan:** Yes.) So what happens? He just comes back. So, honestly, it is a very, very sad case, but I am just trying to show the reality.

Why should the MCA in the UK prejudice themselves because somebody has come from the Isle of Man? Or would they come to appear before a select committee in the Isle of Man? I suggest not, (**Mrs Crowe:** No.) and perhaps the Attorney General might guide us on that (*Laughter and interjections*) –

Mrs Crowe: It is important!

Mr Cannan: There is no power to compel them to come to the Isle of Man and no power to compel them to talk to an adviser from the Isle of Man – and the Attorney General is nodding.

So, sad as it is, a select committee will serve no useful purpose, but I do recommend that the Council of Ministers

appoint a 'Professor Crow', of that stature, to investigate the allegations and the counter-allegations, because otherwise you just cannot (*Interjection*) just close down tonight and walk away and hear what we have heard and pretend it did not happen.

The President: Hon. Member, Mr Waft.

Mr Waft: Thank you, Mr President.

There has been a lot of toing and froing with regard to this, this evening – allegations and counter-allegations et cetera. From what I can gather, one of the biggest problems, from the Spadonis' point of view, as opposed to the DTI's point of view, is the refusal to have the boat tested.

Now, I believe from what I am looking at, I am looking at faces and I am getting nods or the shaking of heads, but I am inclined to believe that the Spadonis would agree to have the boat tested under the offer, perhaps, made by the DTI, with representatives from both sides, or anybody that was necessary being there to check to see everything is kosher and above board, and you would have, perhaps, something to work off to go forward with.

I do not know whether that is a possibility, whether the goodwill has been lost too much for that, but I think independent people doing in that situation with the roll test and the inclination test, et cetera (**Mr Singer:** Absolutely.) would give a breathing space for some conclusions to be brought forward for us in future to make decisions as to the way forward.

I think if we go down the route of inquiries and legal steps, one way and another it is the lawyers who are going to make money out of this, and it could be very, very protracted. The lines I was thinking of were an adjournment while this takes place and come back to the Court in future, and perhaps we will have a bit more to go on than what we have at the moment.

I move an adjournment, Mr President. (*Laughter and interjections*)

Mrs Hannan: There is no point.

The President: You cannot move an adjournment, sir, unless you have an adjournment specific to a date?

Mr Waft: To report back within three months.

Mr Lowey: I will second the adjournment.

The President: Can we just get this straight, Hon. Members: you cannot move an adjournment unless there is a specific date. The suggestion is to report back in three months. Nobody is going to report back. Who is going to report? It would simply be an adjournment, presumably, of this debate.

Several Members: Yes.

Mr Waft: Yes, indeed.

The President: Hon. Members, we have the proposal that this debate be adjourned for three months. It has been seconded that we adjourn for three months. I am in your hands. We start an adjournment debate, Hon. Members.

Hon. Member, Mr Karran.

Mr Karran: Eaghtyrane, I would be against an adjournment – the issue today is, and I am so glad that we have got the opportunity to come back – the allegations that have been in this place, whether or not –

The President: Hon. Members, all I am going to deal with is whether or not we are going to adjourn for three months. I am not going back over old ground and the Five-Minute Rule applies, sir.

Mr Houghton: That's right, why didn't you do that sooner?

Mr Karran: Eaghtyrane, I believe that to go for an adjournment debate would be wrong. What we have today is: we have to vote for a select committee, not an adjournment debate, and let us investigate the concerns. In my opinion, Eaghtyrane, I believe there should be a select committee, not an adjournment debate.

The President: Hon. Member, Mr Gill.

Mr Gill: Thank you, Eaghtyrane. Just for clarity, if I can confirm that I am very happy, and the seconder has given his concurrence, for me to withdraw the amendment that I put in earlier.

Sir, the reason I do that, just briefly, is prompted by two comments, particularly, that I heard: one from the Hon. Member, Mr Downie, when he was saying that he was happy to get involved in a series of tests to prove some of the facts behind it and I take that as an indication, sir, that he wants to be transparent, that he wants to be up front about this. So, I am sure that that would be reflected in the vote.

And, I think, the second thing, sir – and I hope that the Attorney will, simply by a nod or a shake of his head, maybe, confirm – is that, if a select committee were to be appointed, they could, as part of that process, they could actually require those tests to be undertaken in the manner which has been offered. So there would be no delay. There would be no necessity –

Mr Downie: With the consent of Mr and Mrs Spadoni.

Mr Gill: With the consent of Mr and Mrs Spadoni, and should they decline to offer that, that would reflect poorly on them, I would suggest. So I throw that in, sir. Those are my reasons for withdrawing it. I am happy to withdraw it, because I really do not want the expense of a commission, but the Speaker hit the nail on the head, as far as I am concerned: if we had an ombudsman, that would be the appropriate person to deal with this.

The President: We are on the adjournment, sir.

Mr Gill: Sir, the adjournment before us reflects on lack of options available, so I do not support the amendment as being put to us. We do not need to defer this. I suggest we should stick to the nearest role that we have to that of an ombudsman, which the Attorney has confirmed is the closest course we have, I believe, and that is to stick with a select committee.

Mr Cretney: Vote.

The President: Mr Rimington.

Mr Rimington: Yes, very briefly, I believe that adjournment would not, in itself, solve anything, as there would be no mechanism to report back and there would be no motion to report back on – what would it be reporting back?

There is a mechanism to resolve this issue through the process of the select committee. If a select committee establishes itself, the select committee can determine its own course of action and, if necessary, come back to this Hon. Court so that course of action can be ratified by this Hon. Court and that would be the appropriate way to go. An adjournment would just delay this whole process.

The President: Mr Rodan.

Mr Rodan: Yes, thank you, Mr President.

Speaking to the adjournment, I think it is very clear from tonight's debate, that we are in the problem that there is no remedy or option on the floor that is going to be acceptable to move matters forward –

Mrs Crowe: That is right.

Mr Rodan: – to anyone's satisfaction. There is nothing tabled by way of a motion or amendment that will actually carry matters forward the way the Court would wish to see carried forward.

What an adjournment would do, would give the opportunity for pause, for certain other things to happen. There would be no report back as the result of an adjournment, but what it would create would be an opportunity for a resumed debate, by which time certain other things might have taken place.

It has been strongly hinted, although there has been no amendment to that effect, that the Council of Ministers might wish to consider matters further, or certain issues that have been raised tonight or properly to be considered within the Council of Ministers.

Other options for action have been identified by the Minister for Trade and Industry, for example. I would support an adjournment, on the basis that it does give a window of opportunity for the debate to resume when other issues have perhaps had an opportunity to be resolved.

Thank you, Mr President.

The President: Mr Singer.

Mr Singer: Mr President, I will support the adjournment debate because I seem to have a feeling round here that there seems to be somewhat of a general agreement on both sides, so, perhaps, during the time of the adjournment, the tests –

Mr Braidwood: The vessel could be tested.

Mr Singer: – could be undertaken on the boat. If those tests are going to be taken on the boat, that may well, then, when the results come back, will give Members a much clearer picture of which way to go in three months' time and, therefore, I hope, Members, for that reason and a reason of goodwill, would support the adjournment debate.

The President: Hon. Member, Mr Quayle.

Mr Quayle: Thank you, Mr President.

I, too, was going to suggest that we needed time, really, in order to have this inclining test, as well as the roll test, and by what had been suggested earlier, Mr Spadoni seemed to be nodding in terms of both of those tests –

Mr Rimington: Both tests.

The President: Address the Chair, Mr Quayle.

Mr Quayle: – so, if that was agreeable, then, hopefully, I would have thought if the Spadoni family are happy to have these tests, and the Department of Trade and Industry have, through the Minister, accepted that that may be a way forward, then, certainly, that might give us an opportunity to take the heat out of the situation.

Certainly, having listened to the advice from the Attorney General, I think he was speaking as frankly and honestly as he could, in terms of looking after the interests of the Spadoni family as well, and not wanting to prejudice in any way their right to action through the courts. I think, really, that might have been the more appropriate way forward, than having it thrashed out here, as it were.

So, I think, under the circumstances, I, too, would support the adjournment, which may allow time for all tests to be completed, which may be helpful to all concerned.

Several Members: Vote!

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

Mrs Hannan: Thank you, Eaghtyrane.

Most Members of the Hon. Court . . . I know there are some that have not spoken, but, if we adjourn, we adjourn to come back to a Court where the debate can continue and my concern is that, if we adjourn it tonight, we come back and there is nobody left to speak on it.

Mr Singer: An amendment.

Mrs Hannan: So I do think –

Mr Singer: Suspend standing orders.

Mrs Hannan: I do think that, if we do adjourn tonight, then I think there should be suspension of standing orders to allow people to speak freely again when we come back, or, if not, to then carry on with the debate, finish the debate tonight and then come back within the six months' time, so that would also mean the suspension of standing orders. So I just flag that up, because it is quite a complicated issue.

The President: I take the point entirely that the Hon. Member makes. Mr Downie.

Mr Downie: I would rise to fully support the adjournment, but with the provision that my Hon. Colleague indicates that Mr and Mrs Spadoni, during the adjournment period, will give their consent to these full tests being carried out on the vessel, with and without the concrete, so we will know exactly what the situation was before she was converted and what the situation was when the certificate was drawn in the Isle of Man on the safety issue. We will

have the two sets of figures then. They can be independently assessed. Members, I hope, would go and be present.

The President: Right, Hon. Members, we have got the motion for a three months' adjournment. Please take your seat, Hon. Member.

Mr Rimington: Mr President, I know it is unusual in terms of procedure, but can I – I mean without . . . Can I respond to the Hon. Minister, who asked me the question?

The President: Well, we are going for an adjournment–

Mr Rimington: No, if I could indicate –

The President: Well, can you indicate, sir, in two minutes?

Mr Rimington: Yes, the point of contention was: my constituents wanted both tests, and both tests to them would be satisfactory, and in any condition required.

Mr Shimmin: Sorry, Mr President, a point of clarification, please. A point of clarification.

The Minister for Trade and Industry has talked about the tests, with and without the concrete. The Member for Rushen has talked about the tests, being the roll test and the incline test. Can we just be sure that we are not talking about two separate things, that they are full and we are going to get everything, which is the full tests?

Mr Braidwood: Full tests.

Mr Shimmin: Thank you.

The President: Yes, agreed. Hon. Members, we have listened to what has been said. It is up to you to make your minds up and we are in an adjournment debate, and I am putting it to you that the motion is, proposed by Mr Waft, seconded by Mr Lowey, that the debate be adjourned for three months. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That draws that one to a conclusion, Hon. Members, for this evening.

Archallagan Proposed Landfill Site Annulment of Council of Ministers' approval Item withdrawn

31. The Hon. Member for Glenfaba (Mr Anderson) to move:

That, under section 2(2) of the Town and Country Planning Act 1981, the Council of Ministers' decision to approve the 'Development of Landfill Facility for the Deposition of Non-Incinerable Waste at Archallagan Plantation, Archallagan', as laid before Tynwald at the October 2003 sitting, be annulled.

The President: I understand that the Hon. Member for Glenfaba does not wish to move Item 31. (**Mr Henderson:** Hurray!) So that is withdrawn.

**Tynwald Hill
World Heritage Site designation
Item deferred until next month**

32. The Hon. Member for Middle (Mr Quayle) to move:

That Tynwald, recognising that Tynwald Hill is the oldest continuous parliamentary site in the world, seeks that it should accordingly be declared a World Heritage Site, notes that it has been the policy of the Isle of Man Government to obtain such a designation, and now requests the Chief Minister to initiate any appropriate action to ensure that this objective is secured as soon as possible.

The President: I seek the guidance from the Hon. Member for Middle, Mr Quayle, that he would be prepared to carry his over until next month?

Mr Cannan: Hear, hear. (*Interjection by Mr Singer*)

Mr Quayle: Mr President, hopefully it might receive the approval of yourself and Hon. Members if I do defer that, with your leave, to December.

Members: Hurray, hear, hear!

The President: In that case, Hon. Members, it draws our Order Paper to its conclusion.

Can I say that, sometimes, Members should take recognition when it comes to what is on the Order Paper in

relation to late sittings, and it is sometimes difficult to get your timing correct.

Hon. Members, the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker wishes to place before them.

The Council withdrew.

House of Keys

The Speaker: Hon. Members, the House will now stand adjourned until 10.30 a.m. next Tuesday, 25th November, here in our chamber. Thank you, Hon. Members.

The House adjourned at 11.00 p.m.

Corrigendum

On page 308 T121, 1st column, for Hogdson , substitute Hodgson .

On page 328 T121, 1st column, in the penultimate paragraph, for Video conferencing was ruled out in the UK , read Video conferencing was rolled out in the UK.

On page 349 T121, 1st column, in the division list on part 4 of Mr Speaker s amendment, voting Against, for the second Mr Henderson , read Mr Cretney .