



**LEGISLATIVE COUNCIL
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH**

P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 22nd February 2005

Present:**The President of Tynwald (The Hon. N Q Cringle)**

The Attorney General (Mr W J H Corlett QC), The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles),
 Mrs C M Christian, Mrs P M Crowe, Mr D F K Delaney,
 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.

Business transacted

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The Council adjourned at 11.55 p.m.

Legislative Council

The Council met at 10.30 a.m.

PRAYERS
The Lord Bishop

[MR PRESIDENT *in the Chair*]

LEAVE OF ABSENCE GRANTED

The President: Now, Hon. Members, we have apologies this morning from the Hon. Member, Mr Gelling, who, as I think most of us know, is off the Island on Government business.

Questions for Oral Answer

CHIEF MINISTER

Douglas Corporation land and Government land bank Sufficiency for people's needs

1.1. The Hon. Member (Mr Delaney) to ask the Chief Minister:

- (a) *Does Douglas Corporation require Government permission to sell off land in their trust; and*
(b) *does the Government land bank have sufficient land in the curtilage of Douglas for the further needs of the people of the Borough?*

The President: We have the two Questions, and I call upon the Hon. Member, Mr Delaney.

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

The President: I call on Mrs Christian to reply on behalf of Mr Gelling.

Mrs Christian: Thank you, Mr President.

With regard to part (a) of the Hon. Member's Question, I can confirm that all local authorities, including Douglas Corporation, require, first, to obtain permission to sell off land in their trust. This requirement is covered in the Local Government Act 1985.

With regard to part (b) of the Hon. Member's Question, the Department of Local Government and the Environment manages land bank properties specifically for the purpose of housing provision, or for Government strategic purposes.

The Department does consider utilising land held for housing purposes in its land bank, for development with or

by local housing authorities.

In respect of the Borough of Douglas, the Department has, already, progressed: a joint venture scheme at the site of the former Catholic Church at Pulrose, and that is currently under construction; Queen Street/Lord Street is just completed; and Tynwald Street, where elderly persons' housing for Douglas Corporation is about to be commenced, by the Department, on the site.

In addition, the Department has sought planning approval for the development of land at Johnny Watterson's Lane, which includes 20 apartments for public sector rental.

The programme for housing in the Douglas area includes proposals for completion of a total of just over 200 public sector housing units for rent, and almost 250 first-time-buyer units, subject to planning and other approval, over the next five years, as part of the Department's strategy for increasing the supply of affordable housing.

At the present time, then, in response to the Hon. Member's Question, I would advise that, for the next five years, there is sufficient land within the Government and Douglas Corporation's ownership to meet the needs of the housing programme, but it is suggested that additional land for affordable housing, to meet the needs and aspirations of the people of the Borough, will be required in the longer term.

The President: Mr Delaney.

Mr Delaney: I thank our colleague for the Answer.

Douglas Corporation proposed rates increase Relation to Government charges

1.2. The Hon. Member (Mr Delaney) to ask the Chief Minister:

Does the Department of Local Government and the Environment agree with the statements made by Douglas Corporation that 2 per cent of their proposed rates increase is due directly to charges imposed on them by the Government?

The President: We turn, then, to Question 2, and I call, again, on the Hon. Member, Mr Delaney.

Mr Delaney: Mr President, I beg leave to ask Question 2 standing on the Order Paper.

The President: Again, I call on Mrs Christian to reply.

Mrs Christian: Thank you, Mr President.

Under the Local Government Act 1985, the Department of Local Government and the Environment is required to approve the rates of parish authorities. For town and village districts, it has no such obligation.

Douglas Corporation announced their rate in the week commencing 7th February, declaring that the large increase of 6 per cent was, mainly, due to charges being imposed on Douglas ratepayers by central Government.

At that time, the Department of Local Government and the Environment had not received a breakdown of the rates for Douglas Corporation for the year ending 31st March

Leave of absence granted

Douglas Corporation land and Government land bank – Sufficiency for people's needs
Douglas Corporation proposed rates increase – Relation to Government charges

2006, to allow it to establish the reasons for that rise.

The budget estimates were received by the Department, on 14th February, and they include two costs that the Department assumes Douglas Corporation are viewing as imposed by central Government.

The first amount is £122,500, a 5p rate increase, for emptying litter bins, the responsibility for which will be transferred from the Department of Transport to the local authorities on 1st April.

Emptying of litter bins is refuse collection, and a function of local authorities.

Central Government has been performing this for the benefit of the ratepayer, but, as Hon. Members will be aware, legislation has changed that position. Most other local authorities, including the larger ones, have just absorbed this, as part of their refuse collection costs, with no impact on their rate for 2005-06.

The second amount is £91,200 and relates to the increased costs of running the Eastern Civic Amenity Site for 2005-06. The Department of Local Government and the Environment is building a new civic amenity site for the east of the Island at Middle River, at no cost to any of the eastern authorities. This is expected to be completed in August.

The Department does not envisage the running costs of the new site to be significantly different from those paid now to operate the current site.

However, the current Eastern Civic Amenity Site Committee, which includes Douglas Corporation, Braddan Commissioners and Onchan District Commissioners, has provided for total costs for 2005-06, split proportionately between the three authorities, of £212,500. This compares with £84,500 for the current year.

Unfortunately, the constitution of the current Committee does not require them to submit budget estimates to the Department of Local Government and the Environment for approval.

So, to date, the Department has not been able to obtain any justification or reason for the anticipated large increase in the running costs of the new site.

The eastern authorities have been operating the civic amenity site for a number of years, with the costs being met by the ratepayers. Therefore, these increased costs have not been 'imposed' this year, and are not a cost that is either determined by central Government, or accepted by the Department of Local Government and the Environment, on the information it has at present, as being justified.

However, the Answer has been prepared on the basis of assumptions, Mr President, about what Douglas view is being imposed. If the Department's assumptions are correct, the two costs that I have outlined amount to 2.9 per cent of an increase, not the 6 per cent that has been quoted, and not the 2 per cent that the Hon. Member has referred to in his Question.

The President: Mr Delaney.

Mr Delaney: I am extremely grateful to the Hon. Member, our colleague for answering my Question. I have no supplementaries, unfortunately, at this time.

The President: In that case, Hon. Members, that draws to a conclusion our Question period.

Orders of the Day

BILL FOR THIRD READING

Fiduciary Services Bill Third Reading approved

2. Mr Waft to move:

That the Fiduciary Services Bill be read a third time and do pass.

The President: We turn to Item 2 on our Order Paper, the Fiduciary Services Bill, which is for Third Reading, and it is in the hands of the Hon. Member, Mr Waft.

Mr Waft: Thank you, Mr President.

Some queries arose when we considered the clauses of the Fiduciary Services Bill, and I believe Hon. Members may find it helpful, if I expound on the responses I made then.

Whilst it is always difficult to understand changes that affect existing legislation, because you need, at the same time, to see and understand what is being amended, the apparently miscellaneous amendments in schedule 3 of the Bill are not unrelated to the licensing of fiduciaries, as was suggested.

The principle purpose of the Bill is to provide for the licensing of trust service providers, so that, by extension of the Corporate Service Providers Act 2000, fiduciaries will include both corporate and trust service providers. However, the long title of the Bill also states, 'and for connected purposes', and I would like to explain how the amendments to other regulatory legislation are, indeed, connected to the licensing of fiduciaries.

The Financial Supervision Commission is, currently, working towards consolidating all its regulatory legislation, so that its policy is consistent across all licensed sectors. A consistent approach would also make life easier for licence holders, which, either alone or as a part of a group of companies, own more than one type of licence.

In the meantime, some urgent changes to other regulatory legislation are necessary, and this Bill is the most appropriate vehicle for those changes, for the following reasons.

The Corporate Service Providers Act 2000 is the most modern piece of regulatory legislation, and the opportunity was taken in that Act to review some aspects of the Financial Supervision Commission's regulatory approach. However, these updates were not reflected, at that time, in the other regulatory legislation – for example, the amendments made to schedule 3 to the Building Societies Act 1986, the Financial Supervision Act 1988, the Investment Business Act 1991, and the Banking Act 1998, in respect of the Commission's power, by regulations, to impose fines, and the rights of aggrieved parties to appeal against certain decisions of the Commission.

The Bill provides the opportunity to make the changes that reflect existing provisions in the Corporate Service Providers Act.

Other changes that are being made, across the board, are: to bring all the regulatory legislation into line with the

internationally accepted standards of public protection, to take account of Human Rights issues, and to standardise procedures and rights; standardisation of the policy on the issue of public statements relating to individuals who are found to be not fit and proper persons; and to meet the Island's obligations to assist other regulatory bodies in their investigations of serious matters; procedures relating to the disclosure of customer information held by a licence holder – these procedures include safeguards to protect the customer's right to confidentiality and, also, to prevent disclosures that are not in the public interest.

Schedule 3 is not, therefore, a collection of miscellaneous amendments that would have been better made by some other means, but, as the long title of the Bill aptly describes, are amendments to other regulatory legislation that are for connected purposes.

There were also some questions regarding the particular foreign entities that are specified in the expanded definition of 'company.' The Financial Supervision Commission advises me that those particular entities were named because, since the introduction of the Licensing of Corporate Service Providers, the Commission has become aware that the sector makes use of such entities, as well as the traditional company.

The Commission researched into the foreign entities that are currently in use, to see whether they are more like a company or more like a trust, because services provided for the clients in relation to such hybrid foreign entities should be regulated as either corporate or trust business.

In the case of foreign entities now specified as falling within the definition of 'company', the characteristic they share with a traditional company is that they have separate legal personality. However, the definition of 'trust' in the Bill already covers the foreign entities that have more in common with a trust, and, therefore, they do not need to be specifically named as additions to the definition of 'trust' in the Bill.

In the future, other foreign entities may also be offered to clients, and, when that happens, the Commission may, by regulations, add to the definition of further foreign entities that look like, or share some important characteristics with, a traditional company.

Mr President, I hope that I have now, fully, addressed all the issues raised at the clauses stage. I beg to move the Third Reading of the Fiduciary Services Bill.

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

The President: The motion then, Hon. Members, that I put to Council is that the Fiduciary Services Bill be read for a third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

BILL FOR SECOND READING

Coastline Management Bill Second Reading approved

3. Mrs Christian to move:

That the Coastline Management Bill be now read a second time.

The President: We turn, then, to Item 3 on the Order

Paper, Hon. Members, the Coastline Management Bill for Second Reading. Mrs Christian, please.

Mrs Christian: Thank you, Mr President.

This Bill provides for a coastline management zone to be designated, in the public interest, where coastal lands are under threat from change by natural forces of erosion, inundation from the sea or subsidence.

The public interest may, or may not, necessitate substantive engineering works of some kind, but the designation of a zone would impose the recognition of the need for a risk assessment for any proposal for change of land use, or further development, in the coastal land that was likely to be affected by such erosion, inundation or subsidence.

In determining whether or not to carry out engineering works, it has to be considered whether or not the measures would be socially, environmentally and economically beneficial, and, if engineering works are a practical option, if they could be afforded.

Mr President, the Bill specifically provides for a draft Order, in respect of such a zone, to be brought forward in respect of the Kirk Michael area, but, of course, there are other parts of the Island, such as bays or estuaries and, indeed, other sand and gravel areas, where such a coastal zone might be of use in the future.

If a coastline management zone is declared, from time to time the Department of Transport is required to review that zone. One of the key elements of the Bill is to bring the coastal lands in a designated coastal management zone under a restricted planning regime, so that, where planning applications are being considered for a development, in the existence of a zone, the needs of coastline management of it are included in the consideration by the planners.

I think it can be said, fundamentally, that the aim of the Bill is to ensure that, where developments are proposed, and are likely to be carried out in a coastline that is subject to natural change, then they do not go ahead without everybody concerned being fully aware of what they are letting themselves in for.

There are provisions in the Bill, Mr President, which provide for compensation to any landowner whose land may be required for the purposes of doing engineering works to carry out protection works. There is the imposition of penalties for those who do damage or interfere with any such works. There are powers to enable appropriate staff to go onto coastal land to review the requirement and condition of that land, when considering whether or not to create a coastal management zone.

There is a provision that the Department of Transport has to have in mind other pieces of legislation, in respect of wildlife protection and the Manx Museum and National Trust's particular duties, in relation to archaeology and flora and fauna, with a final proviso that the Bill – if it is accepted by the various Chambers – does not prejudice anybody's rights, under Human Rights legislation.

I beg to move the Second Reading of the Coastline Management Bill.

The President: Mr Kniveton.

Mr Kniveton: Thank you, Mr President.

I second the Second Reading of this Bill, and, if I may continue, sir, at the First Reading last week, I promised

to photocopy a letter from Michael Commissioners to the Harbours Division of the Department of Transport. You should have it in your possession now, sir.

I will not go into the details about it all again. I did so at the First Reading, and the letters are self-explanatory. Since last Tuesday, we have received another e-mail – an e-mail in this case – on this subject, stating the situation has deteriorated considerably, and it is now too late to contemplate such an idea as to reinstate the present rock armour, because of the damage caused by the storms.

If you read the last two pages, attached to that information I have given to you, that is, in itself, explanatory.

Mr President, this is an enabling Bill, and does not, actually, give the DoT, or any person, anything other than to bring a draft Order to Tynwald, and then it is up to Tynwald. That is all this Bill does.

The Minister has assured me, as he has with many other Members in another place, about the potential implications of this Bill, and I am advised, sir, that it is *not* leaving the taxpayer or Government exposed, in any way. I am told there are safeguards in place.

So, as far as this correspondence is concerned, it will be up to the DoT, especially those last two pages, to come back to Tynwald, if they have *any* proposals which will, certainly, require funding.

So, as I said, sir, last week, I can just about support the Bill, provided it is not just all about coastal erosion in one area only – and Mrs Christian has told us it is not – because on that situation, sir, I do have my reservations.

Thank you.

The President: Mr Lowey.

Mr Lowey: Yes, Mr President.

Virtually, again along those lines. Can I then draw the mover's attention – I know we will get to it when we deal with clauses – but the very point that Mr Kniveton makes, where it says:

'It is the purpose of this Act to provide for the sustainable management of designated parts of the coastline'

– and this is the part that worries me, because we are putting it into legislation –

'that are *or may be* subject to changes by natural causes.'

It is that 'or may be.' It seems to me to be the Achilles' heel of Mr Kniveton's genuine concerns about the Bill, because all coastlines must be subject to natural forces – the sea coming in and out, the wind blowing et cetera – and, therefore, I think those three words, in that particular clause, could open a floodgate. It means the whole of the coastline, irrespective.

Now, that is not what we are intending in this Bill. The rest of it is covered in the other clause – we will come to that when we come to the clauses – but it is the principle of trying to protect the whole coastline, that, somehow, we can do it.

Now, I know I was a little bit tongue in cheek, with King Canute, last week, and the parting of the sea, and all the rest, but, in practical terms, we are here drawing up legislation, and while I can accept assurances by the mover of the Bill that this is not the intention, here we have it.

I draw attention to the Member who is moving the Bill, now, that those three words, I believe, could come back to haunt you and to bite you, and I think it would improve the Bill, if those three words were removed. It will not harm the Bill, in any way, shape or form, but it could, certainly, underscore the very point that my good friend, Mr Kniveton, has rightly drawn up about the...

So, I know what the intention is, but, actually doing it this way... and those three lines of this clause could be difficult for the mover, and I look forward to her reply on that.

The President: Mr Waft.

Mr Waft: Thank you, Mr President.

I support the Coastline Management Bill. I would just like to say that, for every action, there is a reaction, and where you think you are doing something of necessity, in one area of the coastline, you find you have affected something else further down –

Mr Lowey: Further down the line.

Mr Waft: – you have never even considered in the first place, and you have to take the best professional advice, and not just react to circumstances, as they arise.

If there is an overall conception or a policy laid down, with regard to how they do intend to proceed with this coastline management, I think it has to override any sort of quick fixes in certain areas, because they seem to be self-defeating, at the end of the day.

So, as long as as much professional advice as can be obtained is sought first, then react to that, rather than the immediacy of the problem.

The President: Mrs Crowe.

Mrs Crowe: Thank you, Mr President.

Once again, I just make the point about the fact that this is the Coastline Management Bill 2004, and yet it seems to be very much pointed at one particular area of the Island.

Clause 2 specifically mentions Kirk Michael. It is not the 'Kirk Michael Coastline Management Bill', with the special provisions for Kirk Michael, and only Kirk Michael, that are contained in schedule 2, when I believe that there are other areas on the Island that are, really, in far greater need of coastline management than that particular area, that does not really have a main access road running alongside it, or whatever.

So, my concerns are that the Bill is very much pointed towards one particular area of land on the Island, and it is not the coastline of the Isle of Man, it is the coastline, particularly, in respect of coastal land at Kirk Michael.

The President: Mr Singer.

Mr Singer: I support what Mr Waft said, because this was my main concern, what happens if you do something, what happens elsewhere?

Could I ask Mrs Christian, does the Bill place any duty on the Department to take professional advice on what happens elsewhere, if they propose to take the action – I think the words are 'to retard the coastline's natural movement, enhance its natural movement or remove structures that may affect the coastline' – before they do this? Is it incumbent on

a full study undertaken on behalf of the Department, before any action is taken?

The President: Mrs Christian to reply.

Mrs Christian: Thank you, Mr President.

If I can respond to the Hon. Member, Mr Lowey, first of all. He has selected certain words in clause 1(a), but he has neglected what is, perhaps, the most significant one. He has expressed a concern that it says that the coast... it provides for management of parts of the coastline that are, or may be, subject to change.

But the important word is 'designated'. It does not apply to all elements of the coastline. It only applies to those that are designated, through the mechanisms which are set out in the Bill, which have to be approved by Tynwald.

So, I believe, there should not be a concern that this is, somehow or other, going to take on a life of its own, because Tynwald has to approve, first of all, the designation of an Order, specifying a coastline management zone, and secondly, it has to approve any financial requirement that the DoT may seek to have, in respect of carrying out any works; nor, in fact, does it compel them to carry out any works.

Perhaps, the major importance of this is to alert people to the fact, statutorily, that there are concerns about erosion, or inundation, or subsidence, in particular areas. So, that would be, I think, something we need to dwell on. It is for designated parts of the coastline only, not the whole of our coastline, and the Hon. Members who have talked about action and reaction are absolutely right, and we specifically know that in this area of coastal erosion, action and reaction are very important.

Now, you can, I think, accept that the Department of Transport is acutely conscious of this issue, in respect of coastal management. I do not believe that the Department of Transport would be rushing to create... well, to take actions in an engineering manner in very many areas, because I do believe that they believe that sustainable management is controlled management of the erosion, rather than prevention of it.

Now, the Bill does provide in some cases: 'you try and protect land by prevention, but there will be an acute recognition of any prevention measures potentially having knock-on effects'.

I think that it is important that the words 'or may be' are in the Bill, because this applies not only to our sand and gravel coastlines, it applies to our harbour areas, where we can have inundation by sea water. We are aware that we are in a global warming situation, and there is potential for change in our climate. Sea levels can rise. Storms can be more prevalent than they have been in the past, and this 'or may be' could allow the Department to take steps in advance of something happening, to take protective measures against the natural forces that they foresee coming about.

So, I do not think that it is unreasonable to put the words 'or may be' in there. That does allow us to be proactive, where it seemed to be necessary, rather than waiting for something, actually, to happen, before the Department is empowered to act.

The Hon. Member, Mrs Crowe, has said this is a Bill for Kirk Michael. Well, we all know that this is political. We are conscious that there is a lot of erosion in the Kirk Michael area – there has been, and there has been some action taken there by way of revetment and rock armour and all the rest

of it to try and prevent it. We also know that it is not entirely satisfactory, and that it has consequences in other areas, around the revetment.

It is fair to say that the Hon. Member for Michael wanted to bring a Private Member's Bill in respect of Kirk Michael. It is also fair to say that the Department of Transport had, in its plans, drafting of coastline management provisions, and I think this represents a marrying of the two, so that the Department could bring forward this Bill, and the Department can have its say, as the Department responsible for coastline management, in essence, as to what the Bill is going to do.

So, yes, it does say that there shall be a draft Order brought forward in respect of Kirk Michael. Whether or not that is accepted is down to Tynwald, and whether or not, even when it is accepted, there would be a resulting expenditure of public money is also down to Tynwald, because I will emphasise that this does not mean that engineering works have to be carried out. But such a designation would mean that people in that area, and the planners and any developers, would be well aware of the potential for being affected by erosion.

The Hon. Member of Council, Mr Singer, has asked if the Department needs to take professional advice. From time to time, there have been – and it has been on a regular approximately 10-year basis – research papers produced, in respect of the west sandy coast of the Island, and, indeed, if the Department was going to declare a coastal management zone, it would take the best professional advice about what the current position is and how things are changing and so on.

I think he suggested that they might want to take professional advice before they changed anything, and I am sure he has in mind the Ramsey Pier, but whether or not he does, I am not sure that they would have to take professional advice in respect of moving any existing buildings, structure, rock armour, or whatever else, if it were not inside a coastal protection zone.

Where a coastal protection zone is going to be declared, they will, clearly, take advice, I am sure. Where there is not one, I am sure that, if they were doing anything, they would, naturally, consider what the consequences would be, but they are not obliged, in that sense, to declare a coastal zone, because they want to change something. They would assess each individual area, and where there is no sign of erosion, they have no powers to establish a coastal management zone. They can only do it where there is evidence of erosion, or the potential for inundation and subsidence.

I hope that answers everyone's questions, Mr President.

The President: Mrs Christian, if I may, in response to Mr Lowey's point – if we can just try to clear it up – you are making the comment on inundation to the harbours that, in fact, they may be, in the future, designated.

If there was trouble in the harbours, at the present time, presumably our Harbour Department, via the Transport, would carry out the work. (**A Member:** Yes.) Will the passing of this Act mean that they will have to have that area designated and zoned, in advance of them being able to carry out work in the harbours in the future?

Mrs Christian: Perhaps that was not a very good example, Mr President, in terms of the actual harbour areas.

The President: It is an example.

Mrs Christian: No, they have not got to be coastal zones. They are already covered by other legislation, and other obligations of the Department of Transport.

Perhaps, if we moved further up river, say, in Ramsey, to where there is an estuary, and where there could be a potential for seawater flooding of certain areas, then that could be – if it is not already within the Department's control – designated.

The President: Okay, thank you.

Hon. Members, the motion that I put to Council is that the Coastline Management Bill 2004 be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Coastline Management Bill Consideration of clauses commenced Debate adjourned

The President: So, we turn, then, to the clause stage of this particular measure. We deal, first, with clause 1. Mrs Christian.

Mrs Christian: Thank you, Mr President.

Clause 1 sets out the purposes of the Bill, and they are set out in subclauses (a) to (d). They outline that it provides for sustainable management of designated parts of the coastline, which are, or may be, subject to changes by natural forces. The clause says that the functions can be exercised in the public interest, and they must have a social and environmental benefit.

In considering the purposes of the Act, the functions that may be exercised have got to be done in the manner that balances economic cost with the potential benefits, so that, for example, it is unlikely that huge expense would be gone into to save, maybe, one property, but where a village or a road may be affected, then, clearly, there is a better balance between economic cost and social benefit.

The final point there, really, is to emphasise that it has this important aspect of decisions in relation to planning policies, ensuring that planning determinations are taken on an informed basis. It does not say that there shall not be any planning approvals, but that they should be taken on an informed basis.

Mr President, also, it is not just for the protection of the coast. Indeed, it can allow that nothing be done. But that is the purpose of the clause: setting out the purposes to provide for sustainable management of vulnerable areas.

I beg to move clause 1.

The President: Mr Kniveton.

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

The President: Mrs Crowe.

Mrs Crowe: Sorry. Just one question, in that it will ensure that, in respect of coastal management decisions about planning policies... Planning policies, at the present time, are

taken on an informed basis, and, indeed, if there were any problems with an area that is, supposedly, subject to flooding, or coastal erosion or whatever, then you will find that developers, or whoever, have, indeed, put in a very detailed examination of that area to the Planning Department.

So, would it mean that, in clause 1, if this area is designated, no development could take place? How is it going to inform a planning policy?

The President: Mr Waft.

Mr Waft: Yes, thank you, Mr President.

The Member mentioned the environmental impact. Has the Department considered the environmental impact, which we are told is happening more and more so nowadays, with, perhaps, the Gulf Stream slowing down, and much more fresh water impeding on the salinity which was once in the Northern Hemisphere, which we have benefited from, for so many years?

The possibility of the Gulf Stream slowing down means we could have much colder winters, and the melting of the icecaps adds to the fresh water that is coming into the area. I just wondered whether they do consider the larger picture, when they are considering coastline management.

The President: Well, Mrs Christian, perhaps, we can take those and we will do it all in committee.

Mrs Christian: Do it by way of questions?

The President: Yes. It might be easier, Mrs Christian.

Mrs Christian: Okay. First of all, in responding to the point made by Mrs Crowe, the requirements in relation to planning are set out in a further clause, but just to try and answer the point: where a coastline management zone has been declared, the planning policy, the development plan for that area must acknowledge it. Now, in some cases, obviously, there are no development plans, at the same time, but where there are planning policies, and development plans from DoLGE, they must acknowledge the coastline management zone.

The Department of Transport instruct DoLGE, by way of notice, to inform them, statutorily, of any planning applications in such a zone, so that there is a more rigid and statutory requirement for the two Departments to communicate, in respect of any development in a coastal management zone.

With regard to Gulf Stream and so on, I am sure the Department is conscious of all of that, but we are coming down to a rather smaller scale here, and the Department will look only at areas where there is actual erosion, or potential for erosion, inundation or subsidence.

So, I think the level of the sea is forecast to rise at something like a centimetre, or something, every few years. I do not think that that is going to have any immediate consequence which would result in the Department changing its policy, or declaring a lot of new zones. What it might make them do is look at low-lying areas which are prone to flooding, as a longer-term plan, but it would not, immediately, require them to declare a coastal management zone for that reason.

The President: Mr Lowey.

Mr Lowey: Yes, I am rather puzzled on the definition

of 'coastline'. I looked at the definition, actually, as it is prescribed in clause 9. It does not take us very far, really.

I am impressed with the mover's explanation of why 'or may be' could, and should, perhaps, be left in the Bill. I understand a 'designated zone' is not designated until it has been approved by Tynwald. To that degree, I am reassured, but a designated coastline is very loosely worded – 'in' or 'near' – and she explains, then, that, perhaps, it could be tidal rivers – because these are the places where the potential is great, but with global warming, the rivers just spilling out into the sea, of course, if there is a bigger tide coming in, the water backs up and there is a tendency – like under Ramsey there is a shingle bank, where the tide comes in, where you see it, physically, you do not see the invisible ingress of water, under the shingle, under the town of Ramsey.

So, there are a thousand and one things there that are happening that professionals are much more conversant with, but it is the definition of 'coastline' that worries me. As I said, we are drawing up legislation, and I think we have to be careful: where does the Transport's thing stop with this particular Bill?

This Bill... I still think it should be wise to take it out... and the harbours are covered by the Harbours Acts, I know that, you can deal with that – but I always thought that, like for the old Harbours Board – their responsibility finished at high water mark. (**Mrs Christian:** Yes.) And, after that, it is the responsibility of the owner.

The President: Mrs Christian.

Mrs Christian: Yes, Mr President, the Hon. Member is right. The responsibility of the Department is to the high water mark, and the definition of 'coast', in here, is the foreshore – that is, as I understand it – up to the high water mark, and the estuarine cliffs or banks.

'Coastal land', as defined in the Bill, is that land adjoining the coast. 'Coast' is defined as the foreshore – the Department of Transport's bit; 'coastal land' is private land, possibly, or even Government land adjoining that. And you are right, in the sense that the Bill takes powers for the Department to act upon private land, if it sees fit, for the wider public social interest.

With regard to the definition of where these zones go to, I, too, wondered about that – wondering how far inland the zone would be declared. The advice I have been given is that it will take into account the current or past speeds of erosion and, for example, the 60-year likelihood of a residence surviving 60 years, and the Department would very likely look to a 60-year zone, in determining or presenting the draft to Tynwald.

Whether or not Tynwald accepts that as a reasonable area, I think the Department would have to argue, and if Tynwald thought it was too far, then, presumably, it would say, 'Well, cut it back.'

On the other hand, if you do give it that measure of protection, people who are likely to develop will, for that period of time, have to have cognisance of the fact that there is erosion there, that people are concerned about.

So, 'in or near', will be determined by Tynwald, on the basis of a draft brought forward by the DoT.

The President: It does tend to be rather subjective, doesn't it? Taking Mr Lowey's point, in 1(a), previously, 'that are or may be subject to changes by natural forces, – I

wondered, in fact, if we could not have just stopped it at 'coastline' and then it would be designed as such. Similarly, in clause 9, that you raise in relation to the coastal land, that you have just commented on, Mrs Christian, again, the wording there is 'adjoining or near to the coast and which is or may be' – again, 'near' and 'may be' are all very subjective. Anyway...

Mrs Christian: Mr President, yes, that is so. I think the reason it goes on to say that 'are or may be subject to changes by natural forces' is to imply that the Department has no powers to create coastline management zones where there is no erosion, and if you stopped at 'coastline' you would not introduce that constraint. (*Laughter*)

The President: I find that difficult when, in fact, we have (b), (c) and (d) in clause 1, as well (*Interjection by Mr Lowey*), which spells out exactly that they 'may' provide in public interest, social and environmental concerns. So –

Mrs Christian: But only in respect of of (a) (*Laughter*)

The President: Any other Hon. Member wish to comment on clause 1?

Mrs Crowe: Mr President, I do have – even more so, now – concerns about the land nearby, and, in particular, this decision taken about planning policies. I know about decisions that have been taken in areas where coastal erosion has been assumed, and we are talking about 60 years.

The contention, in that particular planning development there, was that, over 150 years, was the thought that erosion might reach this particular area. So, I would have liked to have seen some kind of specification of just how many years we are talking about, when we come to include land, because, of course, once again, we are reliant on experts to determine – one who says it will be 50 years, and one who says, 'Well, it may be 80 years', or, 'It may be 100 years' – very difficult.

The President: It may be difficult, but, at the moment, if I... and I apologise to Hon. Members and, particularly, to Mrs Christian – we are dealing with clause 1. The planning matter comes up in clause 4, and I think the other coastline interpretation comes up in clause 9.

So, does anybody wish to comment further on clause 1?

The Lord Bishop: I would point out that 'coastline' is not defined, anywhere.

The President: Truly, no, it is not.

The Lord Bishop: 'Coastal lands' and 'coast' are, but 'coastline' is not.

The President: Mrs Christian, do you wish to add further?

Mrs Christian: No, I note the observation of the Lord Bishop! (*Laughter*)

The President: Can we then, Hon. Members... the

motion that I put to the Council is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Mrs Christian, could we deal with clause 2, and the two schedules, 1 and 2?

Mrs Christian: Yes, thank you, Mr President.

Clause 2 deals with the matter of designating an area of coastal land as a coastline management zone, and it also introduces the schedules 1 and 2.

Schedule 1, specifically, deals with the procedures for making an Order under this section. First of all, the Department cannot make an Order under this section. It cannot designate an area as a coastline management zone, unless it is satisfied that the matters set out in (a) to (f) in that clause are prevalent, or needed.

So, they have got to look to establish that it is necessary to protect land from coastal change, to prevent or limit that change; to prevent or limit the likelihood of danger arising from change; prevent or limit the likelihood of damage to buildings or structures near the coastal land, as a result of such change; prevent or limit the likelihood of interference with the coastal land by reason of change; and preserve or improve amenities of coastal land.

In order to do that, they have to go through the procedures set out in schedule 1. They have to specify the area which it is intending to make subject to the zoning. They have to publicise it for a period of time, and, if they think it necessary, they can hold an inquiry, and then they lay the draft Order – and I would emphasise that this is a draft Order procedure, which is, perhaps, not the most common – before Tynwald for Tynwald approval.

If Tynwald approves that Order, then the Department shall take steps to formally make the Order, and give notice to the public that it has been made, and it also, then, has to notify the public, by publishing in a newspaper notice of the Order, and serve notice on the Departments of Local Government and the Environment, Agriculture, Fisheries and Forestry, and the Manx Museum and National Trust, that such a designation has been approved.

That, Mr President, sets out the procedures for establishing a designated coastline management zone.

In the Order, they may make provision for preventing the interference with any coastal works, and anybody who is guilty of contravention of any of the Orders of the provision is guilty of an offence, liable on summary conviction up to a fine not exceeding £5,000.

Now, in subclause (5) of clause 2, there are special provisions, as we know, for the protection of the designation of the Kirk Michael coastal land.

Subclause (2) provides that within three months of the date on which section 2 comes into operation, the Department shall bring forward a draft Order, in respect of the Kirk Michael coastal land, to Tynwald, and shall cause notice of the proposal to be published in accordance with the procedures set out in schedule 1.

It will then be up to Tynwald, whether or not it accepts such an Order. The obligation on the Department is to produce a draft Order for Tynwald's consideration.

I beg to move clause 2 stand part of the Bill, Mr President, along with schedules 1 and 2.

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

Mr Lowey: Could I just –

The President: Mr Lowey.

Mr Lowey: – say, Mr President, the mover of the Bill says, in schedule 1, 'notifying the public' and it has got 'a newspaper' – one insertion in the newspaper – and then you have got six weeks from that date. Is that one insertion for every week of those six weeks? Say I am on holiday – let us get down to practicalities – if I am on holiday and I miss that paper: six weeks, 'hard luck'!

I understand the practicalities that, no matter when you draw attention to something... but is one newspaper insertion adequate to, actually, cover what I would call 'informing the public'? I think that is the word used by the mover that this is the mechanism for informing the public.

Now, it does say... I remember, we used to have at least two newspapers, didn't we? Now, I know we consciously took that decision. There is no mention of... It has to be in a newspaper, not on a broadcast or anything. It has got to be in at least one newspaper, and then it says:

'not less than six weeks beginning with the date on which the notice is first published'.

So, 'first published' – is there an inclination there that it will be published for six weeks in the newspaper, or is it just one insertion, and then the time goes from there?

Mr Singer: Can I comment, Mr President, on that particular item –

The President: Mr Singer.

Mr Singer: – in that it is one of the weaknesses – not only here, but it is one of the weaknesses in our planning system – in that if somebody – as the Hon. Member said – is away or someone does not have the free newspaper pushed through their door, they do not know that there is something that might interest them in one of the... you often hear people say that they make sure they put in a planning application, when they know the neighbours are away, so that it will be in the paper.

So, I think it should be stronger, in the fact that, maybe, notices should be published in the area where the people are going to be affected. Maybe, it has got to be on public notice boards, if there is a public notice board, but I do think, generally – not just in this case, but in planning other matters, bringing items to the public's attention – we need to ensure that as many people as possible do see.

The President: Mr Waft.

Mr Waft: Yes, Mr President, on similar lines, it is not only particularly common to this Bill, but many Bills that come forward do designate a newspaper, and make no mention at all of Manx Radio. They are the national radio which is subsidised, and they need all the information they can get. People do listen to it, not everybody buys the newspaper.

I would think, perhaps, the Attorney General's office might think along those lines, for, perhaps, when they do draft Bills, that they include Manx Radio and the advertising of such information to the general public. I am not particularly

picking out this Bill, but many Bills always have the newspapers, perhaps two newspapers, but very rarely mention Manx Radio. So, I do think it should be highlighted within your office, sir.

The President: Mrs Crowe.

Mrs Crowe: Thank you.

I am very much on the lines of Mr Singer, and when I was in another position, I introduced the new modernised planning system, which would have been introduced by now, but for the Mount Murray Inquiry, and that does require site notices.

I fully agree with Mr Singer. It is very important that neighbouring properties – who may or may not read any Manx paper, or may or may not ever listen to Manx Radio – but a site notice, clearly displayed, in the appropriate colour, would clearly identify that something was going to happen on that land. I do think it is important, and maybe we should put a small amendment there, to say that a site notice should be displayed, because that will be in line with the new planning applications that are coming forward now.

Mr Singer: And/or public notice boards in the area –

Mrs Crowe: Well, exactly.

Mr Singer: – if they are available.

Mrs Crowe: Of course, yes.

Mr Singer: I am happy to second that, if you want to put something together.

Mrs Crowe: Yes.

Mr Delaney: No amendment.

The President: No amendment before us, at the moment. (*Interjections*) Mrs Christian.

Mrs Christian: Thank you, Mr President.

The issue of the timing of the notice is in the hands of this Chamber, if they seek to move an amendment. It does say at least one newspaper. I think the Department would, normally, advertise in more than that, but I accept that the proposal is that, statutorily, it should be required to be in just one newspaper.

With regard to the use of Manx Radio, whilst it is a medium that is available to us, I think it is even less transient than one newspaper: if you are not listening at the right time, then you simply do not become aware. (*Interjections*)

The President: Mrs Christian, continue, we will come back.

Mrs Christian: So, this matter is in Members' hands, if they feel it is inadequate.

With regard to the issue of site notices, I think there might be some difficulty on a coastline, and on private land to which... well, you presumably may have access under the further provisions of the Act, but public notice boards... I am quite sure that, in the area concerned, local authorities would be aware of the situation, and I think, perhaps, we

need to make more of the fact – and not in relation to this, in particular – that public notices are on the website in respect of planning applications. All planning applications are on the website and, if anybody is on holiday and wants to take a look, they can do so.

There must be a balance between spoon-feeding everybody, and them taking some responsibilities for keeping themselves informed.

But, Mr President, I am in the hands of Hon. Members, in respect of the time of the notice. My understanding, reading this, is that there should be one notice, at the beginning of this six-week period.

The President: Mrs Christian, before I open it, as it were, to other Members to come back to you, you just raised the point there about the private landowners and the difficulty of establishing a notice on private land or coastland.

Does it, actually, in this Bill, provide that the private landowner above high water mark statutorily has to be notified, in exactly the same way as the Department of Government and the Environment and Department of Agriculture, Fisheries and Forestry? Does it actually spell out that the landowner has to be notified?

Mrs Christian: 'Interested person' is not necessarily 'landowner'. I think not, Mr President.

The President: Lord Bishop.

The Lord Bishop: Two points: having spent one holiday in the Antipodes, the local radio there had a very specific time, when notices of this sort were actually given out, and it said... Let us say, half past eight in the morning was the moment when people knew that this sort of notice would be given out.

So, therefore, it is possible to get over the fact that, if you did not know when Manx Radio was going to put it on, you might not hear it. And it was interesting to hear how many people actually did switch on the radio, at that moment, to hear those public notices – as I believe in the old days – the good old days – of the Home Service. We knew when those things were to happen.

The President: Yes. I am sorry, and I appreciate that I am possibly guilty myself, but it... I am beginning to find an element of difficulty, because we are, actually, dealing with clause 2, and the Second Reading was completed.

We are dealing with clause 2, which is the time for amendments, and we are almost getting to the stage where we are thinking, or possibly thinking, of amendments on the hoof, which is not, necessarily, the best way of dealing with matters, although I know Council is more liberal in its outlook on that.

Mr Singer.

Mr Singer: Just to counter Mrs Christian's argument about the radio, we advertise all the Select Committees on the radio, at all different times, so people do hear them. So, to say people do not listen... if people do not listen, then the Attorney General should not be advertising Select Committees on the radio, either. (*Laughter*)

Mr Lowey: I do not think it is the Attorney General.

Mr Singer: Well, whoever – Clerk of Tynwald's Office.

Mr Lowey: I was really going to say that I thought my interpretation of what the hon. mover's... was that it was even more transient than the printed word, in one newspaper, but I appreciate... I think we are all agreed that the mover of the Bill said this was notifying the public, and all we are discussing, really, is: is this adequate notification in the circumstances?

The President: Can I go back on to Mr Lowey's original point again, Mrs Christian, so that we get clarification of that? I think Mr Lowey was making the point that it is published in one newspaper, and that publication gives a six-week delay. In other words, it gives a date six weeks from that publication in which observations can be made, and I think Mr Lowey was making the point that, if someone missed that particular paper, they would miss the six-week date.

Once the newspaper notice has been made the first time, is it continued on the fifth week, the fourth week, the third week, the second week, until that six-week period has run out? I think that was a question which he was asking. (**Mr Lowey:** Yes.)

Similarly, Mrs Christian, before I leave again, can I just have it plain, please. You made a comment in (2), and made a point of reading out (a), (b), (c) and (d):

'An order shall not be made under subsection (1) unless the Department is satisfied that the order is necessary for -'

Now, my understanding is that the Department can make an Order under any of those points (a), (b), (c), (d) or (e); it does not have to have all of them compliant with the Order, and then for example if you look at (f), it refers to:

'preserving or improving the amenities of coastal land or land *near* coastal land.'

Again, very subjective. (*Laughter and interjection by Mr Lowey*)

Mr Waft: Can I just make one point, Mr President.

The same Department – the Department of Transport: if anybody in the Isle of Man does not know that Vicarage Road is being widened, they must be living on another planet, because we have been hearing it every morning, for months and months and months and months. I do think they provide a service, and if it is good enough for a widening of a road, it must be good enough for coastal management, and if there is something larger happening in their area.

The President: Mrs Christian. I appreciate we are getting into a severe difficulty, Hon. Members.

Mrs Christian: Right. Well, I think we are still in committee, so –

The President: We are.

Mrs Christian: I have not said that it is inappropriate to use Manx Radio –

Mr Waft: You mentioned spoon-feeding.

Mrs Christian: Well, in terms of how long and how frequently you do this, I am not saying that the Hon. Members are wrong. I do not see an amendment from them

yet, (**The President:** No.) but, perhaps, this is where we are not getting ahead of ourselves in preparing these things before we arrive. We are all guilty, perhaps.

The issue of whether or not the notice is in the paper every week for six weeks: it is not a statutory requirement, as I read this. Whether or not the Department would see fit to do it, I cannot say. It is quite good at publicising what it does. Whether statutorily it should be stronger than this is a matter for Members to consider.

Mr President, you are absolutely right, and if I implied differently, I apologise, but it is *any* of the items from (a) to (f) which need to be considered or determined by the Department, not all of them, when they are deciding whether or not to declare a coastal zone.

Again, it is subjective, as you say, in respect of land near coastal land. If that land near coastal land is lower than it, then I think that would be jolly good reason for allowing land 'near' coastal land to be considered! (*Laughter*)

The President: Mr Attorney.

The Attorney General: Mr President, may I just comment on the last comment that the hon. mover has made insofar as it being a subjective decision.

Could I respectfully suggest that, in fact, it is not as dangerous as that, if that is what the concern of Hon. Members is, because, in fact, what the Department must do is to act as a reasonable Department in making these Orders.

So, if, for example, to take the point you raised, sir, there was a landowner who had land well up a river, which was considered to be an estuary and, therefore, part of coastal land, if that landowner would say, 'The Department has acted entirely unreasonably in respect of this, and should never designate my land as coastal land', then he would have the right to go to the court on judicial review – petition of dolence. So, there is that.

It is not entirely subjective. They must act as a reasonable Department in all the circumstances, and I think that is some protection.

The Lord Bishop: Can I have my say on that part?

The President: Yes. Lord Bishop.

The Lord Bishop: Thank you.

It strikes me that the designated area, simply by using the word 'designated', is actually going to be quite clear in its geographical area, (**Mrs Christian:** Yes.) because it has been designated.

One way of ensuring that everybody knows about it would be if I proposed an amendment, which said that something along the lines that freeholders within the designated area had the notice served on them, because if that is the people who actually own the freehold policies within the designated area, those are the people whose land is actually going to be particularly affected by this, one way or the other, or not affected at all, but would need to know about it. Because it is a limited area of land, that should be fairly easy to do.

I wondered if that was one way forward to the public notice bit, ensuring that the people whose land is affected know?

Mrs Christian: Any interested persons shall by notice be – (*Interjection by The Lord Bishop*)

The President: Hon. Members, I appreciate, and I feel somewhat guilty, but Mrs Christian is in a position of moving, correctly, clause 2 and both schedules.

I feel that we are thrashing around a little, and I think I either stick to that, formally, and deal with that, formally, unless we have a proper amendment or, in fact, I suppose an alternative is that we almost hold over discussion, until Members have decided.

Mrs Christian, can I...?

Mrs Christian: I am in your hands, Mr President. I do sense that Members want to move an amendment. I do not know whether there is any mechanism by which we could defer consideration of clause 2, and do the rest, or whether that would not be logical, because you have not got clause 2, as part of the Bill.

The President: My preference would be to –

Mrs Christian: The alternative –

The President: – I think, hold over discussion until Members can get clear what they want to suggest – whether it be something on the lines that Mrs Crowe was suggesting, or something on the lines that the Lord Bishop was suggesting, whichever of those may be more practical, in relation to notices, and cover the concerns that Members have. (**Mr Delaney:** Agreed.)

Now, I am happy, but it is in Mrs Christian's hand. Would Mrs Christian agree to hold it over?

Mrs Christian: I am happy to hold it over, Mr President. I would just put in a plea that, if there are any further clauses to be amended, Members, perhaps, have them ready! (*Laughter*)

The Lord Bishop: Ow!

The President: I appreciate that. I think the other point which was made, early on in our discussions, which I would, equally, like Members to take a look at, would be the interpretation clause, which is clause 9, in relation to coastal land or coastland, and I think if coastal land, coast, coastland or both... but 'coastline' as the Lord Bishop pointed out is not defined, and, maybe, Members may wish to take a view of that. Other than that, I think...

So, we are agreed, Hon. Members, that we hold over further discussion for Coastline Management Bill for a further week.

Tribute to

Mr Delaney, Mr Gelling, Mr Kniveton and Mr Waft on conclusion of their terms of office

4. Mr Lowey to move:

That Council do express its appreciation of the parliamentary, governmental and other public service of Mr Delaney, Mr Gelling, Mr Kniveton and Mr Waft who shortly vacate office as Members.

The President: Hon. Members, having been through,

then, our Order Paper, with the holding over of that matter, I call upon the Hon. Member, Mr Lowey.

Mr Lowey: Thank you, Mr President.

Mr President, it is my privilege and honour just to thank our four retiring friends and colleagues, and you will forgive me if I break Standing Orders by naming them: Dominic, Donald, George, and Ray. It sounds like a pop group, really, doesn't it? (*Laughter*)

But, firstly, I would like to thank them for their full input into the Manx Government, and economic growth and success of the Isle of Man over the years. They were, and are, men of vision, and dedicated to the welfare and best interests of Manx men and women, young and old alike. They are all realists, and men of sound judgement. They have, every one of them, contributed to this arm of legislature, in full, and as you, Mr President, so rightly opined, in Tynwald last week, their contribution to the Court has been invaluable. We have had the pleasure of their company for many, many years, and I trust that we will have the continuing pleasure for a few more years yet.

If I can take them one at a time. Let me take my very good friend, Mr John Raymond Kniveton.

Mr Kniveton: The oldest Member of Tynwald!

Mr Lowey: The oldest swinger in town! I have known Ray for many, many years, long before he came into this establishment. The Kniveton family are a well-known Manx family, and all three boys have done rather well for themselves, Raymond, not least of the boys.

He has indicated his intention to stand down from office. He is going to be sorely missed and we wish him and Isobel a long, happy and contented retirement. I know the family are going to be delighted to slow him down. I think they will have to put a lanket on him – and, for my Lord Bishop, a lanket is what you put on sheep to stop them jumping over hedges, sir!

I know the family will be pleased, and Isobel, also – with the proviso, Ray, that you keep out of the kitchen, because you are going to get under her feet. But, knowing Ray, it will be a semi-retirement, and we will see him around and about, still undertaking the act of participation he has with his community. I do not need to stress what those are, but he is very closely allied with the Church, he is very closely allied with the old age pensioners, he is very allied with the youth club – in fact, people.

You just cannot keep a good man down. With 16 years' public service behind him, Ray has earned his retirement and our respect. To Ray and Isobel, our best wishes for good health and many, many happy years ahead of you. Mr President, the three remaining gentlemen – I have got to be careful – are seeing a renewal of their mandate, and all three richly deserve to be returned to this Chamber, based on their past record.

Dominic Francis Kevin Delaney – sounds like the opening of *Porridge*, doesn't it, really? (*Laughter*) I have had the pleasure of working closely with Dominic in the Department of Tourism and Leisure, and can say that no-one has fought harder for the tourism industry than he has over the years. He is a great community man. He is a true man of the people. The British Legion, the ex-servicemen generally, pensioners, young people and the town of Douglas, he has been and continues to this very day their champion.

He has been a fighter for the betterment and improvement of them all.

He does not spare himself, and, even when he underwent major surgery, he still managed to keep fully up to speed on all the politics of the day. In fact, Dominic knew more of what was going on in Tynwald than I, who spent virtually every morning in that office over the road. I do not know how he gets it, but he has got a keen ear to the ground.

He has given, believe it or believe it not, Mr President, over 29 years of public service to central and local government. He came in, I think it was, 18 months after I first arrived here, and he has been very active ever since.

The greatest accolade that can be given to Dominic is that, after 29 years, he is still known throughout the Island by his first name. They do not call him 'Mr Delaney', they just say 'Dominic' – and no politician can have a higher accolade than that. He is one of the characters of the local political scene: 29 years in national Government, seven years in the local town hall.

To Julia and Dominic, and the family, we wish them well.

And if I can speak to my absent friend, Donald Gelling, anyone who can arrange his birthday for 5th July deserves to become Chief Minister! (*Laughter*) I do not need notes to speak of his achievements and, similar to Dominic, people do not call him 'Mr Gelling', either; it is 'Donald'. Why? Obvious: a life of public service, no side to him, always ready to have a word with you, he takes his duties seriously, but still manages to get the priorities right, people and their aspirations and needs, encouraging people to extend themselves, be it at work, play or sport, and his great delight in seeing young people progress in life gives him immense pleasure.

He would not have been recalled to lead this country for a second time, unless he had earned the confidence of both branches of the Legislature. It is a remarkable feat in politics to be returned, unopposed, to your seat twice; it is rarer than snow in the Sahara Desert to be returned unopposed to the Chief Minister's job, a position he did not actively seek, but took on the grinding responsibility that it entails. It is duty, and, when duty called, Donald acted.

Donald is actively supported by Joan and the family, and we wish them the very best. Believe it or not, Donald Gelling has been 44 years at it, as parish commissioner and in central Government.

I come to my good friend, George Henry Waft. I did not know he was a 'hooray Henry'! I did not. How many people around this table have known him as Henry?

George, I have to be very careful now: sitting alongside this gentleman for the past seven years, he knows me better than I know myself. He has analysed me, he has psycho-analysed me – and he is still none the wiser. He still shakes his head in disbelief, every Tuesday, when he comes in!

George has served this Island and its people with distinction, both nationally and locally. He was a dedicated health worker, working at Ballamona Hospital. I know he was night superintendent, chief nurse, and has continued his commitment to their cause ever since, in a tirelessly open campaign for the sick, the less fortunate and young people at home and abroad. He has worked, tirelessly, for MENCAP and the disabled – you will get the Disabled Bill through yet, George! One more heave, that is all it will take!

For years, he has campaigned against the effects of landmines and smoking, when it was politically unfashionable

to do so, and has achieved much more than I ever thought could have been achieved – and he has done it.

His work for Overseas Aid has seen Government digging deeper for those less fortunate than themselves. Which of us, Mr President, I suggest, would have thought that the Treasury one day would give £1 million a year to Overseas Aid? And he has achieved that after a few months in the Treasury. I have to say to you, George, your days in that august body are numbered! (*Laughter*) You are spending too much.

However, he has worked equally hard to bring a ray of sunshine into the lives of the kids of Chernobyl. This is something he does in his spare time, and he has worked, tirelessly, for the Chernobyl kids, not just raising money, but giving up his time when they are here to bring them around the Island, and show them all the joys of living in the Isle of Man.

He is a great guy whose quiet demeanour hides his resolute concern for others, home and overseas, and he has been 34 years at it in the public life, with Lynn – I do not know how she has put up with him all that length of time. To Lynn and George, again, we wish them the very best.

Mr President, I know that I have only scratched the surface of these gentlemen's contributions to this Island's political life, and while some may say this Council and its Members do not have constituents and constituencies, I know, and I hope I have illustrated, ever so slightly, that these gentlemen contribute in full to the full political life of this Island, and the role of their wives and families should not be overlooked, and should be required to be expressed publicly, that we owe them a debt of gratitude, as well.

Mr President, elections are never sure things, but whatever the outcome is a week today, these men have contributed in full measure to our role. Experience is invaluable. Between them they have contributed 130 years of public service.

I, on your behalf, Mr President, and on behalf of the officers and Members of the Legislative Council, wish them well. They deserve to be returned – and to Ray, particularly, a long and happy retirement. You have earned it.

Two Members: Hear, hear.

The President: I think, Hon. members, every Member of this Council would join Mr Lowey in those comments. Three of you have your destiny, as I said last week, I think, largely in your own hands, you can make your own decisions and whatever, and then the Keys Members will make that decision for you.

To Ray Kniveton, of course, he has taken the conscious decision that, in fact, he is not going to fight a further battle, but for each and every one of you, the four of you, we certainly accept that tribute which was paid, and our best and most sincere wishes, for whatever you wish in the future, go with you.

Can I just add to Ed Lowey's comment's there, and say what we really wish you is health and happiness, (**Several Members:** Hear, hear.) no matter what comes up.

Mr Kniveton: Can I just respond, as the guy who is going, by saying thank you, not only to you, sir, but also to Mr Lowey for those very, very kind words, and, of course, I had similar last Tuesday, in Tynwald.

I have been very, very fortunate. There are not many people outside, perhaps these people here can... I have had 56 years of a working life. I have been fortunate, and I cannot complain about that.

So, deciding to retire was not an easy decision. It certainly was not, but the decision was made. You are quite right, Eddie, I am looking around, and I am not going to retire, because I want to turn that 56 into 65! *(Laughter)*

So, anyhow, thank you, everybody, for what you expressed and I, in turn, give you my good wishes for the future as a Council and as for re-election. Thank you.

Consideration of Summaries of Proceedings in the Council of Ministers (January 2005) deferred

The President: Okay. Now, Hon. Members, I have to advise Members that consideration of the January Council of Ministers summaries will be deferred again until next week's sitting.

**Formal leave of absence
Statement by the President**

The President: I would just like to pass a comment

on leave of absence. You know we did reach a position, at one particular Tynwald, where, in fact, I was struggling at times, because of various considerations, to have a quorum of Council Members.

With the position of Members serving their varying Departments, at the present time, there is a tendency... With the Chief Minister, as an example, being missing today, and Mr Singer was missing a month or two months ago, on another trip, and Mr Delaney has indicated that there is probably a Tourist Department trip which will coincide, again, with a Tynwald sitting. I think it is becoming more necessary that, in fact, I treat these as formal requests for absences, and so, if I can just leave that with Members that, in fact, we do check, and make sure we have good cover within the Legislative Council.

That said, Hon. Members, the adjournment will be to next Tuesday, 1st March, at 10.30 a.m. Thank you, Hon. Members.

The Council adjourned at 11.55 a.m.