



**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, 30th October 2007

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

The Attorney General (Mr W J H Corlett QC),
Mr D Butt, Mr E A Crowe, Mr A F Downie,
Mr E G Lowey, Mr J R Turner and Mr G H Waft,
with Mr J King, Clerk of the Council.

Business transacted

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The Council adjourned at 11.51 a.m.

Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Good morning, Hon. Members. I call upon the Chaplain to lead us in prayers.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The President: We have apologies today from the Hon. Members, Mrs Crowe and Mrs Christian. Both ladies are off the Island, Hon. Members.

Questions for Oral Answer

TRANSPORT

Transport Quarterly Purpose and production

1.1. The Hon. Member (Mr Lowey) to ask the Minister for Transport:

- (1) *What is the purpose of Transport Quarterly;*
- (2) *how much does it cost to produce, print and distribute;*
- (3) *what is the reason for Directors to be profiled in this; and*
- (4) *is this 'high gloss paper' recyclable?*

The President: So we turn to our Order Paper and, dealing with the Questions, I call on the Hon. Member, Mr Lowey.

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

The President: As I understand it, answering on behalf of the Minister for Transport, Mr Crowe.

Mr Crowe: Thank you, Mr President.

In answer to part (1) of the Hon. Member's Question, the purpose of the Department's quarterly newsletter is to keep the public informed as to its many and varied projects.

The Department is one of the most visible arms of Government and, whilst appreciating that, by the very nature of some of its work, the Department is unlikely to ever be

a popular face of Government, there is a need to keep the public informed as to the projects that will affect them – be it a highway reconstruction or a development of one of the ports.

These projects, to improve the Island's essential infrastructure, also involve, by necessity, the expenditure of significant amounts of public money.

In terms of Government openness and accountability, therefore, there are good reasons for the Department to take a proactive approach to providing the public with clear information to explain what it is all about, what it is doing with public funds, and why. Indeed, there has been much criticism in the past of the Government not carrying out exercises such as this informative process.

The newsletter is an example of Government following the principles of public openness and accountability: important principles, as I am sure the Hon. Member will agree. The Department is indeed proactive in issuing press releases and holding media briefings to keep the media and public informed of its projects.

However, the nature of the media means that few releases receive comprehensive coverage, or as much coverage as the Department would like, by either the newspapers or radio stations. Naturally, the media like to pick and choose those elements that they believe will sell newspapers, sometimes at the expense of important information that they might consider dull.

For that reason, *Transport Quarterly* offers the chance to provide the public with the full story. The newsletter is therefore written to explain the facts of a particular scheme. People will make up their own mind as to whether or not they like what the Department is doing, but they are entitled to clear, factual information on which to base their opinion, and the Department has received positive feedback from the editions published to date.

In answer to part (2) of the Question, there are 39,000 copies of *Transport Quarterly* printed: 38,500 for distribution with the *Isle of Man Courier* and 500 for placement in stands at the Sea Terminal and Isle of Man Airport.

The overall cost for compilation, design, printing and distribution of the autumn edition of *Transport Quarterly* was £5,060.50.

Turning to part (3) of the Question, the Directors have been profiled over the first two editions, four in the summer edition and four in the recent autumn edition. In the first edition, it was felt necessary to let the public know who is responsible within the Department for its different Divisions, which again is all part and parcel of being transparent and accountable, in addition to explaining their backgrounds and qualifications for their respective roles. In the first edition, there was also a brief overview of the Minister and three political Members.

Ideally, we would have included profiles of all Directors in the first edition. However, as the newsletter is only six pages long, to use two pages for profiles of the Directors was clearly unrealistic, so it was decided to spread the eight over the first two editions. They will not be included, therefore, in subsequent editions, with the space given over to publicising more schemes and the work of the Department.

In answer to part (4) of the Question, I can confirm that the Department requested quotes for printing on recycled paper. The paper used for the *Transport Quarterly* was 50 per cent recycled. The printing company can supply paper that has a higher recycle percentage i.e. 55 per cent, 60 per cent

or 65 per cent. However, the higher the percentage, the higher the cost and we endeavour to keep the prices as competitive as possible. So, there is a balance between having a good recycled element, but at a cost that is reasonable.

The President: Mr Lowey.

Mr Lowey: Thank you, Mr President.

Would the Member of the DoT not agree that, when we have got 10 Departments of Government, if everybody spent this amount of money, it would be half a million pounds a year that would be spent?

Would he also not agree that the paper is virtually giving a running commentary, not on future prospects, but historical expenditure? In other words, the sewage works, Meary Veg, which I have got in front of me, was a *fait accompli*. That had been opened over a year ago. So we are not keeping people up to date, we are actually reciting again what had gone on in the past.

Would he also not agree that, while it is important for the general public to have a factual document, does that not apply to all arms of Government? Does the government not have a publicity officer, employed by the Council of Ministers, to get Government policy across to the media? Therefore, why is there a need for the Department to double up on this effort?

The President: Mr Crowe.

Mr Crowe: Yes, if all Departments were involved in this, there would be a significant cost, but I think each Department must look at its own budget which it agrees with the Treasury as to what and how it spends its money.

As to the content, you are bound to get some historical and you are bound to get some forthcoming projects. I think you are giving a check on what is happening or what has happened, so I cannot see that you would absolutely get rid of all historical content.

As to the publicity officer, they have a particular role, probably more for the Council of Ministers than for the Department of Transport.

The President: Mr Downie.

Mr Downie: Thank you, Mr President.

The Hon. Member advises that this particular edition cost just over £5,000; but could he advise us today of any other hidden costs? For example, does the Department employ public relations staff? Who collates all of the information?

I am aware that, by statute, a lot of the highway works and orders have to be published, so that is another element to it. Could he give us an idea of what other costs are involved in the publicity of this brochure and some of the other public relations issues that the Department undertakes?

The President: Mr Crowe.

Mr Crowe: Well, as far as I am concerned, the cost for this is stated: compilation, design, printing. If you are talking about the road closure advertisements and costs of advertising, that is a separate issue altogether, so I am not quite clear as to where you are coming from, Hon. Member.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

My question is a little bit similar to that of my hon. colleague, Mr Downie. What I wish to know is: is the publication produced in-house or via an external agency? I think that is what Mr Downie was also asking.

The President: Mr Crowe.

Mr Crowe: Yes, I think they use an external agency to assist with this.

The President: Mr Turner.

Mr Turner: Further supplementary, Mr President.

Could any cost savings be made by bringing the production of this leaflet in-house and produced by the Government's own design department, the printing Division? (**The President:** Reprographics.) Reprographics, yes.

Mr Crowe: I think that is a very valid point. I think I will take this back to the Department as a consideration for future issues.

The President: Mr Waft.

Mr Waft: As an overall percentage of the gross funding of the DoT, and with a need for the public to be made aware of the goings on of the DoT, with regard to perhaps notifying people on the ground, in the areas where works are taking place, it is absolutely essential. Perhaps that could be equated somewhere within the two.

The President: Mr Crowe.

Mr Crowe: Thank you, Hon. Member.

Are you talking about road closures or digging up the roads or urgent issues that – ?

Mr Waft: Where the public in general have been inconvenienced, especially shopkeepers who suffer because of that.

Mr Crowe: Yes, you would like that bringing into the quarterly reports? Well, I certainly think that is a helpful suggestion.

The President: Finally, Mr Lowey.

Mr Lowey: It just amazes me that the Department thinks... We are supposed to be in the era of corporate government, Mr President. How is it that the Department thinks it is special and its needs are unique to it, and not encompassed in the corporacy of Government?

The President: Mr Crowe.

Mr Crowe: Thank you, Hon. Member.

As I mentioned, what we are trying to say is that we are a high profile Department. There are particular issues that concern the DoT that are particular and need some help with dissemination of information.

**Governor's Bridge scheme
Director of Highways' comments; expenditure**

1.2. The Hon. Member (Mr Lowey) to ask the Minister for Transport:

(1) Does your Director of Highways have your authorisation to publicly proclaim Government/departmental policy;

(2) are you satisfied that your Director of Highways' comments on Manx Radio, regarding Tynwald's concerns about Governor's Bridge, Bemahague Road, demonstrate sufficient

(a) tact;

(b) listening to Tynwald's concerns;

(c) understanding of Tynwald's concerns; and

(3) apart from design fees, has any other expenditure taken place on the Governor's Bridge scheme?

The President: Hon. Members, we will turn to Question 2.

I call on the Hon. Member, Mr Lowey.

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

The President: Again, Mr Crowe. I call on you to answer, sir.

Mr Crowe: Thank you, Mr President.

Mr President, I have consulted with the Minister for Transport in this matter and can advise, as far as part (1) is concerned: the Department's senior officers can only discuss departmental policy publicly, as on Manx Radio, when authorised by the Minister to do so. In this case, I can confirm that the Director of Highways was authorised by the Minister, after the Tynwald debate, to prepare a press statement on the Department's position and make himself available for media interviews on the content of the press statement.

The Minister authorised the issue of the press statement, taking into account the exceptional circumstances following the Tynwald debate on the motion for the approval of the Governor's Bridge highway improvement scheme, in that various concerns were raised by Members during the Tynwald debate, but because the motion was withdrawn, the Minister did not have the opportunity to respond to and allay those concerns.

In particular, the Minister wished to make clear that the continued use of the Governor's Bridge section of the TT course was not affected by the highways improvement scheme.

For part (2), the Minister is satisfied that, in an interview on Manx Radio on 18th October, the Director of Highways demonstrated his tact in deflecting the question on the political will to progress the Governor's Bridge scheme.

On the matter of the timing of the interview, I must point out that the Director had already been booked to feature in the particular programme concerned, rather than his appearance being arranged specifically to discuss the Governor's Bridge scheme. The interview also demonstrated that the Director had fully listened to the concerns expressed by certain Members of Tynwald and was anxious to respond to those concerns.

As far as part (3) is concerned, the Department has

expended £2,500 on trial holes for the Governor's Bridge highway improvement scheme phase 1. A further scheme, phase 2, is in the preparatory stage and approximately £50,000 has been expended on bore holes to ascertain whether ground conditions would allow a bridge structure to be located in Summerhill Glen. The purpose of this is to inform the business case and hence the decision to proceed with the scheme on the grounds of value for money and benefit, or not, as the case may be.

The President: Mr Lowey.

Mr Lowey: Thank you, Mr President.

I thank the Member for his reply. Would it not then be advisable, if your senior civil servants are responding on behalf of the Minister, to put that caveat at the start, 'speaking on behalf of my Department or my Minister'? Perhaps that would be germane.

Why was the Minister not able on this occasion to give a report of his decision to withdraw the motion? If there was a delegated Member for the Department, and the Minister was not available, where was the delegated Member; or does the Department have delegated authority to the Members?

Could I also ask, on the design fees, where we have already expended £50,000, would it not have been better if we had been told there was a phase 2 on the horizon and that a public expenditure was already being incurred in that regard, instead of having to get that out in the debate?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President.

I agree that a caveat, speaking on behalf of the Minister, would have helped in this situation but the Minister, I believe, did go on Manx Radio in the morning, at eight o'clock, after the scheme had been withdrawn, and did speak on Manx Radio at about eight o'clock. So Mr Hannay was purely following up information that the Minister had given at about eight o'clock or ten past eight.

What Mr Hannay was doing in his interview was only reflecting everything the Minister had said on the same day. He was acting with the authority and not to say anything other than the Minister had agreed.

Delegated authority to a Member: I think on the day of the interview, Tynwald was in fact sitting, so I think none of the Members were available to go on Manx Radio, because this was a –

Mr Lowey: That would be a first!

Mr Crowe: – Dan Davis programme, 'Talking Heads', at 11 o'clock on a morning, when you have to attend the studio. So rather than pull people out of Tynwald to appear on Manx Radio, Mr Hannay and Mr Sewell were asked to give some pointers on the Tynwald debate.

As far as phase 2 is concerned, what the Minister said in his speech in Tynwald – or what he was trying to say – was that it was a stand-alone scheme. Phase 1 will stand on its own; phase 2 was being considered as a way of helping traffic overcome the problems at the roundabout at the top of Victoria Road, and the problems in road closures, to allow Onchan residents and those in the north to have a route other than the promenade route.

There was no intention of not disclosing phase 2 –

Mr Lowey: It wasn't disclosed until the debate.

The President: Hold on, Mr Lowey. Have you completed Mr Crowe?

Mr Crowe: Well, I would need to check the Minister's speech, but I think one of the problems that I saw, following the debate, was that the briefing to Tynwald Members was originally convened and then was postponed to a date which did not help some Members. I think the lesson that the Department has learned is that it is to give as much advance warning as possible of schemes, and brief Members accordingly.

The President: Mr Lowey.

Mr Lowey: Would the Member not agree that it was less than tactful for the Director to actually say, on Tynwald, that the scheme was going back to Tynwald, notwithstanding what had taken place in Tynwald regarding the concerns of certain Members?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President. I thank the Hon. Member for his question.

I think it was only something that the Minister had already previously said: that he felt the scheme was valid and worthwhile and felt it could well be reintroduced with a single briefing to Members. So, I think Mr Hannay was only reflecting what Mr Anderson, the Minister, had already said.

The President: Mr Butt.

Mr Butt: Thank you, Mr President.

I wonder: could I have an assurance that the Department has not closed its minds to considering alternatives to the scheme to relieve congestion in the area, especially bearing in mind that had the scheme gone ahead with a roundabout, there still would have been priority for traffic from the mountain in the mornings causing congestion on the Onchan side, and it did not address the issue of congestion in the evenings, where traffic in Victoria Road has right of way which causes queues in Glencrutchery Road?

I wonder if I could have an assurance that there is not a closed mind now on this issue and there will be possibly experiments to see what can be done.

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President, and I thank Mr Butt for his comments as well.

I think the intention of the bigger roundabout was to allow two lanes of traffic onto the roundabout and two lanes off. It would allow greater access onto and off the roundabout, so I think the whole purpose of a larger roundabout allows more people to join and leave the roundabout.

At the present time, as we all know, at Governor's Bridge, you have a very small roundabout. The traffic from Onchan is backed up; the traffic from Ramsey has precedence in the morning; and this is causing the backup in Onchan residents.

In answer to your question regarding the whole thing, we

do not have a closed mind on it. We will consider suggestions that have been put to us.

The President: Mr Downie.

Mr Downie: Thank you, Mr President.

I would just like to ask the Hon. Member, does he not think it is discourteous that there are, in circulation, drawings which indicate a phase 2 and a substantial cost to the taxpayer which, to this date, have never been to Treasury for approval and yet they are mentioned in the debate by the Minister? Part of the concerns that a lot of Members had was that in agreeing to phase 1, we are just agreeing that phase 2 is going to be a fait accompli, when really we do not even know whether the ground conditions are suitable yet to deal with the phase 2.

Does he not think that, really, is not the way that issues like this should be brought to Tynwald?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President. I thank the Hon. Mr Downie for his question.

I think what we have at the present are indicative drawings of proposals that are in the early stages of discussion, as to how that problem at Victoria Road roundabout and the access over Summerhill Glen can be achieved. I think it is too early to go to Tynwald until the whole scheme either is practical or impractical.

If the drillings in Summerhill Glen plan is unsuitable for an access road to be built there, then of course it would not get any further than the DoT. It would not go to Treasury.

So it has to be worked out as to: can it be built; does it need to be built; how much will it cost; will Treasury give approval; will Council of Ministers give approval? There are an awful lot of steps along the way. Taking every programme or proposal to Treasury before it is looked at is a bit over the top, in my opinion.

The President: Mr Downie.

Mr Downie: Would the Member not agree that with hindsight and looking at what has happened with IRIS, the additional cost and now the 'road to Damascus' as it were, where we have got to go back and revisit certain things, it would be better to establish the principle of a new scheme at Governor's Bridge, showing the options that are available? Although the work may be ongoing, it is better to come forward and be up front and honest, and try and get to a situation where Tynwald Court is not faced with a fait accompli?

Would you not agree that this is what causes ill feeling amongst Members, particularly at a time when one would suggest that the whole future of the TT may be up for discussion or in jeopardy at some stage; and with some relatively minor changes to the approach to traffic management at Governor's Bridge and at the promenade, we may be able to alleviate some of the problems, without expense in the region of between £5 million and £6 million?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President, and I thank the

Hon. Mr Downie for his question.

I think what comes out of this discussion this morning, in the Question and Answer session, is that all of these issues, especially the one about bringing phase 1 and phase 2 back... If phase 1 is brought back, then Tynwald Members will be briefed on the indicative solutions for phase 2.

So, having heard your comments – and I know Mr Hannay is taking notes as well, and I thank him for attending this morning to listen to the concerns of Members – these will be taken on board by the Department.

The President: Finally, Mr Lowey.

Mr Lowey: Thank you, Mr President.

To my friend, Mr Crowe – he said in reply to my opening Question that the publication was to be an attempt to be open and frank – would he not agree that, on this occasion, with the phases 1 and 2, it could not be said that the Department was being open and frank?

Would he also not agree that to spend £50,000 on indicative plans, which included ground works, goes a little bit beyond what I would call the initial phases?

My final point: would he also not agree that seminars are no substitute for informing Members in the debate, fully and frankly, about what the proposals of the Department are?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President.

I thank my friend, Mr Lowey, for his final question, but I think the third part of his question is an interesting one. He is saying that it is the debate where the information comes forward. In my view, it is helpful to have briefing sessions before, rather than have the whole information put into a debate. When there are schemes that require plans and photographs and so on, I think your briefing sessions or seminars are helpful to Members – and, in fact, the lack of the briefing seminar for many Members caused the concern that that did.

As for being open and frank, that is a matter of conjecture and I think again, for phase 2, the spending of the money on trial borings and design fees, it is a Department point that I will take back with me.

Mr Lowey: Can I thank the Hon. Member for his reply – rather long replies and questions. Thank you.

Orders of the Day

Income Tax (Amendment) Bill **First Reading approved**

2. Mr Downie to move:

That the Income Tax (Amendment) Bill be now read a first time.

The President: Hon. Members, we turn, then, to Item 2 on our Order Paper and we start with the legislation and the

Income Tax (Amendment) Bill. It is there for First Reading, Hon. Members, and it is in the hands of the Hon. Member, Mr Downie.

Mr Downie: Thank you, Mr President.

The Income Tax (Amendment) Bill 2007 makes various amendments to the Income Tax Act 1970. The Bill itself contains 10 clauses and confirms three temporary taxation orders.

An amendment has been made so that no deduction from income tax may be granted for crime-related payments.

The Bill seeks to set time limits for which income tax records must be kept by taxpayers. An amendment is made to the Assessor's information-gathering powers in cases where fraud is suspected.

The Bill maintains a long-established position that prevents the deduction for income tax purposes of VAT surcharges, civil penalties and interest. In addition, VAT repayment supplements are not chargeable to income tax.

The legislation relating to the corporate charge is repealed from the Income Tax Act, following its move to the Financial Supervision Commission. An amendment is made to the method of allowing a tax reduction for interest paid when computing Isle of Man or rental income.

Finally, Mr President, the Bill confirms three temporary taxation orders. These deal with the income tax amendments following the introduction of the Companies Act 2006, the International Tax Agreement with the Netherlands and the Island's commitment to the European Savings Directive.

Mr President, I beg to move the First Reading of the Income Tax (Amendment) Bill 2007.

The President: Mr Crowe.

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

The President: Mr Crowe seconds. Does any other Member wish to pass any comment on the Income Tax (Amendment) Bill? Mr Turner.

Mr Turner: My point I just wish to raise is if the Hon. Member can give me the reason as to why the corporate charge was abolished and transferred to the Financial Supervision Commission. I did raise a question in another place about the corporate charge, as to why it was transferred to the FSC.

My thoughts were, maybe, that Treasury were unsuccessful in making all firms actually pay the charge; my other thought was maybe by transferring it as part of the annual return, it would effectively force companies to pay that fee. I would like to know if that was the case. Is that the reason behind abolishing the charge in this piece of legislation?

The President: Mr Lowey.

Mr Lowey: Yes, there are just two queries that I have. One was clause 2 where we are imposing a duty on taxpayers to preserve their records for the specified period. If I remember rightly, and it will come up when we deal with the clauses – I am just flagging it up now – there is a period, I think it is four years for individuals and six years for companies – or is it the other way round? I just wondered why there was a different timescale for an individual. A tax

record is surely a tax record, whether it is for a company or for an individual. So it was just that query.

The other query I had was something to do with the crime-related payments which cannot be treated as deductions for the purposes of income tax. I find that quite amazing. Maybe I have read it wrong, but it does seem an absolute absurdity that somebody could claim a tax deduction on the proceeds of crime! I wonder which planet I am living on at times, but I am glad the Treasury are alive to it, if it is happening.

The President: Mr Downie to reply, sir.

Mr Downie: Thank you, Mr President.

Mr Turner's point about the transfer of the corporate charge: my understanding of the situation, and I will confirm this when we get into the Readings, is because of the zero tax situation. Any payments made to the Treasury would be classified as a tax, and to try and simplify the scheme, to make it more user-friendly, there is an annual fee payment now, rather than a tax. That is paid to the Financial Supervision Commission, and that was a much simpler and cleaner operation.

It just makes sure that there is a record of the companies and that there is this ongoing process which shows that they are active. I will get some more information on the back of that.

But that has been widely accepted by the industry itself. Although there was some concern initially, I attended a meeting yesterday with quite a lot of corporate service providers and other people, and since it has been introduced, they seem a lot happier with the system.

Mr Lowey, on clause 2: what actually will happen with clause 2 is there is a new section 80A which comes into the 1970 Act, which introduces timescales for taxpayers to retain the records that are required to complete an income tax form. Currently, there is no requirement within the Income Tax Acts for a taxpayer to retain records used to make an income tax return. This has caused difficulties in the past where tax returns are not filed on time or where returns are found to have errors or omissions. The reconstruction of tax records, particularly by persons carrying on a trade has been very difficult.

Corporate taxpayers must keep their records for four years from the end of the relevant accounting period. Non-corporate taxpayers who trade or receive rents must retain their records for six years after the end of the relevant year of assessment. Finally, all other non-corporate taxpayers must retain their records for two years after the end of the relevant year of assessment. So I hope that clears that matter up for you.

If we move to the crime-related payments and the proceeds of crime, I am not aware that there have been any persons who have been making a claim, but obviously, if a person was involved in criminal activities or a company was fined very heavily, it is not correct that they should be putting that on the tax return and putting it down as a business loss.

So, I will get some more information as we proceed with the Bill, but I am sure the Attorney here is much better placed to give any additional advice about this issue.

The President: Hon. Members, I think we have further Readings and clauses to go through, but I put to Council that the Income Tax (Amendment) Bill be read for a first time.

Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Fertilisers and Feeding Stuffs (Amendment) Bill First Reading approved

3. Mr Butt to move:

That the Fertilisers and Feeding Stuffs (Amendment) Bill be now read a first time.

The President: Hon. Members, we move on, then, to the Fertilisers and Feeding Stuffs (Amendment) Bill, again for First Reading. This time, Hon. Members, it is in the hands of the Hon. Member, Mr Butt.

Mr Butt: Thank you, Mr President.

This Bill – the Fertilisers and Feeding Stuffs (Amendment) Bill – provides the Department of Agriculture, Fisheries and Forestry with the appropriate tools with which to bring its regulation concerning fertilisers and feeding stuffs up to date.

The substantive clause of the Bill replaces the provisions of section 20 of the Fertilisers and Feeding Stuffs Act 1975, which currently enables the Department to apply UK legislation relating to fertilisers and feeding stuffs to the Island. The new provisions are in a more modern format and enable the implementation of European Community instruments relating to fertilisers and feeding stuffs.

The Bill provides enabling powers in relation to the application of the subsidiary legislation, which will be subject to Tynwald approval.

Mr President, I beg leave to move the First Reading of the Fertilisers and Feeding Stuffs (Amendment) Bill.

The President: Mr Turner.

Mr Turner: I beg to second and reserve my remarks.

The President: Mr Lowey.

Mr Lowey: I support it, because although the Bill at First Reading is only a small Bill, it is a very important Bill. We have the sad tale of BSE which was because the rendering of animals and then putting down the remnants of that into the food chain was important. So it cannot be underestimated that we do need to have the highest international standards being applied here on the Isle of Man to our record of good agriculture. In other words, we are noted as a place where high standards are applied in husbandry right across the board, and so the feedstuffs are important.

So that is why it needs to be recognised at an international level. I am glad that the Department is recognising the need to keep up to the higher standards.

The President: Mr Downie.

Mr Downie: Mr President, I would just like to ask the Hon. Member: what this is actually doing is it is adopting the implementation of the European Union instruments, but

there are other substances that are fed to animals and fish, for instance – feeding stuffs – that come in from non-EU countries. For example, some farmers and people involved in agriculture, import fish meal, and it is a very high protein feed supplement. In fact, you can actually use it on the land as well. I wonder, within this legislation, are there any safeguards for fish meal or fish related products which may emanate from places like Chile, Argentina and so on?

The President: Mr Butt to reply.

Mr Crowe: Mr President.

The President: Oh sorry, Mr Crowe, apologies.

Mr Crowe: Can I just ask Mr Butt: it is mentioned in the explanatory notes that there is no commercial production of fertilisers on the Island and all the supplies are imported into the Island. So can I just ask how they are vetted when they come into the Island? Are they certified as being acceptable under EU standards or UK standards? Is there a certificate with each consignment or a weigh bill, even, from the carrier, to state that they meet all European legislation?

Mr Downie: And could I possibly come back just on the tail end of that? How does that fit with our policy with Meary Veg and applying fertiliser to the land? Is that covered in the legislation?

The President: Mr Butt.

Mr Butt: Thank you, Mr President.

In response, initially, to my colleague Mr Lowey, yes, he has hit the nail on the head: this legislation is to make sure that we maintain the same standards as the rest of Europe and the UK. It enables us to be more rapid in the way we implement the orders, to match in with what the rest of Europe and the UK do.

Mr Downie's comments about the substances which come from non-EU countries: I will have to consult on that, but I believe it does not actually relate to the country of origin, but in fact the standard that we apply when we do import products from wherever.

As to Meary Veg, at the moment, I believe the Department's policy is not to use the waste pellets on land where there is likely to be food production within 18 months, but again I will need to consult on that to see how that would fit in with legislation.

Mr Crowe's comment: I believe there is actually some fertiliser made on the Island. I think lime is made on the Island at Billown, I think that still applies. (*Interjection by Mr Crowe*) Again, as to how it is vetted and certified, I will presume, but I will check this, that because it is coming through the UK, the UK have the similar legislation and regulations which we will be adopting and so the standards will be already imposed on entry into the UK. But I will check on those for the next Reading.

Thank you, Mr President.

The President: Hon. Members, I put to Council that the Fertilisers and Feeding Stuffs (Amendment) Bill be read for a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Prisoner Escorts Bill First Reading approved

4. Mr Waft to move:

That the Prisoner Escorts Bill be now read a first time.

The President: We will turn to the Prisoner Escorts Bill now at Item 4. This time, again for First Reading, in the hands of Mr Waft.

Mr Waft: Thank you, Mr President.

I am pleased to be before you today to present the Prisoner Escorts Bill, which will allow the Department of Home Affairs to consider alternative methods of transferring prisoners. The nine-clause Bill will make it possible for the Department to look at private companies to take over prisoner escort duties which will become more time consuming when the prison is established at Jurby in early 2008.

Standard prisoner escort duties comprise such functions as the delivery of a prisoner from the prison or police station to court or to the hospital, and these premises can be either within the Island or outside the Island.

The proposals which I am putting forward in this Bill will give the Department the opportunity to ensure that they achieve the best possible value for money when the new prison at Jurby opens in 2008, by comparing the costs of the existing method of service provision to that bid by the tenderers.

This Bill does not pre-empt a requirement for the Department to evaluate different options. Indeed, a full and detailed cost comparison between an in-house and outside service will be submitted to Treasury. The final decision will only be taken after the full cost-benefit analysis.

Mr President, I beg to move the First Reading of the Prisoner Escorts Bill.

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

The President: Seconded by Mr Downie. Mr Lowey.

Mr Lowey: It is to allow private firms to do it, if needs be. Has the Department made its mind up yet whether it is going to actually farm this duty out? Is it also envisaged in this Bill...? Perhaps the mover could tell me whether it is going to privatise the police in the courts or is that going to be still policemen in the courts?

Does this Bill say that we are only allowing the privatisation of the delivery or are we going to provide the hardware, the transport, to transport the prisoners or are we going to just say, 'There's a job to be done – do it'? In other words, are we going to do part of it, all of it or none of it? Has that decision been made?

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President.

It seems, from information we have received, that because of head capping, it is not possible to provide civil prison officers of sufficient quantity to man the prison and do all the transfer of prisoners back and forward to the courts or hospital etc. I think Tynwald capped the number of prison officers that the new prison was allowed to have, so this has

almost been forced on the Department to look at alternatives, to privatise the service.

It is just interesting as to how – perhaps the Hon. Member can let me know – the two will work hand in hand, and how the duties will be defined and separated.

The President: Mr Downie.

Mr Downie: Thank you, Mr President.

I want to speak in support of some aspects of this Bill. I think having the ability to privatise the transportation of prisoners to and from courts is a good option. I am going to make a comparison here, because there are a group of people who are employed by the courts at the present time who attend when there is a sudden death. They remove bodies in certain circumstances.

That has worked very well, very efficiently. I would probably ascertain that 99 per cent of the public do not even know that that happens, but these people do have to turn out on a regular basis, when there is a bad accident or a sudden death. So we have got a comparison already made.

I think it is absolutely ridiculous to tie up very expensive prison officers and police officers on things like escort duties, when there must be a pool of labour available. A lot of the police officers now go at 50 or 51, still very fit and able. I think they are the type of people who would get involved with some of the security companies to provide the service.

You also have to take on now not only paying their salaries, but you have huge pension commitments as well. I think if we are going to run the new prison effectively and efficiently, we need to be putting all our resources in there, to deal with matters about education and weaning people off spending time in jail. I think that the Department needs to be given as much flexibility as possible, to be able to spend its money in the most cost-effective way.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

My hon. colleague, Mr Downie, has covered some of the points I was going to raise. I too am supportive of this Bill.

Just a few of the concerns are: will the Department be taking on board the early lessons learnt in the UK, when there was quite a shambolic start to their system? When they started operating this system, there were all sorts of problems and escape from custody.

There is also the accountability of a private firm. How closely will new contractors be monitored? Presumably that will be under subsequent regulations and contracts that would be made under this legislation.

Again, some of the other points were covered by Mr Downie. There is no doubt going to be huge cost savings for the taxpayer here, and there will not be the pension liabilities, as we have already heard, to the public.

I am broadly supportive of this, but just few points, I would like some reassurance of.

The President: Mr Lowey, do you want to come back?

Mr Lowey: Yes, just to reiterate, Group 4, short-term contracts could be the answer to that. As for pensions, do they think that people who are employed by the private sector are getting pensions paid to them? No, they are not.

Could I also remind the Hon. Member – and perhaps he is aware of it – that we employed the private sector to provide some guards for the hospital. It was costing Government more than if it employed them direct. The people who were being employed were being paid a fraction of the rate that was being charged to Government.

The President: Mr Waft to reply.

Mr Waft: Thank you, Mr President.

I would just like to thank the Members for their comments. I reiterate the fact that this is an enabling Bill and when the Isle of Man Prison moves to Jurby, it will be necessary to consider contracting out this provision, as the prison resources have been established on the basis that prison officers will not undertake the escort duties that will be necessary from the new prison.

If this proposal was accepted, it would allow for more prison officers to be supervising prisoners within the prison, and those prisoners that need to attend another place could be safely escorted by officers employed by the contract company. The private escort company would be responsible for court escorts covering Jurby to the courthouse and collecting detained persons from Police Headquarters. In addition, they would be responsible for such things as any off-Island escorts: transfers to and from the UK prison and escorting a prisoner from the Isle of Man Prison to a UK hospital.

With regard to Mr Turner's point regarding the monitoring, this would be by an independent monitoring board which is encapsulated in the Bill. I have details about the independent monitoring board, but I will not go into that, at this stage, if you will bear with me.

I thank Mr Lowey for his comments with regard to private firms. I am sure we all are well aware of Mr Lowey's views on private firms taking over these jobs in different areas of work. As I said, again, it is not a *fait accompli*.

With regard to the police in court, it is only for the delivery and transport. With regard to the transport: how much transport will be necessary, who is going to pay for it etc, will all come into the tendering equation, with which we are not sure exactly where we are at the moment. This Bill should have actually gone through with the Criminal Justice Bill previous to the Election. It needed to be got through quite quickly. This Prisoner Escorts Bill could have been included in that, but as it is, we are where we are.

I thank the Members, Mr Crowe and Mr Downie for their support.

All in all, all the questions that have been stated here today will be sorted out as we go through the clauses stage.

The President: Hon. Members, I put to Council that the Prisoner Escorts Bill be read for a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Constitution (Amendment) Bill

First Reading approved

5. Mr Turner to move:

That the Constitution (Amendment) Bill be now read a first time.

The President: The final Item on our Order Paper is at Item 5, Hon. Members, the Constitution (Amendment) Bill.

It is in the hands of Mr Turner and, again, it is for First Reading, Hon. Members. Mr Turner.

Mr Turner: Thank you, Mr President.

This Bill repeals and replaces parts of the Isle of Man Constitution (Elections to Council) Act 1971. The new provisions are designed to simplify the procedure by which the House of Keys elects persons to the Legislative Council and to avoid, as far as possible, there being frequently repeated stages of an election to fill a vacancy.

It is not a bold and principled endeavour to radically alter – or even modestly alter – our constitution. It is designed to improve the chances of filling all the vacant seats on the Council in the same sitting of the Keys.

In its original form, Keys Members had to vote for as many candidates as there were seats vacant, or vote for no candidates. However, an amendment at the final Reading changed the system to allow Members to vote for any one or more candidates up to the number of seats. It will still allow Members to vote for no candidates.

It also gives the Keys the opportunity to propose any other person for election to Council, if those previously nominated fail to become elected.

I beg to move the First Reading of the Constitution (Amendment) Bill 2007.

The President: Mr Butt.

Mr Butt: I beg leave to second, Mr President.

The President: Mr Crowe.

Mr Crowe: Mr President, I think I can support the Bill.

We have had circulated a letter from yourself about the gap that might happen when and if this Bill is passed through its clauses and the Third Reading here. It is just covering that gap, managing that gap of about four to six weeks, which is something of a crucial issue that I would just mention at this stage.

The President: Mr Lowey.

Mr Lowey: I am quite sure the Hon. Member genuinely believed when he said it was to simplify and avoid delays. This has built in delays. This is immediately putting in a six-week-plus delay in the procedures.

I know this was a short-term fix by the private Member who moved it, and it is in anticipation of other constitutional reforms, which will come in if we are directly elected, so it is a one-off. This Bill could very well be used as a one-off.

But it does not do any of the things that the mover of the Bill implied it will do.

For example, we do know when the election is of the Members of the Legislative Council: it finishes on 28th February, so we know that is when we cease to be Members. This Bill will automatically put in place a six-week delay. That is not an improvement on the present situation.

The criticism that I have read in another place that brought this Bill into being was the public objected to the delays – not the manner of the elections, but the delays. This is building in a six-week delay, so I do not think it is meeting the requirements of what it says the Bill will do. I just find it sad, really, that we are forced to this.

So we know when the date is. Perhaps this Bill could be amended effectively, which I may attempt to do later on, to pre-empt the delay, by bringing forward the nominations that can take place.

So with that little warning flare, if I may put it that way, to the mover, I will be attempting to amend it later on.

The President: Mr Waft.

Mr Waft: Mr President, the elections to Legislative Council have always caused a media circus to come along. It is not very good for the Isle of Man and the Isle of Man Government *per se*, but I think any part we can play to try and limit the amount of time involved in this one, I think would be helpful to everybody.

Thank you, Mr President.

The President: Mr Downie.

Mr Downie: I wonder if the mover could give me some insight into page 2, in subclause (1) at the top, in the second paragraph, and I will read it:

'But Standing Orders of the Keys may provide for the practice and procedure to be adopted in such elections, and shall have effect in respect of any circumstances arising for which this section does not make provision.'

You could have a situation where Standing Orders are amended in the Keys, where a candidate could be put in the position where they have to give three months' or six months' notice. It could be used as another tactic.

But at the end of the day, you are still allowing Keys Standing Orders to influence what is actually going on. I think if we are putting this into statute law, we need something that cannot be meddled with with Standing Orders.

It is a point I am sure that my hon. colleague of Council, Mrs Christian, will probably raise, because I think she has taken great interest in this particular Bill. It is just a point I wanted to make.

The President: In that case, Mr Turner to reply, sir.

Mr Turner: Thank you, Mr President.

I would like to thank Mr Butt for seconding this First Reading.

Mr Crowe mentioned the timing of nominations and the fact there is going to effectively be that delayed period. Mr Lowey followed on from that, so I do not think it comes as a surprise that there will possibly be an amendment coming to the timetable of events here, nor do I think the Member in another place will be surprised to hear that.

I certainly acknowledge what my hon. colleague, Mr Lowey, says about the public objecting to delays, when this

Bill in fact does put in a delay. However, as I mentioned in my opening remarks, there was an amendment at the very last stage, to this Bill, which effectively changed the whole ethos of what it was about. It was then passed at its Third Reading in another place. So again, I am not surprised that an amendment will be coming forward, at a later stage, to this.

I agree with Mr Waft's comments about the media circus. It was unfortunate that much of what was reported was more on the sensational side of, 'Can they not get their act together?' and so forth. I think that was unfortunate, when we are looking at such an important election of an appointment to the Legislative Council. These matters should not be rushed.

Mr Downie is quite right in raising concerns about the fact that Standing Orders could be used to tinker with the rules. I know there has been concern raised over this, that when it comes between statutory requirements and Standing Orders, it can be rather more casual when this should be a statutory set of rules.

I think I have answered most of the points. With that, I beg to move the First Reading, sir.

The President: Hon. Members, the motion that I will put to Council is that the Constitution (Amendment) Bill be read for a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that does bring to a conclusion the business before Council on the Order Paper. There has been no move to suspend Standing Orders to take any further stages of any of the Bills.

Constitution (Amendment) Bill

Further debate

Conference with the House of Keys

Motion carried

The President: Can I make it plain, Hon. Members, that in relation to the Constitution (Amendment) Bill, Council needs to be aware that I think there will probably be a concern in relation to the timing of this particular Bill because, of course, as Mr Lowey indicated, four Members of Council do in fact... their term of office is up on 29th February 2008.

It has been practice previously that the Speaker has called for nominations in advance of the Members leaving office, so that in fact there would be a very small gap. The current Bill, as Mr Downie is pointing out, does say that the Speaker cannot call for nominations until Members go out of office. That brings about Mr Lowey's six-week delay.

Notwithstanding those difficulties, Hon. Members, the Keys have passed this particular Bill. I am confident that the Keys would possibly like to see this procedure followed for the election of the new Members, when the four currently up, terms of office end on 29th February.

So, if this Bill is to be amended by Council, it has to go back to the Keys for their further consideration. Then it has to have Royal Assent and be announced to the February Tynwald – or the January Tynwald even – to get the six-week period, if you were to amend it, so that in fact the Speaker could call for nominations six weeks in advance. So the timescales are very tight.

It is because of that, Hon. Members, that I think it is possibly practical that we will be seeking to amend the quorum of Council at the December Tynwald. Whether or not that is practical, I do not know. But it is something which is certainly in my mind at the present time, because this position is brought upon us by virtue of the fact that four Members are going out, on this particular occasion, and at this stage, we do not have a Bishop in office.

In fact, the quorum of Council is five and if I had one Member elected to Council early in March, then we could sit in March with a quorate Legislative Council. If I do not, Tynwald could not sit in March, because the Legislative Council would not be quorate. In fact, it could drag through to April, and April not be quorate. I think that is not a good position for Legislative Council to find itself in and not a good position for myself as President of Tynwald to find myself in.

It is for that reason that I have been considering going to Tynwald, asking Tynwald to alter the quorum of the Legislative Council, albeit just for this particular circumstance.

Hon. Members, I am just flagging that up, so that Council is aware of my concern relative to how the Constitution Bill can be best handled to meet all those circumstances.

I do not want to start a debate, but... Mr Crowe.

Mr Crowe: Literally, what would you need to do? Would you need to change Tynwald Standing Orders then? Is that how you would do it?

The President: That would be the procedure, I think: ask Tynwald to amend Standing Orders.

Mr Lowey: I think that is a very dangerous proposition and path that you are choosing to go down, Mr President, I really do.

The President: It is your consideration, Mr Lowey –

Mr Lowey: I appreciate that, but I do think it is indicative, really. I wonder if the Keys knew what they were doing, when they actually passed this particular Bill. Perhaps a conference with the mover of the Bill and the mover of the Bill in another place... because it was a Private Member's Bill.

This is where we are in trouble with the constitution. I think the constitution is far too fragile a flower to be able to be amended, while we are talking about the Keys role... It is a Keys matter, by the way, and I have no doubt about that, but the Keys Standing Orders should not take precedence over primary legislation. I tend to agree with that.

I think for us then to alter the Tynwald Standing Orders to get over a problem, well, that can be used in the future for a whole *host* of things which would not be... I could give you horror scenarios where that could be used in the future.

I appreciate Mr President's position regarding the numbers. It is one of those historical facts where everything... it cannot happen, but all things have combined to come to this fruition, at this particular time, and it is the way out that we choose.

But I do not believe for one second that the Keys understood what they were actually doing: they were actually building in a delay when their aim was to speed it up.

The President: The fact remains, Hon. Members, that the

Constitution (Amendment) Bill did receive its three Readings in the Keys and has rightly passed to this Chamber. In normal circumstances, Legislative Council could deal with it in the way which we do deal with legislation: with good thought, practice and everything else.

The difficulty, it appears, is that in order to operate under this particular legislation for the election early in the springtime, there is a requirement to complete its passages – if amended, to get back to the Keys – and still get Royal Assent.

The other side of the coin, as I see it, is that in fact if this Bill does *not* get approval of Council, or Council takes a long time over deliberating on this and going back to the Keys, the Keys could say that they are cross that it has taken so long, but nevertheless, if it does not get Royal Assent, the election next springtime would be conducted under the *existing* procedure. That is how the election would be continued. Therefore, Mr Speaker would be calling for nominations, or could call for nominations, in advance of the four Members going out of office here.

I am just pointing up to Council the difficulties. It is a time matter which is creating the difficulties.

Hon. Members, I do not want to debate it, but Mr Lowey is half suggesting a conference with Council and Keys to discuss this matter. As Members are already aware, I am not going to be in the Chair next Tuesday. I will be absent next Tuesday, but I would think that, however you handle this particular matter, Hon. Members, if it is to be a conference or not, that should be called as speedily as is practical.

Mr Downie: Mr President, I would agree entirely with what you say and would further stress that not only have you got the problem with the elections, but they are coming at a crucial time for Government – Government policy; we are leading up to the Budget debate and so on. So it is vital, really, that –

The President: Could I just hold you there, Mr Downie, because I do not know, Mr King, whether we know... Can I ask our Clerk, have we had confirmation yet – is the Budget February or March?

The Clerk: I spoke to Treasury last week, Mr President, and they said they were planning to do it in February.

The President: Right, last year the Budget was in March, but that was because of election year. I think it is reverting to February. Our indication is that the Treasury is trying to call a Budget for the February Tynwald.

Continue, sir.

Mr Downie: Well, this further highlights the need for a trouble-free transition. We want a situation where we can have the elections, we can get things organised, but they are not interfering with the day-to-day running of Government or Tynwald. To find a seamless route is, I think, what the mover intended, when he brought the Bill forward. (**Mr Lowey:** Absolutely.) This was the answer: it was to stop the petty politics, really, and have a situation where people have to vote for someone and move us forward.

I think that what we have got to do now is to have this conference, because I am absolutely certain that the people in the Keys do not realise the implications in the way that they voted.

The President: Well, I have no firm proposition yet to go for a conference, but both Members are talking about it. Mr Waft.

Mr Waft: I am not too bothered whether they have a conference or not. I just wonder, bearing in mind the comments, whether the mover in Legislative Council would be able to take back to the actual mover of the Bill and find if there is a way forward to get rid of the problem that has arisen – whether they would be happy to have an amendment put forward which they are agreeable with, without it going to a full conference.

With regard to Mr Lowey's view that you are setting a precedent, when you do change the quorum just to suit the purposes, the thing is, with Tynwald and the House of Keys and Legislative Council, we are here to be flexible for all kinds of reasons. If that is necessary, at the end of the day, that the quorum is changed – and it is purely because of the fact that we have a vacancy, possibly, with the Bishop, and in the future, it probably will never rise again – that situation is here with is now, and that is another way of dealing with it. I would not have too many qualms about that.

The President: I appreciate, Mr Waft, that the position is strengthened by virtue of the fact that we do not have a Bishop in office. Had the Bishop been in office, four other Members plus the Bishop would have given me a quorum.

Having said that, I am also conscious that if I call Tynwald, and one Member, for whatever purpose – and we can all be ill, we can all have accidents, or whatever – happens to be missing, for whatever reason, it does mean that I am effectively asking Members to be in their seats *all the time*. That causes me some concern, as well.

Mr Crowe.

Mr Crowe: I think there is a bigger issue than the mover of the Bill in the Keys. I think, to ask Mr Turner to go back and let them suggest an amendment is a peripheral issue. It is so important that we get this right that I believe a conference should be held. So I would suggest a conference.

I do not know what that consists of: is it four Members of each – ?

The President: Whatever Council asks for. Mr Butt.

Mr Butt: Mr President, I presume there is a subtext here which you are alluding to: that if we do make an amendment and that amendment causes delay which denies Royal Assent in time for February, the other place may think we are being deliberately obstructive. That is not the intention at all.

So we perhaps need some conversation to overcome that perception, because that is not the intention. The intention, obviously, from what Mr Lowey said, is to try to do away with the delay that is built into the Bill.

Mr Lowey: Absolutely, I am trying to be helpful. I really am. They will never believe it, but I genuinely... If this is the answer, fine. But we know the difficulties –

The President: Mr Lowey, we are still operating under *Hansard* –

Mr Lowey: Are we? I beg your pardon, I thought we had finished.

Mr Butt: Mr President, I believe that is the subtext which you are perhaps alluding to –

The President: It is, sir. I certainly do not want Council to be ‘accused’ of deliberately or whatever... My concern, and I know where you are coming from, I can see asking the Member in charge here, Mr Turner, to go back to talk to the Member whose Bill it is, Mr Gawne...

Nevertheless, the Keys have completed the passage of Mr Gawne’s Bill. It is the Keys to deal with it now, not Mr Gawne. That seems to me the principle. The Keys altered Mr Gawne’s Bill – in fact a material alteration to Mr Gawne’s Bill. It is a Bill which has come to you from the Keys.

Mr Turner: Mr President, may I?

The President: Mr Turner.

Mr Turner: I do not think it will come as a surprise that we may be putting forward an amendment to the timetable. I would hope, if we do that, it would not appear as if we are being obstructive. I think, quite possibly, it is almost expected because of this uncertainty.

I did outline that the last-minute amendment that was brought at the Third Reading of this Bill in the Keys did radically change the entire concept of what the Member moving the Bill had originally intended. There were some thoughts over whether he was going to continue with it. Nevertheless, as you say, it has completed its passage and I would hope that, by Council making the amendments, they would see that they were being made for the right reasons, not an attempt to be obstructive.

The President: Hon. Members, I am in a bit of a cleft stick. I raised it because, in fact, I wanted to be sure that Council knew where we were going and the practical difficulties which ensue from it.

Mr Crowe has proposed that we do have a conference. Mr Lowey and Mr Downie were both supportive of that. I do not really know whether that was totally picked up or not. Mr Waft seemed to be ambivalent as to whether we did or not.

Hon. Members, I think I will formally put to Council:

that Council requests the Keys that a conference be held on the Constitution (Amendment) Bill.

I will simply formally put to Council that a conference be called, to see first what that reaction is. Those in favour of calling a conference, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, all that remains really, as far as I am concerned, is that Council should decide what the conference should consist of. In the past, we have had three, we have had five, we have had all Members of Council. It is entirely up to you, but Hon. Members, if you are to call a conference, I would like to see it called as speedily as is practical.

Hon. Members, the number, first, that you would wish have attend the conference.

Mr Lowey: I would propose, all of the Members of the

Council, because it may very well affect all Members. I think it would be better if all Council Members were involved.

The President: Can I just read, Hon. Members:

‘A conference between the Council and the House of Keys may, at the request of either body, be held during the consideration of any measure. The time and place for a conference shall be appointed by the President of Tynwald, and shall be attended by members of the Council or such members as the Council may appoint for that purpose, and the members of the House of Keys appointed to meet the Council. Conferences shall be held in private, and the proceedings thereof shall not be disclosed by any member present, but the conclusion arrived at by the conference shall be reported to the Council and the House of Keys. The President of Tynwald shall preside over the conference and shall determine the manner in which the matters before the conference shall be discussed.’

That is your Standing Order 23. Mr Lowey is suggesting, in fact, that we sit as Council.

Mr Lowey: It is a constitutional matter, so I think it should be.

The President: All Members of Council?

Mr Crowe: I would support that.

The President: Hon. Members, in that case, I shall relay your wish for a conference to the Speaker and see, in fact, if we cannot get this matter done as speedily as possible.

Mr Downie: Could I just say one point, Mr President.

On this occasion, when you relay to the Speaker... I know it is a House of Keys and Legislative Council matter, but I honestly think that it is very important to the progression of Government policy. I think it is important enough that, perhaps, the Chief Minister should be part of the conference, because if this Bill goes through in its present form and there is a problem, we may be in a position where we cannot have sittings of Tynwald at a very vital time to Government policy and moving the Island forward. So it is a big issue, really.

The President: Hon. Members, you have made a conscious decision that you would wish a conference to take place. I will certainly do my utmost to make sure that the conference takes place at the earliest possible opportunity, Hon. Members, and indicate that there is no wish of Council, as Mr Butt suggested – there is no wish of Council whatsoever – to be obstructive in this. It is the desire of Council to move forward.

I think, Hon. Members –

Mr Crowe: Mr President, sorry to add something to this, but obviously your presence is vital. I know you said you were away next Tuesday.

The President: Well, I am just missing for the day – that is it.

Hon. Members, that draws to a conclusion our Order Paper. Council will now retire and will sit next Tuesday, Hon. Members.

**Absence of the President on 6th November
Mr Lowey elected to preside**

It was agreed.

The President: If I am going to be missing next Tuesday, we need someone to take the Chair of Council next Tuesday.

The President: It would appear, Mr Lowey, as if – *(Interjections and laughter)* Mr Lowey will be in the Chair for next week!

Thank you, Hon. Members.

Mr Waft: I propose Mr Lowey.

Mr Crowe: I would second the proposal.

The Council adjourned at 11.51 p.m.