



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
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P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 10th February 2009

Present:

The Speaker (Hon. S C Rodan) (Garff);
 The Chief Minister (The Hon. J A Brown) (Castletown);
 Hon. D M Anderson (Glenfaba); Hon. A V Craine and Hon. A R Bell (Ramsey); Hon. W E Teare (Ayre);
 Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Mr P Karran, Hon. A J Earnshaw and Mr D J Quirk (Onchan);
 Mr R W Henderson and Mr J R Houghton (Douglas North);
 Hon. D C Cretney and Mr W M Malarkey (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East);
 Mr C G Corkish MBE and Hon. J P Shimmin (Douglas West); Mr G D Cregeen (Malew and Santon);
 Mr J P Watterson, Hon. P A Gawne and Mr Q B Gill (Rushen);
 with Mr R Phillips, Secretary of the House.

Business transacted

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The House adjourned at 11.54 p.m.

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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Speaker: Hon. Members, I have given leave of absence today to the Hon. Member for Middle, Mr Quayle.

Procedural

The Speaker: As already indicated, yes, today there is a change to the order of business, in that the Animal Health (Amendment) Bill next stage will not now be moved at this sitting.

Questions for Oral Answer

CHIEF MINISTER

House of Commons Treasury Select Committee, 3rd February Implications for Isle of Man

1.1. The Hon. Member for Michael (Mr Cannan) to ask the Chief Minister:

What the implications are for the Isle of Man of his attendance at a meeting of the House of Commons Treasury Select Committee on Tuesday 3rd February?

The Speaker: We therefore turn to Questions for Oral Answer on our Order Paper and I call on the Hon. Member for Michael, Mr Cannan.

Mr Cannan: Mr Speaker, I ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Castletown, the Chief Minister, Mr Brown, to reply.

The Chief Minister (Mr Brown): Mr Speaker, the terms of reference for the United Kingdom Treasury Committee are to seek to identify lessons that can be learned from the banking crisis. To that end, the Committee requested evidence on four key areas: securing financial stability, protecting the

taxpayer – that is the UK taxpayer – protecting the consumers – UK consumers – and protecting shareholder interests.

Clearly, this subject matter is of importance to the Isle of Man due to the present situation affecting KSF Isle of Man bank and, therefore, the Government submitted written evidence to the Committee, a copy of which has been previously forwarded to Hon. Members.

It is important to note that we were invited to attend as witnesses and that the Chairman of the Select Committee made it very clear when introducing us what the constitutional position of the Island is, in that we have our own parliamentary assembly and that we are autonomous in respect of our domestic legislation and fiscal affairs, with the United Kingdom only legislating on our behalf with our permission.

Therefore, I do not believe our attendance at the Committee will have any implications constitutionally for the Isle of Man. However, I do believe our appearance will contribute to a better understanding of the reasons for the collapse of Kaupthing Singer and Friedlander and, importantly, where the responsibility may lie with regard to how that collapse originated.

Thank you, Mr Speaker.

The Speaker: Mr Cannan.

Mr Cannan: Mr Speaker, I appreciate the answer from the Chief Minister, in which he says that he went voluntarily to give evidence to the Treasury Select Committee.

Chief Minister, you were accompanied by Mr Aspden, Chief Executive of the Financial Supervision Commission, and Mr Shimmin, the Chief Financial Officer of the Treasury. Are you satisfied by the answers given by Mr Aspden when he was questioned by the Select Committee? In particular, are you satisfied with the response of Mr Aspden, when he was asked by a member of the Committee:

‘When we have asked the FSA, that is the United Kingdom Financial Services Authority, about the discussions with the FSC with regard to the transfer of £550 million, they have always denied there was any guidance given. Would it be a reasonable interpretation to say that the reason for the FSA version and the Isle of Man version is that you are basing your comments on a series of discussions over a period of months which give rise to expectations and the FSA are simply denying that they gave specific advice in the days leading up to the transfers?’

And Mr Aspden’s response being, ‘I think you are quite right.’ Are you satisfied with that reply?

The Speaker: Minister to reply.

The Chief Minister: Yes, thank you, Mr Speaker.

I cannot remember every exact word of what was said, but based on what the Hon. Member has said, I think that Mr Aspden answered appropriately for the question put to him. Certainly, the Isle of Man has expressed its concern about the FSA’s action in this matter.

The Speaker: Hon. Member for Rushen, Mr Watterson.

Mr Watterson: Thank you.

Would the Chief Minister care to comment on accusations being made by certain depositors that they were not, perhaps, vigorous enough in highlighting... that the delegation was

not vigorous enough in highlighting the shortcomings of the FSA and the UK Government?

The Speaker: Minister.

The Chief Minister: I think we were clearly strong enough in responding to the Select Committee's questions. We made it clear that we were concerned about the actions of the UK authorities, sir.

The Speaker: Mr Cannan.

Mr Cannan: In my previous supplementary what I quoted was the *Hansard* of the House of Commons and the question was: the FSA denied that they gave any specific advice and the Isle of Man FSC said that they had, without any written communication, received advice and the FSA said they did not, simply denying that they gave specific advice. Mr Aspden's response was, 'I think you are quite right.' Is that a satisfactory answer, suggesting that there was some complete confusion between the FSC and FSA?

The Speaker: Chief Minister.

The Chief Minister: Mr Speaker, my understanding is that the FSC in the Isle of Man and their Chief Executive is quite clear on the situation that arose from our perspective. The FSA are, of course, putting out a slightly different view and not only in relation to what the Isle of Man is saying but also in relation to what the former Chief Executive of the Bank in the UK has said in his evidence to the same Select Committee.

So I think the point that is important is, hopefully, that Select Committee will be able to get to the real truth as to what went on, which will help us all better understand the situation that arose, but I think it is fair to say that the Chief Executive of the FSC, John Aspden, is clear on the actions that they took and the contact that they had with the FSA in the UK, sir.

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

Mr Karran: Vainstyr Loayreyder, what is the Government going to do about the PR disaster that resulted from the 3rd February House of Commons Treasury Select Committee, as far as the Island is concerned? What actions are going to be taken, allowing for the fact we have got staff to try and minimise the bad PR that came about through it?

The Speaker: Minister.

The Chief Minister: Clearly that PR, Mr Speaker, came from those who are depositors, who have a different interest than that of my interest, which is for them and the whole of the Isle of Man.

TREASURY

Item 20: Statutory Boards (Non-Tynwald Members) (Annual Sums) Order 2008 Not moved in January Tynwald

1.2. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

Why he did not move Item 20 on the January Tynwald Order Paper?

The Speaker: Question 2. Hon. Member for Michael, Mr Cannan.

Mr Cannan: Mr Speaker, I ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Ramsey, Mr Bell, Minister for the Treasury.

The Minister for the Treasury (Mr Bell): Mr Speaker, the Chief Minister and I received further representations regarding proposed payments set out in the Order and we agreed not to move the relevant Order to allow more time for those representations to be considered.

Mr Cannan: Further supplementaries: the Order for the Tynwald sitting on the 20th said that these remunerative increases would take effect from 1st April. As they are not on the February Tynwald Order Paper, is it likely they will be on the March Order Paper, or is the intention that the increases should take effect from 1st April now in abeyance?

The Speaker: Minister for the Treasury.

The Minister: The whole paper is in abeyance at the moment, Mr Speaker, while further considerations and representations from Hon. Members are considered.

The Speaker: Mr Karran.

Mr Karran: Would the Shirveishagh Tashtee not agree that it is actually good to see when executive Government finds that something is wrong, that they do not actually go charging like a bull in a china shop and that we should be encouraging the likes of the Treasury when they find that things are not correct, that they do take such action?

The Speaker: Treasury Minister.

The Minister: Mr Speaker, I have had, and I think the Chief Minister has had, a number of representations from Members. They are valid concerns: we have taken on board and we are considering those suggestions further.

Kaupthing Singer and Friedlander (IOM) Ltd Scheme of Arrangement funding

1.3. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

Whether all the banks licensed by the Financial Supervision Commission have signed a legal agreement to fund proportionately the Scheme of Arrangement in respect of Kaupthing Singer and Friedlander (IOM) Limited?

The Speaker: Question 3. Again I call on the Member for Michael.

Mr Cannan: Mr Speaker, I ask the Question standing in my name.

The Speaker: I call on the Minister for the Treasury, Mr Bell.

The Minister for the Treasury (Mr Bell): Mr Speaker, whilst depositor-taking institutions have not signed a legal agreement to support the Scheme of Arrangement yet, a number of meetings have been held to discuss the Scheme and I acknowledge the fact that their support would be required to secure the necessary funding. They have provided additional feedback to the extent that good co-ordination would be needed to achieve the unanimous support of all the banks.

In the event that the banks are no worse off under the proposed Scheme than they would be under the obligations of the Depositors' Compensation Scheme, then they are, in principle, supportive of the Scheme of Arrangement. As the Hon. Member will be aware, the submission of the Treasury's affidavit to the court identified that formal agreement from banks was one of the key elements needed to ensure the Scheme of Arrangement was formally proposed to deposit holders once the court support was achieved.

The Speaker: Hon. Member for Michael.

Mr Cannan: Bearing in mind the answer given that the banks have not yet given any legal agreement to the Scheme of Arrangement, what is the likelihood of obtaining that agreement before the hearing in the court on the 19th of this month, next week?

The Speaker: Mr Bell.

The Minister: As I have said, Mr Speaker, the great majority of the banks are supportive, in principle, of what we are trying to achieve. Further discussions are taking place on a regular basis with the various banks to try to form some overall agreement, bearing in mind that the commitment from the banks is exactly the same under the Depositors' Compensation Scheme, as it would be under the Scheme of Arrangement. I am confident that we will get a conclusion to this.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh Tashtee inform this House there will be no extra exposure if non-agreement does come about on this Scheme, as far as the taxpayer is concerned? What is the exposure at the present time and what would it be if we did not get agreement on this subject?

The Speaker: Minister for the Treasury to reply.

The Minister: Mr Speaker, the way ahead, I think, is quite clear on this, that the support of the banks, who will be one of the major funders of the Scheme of Arrangement, is essential for this Scheme to go ahead. If, in the worst case scenario, the banks fail to deliver their support and approval for this Scheme, then clearly the Scheme falls and we revert

back to the Depositors' Compensation Scheme, which will undoubtedly follow a move to put the bank then into formal liquidation.

The level of exposure so far, Mr Speaker, as the Hon. Member knows, is the £11 million which has been voted for by Tynwald to provide the early payment of £1,000 to those people who request it, and I can tell Hon. Members we have now had in excess of 6,000 applicants for that £1,000 payment and, indeed, a great many of those payments now have already gone out.

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

Mrs Cannell: Thank you, Mr Speaker.

In terms of the assumption by the Treasury Minister this morning that agreement in principle has been reached by a majority of the banks in the Isle of Man, does he have any kind of written documentation to support this view, in view of the fact that he has to go back to court next week? Would he agree with me that if he has not, he ought to seek it, because it would strengthen his hand?

The Speaker: Mr Bell.

The Minister: Mr Speaker, I did explain in my original Answer that discussions are still continuing with the banks. There is no formal agreement signed between Treasury and the banks yet, but they are in an advanced stage of discussion and there is, I think, a general feeling of approval in principle at this stage from the banks which I hope will materialise into a more formal written form in due course.

The Speaker: Member for Michael, Mr Cannan.

Mr Cannan: The Supplementary Order Paper for next week's sitting of Tynwald has now been published, requiring Tynwald to vote on £94 million in the form of a £10,000 payment to all depositors relative to their deposit. If it is less than £10,000, they obviously get this less.

Will this be withdrawn if the banks are unable to give a legally-binding assurance that they will support the Scheme of Arrangement?

The Speaker: Mr Bell.

The Minister: Mr Speaker, as I have said before, if the banks do not sign and do not agree to support the Scheme of Arrangement, then the Scheme of Arrangement falls, anyway. It is the courts we have to convince.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, the previous questioner answered part of it, but would the Shirveishagh Tashtee not agree that the amount, as far as the legal agreement, as far as the funding is concerned over the Scheme of Arrangement will be more than £11 million?

The Speaker: Treasury Minister.

The Minister: Yes, I think I understood the Hon. Member to ask what was the current level of exposure and the current level of exposure was £11 million which Tynwald has actually voted for.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Minister, in trying to pin down some kind of assurances for Isle of Man Government, the taxpayers and also the depositors, would it not be prudent for the Minister to try and seek at least a letter of comfort from the banks in time for the court hearing next week.

Further, Mr Speaker, does he not think it is premature to be asking Tynwald – and the House of Keys, being part of that assembly – to support him in approving such a huge amount of taxpayers' money, when in fact nothing has been agreed with the banks, or with the courts, or with the depositors at this time?

The Speaker: Minister for the Treasury.

The Minister: Mr Speaker, I have gone to great lengths over these last few months to explain to Hon. Members just how complex and complicated this issue is. It is not as simple as the Hon. Member tries to portray it. We are having to deal with a vast array of disparate issues and interests to come to a conclusion which I hope will be in the best interests of the depositors. That is absolutely at the forefront of our deliberations and will continue to remain so until we get the solution which I hope everyone ultimately will see as the best deal we could develop, in the best interests, as I say, of the depositors themselves.

I have answered the questions, Mr Speaker, in the sense that we are doing our best at the moment to get a final agreement from the banks. Discussions are going on, there are meetings today and will continue for the rest of the week with the various banks to get a final conclusion and I hope that will be settled in the very near future. Ultimately I can only repeat, Mr Speaker, if we have not got the support from banks, who are a major financing partner in this arrangement, then the Scheme will fall and the Depositors' Compensation Scheme will kick in.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh Tashtee just inform this House, from the Scheme of Arrangement with the exposure as far as the £90-odd million that will be allowed for, as far as this Scheme is concerned, I take it this will come out of reserves and will not be a matter of departments having to cut back in order to find that money.

The Speaker: Mr Bell.

The Minister: That is absolutely right, Mr Speaker.

All the revenues, the £11 million which we have already committed, the £94 million which will be engaged if the resolution is approved next week, all will come out of various reserves of Government. It will not affect in any way the individual Departments' expenditure.

The Speaker: Finally, Mr Cannan.

Mr Cannan: If the banks agree to support the Scheme of Arrangement, Tynwald supports next week the payment of £94 million, will the bank money be in bulk or will it be on a part-payment basis over a period of time – the banks'

contribution that is – and what are the terms that the Treasury Minister is seeking agreement for the banks to support this? How is it going to be paid from the banks – months, weeks, years – before the full amount is made available to the Treasury?

The Speaker: Treasury Minister.

The Minister: These are part of the negotiations and discussions which are going on between Treasury and the banks at the moment, Mr Speaker. It is our passionate desire, whatever the conclusion might be, whether it be for a Scheme of Arrangement or ultimately the Depositors' Compensation Scheme, that we ensure the earliest possible payment to depositors particularly those poor individuals who are in severe distress now, because of the hardship caused by this problem.

Therefore, the speed of payment will dictate how the structure of the funding is agreed with the banks as to when those banks will pay and, indeed, whether the Government will loan money to the Scheme up front to speed it up and recoup it from the banks at a later stage, but those discussions are still ongoing.

Assistance for savers Consideration of new schemes

1.4. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for the Treasury:

If he will consider with the Minister for Health and Social Security, a new scheme or amendments to current schemes (either or both DHSS and Treasury rebate/credit schemes) to assist savers whose returns are now so poor that they are finding it difficult to live, but who cannot access any state help because of their savings?

The Speaker: Question 4. Hon. Member for Douglas North, Mr Henderson.

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

The Speaker: I call the Minister for Treasury, Mr Bell.

The Minister for the Treasury (Mr Bell): Mr Speaker, the Hon. Member refers, I believe, to the treatment of capital in the calculation of entitlement to Income Support or Family Income Supplement. It is important to note that any property that is lived in is excluded from this calculation for the purposes of assessing an income. At present the first £13,000 of any capital is disregarded and on any excess an assumed income of £1 per week per £250 capital is made. This calculation is designed to ensure that those with small amounts of savings are not expected to use them to supplement benefits but those with larger amounts are, until such time as their capital reduces towards the £13,000 limit.

I do believe that it is fair and reasonable to expect those with larger amounts of savings to utilise those before receiving Social Security benefits, whilst allowing some savings to be kept back: clearly, there is a balance to be struck here. By way of a comparison, the highest level of capital

disregard in the United Kingdom is only £10,000, with some benefits being reduced when capital is above £6,000.

The capital threshold was last increased in April 2007. The rate of assumed income has remained constant for many years through periods of high and low interest rates.

Mr Speaker, having said this, I am concerned as to the impact of reducing savings returns on those on fixed incomes. For this reason it is important that those who are impacted keep in regular contact with the Social Security Division so that, if their capital is reducing, a quick reassessment of their entitlement to Social Security benefits is made.

The Minister for Health and Social Security confirms that regular reassessments are undertaken by his staff but that any affected individual is encouraged to come forward as soon as possible if they find that they are having to use the capital to get by.

Furthermore, Mr Speaker, I will, through the Low Income Group, ask for a reconsideration of the level of the capital disregard and the assumed income on capital above this.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I thank the Shirveishagh Tashtee for his response but, in mentioning the Low Income Working Group, would he give an undertaking to bring to this group the points that I am trying to make this morning and by way – possible way – of further tax disregards, exemptions or otherwise that perhaps his Department in the Treasury may be able to make on a temporary basis until this situation eases?

The Speaker: Mr Bell.

The Minister: This is a very complex problem, Mr Speaker. We are obviously very aware and obviously share the Hon. Member's concern about the impact of falling interest rates on those on fixed incomes and those who live on investment income. With interest rates coming down to the level they are and possibly even dropping further, clearly many people are going to be seriously disadvantaged by this change (**A Member:** Hear, hear.) in their potential income so we are considering all ways possible.

There has to be a limit as to what Government can afford to do, Mr Speaker, especially in the present climate when Government overall budgets are under extreme and severe pressure, to enable us to fund public services generally, but I do take the Hon. Member's point. It is something that I, personally, am very concerned about as well, because not only will the individuals be suffering because of a fall-off in income, but obviously as a result of that, Treasury's income next year is going to fall because the tax that is generated from these investments will obviously be that much less. So it is a double whammy in that respect; the individuals are losing and Government are losing.

It is a very difficult balancing act that we have to achieve, Mr Speaker, but I do give the Hon. Member my assurance that we are looking at this and if there is anything we can afford to do, then we will certainly consider it.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree with the previous question, as far as the £90-odd million that we have got to find out of reserves for that and

the other issues that have got to be addressed, but the issue has to be that his Department needs to have some realism allowing for the fact that when one gets complaints about a number of issues, as far as the DHSS is concerned of the priorities, the likes of, I am told that the dialysis unit has to prioritise because of the lack of space; the fact that there is not sufficient space for the people who need dialysis and that peoples' lives are being put at risk –

Mr Teare: A point of order, Mr Speaker.

The Speaker: Mr Teare.

The Minister: I can assure that is not the case. The dialysis unit is fully operational, albeit there are capacity problems but nobody's life has been put at risk.

The Speaker: Not a point of order.
Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee not inform this House that we have got to be starting to be more serious about fiscal control and making sure that the priorities are there in order to make sure that we can balance the books and protect the core issues, as far as our society is concerned, like this vulnerable section of the community who are having to deal with machinery that is out of date and should be replaced forthwith, but the money can only be spent once.

The Minister: Mr Speaker, I have been privileged to be Treasury Minister now for seven years and every single year, every single Budget, I have stressed exactly that point to Hon. Members, that we have got to be more careful, more prudent with the level of expenditure that we have and that we cannot guarantee that the success and the high levels of income we have enjoyed over the last few years are going to be with us indefinitely.

Quite clearly, Mr Speaker, with the dramatic change in the economic climate over the last few months, which is likely to be with us probably for several years yet, there has to be a culture change right across Government to ensure that we get best value for money out of what money is available for the Departments and to ensure that that money is spent on a proper list of prioritised schemes, in terms of the provision of public services, whether it be in the Health Service or, indeed, right across the range of services that we offer.

Question 5

To be answered in writing

The Speaker: Question 5, Mr Houghton's Question to the Tourism Minister, will be answered in writing.

HOME AFFAIRS

Drug and Alcohol Strategy Unit Staff and cash budget

1.6. The Hon. Member for Rushen (Mr Watterson) to ask the

Minister for Home Affairs:

What is the annual staff and cash budget for the Drug and Alcohol Strategy Unit?

The Speaker: Therefore, we turn to Question 6 and I call on the Hon. Member for Rushen, Mr Watterson.

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

The Speaker: I call on the Minister for Home Affairs, Hon. Member for Onchan, Mr Earnshaw.

The Minister for Home Affairs (Mr Earnshaw): Yes, thank you, Mr Speaker.

The annual budget, including staff and costs for the Drug and Alcohol Strategy Unit, for 2008-09 is £99,000, £28,000 of which has been sourced from the seized asset fund.

The Speaker: Mr Watterson.

Mr Watterson: Sorry, could you give us that figure without staff costs as well?

The Speaker: Minister.

Mr Watterson: The £99,000, without the staff costs.

The Speaker: Mr Earnshaw.

The Minister: Yes, the figure, without staff costs, is £46,000.

The Speaker: Mr Watterson.

Mr Watterson: But in the general scheme of the Home Affairs budget, is the Minister satisfied that that adequately addresses the priority that this Government gives to the needs of people suffering from drug and alcohol issues on the Isle of Man?

The Speaker: Minister for Home Affairs.

The Minister: Well, I like to think and I believe that we have got the appropriate response here. It is something where you could always do more. You could do less, of course, but I think our response is appropriate to the problem that we have here. I would not like to trivialise the issue; it is a very serious issue, drugs and alcohol.

I have to say that sometimes I think there is more emphasis put on the drugs side of things, when the greater problem can often be the alcohol side of things (**Two Members:** Hear, hear.) but I think our (*Interjection*) response is appropriate at the moment, Mr Speaker.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the Shirveishagh son Cooishyn Sthie – I know the answer to this, but (*Laughter*) – not agree because the fact is that, with a previous piece of legislation, namely the Social Security Act, we had the

opportunity to develop and give the power to the DHSS to have a funding mechanism to get the Drug and Alcohol Unit open, which we spent over £1 million and it lies empty for the last year and where is his Department giving priority to provide the residential facility that is needed for these people to break their addiction?

Would he also not agree that the priorities, as far as this Drug and Alcohol Strategy Unit, the lack of any action for 15 years over penal review to put the rungs on the ladder to deal with this issue, would be far better than spending it on pen-pushers? (*Interjections*)

The Speaker: Before this widens out into a debate, Mr Earnshaw.

The Minister: I think Mr Karran said he had the answer to that! I am not sure that I have: it is not included in my brief, but I think the question, really, is one for my colleague, the Minister of the DHSS.

A Member: Hear, hear.

The Speaker: Mr Malarkey, Member for Douglas South.

Mr Malarkey: Thank you, Mr Speaker.

Would my Minister not agree that, in my role as heading up the Drug and Alcohol Strategy on behalf of the Chief Minister, I have been working extremely closely with the DHSS Minister on the very point that the Member for Onchan has raised and it is a very high priority within the Drug and Alcohol Strategy to get this Unit open?

The Speaker: Minister to reply.

The Minister: Yes, I certainly would agree with that, Mr Speaker. My colleague, Mr Malarkey, the Hon. Member for South Douglas, has been working very hard on his brief since he joined the Department and there is progress. Good progress been made on quite a number of issues in this area.

The Speaker: Hon. Member, Mr Gill.

Mr Gill: Thank you.

We know the cost now. Would the Minister like to list all the tangible benefits and outcomes from the Drug and Alcohol Strategy for us?

The Speaker: Minister.

The Minister: Well, I can if you wish, Mr Speaker. I have got about four or five pages of supplementary information here. What I would suggest, with the concurrence of the Hon. Member for Rushen, if he is comfortable with this and yourself, sir, is that I circulate that to him.

Mr Houghton: Hear, hear.

The Speaker: I leave it to yourself, sir. The Question on the Order Paper has clearly been answered and I am not taking any further supplementaries.

EDUCATION

**Young People's Working Group
Remit, staff and budget**

1.7. The Hon. Member for Rushen (Mr Watterson) to ask the Minister for Education:

What is the remit of the Young People's Working Group; and what are its staffing and cash budgets?

The Speaker: Question 7. Hon. Member for Rushen, Mr Watterson.

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

The Speaker: I call the Minister for Education, Hon. Member for Ramsey, Mrs Craine.

The Minister for Education (Mrs Craine): Thank you, Mr Speaker.

I can confirm that the remit of the Young Persons' Working Group is to review the present availability of social and recreational facilities for young people within each community; to ascertain whether such facilities are adequate to meet the needs of our young people; and to consult directly with each community, including young people, especially those within the age group of 14 to 23 years inclusive, and with Departments of Government, local authorities, churches, the Police and any other relevant persons or organisations and examine how Government may be able to develop and improve such facilities, working in partnership with the private and voluntary sectors, to address gaps in such provision; to propose an overall strategy for Government for the development and provision of facilities for young people; and report with any recommendation by 31st July 2009.

I can advise, Mr Speaker, that the staffing of the Working Group has yet to be determined and that the budget to cover the work of the Group will be allocated from the budget within the Chief Secretary's Office.

The Speaker: Mr Watterson.

Mr Watterson: Could the Minister, firstly, just clarify that this is purely about facilities, not activities?

Would she also inform us what the membership of the Group is?

The Speaker: Minister for Education.

The Minister: Thank you.

Inevitably, Mr Speaker, in order to be able to proceed with the work of the Working Group, it will be necessary to do an audit of what already exists and much of that information is widely available. Inevitably, that will cover both the activities, together with facilities.

I can confirm that the composition of the Working Group will comprise Members of Tynwald and the public.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh assure this Hon. House, as we did not get any assurance from

the previous Question, that the issue... firstly, what is the cash amount that is allowed for this?

What assurances are we going to have that this is not yet another paper exercise to turn black into white and reality out of the window, allowing for the fact that the Minister well knows the problems with youth, with the Shed in her own constituency, and the total lack of facilities for youth just in Ramsey alone, never mind in other areas of the Island?

What assurances will we see that we will not see more paper and less action, as far as this administration is concerned?

The Speaker: Mrs Craine.

The Minister: Thank you, Mr Speaker.

The Hon. Member refers to the cash amount. I would remind him that, in fact, what we are doing here is establishing a working group. The Working Group does not carry a budget, to be able to carry out the recommendations. That is a stage that is further down the line, sir.

What I would say is that, in terms of reality, we have had many different reports about activities for youth in the past. I believe that it is time now to do that audit once more. We are aware that we are looking at facilities and the ability for young people of an older age group – that is up to the age of 23 – to be able to participate in. We are finding that there are gaps in the provision, I am sure that there are. I would be very pleased to hear from Members who, obviously, are very interested in this area, but we do have gaps in the provision.

We know that those gaps are filled in some cases through our Education Service, sometimes through the Tourism and Leisure Department, but also through very many voluntary organisations as well (**A Member:** Hear, hear.) and it is really to establish, from the young persons' perceptions themselves, where there are gaps that need to be met that we now need to consider.

I would hope that, when the recommendations come forward to this House or to Tynwald that, in fact, there will be support to see some of those recommendations go forward.

The Speaker: Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Could I ask the Minister a couple of questions regarding the Young Persons' Working Group: the age profile – could she indicate to this House what the age profile was? Was it a directive from the Council of Ministers or Chief Minister himself or was it something that your own Department had brought up?

Could I also ask, if there are initiatives, where the funding will come from?

Could I ask the similar sort of question as Mr Watterson from Rushen: if those persons are going to be on this particular Working Group, will they be under 23?

The Speaker: Minister to reply.

The Minister: Thank you.

The consideration of the age group that is being looked at here is 14 to 23. I can confirm that this is not an initiative that has come from the Department of Education, but quite clearly from the Chief Minister himself. That is why it has been established as the Chief Minister's Working Group.

I am afraid I did not really understand the second part of the question, Mr Speaker, which referred something about initiatives, where funding will come from. I am not clear what the Hon. Member means by that but, as yet, the Committee, the Working Group itself and members of the public who will be on that Working Group have yet to be determined.

The Speaker: Mr Quirk, would you care to –

Mr Quirk: Just to clarify, Mr Speaker, if I could: reference was made to if initiatives were found by this particular Working Group, where would the funding come from? Would it be from her own Department or from another fund?

The Speaker: Mrs Craine, Minister.

The Minister: Thank you for the clarification, Mr Speaker.

I think that that is putting the cart before the horse really, Mr Speaker, because we do not know what initiatives are to be found yet. Very clearly, we have indicated here that there would be a hope that there would be a balance between both private and public initiative to be thrashed out. So in many of the cases that we have had within initiatives in the past, it has certainly not been one Department that has addressed those initiatives, but across Government.

But as I say, once again, we are not looking at Government taking a sole lead on this; we are looking to try and work with the public, with the voluntary sector, with all of those people out there who, at the present time, have a very vested interest in the betterment of the conditions of young people.

The Speaker: Mr Watterson.

Mr Watterson: Thank you.

Given that the Youth Task Force, which is independent of Government, which I chair and Mr Malarkey also sits on, recognise that this was an issue and reported on it back in November, will you be working with members of this group? If not, why not? Why has there been no dialogue, or at least no information shared on this, when we met to discuss our report with you, a matter of weeks ago?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

The document and grouping that Mr Watterson refers to is a private grouping made up of his own associates and has produced a report that has, indeed, been discussed with me, as Minister for Education, but has not been before this House or another place, sir, so I do not think that I can comment on that here.

We have indeed met with the Hon. Member, but this is not an initiative that has come from my discussions through his meeting with Mr Malarkey and the Hon. Member myself. Indeed, it has been subject of discussion for quite some time now in Council of Ministers, and also has been raised at the Social Policy Group, but unfortunately the Hon. Member has chosen to withdraw himself from that Group.

Mr Watterson: Action speaks louder than words!

Mr Brown: You wouldn't even talk!

The Speaker: Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, what assurances can we have in this Hon. House that we do not have this as an excuse for inaction? What assurances can we have in this Hon. House, Vainstyr Loayreyder, from the Shirveishagh, especially when we are told it has got no budget and it is going to cost no money, that the fact is that people who we are paying their wages for, who should be at the coalface, will be sitting in more meetings, rediscovering the wheel, as far as many of these issues?

When will this House start seeing this administration trying to actually initiate real movement, as far as social issues, instead of the situation when it has half-thought-out ideas and then it cannot fund it – ?

The Speaker: Hon. Member, you have put the question.

Mr Houghton: Ask a question.

The Speaker: You do not need to embellish it with further (**Mr Houghton:** Rubbish.) (*Laughter*) comment.
Mrs Craine.

The Minister: Thank you, Mr Speaker.

Mr Karran: It might be rubbish whilst you are all part of the one party.

Members: Ooh!

The Speaker: Hon. Member – order!

Mr Karran: Absolutely!

Mr Houghton: I'm not part of *your* party. (*Interjection by Mr Karran*)

The Speaker: Order! Hon. Member!
Mrs Craine, Minister.

The Minister: Thank you, Mr Speaker.

I think it is difficult for the Hon. Member to believe that anything Government does is not an excuse for inaction, and so all I can say, sir, is that I am not a person who chooses to produce paper without action. I would like to see the results of this Working Group come to fruition.

But the Hon. Member goes on again, sir, (*Interjection by Mr Karran*) about the budget. I think that he is mistaking what the purpose of a working group is and that is to investigate a situation and come forward with recommendations, as I have indicated in the remit for the Group here today. But that does not automatically mean that that has a budget to be able to provide for those recommendations. Quite clearly, when we have any steering group, working group, select committee, they report; they do not come forward with the budget, or do not control a budget. I think that is where the Hon. Member is becoming confused, sir.

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

Mrs Cannell: Thank you, Mr Speaker.

Would the Minister agree with me that some Members in here have got a very short memory, in that Tynwald approved, did they not, the Commission of Inquiry into the Care of Young People's Report?

Does the Minister also agree with me that we have, therefore, a clear obligation, morally and otherwise, to look at all of these issues and, if necessary, to find the finance for putting things, or considerations of working groups, working parties, into action and real meaningful produce for the young people?

Does the Minister agree with me that, in fact, if there is no budget then she has a very good reason for going to Tynwald to ask for a budget, to put these things into place for the young people, bearing in mind, as I have previously stated, Mr Speaker, that Tynwald has endorsed the findings, the recommendations of the Commission of Inquiry into the Care of Young People and that Members should not lose sight of that?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker and I thank the Hon. Member for her question.

Indeed, yes, the Commission of Inquiry is on the books and is being worked towards and very many of the recommendations contained in that Inquiry have come to fruition through close co-operation of Government Departments working together.

I would also say that indeed we do have the Strategy for Children and Young People, which I have here, and very many of the recommendations within that document have also been worked very closely to and are coming to fruition. But this document concentrates largely on the health and wellbeing of young people. I think it is now time for us to take stock of where we are and to move forward and consider those gaps that are existing in the social and recreational facilities that we have.

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

Mr Cretney: Yes, thank you, Mr Speaker.

Would the Minister agree with me that, in the last number of years, in terms of sporting facilities, in particular, a great deal of work has been done by previous administrations in terms of putting such infrastructure in place, and that it was identified by a number of Members at the time of the last election, and indeed before then, that the need is for more informal social facilities for young people?

Would she agree with me that what we should be doing, rather than trying to score points off each other, is all working together to try and achieve that aim?

The Speaker: Minister to reply.

The Minister: I could only agree, Mr Speaker.

I think that we tend to overlook the fact that there are a huge number of initiatives now coming forward, both to do with sport and art and other recreational facilities, but I am very pleased, too, that we are able to use the Healthy in Schools partnership, which is a partnership between the Department of Tourism of Leisure, the Department of Health and Social Security and ourselves, in order to be able to develop the facilities that are needed in the Island for young

people in those areas. There is no shortage of enthusiasm, Mr Speaker.

The Speaker: I will take one final supplementary. Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that the fact of a select committee not having a budget is because it is part of a parliamentary process; the fact that the Working Group is part of the Council of Ministers, which is executive-controlled, as far as the Government and the executive of the Island, does she not agree that it just highlights the concern of many outside this Hon. House that if Government Ministers cannot understand the difference as far as roles, as far as select committee and committees, as far as the executive is concerned, what hope have we got as far as the man in the street is concerned?

The Speaker: I will give the Minister the option whether to reply, because it bears very little relation to what is in the Order Paper, Minister.

The Minister: Well, I will reply, Mr Speaker, thank you, because it does cover a part of the question that I forgot to answer for the Hon. Member for Douglas East. That was that the fact is that this Working Group is commissioned by the Chief Minister. It will be for the Chief Minister to direct what funding is required for whichever recommendations come forward.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Hillside Avenue council houses Central heating installation

1.8. The Hon. Member for Douglas South (Mr Malarkey) to ask the Minister for Local Government and the Environment:

What progress is being made with regard to the installation of central heating to Hillside Avenue council houses?

The Speaker: Question 8, Hon. Member for Douglas South, Mr Malarkey.

Mr Malarkey: Mr Speaker, I ask the Question standing in my name, sir.

The Speaker: I call on the Minister for Local Government and the Environment, Mr Shimmin.

The Minister for Local Government and the Environment (Mr Shimmin): Thank you, Mr Speaker.

I am aware that a similar question was raised by the Hon. Member for Douglas South in another place last July and has subsequently been raised with me personally, and regularly by his colleague for Douglas South, Mr Cretney.

In my answer in July, I explained that the proposed central heating scheme for Hillside Estate, submitted by Douglas Corporation, included significant additional capital

costs which my Department and Treasury were unable to support. In fact, the scheme proposed by Douglas Corporation would require additional capital investment in the region of £170,000 and unfortunately the Corporation has not been able to show that their proposal provides sufficient benefits to justify this level of additional capital costs. Although my Department were originally able to support a major part of this scheme, it is now effectively back to the Corporation, Mr Speaker.

All of us involved – the Corporation, my Department, all the representatives and most importantly the tenants living in the area – share the concern that the central heating scheme has not progressed. My Department has and continues to work with the Corporation to resolve the difficulties which have delayed the progress of this project.

My colleague, Mr Watterson, the Member for Estates and Housing, has raised the matter with representatives from the Corporation at several meetings over the past six months, the latest of which was on 8th December. We have been advised that the Corporation intends submitting a new petition for funding to progress this scheme and I understand that the Council's Public Health and Housing Committee will be considering a report on options, which is in the process of being prepared.

A further meeting between my Department and the Corporation is scheduled for mid-March, although I hope the Corporation will have submitted their proposals for Hillside central heating before then.

Mr Speaker, I hope the information is sufficient to answer the Question raised by the Hon. Member.

The Speaker: Mr Malarkey.

Mr Malarkey: Thank you, Mr Speaker.

I thank the Minister for his Answer and I apologise to him that I have to bring this question back again so soon.

But does the Minister not agree with me that now, since the original proposals 20 months ago, the only people who are actually suffering in this situation are the residents of Hillside Avenue? Does the Minister not agree with me that it is time that, somewhere down the line, somebody took control of this situation and drove forward, so that the people of Hillside Avenue could actually get some central heating installed?

The Speaker: Minister to reply.

The Minister: In general terms, I would have to agree, Mr Speaker.

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

Mr Cretney: Yes, thank you, Mr Speaker.

I acknowledge that conversations are taking place between the Department of Local Government and the Environment and the Corporation, which I think is the only way forward in such matters. Could I ask the Minister to make sure, if it is not already on the agenda, that such conversations are extended to include the upper Pulrose redevelopment which has been ongoing for some considerable time? In particular, given the needs of the construction sector at this time and the many people on the housing list, this would be a useful scheme to further progress.

The Speaker: Mr Shimmin, Minister.

The Minister: Yes, Mr Speaker, like a number of Departments of Government we are in increasingly regular dialogue and consultation with the construction industry.

With regard to the upper Pulrose situation, I would advise that they must have an update by the end of March with a scheme which, hopefully, will come forward. That is still some time away from buildings coming out of the ground, but we are very conscious of the points both Members for South Douglas are raising.

The Speaker: Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Could I ask the Minister when he makes reference to heating schemes, his Department has a framework agreement, which I think the Department rolls out all the time: would he not agree with me it is about time that we actually reviewed that framework agreement, if we are to introduce smaller packages to the Island, because that framework agreement which was signed and maybe not tested now for a number of years is leaving it wanting?

The Speaker: Minister to reply.

The Minister: I would not agree that it is wanting, but I would agree it is time to review that and other agreements. Therefore, we will be looking at that, Mr Speaker.

AGRICULTURE, FISHERIES AND FORESTRY

Fishing rights in Manx waters Full control

1.9. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Agriculture, Fisheries and Forestry:

What initiatives there are to claw back control over fishing rights in Manx waters?

The Speaker: Question 9, Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I ask the Question standing in my name.

The Speaker: I call on the Minister for Agriculture, Fisheries and Forestry, Mr Gawne.

The Minister for Agriculture, Fisheries and Forestry (Mr Gawne): Gura mie eu, Loayreyder.

I thank the Hon. Member for his Question and am pleased to be able to offer the following information.

As Member for Fisheries for the five years prior to the last General Election, the hon. questioner will be aware that the Isle of Man has full control over its sea out to three miles. In 1991, the Fisheries Management Agreement was signed with the United Kingdom, allowing joint management of the fisheries between three and 12 miles in the Isle of Man's newly acquired territorial sea. We have full control of the fishing rights within our three-mile limit and, in 1991,

gained joint control in the waters from three to 12 miles. So it is difficult to see how we can, in the words of the hon. questioner, 'claw back' rights which we never had.

However, I am happy to confirm that my Department has made significant progress in the last few years, in discussing ways in which we can extend our control with regard to fisheries management in our territorial sea. Discussion involves partners in the fisheries industry, Isle of Man Government and the devolved governments and assemblies who are our partners in managing the Irish Sea.

Gura mie eu.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh tell me, from the period as far as being the Member for Fisheries and the setting up of the fisheries group, as far as getting it moving, what are his priorities as far as a hit list of what he wants to do in this section?

Would it be better if, allowing for the fact that it is a little bit concerning his reply, that maybe a Private Member's Bill might be the way forward, in order to address the issue of the 1991 agreement? Fair enough, he was nowhere near this Hon. House at that time, but the fact is that, allowing for the devolution, as far as the other parts of the United Kingdom are concerned, this initiative should be taken up for the shameful inadequacies by us in this Hon. House not to read the fine print, as far as that agreement was concerned in 1991.

Mr Brown: We knew. I moved an amendment.

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

I am not sure what good a Private Member's Bill would do in this regard, inasmuch as we entered into an agreement with, I think it was the Secretaries of State for Scotland, Northern Ireland and Wales, together with the... it would not have been a DEFRA Minister, but whoever the respective Fisheries Minister was at the time. So we entered into that agreement. I am not sure what the Hon. Member thinks he might achieve with a Private Member's Bill.

I can, however, confirm that on 26th of this month, my officers will be discussing with officers in DEFRA the future of the Fisheries Management Agreement and I believe that significant progress is being made in terms of a revision of that particular agreement.

A Member: Hear, hear.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh make sure that he informs this Hon. House of the movement as far as this issue is allowed, allowing for the fact that the United Kingdom Government is having more devolution, as far as the powers are concerned, in order for us to get back to a more tangible situation, where unfortunately this agreement was agreed by another place, to allow for the fact of getting some real control in order to create a sustainable industry, as far as fishing is concerned for the Manx nation?

The Speaker: Mr Gawne.

The Minister: Gura mie eu, Loayreyder.

Yes, I am very grateful for the occasional Questions that I get from the Hon. Member for Onchan, as that does give me the opportunity to inform the House of policy developments that we have in Fisheries.

I believe that it is absolutely clear that, as a result of the various devolution agreements that have taken place in the United Kingdom that certainly my Department has highlighted to the UK officials and, indeed, the Minister, Secretary of State – whoever it is – that the Fisheries Management Agreement is deficient now, inasmuch as we are supposed to follow the UK line in a variety of areas of fisheries policy. Of course, clearly, there is not a single UK line to follow now; there are at least three, if not four different policies for fisheries. How the Isle of Man is supposed to implement the 'UK policy', when indeed there is not a single UK policy is for others to explain to us.

So we are negotiating on that basis. It is clear that we need a new Fisheries Management Agreement and certainly my thoughts – and I am sure I have mentioned these before either in Tynwald or in Keys – are absolutely clear: we are a responsible jurisdiction; we have demonstrated, certainly over the last 10 years, probably longer, the ability of the Isle of Man and my Department to manage fisheries responsibly; we are renowned throughout the British Isles for the fisheries management that we have in place. So all we are actually looking for is a proper say in our territorial sea, and I hope that we will be successful in getting that in the near future.

MANX ELECTRICITY AUTHORITY

Electricity bills Accuracy

1.10. The Hon. Member for Douglas North (Mr Houghton) to ask the Chairman of the Manx Electricity Authority:

What level of accuracy is achieved in electricity bills issued by the Manx Electricity Authority?

The Speaker: Question 10, Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

I beg leave to ask the Question standing in my name, sir.

The Speaker: I call on the Chairman of the Manx Electricity Authority, Mr Gill.

The Chairman of the Manx Electricity Authority (Mr Gill): Thank you, Mr Speaker.

Mr Speaker, accuracy of billing starts with the quality and security of the meter itself and the MEA's metering department follows best practice, as defined by the DTI, who have powers in this regard, and Ofgem, the UK regulator. All meters are purchased from quality assured manufacturers and are type tested, with further checks being carried out before installation.

These meters are effectively tested by the MEA to a sampling plan and we gain further confidence by batch testing meters as they are removed from the network. This allows

us to determine that the meters of that type still on the wall are operating within permitted parameters.

Our test standard has traceability to the UK National Physics Laboratory and is certified annually. This standard is used to test the accuracy of our test equipment on a three-monthly basis. A meter that is suspected of providing incorrect readings, whether noted by our meter readers or by our customer, is immediately replaced and the potentially defective meter is tested for accuracy. Should this test reveal errors in the meter, then it may be necessary for repayments or additional payments to be made.

Even with secure and accurate meters, billing accuracy relies on regular meter reading. We, therefore, endeavour to ensure that domestic customers have bills based on actual readings for at least three quarters in four. Our meter readers have a monthly target of 75 per cent of bills issued with actual readings and we regularly exceed this target. If we are not able to access a meter for any reason, we issue an estimated reading which will be based on historic data for the property and is usually fairly accurate. Any customer who receives an estimated bill is within their rights to check their meter and phone in the actual meter reading, which will then be used to raise a new bill.

Of course, any system that relies on transferring data has the risk of user or input error and we have several layers of checking, including a daily caution report which identifies zero readings, readings outside the expected standard deviation and bills over specified limits. A further set of checks applies to the Direct Debit payment system to ensure that we take the correct amount and that payments are not automatically taken for an abnormal bill.

Mr Speaker, I am confident in our procedures, although we are but human, and mistakes will inevitably occur. Some of these mistakes will occasionally escape the scrutiny of the checking systems so we, therefore, have further systems in place to allow errors to be quickly corrected as painlessly as possible, including compensation, if necessary.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, would the Hon. Member for Rushen, the Chairman of the MEA acknowledge receipt this morning of a bill that was charged to a customer for over £14,000, when the actual bill came to zero? Would he acknowledge receipt of that?

And noting, in his Oral Answer this morning, that payments are not taken from abnormal bills, would he answer this for me, that in this case, this particular consumer has had three occasions of unusual charges: the first was £900; the second was £21,000 (*Laughter*); and the third one now is £14,000. Bearing in mind that the Authority does *not* take money out by direct debit of abnormal bills, would he investigate the issue of the £21,000 that was taken out of someone's account by direct debit, when it should not have been –

Mr Cannan: They were lucky to have £21,000 in their account!

Mr Houghton: – is completely out of order, is against the quality audit that the Manx Electricity Authority should have and all their backup systems, and would he investigate that matter and let this Hon. House know the reply, because,

Mr Speaker, I say this, a £21,000 withdrawal by direct debit is an abuse of the direct debit system in itself, sir.

Mr Cannan: Absolutely.

The Speaker: Chairman, Mr Gill, to reply.

The Chairman: Quite clearly, in relation to the first point, the questioner did share with me the bill from his constituent and –

Mr Gawne: And paid half each! (*Laughter*)

The Chairman: – in response, I showed him a supplementary, which I will read to you, sir.

Within the past quarter, we did issue a domestic bill for over £14,000 due to a system error, which we accept is probably an input error. This ought to have been picked up by the billing caution report prior to being issued, although it was spotted at the next level of checking and the money was *not* taken from the customer's account. The customer phoned us on receipt of the bill, obviously upset and concerned, which we accept, but once we confirmed that no money had been taken from their account and a new bill would be issued, they were, as I am aware, content with our apologies and our reassurances.

In terms of the previous episodes which he has brought before the House, I am not aware of them, but I, of course, will give my confirmation that I will be more than willing to check them and, with the questioner's concurrence, as it relates to a constituent of his, without naming that constituent I would be happy to circulate them to Members of the House with your agreement.

Thank you.

A Member: Do you get a discount, John?

Mr Houghton: Yes. (*Laughter*)

The Speaker: That brings us to the end of Oral Questions.

There are five Questions for Written Answer and a further answer to the Oral Question number 5. Replies to these will be distributed shortly.

Questions for Written Answer

TOURISM AND LEISURE

Buses from Banks Circus Failing to stop at Tesco

1.5. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Tourism and Leisure:

Why buses departing from Banks Circus fail to stop for passengers at the bus stop near Tesco?

Answer: During the day bus services which commence from the Banks Circus depot, and are timetabled to pick up at

the Banks Circus stop, do so, predominantly, on a half hourly basis at five minutes to and twenty five minutes past the hour. In addition, there are several other 'irregular' services scheduled to commence from this location which also pick up at the Banks Circus stop.

Information for all timetabled departures from Banks Circus is displayed at the Banks Circus bus stop. The bus driver's duty sheets, for these services, make clear reference to the fact that the Banks Circus stop is the first pick up point.

Bus services which commence at either the Lord Street or Loch Promenade stops are not timetabled, or licensed, to pick up passengers at the Banks Circus stop.

In the event of a timetabled departure failing to pick up passengers at Banks Circus, or any bus stop, and a complaint being received, as with any other issue of this kind, the matter is fully investigated and, dependent upon the outcome, the appropriate action is taken.

In respect of the Banks Circus stop, Isle of Man Transport have installed a CCTV camera which faces directly at this stop, footage from which can and has been used to assist with the investigation of any issues.

TREASURY

Singer and Friedlander Investment Management Continuing business; directors

2.1. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

Why is the Financial Supervision Commission permitting Singer and Friedlander Investment Management to continue to carry out business; and who are the current directors of Singer and Friedlander Investment Management?

Answer: The current directors of Singer and Friedlander Investment Management (IOM) Ltd ('the company'), as shown on the company's file at Companies Registry, are Mr Donald Gelling and Mr John Cashen.

The company has disposed of part of its investment business but some client interests still remain. The company has now sought professional external assistance to complete the rundown of the business and the transfer of client assets to other providers. I understand that the FSC has for the moment decided to allow the company to continue with a restricted licence so that this process can be completed. I also understand that there are a number of complexities to resolve, including the fact that some clients' monies are held by Kaupthing Singer and Friedlander (Isle of Man) Ltd, now in provisional liquidation.

Kaupthing Singer and Friedlander (IOM) Ltd Scheme of Arrangement funding

2.2. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

What is the amount of Government funding and funding

from licensed banks that is required to implement a Scheme of Arrangement in respect of Kaupthing Singer and Friedlander (IOM) Limited in –

- (a) year one;*
- (b) year two;*
- (c) year three; and*
- (d) thereafter?*

Answer: Depending upon the eventual value of the deficit in assets in KSF (IOM), it is anticipated that an annual levy would be charged in a manner very similar to that of the Depositors' Compensation Scheme. The maximum contribution of each bank per year is set at a limit of £350,000 and the period over which such a levy would remain in place would be based on the time it takes to fulfil the commitments and financial obligations placed upon the contributing institutions.

Currently this is expected to be less than three years and will not exceed their commitment under the Depositors' Compensation Scheme.

HEALTH AND SOCIAL SECURITY

Young chronically sick Number in Isle of Man; details of care

2.3. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security:

- (a) What criteria does the Department of Health and Social Security use to classify a person as young chronically sick;*
- (b) how many people are classed as young chronically sick in the Isle of Man;*
- (c) how many people who are so classified are living at home;*
- (d) what accommodation for such people is provided by the Department of Health and Social Security or other agencies, and how many such people are provided for;*
- (e) how many people –*
 - (i) off Island; and*
 - (ii) on Island*
- are in hospital beds at the present time because of a lack of suitable accommodation for such people on the Island;*
- (f) how many young chronically sick are living in elderly residential homes or elderly nursing homes and Elderly Mentally Infirm (EMI) units;*
- (g) what is the funding mechanism for the benefit of this section of the community; and under what statutory basis is this provided;*
- (h) whether such funding is on the same basis as for the elderly section of the community;*
- (i) whether the state support for young chronically sick is sufficient to pay for their care in nursing and whether it leaves sufficient surplus to enable them to cover other living expenses; and*
- (j) what respite and provisions are provided to young chronically sick and their carers and what are the state levels for the service for this section of the community?*

Answer: (a) There is no definitive working definition that is used to classify a person as 'young chronically sick'. The

term 'chronically sick' is couched within the terms of the Chronically Sick Disabled Persons Act 1981 and identifies those people that are 'blind, deaf or dumb, and other persons who are substantially handicapped by illness, injury or congenital deformity and whose handicap is of a permanent or lasting nature, or are suffering from a mental disorder within the meaning of the Mental Health Act 1974'.

In effect, this applied to two groups of people under 65 years.

(1) People who have a significant and permanent physical disability. Permanent in that the physical impairment is likely to be present for 12 months or more. Significant in that this impacts on their activities of daily living and or social and emotional wellbeing.

(2) People with learning disabilities – A state of incomplete or arrested development of the mind acquired before the age of 18, together with an impairment of social functioning. The generally accepted measure of learning disability is that of someone with a general IQ of less than 70, together with an impairment of social function.

(b) The exact figure based on the above working criteria is unknown. The Department holds a disabled register: however, this is voluntary therefore cannot be used to extract definitive data.

In terms of those adults under the age of 65 with a significant learning disability, then we estimate that there are approximately 340 living on the Isle of Man.

(c) The vast majority of disabled people are living at home supported through a variety of means.

(d) With respect to adults with a physical disability, the Department has a contract with Leonard Cheshire Disability (LCD). LCD provides semi-independent living support for six people within a specifically adapted environment. In addition, they provide two respite beds within the same facility. It is reasonable to state that the philosophy of support for adults with physical disabilities is very clearly directed to support in their own homes wherever possible.

There are circumstances where the physical care needs of a person, or presenting risks, require placement in residential or nursing care. Such cases are infrequent and careful consideration is given to the presenting alternatives.

For those adults with learning disability the Department has developed a significant residential service comprising 24 houses, the majority of which are Government owned and run. This provides support to approximately 110 adults.

(e)(i) None in registered hospital beds: however, patients are not always identified as such as they may have been admitted for other conditions/illnesses.

(ii) Noble's Hospital currently has two patients who require placement into the correct care facility. However, they are still undergoing treatment and are not ready for discharge.

(f) There are approximately nine people supported within older people's residential care where the bed has been registered specifically for adults under the age of 65 with past and present mental health difficulties.

The number of older people's residential beds occupied by people under the age of 65 with a registration category of 'physical handicap' is three.

These figures exclude the residential home of Tudor

Lodge, which is not considered to be an older persons' service.

With respect to nursing homes, there is no variation to the classification of beds specifically for those under 65. There are, however, a small number of adults aged between 60-65 supported within nursing homes due to the complexity of their medical need. In addition, an eight-bed unit has recently been opened within a nursing home for adults with nursing need under the age of 65. This unit is specifically set up to meet the needs of this younger client group.

(g) The source of funding is a means tested one based on income and capital. The application for support with residential fees is through Income Support. (Please see Social Security for confirmation of the statutory basis)

It is assumed that this part of the Hon. Member's Question links to part (f). Financial help with meeting the cost of residential or nursing home fees a person is liable to pay is available through Income Support. Such a person may also be entitled to other benefits, for example, Incapacity Benefit or Severe Disablement Allowance (transitionally protected cases only), though these are taken fully into account as income when assessing entitlement to Income Support. Such persons may also be entitled to Disability Living Allowance, which is not regarded as income when assessing entitlement to Income Support. Each of the above benefits are payable under the Social Security Contributions and Benefits Act 1992, as that Act of the United Kingdom Parliament has effect in the Island.

(h) The mechanism is essentially the same, notwithstanding the differences in some benefits, such as Disability Living Allowance, as opposed to Attendance Allowance, which does not have a mobility component.

(i) This is dependent upon the personal income of the individual, the rate of charge and the additional living expenses of the person concerned. The calculations relating to personal allowance are different between those living independently and those in residential care.

The total State benefits currently available to younger persons in residential or nursing accommodation, supplemented by their own resources (where relevant), is sufficient to meet the cost of their nursing care, as well as providing a surplus towards other living expenses. How one quantifies 'other living expenses' will, of course, vary from person to person.

(j) As noted in earlier responses, the only specific residential respite services for adults with physical disabilities are those commissioned through Leonard Cheshire Disability. The weekly rent component of this cost is covered fully by Income Support, subject to eligibility through financial assessment. Costs such as meals, heat and light are charged at nominal fees to the respite user.

Learning disability services has one seven-bed respite unit. There is presently no client charge for this service; however benefit payment can be effected depending on the length and frequency of the respite stay.

Ramsey & District Cottage Hospital has, on its Bride Ward, three respite beds. These are specifically used for respite for those with MS or motor neurone disease, and are provided on a basis of two weeks' respite in every eight weeks.

TRANSPORT**Untaxed and uninsured vehicles
Preventing offences on Island**

2.4. The Hon. Member for Rushen (Mr Watterson) to ask the Minister for Transport:

How many untaxed and uninsured vehicles he estimates there are on the Island's roads; whether he is in favour of using Automatic Number Plate Recognition (ANPR) cameras on the Island to prevent such offences; what progress has been made on the technical detail of installing ANPR cameras on the Island; and what the expected costs of such a system would be?

Answer: The Department estimates that 10 per cent of vehicles circulating on Island roads may be untaxed and it is possible that the same number are also uninsured.

I am in favour of any practical and cost-effective measure that would reduce the number of untaxed and uninsured vehicles being used on the Island's roads and we are presently investigating the technical details for introducing an ANPR system on the Island. I would refer to my Answer to last week's Question to the Hon. Member for North Douglas, Mr Henderson, in which I confirmed that the Department were developing the procedures for interrogating our new vehicle licensing database, in conjunction with that of the Motor Insurance Bureau, to identify untaxed and insured vehicles and advising these vehicle keepers that unless they took immediate action their details would be passed to the Police.

Details of untaxed and uninsured vehicles obtained from the ANPR would be similarly processed, advice given to vehicle keepers and details passed to the Police.

I would stress, however, that there would be very strict management processes in place to ensure that vehicle data captured by the ANPR camera was only used for legitimate policing purposes and that drivers using the Island's roads lawfully will do so unhindered by the licensing authority.

I can confirm that police officers from a UK force experienced in the use of ANPR cameras and the back office procedures supporting their operation have visited the Island to advise my officers and the Police.

We are presently confirming our database linkages to the Motor Insurance Bureau for identifying uninsured vehicles and will shortly be contacting ANPR camera manufacturers. Until a business case for the purchase and operation of one or more ANPR cameras has been prepared and considered by my Department, after consultation with the Department of Home Affairs and the Chief Constable, I am not in a position to give the costs for an ANPR camera operation.

MANX ELECTRICITY AUTHORITY**Reduced cost of gas
Effect on electricity bills**

2.5. The Hon. Member for Douglas North (Mr Houghton) to ask the Chairman of the Manx Electricity Authority:

In view of the recent announcement by Manx Gas of a

significant reduction in the cost of gas, whether the MEA will be reducing its electricity bills accordingly; and, if so, when?

Answer: The Authority raised electricity prices in September 2008 in accordance with the rescue package that was agreed in another place (Tynwald). The rise reflected the RPI +2 per cent required under the package and a one penny per unit increase to reflect the forecast fuel prices over the next three years (2009-11).

The Fuel Cost Adjustment is intended to smooth the effects of highly variable fuel prices and provide planning certainty for businesses and a degree of security for domestic customers. It was not intended that the FCA should be added and subtracted every time the price of fuel moved and in this we are different from Manx Gas.

Due to the constraints of the Tynwald rescue package, the Board is unable to alter the tariff, save to remove the FCA element, and our expectations of fuel price movements over the next few years is such that any reduction in the FCA now would result in a shortfall that would have to be recovered when the tariff is next reviewed in September. The Board considers that it is preferable to maintain a low level of FCA now to avoid an unnecessarily large increase at a later date.

It might be noted that the Authority raised its tariff by 16 per cent in 2008 and Manx Gas raised its tariff by 14.2 per cent in May and a further 22.5 per cent in August. It therefore seems reasonable that they should reduce their tariff – especially as winter is over.

Orders of the Day**BILL FOR CONSIDERATION OF COUNCIL
AMENDMENT****Animal Health (Amendment) Bill
Council amendment not moved**

3.1. Mr Gawne to move.

BILL FOR SECOND READING**Gender Recognition Bill
Second Reading approved**

4.1. Mr Brown to move:

That the Gender Recognition Bill be read the second time.

The Speaker: Item 3 not being moved, we therefore turn to Item 4, Bill for Second Reading, the Gender Recognition Bill, and I call on the Hon. Member for Castletown, the Chief Minister, to move.

Mr Brown: Thank you, Mr Speaker.
The purpose of the Gender Recognition Bill is to provide

transsexual people with legal recognition in their acquired gender. In practical terms, this will have the effect that a male-to-female transsexual person will be legally recognised as a woman in Manx law, and a female-to-male transsexual person will be legally recognised as a man.

The Bill is necessary to ensure that the Island complies with an obligation under the European Convention on Human Rights. In a ruling in July 2002 on cases brought against the United Kingdom by two transsexual people, the European Court of Human Rights in Strasbourg found that the UK's lack of legal recognition of their acquired gender was a breach of their Human Rights under articles 8 and 12 of the Convention. These articles concern the right to respect for a private and family life and the right to marry. Where the European Court finds that a state has breached the Convention rights of its citizens, that state is under a positive obligation to remove the cause of the breach. The United Kingdom was, therefore, required to amend its law in relation to the legal recognition of transsexual people and this was achieved with the Gender Recognition Act 2004.

As Hon. Members of this House will know, where the United Kingdom's ratification of an international convention has been extended to the Isle of Man, the Island is considered, for the purposes of that convention, to be included with the UK as the state party. This means that the obligation from the European court cases against the UK applies to the Isle of Man in the same way as it does to the United Kingdom. However, even if the Island was a party to the European Convention in its own right, it would still have to take note of the case law of the European Court and, under our Human Rights Act, in any case before the Island's courts on this matter, it is virtually certain that the current Manx law would be ruled to be incompatible with the Convention.

Mr Speaker, I am sure I do not have to tell Hon. Members this, but just to avoid any confusion, it is perhaps worth recalling that the Island freely accepted the obligations of the European Convention and also that the Convention and the European Court of Human Rights are entirely separate from the European Union.

Having set out the Government's obligation to progress the Bill, I would now just like to very briefly describe the condition it is to address. Gender identity is how a person feels themselves to be male or female. Of course, a person's gender identity is usually the same as his or her biological sex, but for reasons that are still poorly understood, this is not always the case. The transsexual people have a lifelong and extreme form of this condition. Gender identity disorder is a recognised medical condition, and where a clinical need has been established, treatment is available through the National Health Service. It has been found that most transsexual people who undergo such treatment experience a successful outcome in terms of the subject quality of their lives.

Mr Speaker, the general principle of the Bill is that a transsexual person who has been issued with a full gender recognition certificate will be legally regarded for all purposes as being of their acquired gender. Where a person's birth was registered in the Island, they will be entitled to a new birth certificate. They will also be able to marry someone of the opposite gender to his or her acquired gender, although a clergyman will not be forced to solemnise such a marriage.

In addition, the Bill includes specific provision to deal with the issues of parenthood, inheritance, sport and gender-specific offences, where a person has legally changed their gender.

The Bill also deals with prohibiting the disclosure of sensitive personal information, gender change outside of the Isle of Man or the UK, and the power to consequently amend legislation where there is a conflict with this law.

I should also just mention, Mr Speaker, that since the First Reading of the Bill, some amendments to its schedules have come to light as being desirable and it is proposed that these amendments will be moved during the clauses stages, if the Bill is successful at Second Reading. The amendments are technical or procedural in nature and will not affect the substance of the Bill.

I will now just very quickly explain some matters and why they have not been included in the Bill. The first and most obvious thing is that the Bill does not establish a separate Manx procedure for assessing whether a person should be granted legal recognition in their acquired gender. Rather, it relies on them obtaining a gender recognition certificate under the UK Act. There is a compelling practical reason for this: the treatment of transsexual people is very specialised and, given the small number of people involved, it could not reasonably be provided in the Island.

As with other specialised medical conditions, a person would have an initial assessment in the Island, and where there is a clinical need, they would then be referred to specialist centres in the United Kingdom for treatment. Whether a transsexual person then meets appropriate criteria for their acquired gender to be recognised, is also a detailed and specialised process which is carried out in the United Kingdom by a panel of legally and medically qualified people. This would be difficult to provide in the Island and, realistically, the necessary expertise would have to be purchased from the United Kingdom or elsewhere. So, as Island residents are likely to have received treatment in the United Kingdom, and as they can already apply to the UK Gender Recognition Panel in the same way as UK residents, it is not considered that the complexity and expense of establishing a separate application and appeals procedure for the Island was necessary or justified.

The second area that has been omitted from our Bill concerns Social Security and pensions. The relevant parts of the UK Act were applied to the Island in 2005 by Orders made under Acts of Tynwald, so their inclusion in this Bill was not considered to be necessary. The Bill does, however, contain a provision to confirm the validity of the application of the Orders.

The final main area that is not included in this Bill relates to discrimination. As Hon. Members are aware, the Employment Equality Bill is included in the Government's legislative programme and the Department of Trade and Industry has already carried out an initial public consultation exercise on that Bill. It is intended that discrimination against transsexual people in the workplace will be one of the matters to be covered in the comprehensive piece of anti-discrimination legislation.

Mr Speaker, I explained at the outset that there is an obligation to enact this legislation; however, I would like to remind Hon. Members that 'social inclusion for all of the Island's community' is part of the overall vision for my administration, set out in the Government's Strategic Plan 2007-11. So providing protection to this very small, but potentially very vulnerable, section of our society is not just something that the Island is obliged to do; it is something also that is the right thing to do. (**A Member:** Hear, hear.)

Mr Speaker, I beg to move the motion standing in my name.

The Speaker: Hon. Member, Mr Bell.

Mr Bell: Mr Speaker, I beg to second and reserve my remarks.

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

Mr Houghton: Thank you, Mr Speaker.

I would like to give the alternative viewpoint on all of this.

This Bill defies decency. It defies common decency.

Mr Bell: Oh, for God's sake! Are we back there again?

Mr Houghton: It is as simple as that. I am taking the Hon. Chief Minister's points that this will protect a small vulnerable number of people in society. Has he any figures to prove that? Has he any figures to prove just how many people are transsexual in the Isle of Man, who have had a sex change? I just wonder. I do appreciate that this House does follow the European path by HR-compliant Bills. In fact, I have moved Government Bills myself in the past for Human Rights compliance, and we all understand Human Rights compliance. But then there is a stand where we can go too far beyond, and I feel this is it.

When this Bill had its First Reading, way back now, about five or six months ago, and was withdrawn from Second Reading, I thought the Chief Minister had had second thoughts about it. I thought, 'Good, because this Bill takes it that stage too far.' It will make a laughing stock out of this Hon. House, at a time (**Mr Bell:** Rubbish.) when we all must be careful of what we do and what we say. (**Mr Bell:** Exactly!) I would support that: we are in very strange times here.

We all know the laughing stock that even the Treasury Select Committee in Westminster last week had, when of course they were interviewing the Chief Minister and the Minister for the Treasury – or the Chief Financial Officer for the Treasury – when they said we are just a backwater... They did not say that, but what they did is they meant that. We are in the middle of the North Sea and we are a tax haven, and everything else. 'Oh, and also, you are bringing this Gender Recognition Bill, too... You're obviously now trying to encourage people to change sex on the Isle of Man!'

I am sure if they had picked that up (*Laughter*), that man who put all that rubbish to our people being interviewed in Westminster last week... would have been put by that man, because he was stooping as low as that.

I think this is ill timed, to say the least, to bring this Bill forward. It is ill timed. It defies common decency. I cannot support it, I will not support it, and I think it is taking Human Rights too far.

But one thing I hope, Mr Speaker, in asking the Hon. Chief Minister to give me figures of those who have had a sex change on the Isle of Man in the last 10 years, if we have got any evidence of it...

A Member: Nobody on the Island.

Mr Houghton: I appreciate, Mr Speaker, when it is said, 'Oh, well, we have to have these Bills to allow for this, that and the other.' Yes, I understand all of that.

I understand that, but there is one issue of timing – this is ill timed – and there is one thing also, and it is time we did

this in the Isle of Man: stood up for our own principles – in this case here, our principles of common decency.

Mr Bell: Rubbish!

The Speaker: I call on the Hon. Member, Mr Watterson.

Mr Watterson: Thank you.

I do not think I can quite agree with what the previous Member says. I certainly cannot agree it is an affront to decency – political correctness gone a bit far, maybe, but I do not know about an affront to decency.

I would, however, like the Chief Minister to clarify a few issues for me in terms of Isle of Man residents who can apply to the UK panel for a gender recognition certificate and whether this is actually covered by the National Health Service. It is not something that is made clear, because clearly that will have cost implications when the figures come to light as to how many people this affects. There will be a cost implication to that. It would be interesting to know whether that has been looked at.

Clause 12 has a lot of information about the prohibition on disclosure of information and I am just wondering if the Chief Minister can tell us how, in these circumstances, we can ensure that there are the necessary procedures in place to ensure that Police checks can still happen and that, where appropriate, previous names, aliases and things like credit reference agencies can still get hold of the relevant information on an individual just because they have changed their gender and need to make sure that these principles are still applied and the information is still available in relevant circumstances.

There is also the issue of the Gender Recognition Register, which is a confidential document which allows a link to be made between individuals and their original birth certificate. This is a confidential document forever and a day, as far as it seems on here. Perhaps I can ask the Chief Minister to look at a 100-year rule on this particular Register so that it is not a complete barrier forever for people looking to do things like trace family histories and things like that, where they might want to make links with certain relatives.

Mr Houghton: Where they change sex.

Mr Watterson: Yes, and great aunts, great uncles. It is a case of building up a complete family picture (*Interjection by Mr Houghton*) and I just think that that would perhaps be a pragmatic solution to family history researchers.

So, with those queries, thank you.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I have to say that I am shoulder to shoulder with the Chief Minister on this situation. I think that it is great to see a movement, as far as that is concerned.

I am absolutely appalled that we still have the outbursts of what common decency... It is what the Nazis used to say (**Mr Bell and Mrs Craine:** Hear, hear.) with the Jews: common decency. I was in here at that period when people were making sick jokes about young gay men committing suicide. I was ashamed of my colleagues in here (**Mr Bell:** Hear, hear.) when they made sick jokes like that. (**Mrs**

Cannell: Hear, hear.) I was ashamed when, as the Member who was going to be the next Minister after Arnold Callin, over the absolutely disgraceful way the Police acted as far as being a civilised community, and paid the price for it.

I find this House today... I hope that we will be unanimous in supporting this section of the community, because the Government is actually doing the right thing. It is getting away from this Island being seen as a fascist reactionary backwater. Manx people have got to stop being servile to the old colonial ways, and I believe that we should be supporting the Member as far as the Chief Minister is concerned today. We will have all the sick jokes and the what-do-you-call-it and the association with guilt and all this sort of nonsense. Well, I am proud to be a Member of this House that was prepared to stand up for Human Rights, and I think that the majority of Manx people outside this Hon. House, have supported me consistently on Human Rights situations more than any other in this Hon. House.

So I think the points that the Hon. Member for North Douglas... I am glad he is part of the Government and is not part of Liberal Vannin (Laughter), because I would be ashamed to be associated with that sort of bigotry.

Mr Brown: You will be sacked now!

Mr Houghton: You won't send me an application form then, Peter, to join Liberal Vannin?

Mr Karran: The situation is I think today the Council of Ministers should be congratulated. I remember, as the former Member for Health from 1996 to 2001, when we were almost in crisis after that election and they could not find someone to be Member for Health, and I had civil servants saying to me, 'Well, you know, this is not part of the Reciprocal Agreement.' That might answer the question of the Member for Rushen. We have to pay for this. You are going to get stick about this, as the Member for Health. I said... the ridiculous statement that somehow you suddenly get up one day and decide, 'Hmm, it's a Wednesday, I'll decide to change my sex.' What does the Hon. Member for North Douglas live in, as far as reality is concerned?

Mr Houghton: A decent world.

Mr Karran: I believe... Yes. One quite says that he would not employ homosexuals. What a ridiculous situation! No wonder... I might not have been very impressed with the Chief Minister at this Select Committee. He should not have been allowed to go in the first place, as far as I am concerned.

Mr Brown: Better than you going!

Mr Karran: As the situation as far as he should have been here at his parliament, not at some Select Committee on the same day. The Prime Minister of the United Kingdom would not be coming to a Select Committee here. But the fact is –

The Speaker: Hon. Member, stick closer to the motion on the Order Paper.

Several Members: Hear, hear.

Mr Karran: But the point is he is quite right, as far as it... This will enhance the Isle of Man, as far as the Island is concerned.

The situation as far as the Hon. Member is concerned is the fact that we have got several people who are transsexuals on the Island, and the reason why, as the Member for Health, we took the decision in the 1980s was the horrific level of suicide as far as this section of the community (**Mr Bell:** Hear, hear.) is concerned, and I would rather have a live transsexual than a dead non-transsexual, just as much as I want to see a live homosexual than a dead homosexual who has been terrorised by a situation of the morals of 'common decency'. Common decency! Common decency has changed over the years, thank God, and the situation where we used to send the working people's kids up chimneys because the common decency was that they were not socially acceptable to be educated because that was not the common decency. I hope that we see this as a move forward as far as this legislation is concerned.

I have to say that I am disappointed that we are going to allow our people to be part of a UK register. We are not a devolved parliament, we are not part of the United Kingdom, and I would have far rather seen whether the practicalities of the situation of whether we should go... If we have to have an alternative jurisdiction to look after a register for us, maybe we should have gone to the Irish Republic to show that we are not part of the United Kingdom devolved parliament system. That is why I put the Question down about our knock-kneed business about the fisheries agreement. We have to change.

Vainstyr Loayreyder, I hope that the Hon. Member for... Whilst I would defend the right of any Hon. Member in this House to say what they want to say, I hope that we are not going to see Members supporting such bigotry, such ignorance and such stupidity, as far as the Island is concerned. If that costs votes, then they are the people I do not want a vote from, if that is the way they are, and I am only sorry it has taken us 20-odd years to get to this stage.

Vainstyr Loayreyder, I support the Hon. Member for Castletown. I might not support how he runs his Government, but I support him on this situation, and the Liberal Vannin Party supports him on this situation. I think the issue that the Hon. Member for Rushen is raising, that this is outside the Reciprocal Health Agreement –

Mr Watterson: I did not raise that!

Mr Karran: – the situation is –

Mr Watterson: I did not raise that!

Mr Karran: – how the funding was going to be, as far as that issue is concerned. I believe that this is money well spent if it sorts out any psychiatric long-term problems that they would have by not being allowed the situation, as far as this is concerned. But I do hope, when he does do his amendments, that he considers from the Council of Ministers that we should be proud to have a gender recognition register in the Isle of Man and we should not be servile or acting like a devolved government of the United Kingdom. We have never been it, and we do not want to start.

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

Mrs Craine: Thank you, Mr Speaker.

I am drawn to my feet also by the comments of the Member for Douglas North, Mr Houghton, who has just left the Chamber. He actually indicated that this legislation defies decency. I have to say, sir, that I believe his comments defy decency. (**Several Members:** Hear, hear.) I find his approach, his attitude, his bigotry completely disgusting –

A Member: Thank goodness you are here!

Mrs Craine: – and I think that it illustrates a complete lack of understanding and compassion which I had thought that we, in the Isle of Man, had moved on from a long time ago.

We are now in 2009 and if we still have attitudes like that pervading in our society, then I think that we have a long way to go. I think that it is a shame on us that that has been expressed here today, because any of us who have had anything to do with people who find themselves in this difficult situation and experience the mental anguish that they have to go through in order to be able to live their lives in this society, is just beyond human understanding.

I think that, far from taking Human Rights too far, if anything, we are delayed in our approach to this and it is time that we moved forward and moved forward swiftly.

The Speaker: Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker.

I would like to disassociate myself from any of the comments made by the Hon. Member for North Douglas, Mr Houghton. We are talking about a section of our society who are very vulnerable; as the Hon. Member for Ramsey has said, mental anguish. Their minds are in turmoil. We read about it, we see programmes on the television where people who are born a female feel that they are trapped in a female body because they think they are male, and vice versa. It is not an easy option for them to take, an operation. A lot of them, in actual fact, have to, if they are changing... before they are allowed to go on the register, they have to act and dress in the opposite sex to what they are. Then they have an operation. We have seen operations on the television. It is very difficult for them. A lot of them go to America, because the procedure there is quicker, they are more expert at doing the operations in the States, and these people have to save and they have to pay for it privately if they go to America.

So I feel we are moving in the right direction. I will be supporting the Bill standing in the name of the Chief Minister, the Gender Recognition Bill, and I just hope that the people who have listened on the web... that not all of us who are Members of this Hon. House have the attitude like the Hon. Member for North Douglas.

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

Mr Bell: Thank you, Mr Speaker.

I obviously will be supporting strongly this Bill today and I am very pleased to hear the comments of Hon. Members – the last few Hon. Members, at least – in expressing their support for this as well, but I have got to say, Mr Speaker, this is a very, very sad day for the Isle of Man again. Having gone, as the Hon. Member for Onchan has said, through the horrors of the late 1980s and early 1990s to try and bring about change in relation to the gay issue, the absolutely

horrendous debates which took place in this Hon. Chamber during that period, which were a disgrace and a slur on the good name and reputation of the Isle of Man, I have to say I never thought I would hear such an outburst in this Chamber ever again. It diminished and demeaned the Isle of Man and I believe the contribution of the Member for North Douglas does the same today, and I think I am delighted, frankly, with the response of Members and I hope we all unanimously left in this Chamber express our abhorrence for those views.

I am particularly brought to my feet, Mr Speaker, not to talk about the detail of the Bill, perhaps, but by the comment – one comment in particular – that the Member for North Douglas made and that is that the timing is wrong and we should be aware that people are listening to us and watching what we do.

I wish he would listen to his own advice, Mr Speaker, because those of us who were here in the 1980s and had to live with the horrendous social legislation that the Isle of Man had at that time may well remember that the single most damaging event, which we still have to live with today, which has stained the Isle of Man's reputation, was the way we responded to the gay issue in the 1980s. It still gets fired back at us now regularly in political circles and business circles and particularly in media circles, Mr Speaker. It is the single biggest issue. More than competitive tax rates, or lack of transparency, all the other current buzz words, it is the way we treated social minorities in the 1980s and the lack of willingness to respond to the desperate human need that was required at that time which has actually placed a permanent stain on our reputation.

We have worked hard over the last few years, Mr Speaker, to provide a more civilised, inclusive society for our people and it would be an utter disaster if we were to follow the Member's comments today and reject this Bill.

The attitude in the 1980s and 1990s cost us huge support amongst trade unions, amongst the UK Government of the day and the situation that we face now, in a general sense, is probably the most dangerous period that the Isle of Man has ever had to confront, not only with the economic problems we have, but more particularly, with the international debate which is about to ensue on the future politically, constitutionally and economically, of small states such as the Isle of Man. Statements such as this coming from this Chamber, such as the comments from the Member for North Douglas, are, I can assure Hon. Members, picked up widely around the world. It is picked up regularly by the United Kingdom Government, it is picked up by the media, it is picked up on worldwide media interests.

Every single word that is spoken in here is registered in positions where those words can be used back against us and I have said, Mr Speaker, on a number of occasions in various debates, we have got to watch every single word that comes out of this Chamber from now on because it will be used back against us in the debate which ensues. This is not just a narrow debate about the Gender Bill, it is the ability of the Isle of Man to accept its social responsibilities and treat its citizens fairly in the new world order which is developing.

Mr Speaker, I am embarrassed and ashamed to be in a Chamber where those comments emanated this morning and I totally disassociate myself from them. I urge Hon. Members, please, this is a moment where maturity is needed, not the childish giggling that we have seen from the benches of North Douglas this morning. We are talking about a human issue, we are talking about lives and the horrendous consequences

of having to live with this condition.

I would urge Hon. Members, please, show some humanity. Continue the support that has been expressed this morning and give the Chief Minister your 100 per cent support on this Bill.

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

Mrs Cannell: Thank you, Mr Speaker. I will be supporting the Bill all the way through.

Mr Speaker, it is hard to sort of digest what we have heard this morning in the Chamber but I suppose one would say that the people deserve the Government they get. Mr Houghton, one of the Hon. Members for North Douglas, is usually supported by his constituents and has each time that he has stood, so I daresay we have to accept that the view he has portrayed here this morning does prevail in certain quarters within the Isle of Man. I suppose it will do for some generations to come and we have to learn to live with that, but that is not to say that we should be condoning it or accepting it.

Of course I, too, Mr Speaker, found it very offensive. I was quite shocked with his outburst this morning although, again, in agreeing with the Hon. Member for Onchan, Mr Karran, I approve of any Member being able to get on their feet and contribute to legislation and debate and be free to do so and to express their opinion and their view. That is what democracy is all about. That is what this Chamber is for but it is unfortunate when we hear a view like that which seems to come from the dark ages.

The Hon. Member for Ramsey, Mr Bell, talked about the difficulties, trying to uplift the Island's reputation following the gay bashing issue back in the 1980s and 1990s. I remember it, Mr Speaker, because I stood for the General Election in 1991. That was my first attempt in the House of Keys and, of course, it was very relevant then because what was going to be considered by the new House was the Sexual Offences legislation, new Sexual Offences legislation. When I stood for election in 1991 the current legislation at the time said that if you were gay then, basically, it was a hanging offence, not just punishable, but you could be hung!

So, talk about in the dark ages! I mean, the Island really, really moved forward and did show maturity, but as a consequence of that, that was a very testing General Election, in that those who defended, went out to defend their seats and others who would challenge them were questioned by their electorates about what their view was on these sorts of issues and it was a very telling General Election, in that certain Members actually lost their seats as a consequence and others were returned.

If we care to have time to study that and analyse it, I think it would be very telling, very telling, of the changing atmosphere and the changing views, the intelligent views, of our people in the Isle of Man and also the wisdom which they have shown, in particular, in determining their view at that time. That is something which we cannot afford to be destroyed in foolish words, perhaps, that have been echoed here today by one Hon. Member.

I feel sure that his view is not shared by his colleague for North Douglas who, I believe, has more understanding and compassion in this area. My Hon. Member for Douglas East is right. I know of situations, and have heard of situations, where people do believe that they are born and trapped in the wrong

body and tremendous turmoil and emotional turmoil that they have to go through. What this Bill is doing is it is a Human Rights issue... I mean, if we were not to support this today then we would be criticised as not having Human Rights in the Isle of Man and I mean just considering that on its own, I am proud we have Human Rights legislation in the Isle of Man. I was not so proud when we delayed the introduction of our Human Rights legislation which, in part, was reliant on two other pieces of legislation but, once it came in, I was proud to say the Isle of Man has Human Rights legislation, very proud because that really moved us forward in terms of the world view and the political view.

As I have said, the Hon. Member has come back... I am disappointed, very disappointed and I was shocked by his outburst. He is free to express his view, as we all are, (**Mr Cretney:** Hear, hear.) but I would hope that other Hon. Members in this House do not share his view.

I am not, Mr Speaker, going to put the boot in. I could very easily but I think the boot has already been felt quite hard with what other Members have said, so I would urge you to support it. Let us move forward: we are mature, let us show that we are.

The Speaker: Hon. Member, Mr Gill.

Mr Gill: Thank you, Vainstyr Loayreyder.

I do not think we need to prolong this. The sentiments are fairly obvious from everybody but I frankly was hoping that we would just vote this Second Reading through because it is the right thing to do, (**A Member:** Hear, hear.) self evidently. That in itself would send a telling eloquent message and it is a great shame that we are faced with having this, well, I would not call it a debate, this response to, frankly, the rantings of Alf Garnett. It is disgraceful.

So we talk about common decency and I hope I will come back to that, but if that is the test, well, let us vote on that today. I am not going to rehearse the comments that the Member for Douglas North made so I would absolutely disassociate myself with them.

I also have some sympathy with the comments from Mr Watterson, my colleague in Rushen, when he talks about guarding against political correctness in extreme forms but I think in this case this is not a question of that – and I do not know what alternative will be suggested – this is not PC gone too far, this is about decency and about treating people with respect and honouring them. I really think, whilst it is entirely right that we have an entitlement to freedom of speech and an entitlement to air those views as fully as possible, we also have a responsibility to consider the impact of the comments. The Member for Ramsey, Mr Bell, made that very valid point – that we will be judged on the tone and the content of comments that emanate from this place.

I hope that this House can actually make a statement today, when we talk about common decency, that we can actually vote for common decency, which is for this Bill, because the only shame of it is the suggestion even that the Government are doing it because they have to. I hope it is the case that, when the Chief Minister responds, he will reassure us that we are passing this legislation because we want to, because we recognise it is the right thing to do, that it is a Manx decision and Manx common decency will be reflected in this House by an overwhelming vote in favour of this Bill.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I am pleased at the contribution behind from my hon. colleague, Mr Gill, in relation to pointing out one basic fact this morning – and I am sure the Ard-shirveishagh may pick up on this when he responds – and that is that we are doing this out of common human decency and not because we have to. That in itself will send out the message that many Hon. Members will be hoping for this morning.

This is important and it is something that I feel, maybe, has come quite a few years too late in some respects. As I say, for common humanity we need to be looking at these things in their own right.

However, Vainstyr Loayreyder, it does strike me that Members worried about the messages that come out from our Chamber, that those messages are cherry picked at times and twisted up and used as and when the need suits elsewhere, and in other jurisdictions. So I am not so sure whether Hon. Members need to be worried on that account or, maybe, when we make our statements here, we should be careful how we make them and have them well thought out and rehearsed in the first place.

Notwithstanding that, Vainstyr Loayreyder, if there is one message, or a couple of messages, I want to put in the public arena from this morning – and as Mr Gill thought, perhaps we could have voted this through as unanimous and so on and it would have sent out a strong social signal that I have always supported – nonetheless, it struck me the passion in the debate this morning and the very firm signals that people are wanting to give out, which is fine, why did that not happen last Tuesday at Westminster? I am very, very upset in the point that the strength of feeling that can be engendered sometimes was not put as forcibly as it could have done.

The second point is when we come to law and order issues, Vainstyr Loayreyder, and certainly with where we need to have the punishment fitting the crime, in the cases of murderers and sex beasts, we run away from it! We run away from our responsibilities there to ensure the safety of our community and yet this morning we can show a passion and a desire to do something that really is... it is not surprising and it is good that it is there, but it shows we have the drive, will and commitment for some things, but in other areas, I am quite astounded that that drive, will, commitment, compassion – or passion – does not seem to be there, or we pull back when we should be sending equally strong signals out.

The Speaker: Chief Minister to reply to the debate.

Mr Brown: Thank you, Mr Speaker and I thank all Hon. Members for their contribution to this important debate.

Can I say that, not surprisingly, I do not agree at all with the comments that were made by the Hon. Member for Douglas North, Mr Houghton, and I again, like others, think it is most unfortunate that the comments were made – but I have to say we have to recognise what we are here for. We are here to reflect society and there are some in our society who will think the way that the Hon. Member put over the points that he did. That is no excuse, but it is there and we have to acknowledge that.

The good news is that, 15 years ago, there would not have just been Mr Houghton, there would have been six or eight

others in here doing exactly the same! There would have been lobbyists outside, there would have been all sorts having a go at us, trying to stop us even considering this legislation.

We went out to public consultation on this Bill prior to it coming to this House and I think it was five responses, one against it, four saying that they were okay with it. Again, what a change in our society and one that we should be proud of, that we have become a more tolerant society in what is a small nation, where in fact it is actually harder to be tolerant because we know individuals with different circumstances.

This is not new to me, Mr Speaker. I had the honour to take through this House the Sexual Offences Bill, which was the legalisation of relationship between consenting adults of the same sex and also I had the honour to take through the Human Rights Bill which, of course, is fundamental, in my view, to protecting the people of the Isle of Man in a small nation. Our history has shown, and our recent history has shown that, in fact, this House and another place can on occasions, not necessarily, protect the individuals that they represent – and the Human Rights legislation provides that safeguard for our people. Nothing can be more important.

This builds on that, and if I can just answer one point that was raised near the end by Mr Gill and Mr Henderson, can I just re-emphasise what I said in my opening remarks in relation to the issue of us just doing this because we are obliged to. That is not what I said. What I did was explain there was an obligation but I finished off by saying and I quote again:

Mr Speaker, I explained at the outset that there is an obligation to enact this legislation; however I would like to remind Hon. Members that ‘social inclusion for all of the Island’s community’ is part of the overall vision of my administration set out in the Government Strategic Plan of 2007-11. So providing protection to this very small, but potentially very vulnerable, section of society is not just something that the Island is obliged to do; it is also the right thing to do. I believe that the House reflects that. The House believes it is the right thing to do, but time will tell when we get to the vote.

Mr Speaker, I do not want to really go into a lot of what the Hon. Member for Douglas North, Mr Houghton, said. He said it. I think many Members have nailed that down where they come from but I would make one point that I think does need a response to. He tried to make a play on the numbers. The numbers are irrelevant. Whether there are no people, one person, 50 people, it is a protection if there is a person and that is what matters. (**A Member:** Hear, hear.) Therefore, numbers are totally irrelevant.

I then move on to the Hon. Member for Rushen, Mr Watterson. He said about political correctness. I do not see this is political correctness at all. I know what I think is political correctness in the UK, which drives people mad and drives me mad! This is about people’s rights and safeguarding vulnerable people. There is a big difference here... We should be proud to take this legislation forward.

Will this be covered by the NHS? Well, certainly, my view is that if somebody requires this sort of support then the Health Service in the Isle of Man should support that person to ensure they can go to the United Kingdom for the treatment. Therefore, yes is my answer and that will be again looked at in terms of priorities within the NHS – no different from many other specialist operations that people require.

In terms of the issue he raised about the Register and protecting what is in the Register – the information – he

suggested 100 years this should be released, so that people who are wanting to check back on families and so on can trace it. Well, in section 12(5) of the Bill it actually makes it clear there that

‘the Council of Ministers may by Order make provision prescribing circumstances in which the disclosure of protected information is not to constitute an offence under this section’

and my view on that would be that, certainly – and I am happy to raise it with the Council of Ministers – we should look to have a clear policy that, in fact, after 100 years that information could be made available. I think that that is an appropriate way forward, so I will certainly take that point up and we will look to ensure there are no implications in that. But I cannot see off my cuff, that that should be a problem because the persons involved would then have passed on and therefore that information is historical, not about the individual *per se*.

Mr Karran then got up and made a couple of points about being supportive and he also was concerned about the UK Gender Panel and using the UK. My understanding is Ireland does not have this legislation yet, anyway, and therefore that would be difficult, but importantly, you need to keep it in context. Applying to the UK Gender Panel does not mean that they go onto the UK Register, therefore, that is quite clear. The UK Panel is just a process: all it is going to do is assess the individual and confirm whether the case that is being made in fact warrants action being taken, in other words that we... they fall within the remit of the legislation.

I think the other point I would make is that our Gender Recognition Register is in relation to people whose birth was registered in the Isle of Man, so that is an important point to keep because people born elsewhere will, of course, be covered by their own country. If they are UK citizens by birth then, of course, that would apply in the UK.

The issue of sexual offences... Mr Henderson raised the issue of sexual offences – I was trying to think what my note said then! – and that we run away from it. Mr Speaker, I can say that when I took the Sexual Offences Bill through the House of Keys – and there has been a subsequent amendment to that, as well, that has gone through – that in fact we have far more... as I understand it, our legislation is far more... or far stronger, should I say, in terms of penalties than the equivalent in other jurisdictions. So I cannot see why we would be seen to be running away.

We have passed the legislation. How it is then administered is for others. If somebody commits a sexual offence then it is a matter for the courts to deal with. What I can say is that they have the powers – and the powers in the Isle of Man, again, as I understand it, are in fact pretty strong.

The other point, I think, is that it is important, in winding

up for this and thanking Hon. Members for their support, to say that what is important is that I believe the people of the Island, who we represent, expect us to protect them all and this legislation is about protecting a small number in our community. That is an important piece to keep in our mind and I hope Members will support this Second Reading.

Thank you, Mr Speaker.

The Speaker: Hon. Members, the motion is as on the Order Paper, that the Gender Recognition Bill be read for the second time. All those in favour, say aye; against, no.

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

FOR

Mr Quirk
Mr Earnshaw
Mr Karran
Mr Brown
Mr Crookall
Mrs Craine
Mr Bell
Mr Teare
Mr Cannan
Mr Cregeen
Mr Henderson
Mr Malarkey
Mrs Cannell
Mr Braidwood
Mr Corkish
Mr Shimmin
Mr Cretney
Mr Watterson
Mr Gawne
Mr Gill
The Speaker

AGAINST

Mr Houghton

The Speaker: 21 votes for, one vote against. The motion therefore carries.

Mr Karran: Can I ask a point of order? Why is Mr Anderson not in the room? (**A Member:** Hear, hear.)

The Speaker: Just to make it absolutely crystal clear, Hon. Members, I had given the Hon. Member, Mr Anderson, leave of absence before the sitting. He has an appointment and has to travel off-Island and it was entirely in order. I am grateful for the opportunity to make that absolutely clear to the House. (*Interjections*)

Hon. Members, that concludes the business of the House today. The House will not stand adjourned until 10.30 a.m. on 17th February in Tynwald Court.

The House adjourned at 11.54 p.m.