

# **TYNWALD**

**Tinvaal**



## **ORDER PAPER**

**Claare Obbyr**

**DOUGLAS  
TUESDAY 16th MAY 2000  
at 10.30 am**

**1. To lay before the Court –**

Merchant Shipping (Miscellaneous Provisions) Act 1996 -  
Merchant Shipping (Fees) (Amendment) Regulations 2000  
*[SD No 212/00]*

Road Traffic Act 1985 -  
Road Vehicles (Maintenance and Use) (Amendment) Regulations  
2000 *[SD No 178/00]*  
Motor Cycles (Protective Helmets and Visors) Regulations 2000  
*[SD No 189/00]*

Highways Act 1986 -  
Highway Closure (Walpole Avenue, Rear Lane, Douglas) Order 2000  
*[SD No 77/00]*

Customs and Excise Act 1993 -  
Export of Goods (Control) (Amendment) Order 2000 (Application)  
Order 2000 *[SD No 129/00]*  
Interest on Repayment of Customs Duty (Application) Order 2000  
*[SD No 165/00]*

Customs and Excise Acts 1986 -  
Excise Duties Order 2000 *[SD No 166/00]*

Hydrocarbon Oil Duties Act 1986 -  
Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2000  
*[SD No 167/00]*



Value Added Tax Act 1996 -

- Value Added Tax Act 1996 (Amendment) Order 2000 *[SD No 168/00]*
- Value Added Tax (Increase of Registration Limits) Order 2000 *[SD No 169/00]*
- Value Added Tax (Fund-Raising Events by Charities and Other Qualifying Bodies) Order 2000 *[SD No 170/00]*
- Value Added Tax (Charities and Aids for the Handicapped) Order 2000 *[SD No 171/00]*

Social Security Act 1982 -

- Social Security Legislation (Application) (No. 7) Order 2000 *[SD No 203/00]*
- Social Security Legislation (Application) (No. 8) Order 2000 *[SD No 204/00]*
- Social Security Legislation (Application) (No. 9) Order 2000 *[SD No 205/00]*

Employment Act 1991 -

- Employment (Recoupment of Benefit) Regulations 2000 *[SD No 206/00]*

Pension Schemes Act 1995 -

- Pension Schemes (Application) (No. 2) Order 2000 *[SD No 207/00]*

Social Security Contributions and Benefits Act 1992 -

- Income Support (General) (Isle of Man) Amendment Regulations 2000 *[SD No 208/00]*

National Health Service (Isle of Man) Act 1948 -

- National Health Service (Isle of Man) (General Medical and Pharmaceutical Services) (Amendment) Regulations 2000 *[SD No 47/00]*

Licensing Act 1995 -

- Permitted Hours (Licensed Premises) Order 2000 *[SD No 188/00]*

Oil Pollution Act 1986 -

- Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Order 2000 *[SD No 193/00]*

High Court Act 1991 -

- Rules of the High Court (Amendment) 2000 *[SD No 145/00]*

High Court Act 1991: Criminal Jurisdiction Act 1993 -

- Criminal Justice (Defence Costs) Rules 2000 *[SD No 182/00]*

Historic Buildings Conservation Scheme –

- Historic Buildings Conservation Scheme 2000 *[GC No 18/00]*

Report –

Report of the Select Committee of Tynwald on the Supply of Services  
(Exclusion of Implied Terms) Order 1998.

**Note** - the following items are not the subject of motions on the Order Paper

Government Departments Act 1987 –

Appointment of Members of Departments (No. 2) Instrument 2000  
[GC No 19/00]

Value Added Tax Act 1996 –

Value Added Tax (Chiropractors) Order 2000 [SD No 218/00]

Value Added Tax (Abolition of Zero-Rating for Tax-Free Shops) Order  
2000 [SD No 217/00]

Value Added Tax (Amendment) (No. 2) Regulations 2000  
[SD No 175/00]

Value Added Tax (Increase of Consideration for Fuel) Order 2000  
[SD No 176/00]

Value Added Tax (Amendment) (No. 3) Regulations 2000  
[SD No 177/00]

Customs and Excise Management Act 1986 –

Excise Goods (Sales on Board Ships and Aircraft) Regulations 2000  
[SD No 216/00]

Excise Duties (Deferred Payment) (Amendment) Regulations 2000  
[SD No 173/00]

Excise Goods (Export Shops) Regulations 2000 [SD No 172/00]

Finance Act 1996 -

Customs and Excise Duties (Interest Rate) Order 2000  
[SD No 174/00]

Currency Act 1992 –

Currency (Global Challenge Crowns) Order 2000 [SD No 150/00]

Children and Young Persons Act 1996 –

Children and Young Persons (Display of Warning Statements)  
Regulations 2000 [SD No 214/00]

Department of Transport: Road Traffic Act 1985 –

Direction of the Department in respect of Administration of the  
Inspection of Taxis and Hire Vehicles [GC No 11/00]

Gaming, Betting and Lotteries Act 1988 –

Crown Green Bowling Festival (No. 1) Order 2000 [SD No 209/00]

Crown Green Bowling Festival (No. 2) Order 2000 [SD No 210/00]

Mental Health Act 1998 –

Mental Health Review Tribunal Rules 2000 [*SD No 127/00*]

European Communities (Isle of Man) Act 1973 –

European Communities (Federal Republic of Yugoslavia Sanctions)  
(Funds and Investments) Regulations 2000 [*SD No 190/00*]

Appointed Day Orders –

Children and Young Persons (Sale of Addictive and Intoxicating  
Substances) Act 1999 (Appointed Day) Order 2000 [*SD No 215/00*]

Public Health (Amendment) Act 2000 (Appointed Day) (No. 2) Order  
2000 [*SD No 202/00*]

Law Reform Act 1997 (Appointed Day) (No. 3) Order [*SD No 183/00*]

Reports –

Report of the Chief Secretary on Complaints made against  
Government Departments and Statutory Boards for the year ended  
31st December 1999

Interception of Communications Act 1988: Report of the Commissioner  
for the year ended 31st December 1999

Report by the Speaker of the House of Keys dated 20th April 2000

**2. Questions -**

See Question Paper.

**3. Forestry Policy –**

Statement by the Minister for Agriculture, Fisheries and Forestry.

**4. Merchant Shipping (Miscellaneous Provisions) Act 1996 -**

The Minister for Trade and Industry to move -

That the Merchant Shipping (Fees) (Amendment) Regulations 2000  
[*SD No 212/00*] be approved.

**5. Supplementary Authorities -**

The Minister for the Treasury to move -

That Tynwald authorises the Treasury to expend in respect of the year ended 31st March 2000, from the Capital Transactions Account sums not exceeding £77,265,197 in payment of items set out in column 6 of the Schedule hereto.

1 Department	2 Item	3 Project	4 Vote 1999/0 0 £	5 Actual 1999/0 0 £	6 Excess Vote 1999/0 0 £	7 Additional Amount to be Authorised for Project £
Education	1	Laxey School Extension	1,130,60	1,145,95	15,350	-
	2	Castle Rushen Post 16	0	0	174,616	-
	3	Accommodation QEII Post 16 Accommodation	538,800 591,700	713,416 737,080	145,380	-
Health & Social Security	4				7,927	-
	5	Ballamona – Centre Block	-	7,927	20,865	-
	6	Demolition Community Mentally Ill Strategy	- 13,600	20,865 16,136	2,536	-
Local Government & Environment	7	Northern Community Hospital Elec. Services			6,079	-
	8		22,500	28,579		-
Tourism & Leisure	8	Kirk Michael Elderly Persons' Unit			1,157,95	-
	9		229,000	1,386,95	1	-
Transport	10	NSC Phase 3 – Construction	47,000		22,972	-
	11		814,350	69,972	2,180	-
	12	Union Mills Sewer Refurbishment	215,000	816,530 241,648	26,648	-
	13	IRIS Storage Tanks, South Douglas	3,000,00 0	4,309,69	1,309,69	3
Borrowing Authorities		Douglas/Santon Transmission Main	1,477,00 0	3 75,850,0 00	74,373,0 00	-
		Local Authority Loans IOM Water Authority				-
			8,079,55 0	85,344,7 47	77,265,1 97	-

#### Notes

1. Column 6 shows the Supplementary Capital Vote required to authorise the overspending of the Vote that occurred in the last Financial Year. Exceeding the Vote for the year does not necessarily imply that the total cost of the project approved by Tynwald has been exceeded. Exceeding the Vote for the year can arise simply because a project proceeds faster than originally estimated.
2. Column 7 shows overspending of the project, if any, against the total cost of the project previously approved by Tynwald. (Nil for 1999/00).

#### 6. Old Government Office Refurbishment -

The Minister for Local Government and the Environment to move -

That Tynwald approves the expenditure of a sum not exceeding £400,000 on fees to tender stage in respect of a scheme for the refurbishment of Old Government Office.

**7. Landscaping Scheme at St. John's Sandpit "Cooill ny Ree" -**

The Minister for Local Government and the Environment to move -

That -

- (i) Tynwald approves the expenditure of a sum not exceeding £262,200 for the development of the landscaping scheme at St. John's Sandpit "Cooill ny Ree";
- (ii) Tynwald authorises the Treasury to expend out of the Capital Transactions Account during the year ending 31st March, 2001, a sum not exceeding £19,000 for additional expenditure on this project.

**8. Road Traffic Act 1985 -**

The Minister for Transport to move -

That the Road Vehicles (Maintenance and Use) (Amendment) Regulations 2000 [*SD No 178/00*] be approved.

**9. Road Traffic Act 1985 -**

The Minister for Transport to move -

That the Motor Cycles (Protective Helmets and Visors) Regulations 2000 [*SD No 189/00*] be approved.

**10. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Walpole Avenue, Rear Lane, Douglas) Order 2000 [*SD No 77/00*] be approved.

**11. Customs and Excise Act 1993 -**

The Minister for the Treasury to move -

That the Export of Goods (Control) (Amendment) Order 2000 (Application) Order 2000 [SD No 129/00] be approved.

**12. Customs and Excise Act 1993 -**

The Minister for the Treasury to move -

That the Interest on Repayment of Customs Duty (Application) Order 2000 [SD No 165/00] be approved.

**13. Customs and Excise Acts 1986 -**

The Minister for the Treasury to move -

That the Excise Duties Order 2000 [SD No 166/00] be approved.

**14. Hydrocarbon Oil Duties Act 1986 -**

The Minister for the Treasury to move -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2000 [SD No 167/00] be approved.

**15. Value Added Tax Act 1996 -**

The Minister for the Treasury to move -

That the Value Added Tax Act 1996 (Amendment) Order 2000 [SD No 168/00] be approved.

**16. Value Added Tax Act 1996 -**

The Minister for the Treasury to move -

That the Value Added Tax (Increase of Registration Limits) Order 2000 [SD No 169/00] be approved.

**17. Value Added Tax Act 1996 -**

The Minister for the Treasury to move -

That the Value Added Tax (Fund-Raising Events by Charities and Other Qualifying Bodies) Order 2000 [SD No 170/00] be approved.

**18. Value Added Tax Act 1996 -**

The Minister for the Treasury to move -

That the Value Added Tax (Charities and Aids for the Handicapped) Order 2000 [SD No 171/00] be approved.

**19. Social Security Act 1982 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 7) Order 2000 [SD No 203/00] be approved.

**20. Social Security Act 1982 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 8) Order 2000 [SD No 204/00] be approved.

**21. Social Security Act 1982 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 9) Order 2000 [SD No 205/00] be approved.

**22. Employment Act 1991 -**

The Minister for Health and Social Security to move -

That the Employment (Recoupment of Benefit) Regulations 2000 [SD No 206/00] be approved.

**23. Pension Schemes Act 1995 -**

The Minister for Health and Social Security to move -

That the Pension Schemes (Application) (No. 2) Order 2000 [SD No 207/00] be approved.

**24. Social Security Contributions and Benefits Act 1992 -**

The Minister for Health and Social Security to move -

That the Income Support (General) (Isle of Man) Amendment Regulations 2000 [SD No 208/00] be approved.

**25. National Health Service (Isle of Man) Act 1948 -**

The Minister for Health and Social Security to move -

That the National Health Service (Isle of Man) (General Medical and Pharmaceutical Services) (Amendment) Regulations 2000 [SD No 47/00] be approved.

**26. Licensing Act 1995 -**

The Minister for Home Affairs to move -

That the Permitted Hours (Licensed Premises) Order 2000 [SD No 188/00] be approved.

**27. Oil Pollution Act 1986 -**

The Minister for Trade and Industry to move -

That the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Order 2000 [SD No 193/00] be approved.

**28. High Court Act 1991 -**

HM Attorney General to move -

That the Rules of the High Court (Amendment) 2000 [SD No 145/00] be approved.

**29. High Court Act 1991: Criminal Jurisdiction Act 1993 -**

HM Attorney General to move -

That the Criminal Justice (Defence Costs) Rules 2000 [SD No 183/00] be approved.

**30. Historic Buildings Conservation Scheme -**

The Minister for Local Government and the Environment to move -

That the Historic Buildings Conservation Scheme 2000 [GC No 18/00] be approved.

**31. Membership of the Communications Commission -**

The Chief Minister to move -

That His Honour Henry Callow be appointed as a Member of the Communications Commission for a three year term of office expiring on 30th April 2003.

**32. Isle of Man Arts Council -**

The Minister for Tourism and Leisure to move -

That Tynwald –

- (i) requests the Council of Ministers to dissolve the Isle of Man Arts Council constituted by them pursuant to the Tynwald Resolution of October 1991;
- (ii) requests the Minister for Tourism and Leisure to constitute a new Isle of Man Arts Council on a basis similar to the Isle of Man Sports Council.

**33. Select Committee on the Supply of Services (Exclusion of Implied Terms) Order 1998 -**

The Chairman of the Committee (Mr Shimmin) to move -

That the Report of the Select Committee on the Supply of Services (Exclusion of Implied Terms) Order 1998 be received and its recommendations approved.

**34. Standing Committee on Constitutional Matters –**

The Chairman of the Committee (Mr Speaker) to move -

That Tynwald –

- (1) while recognising the need to take account of confidentiality while developing government policy and transparency within government, considers that, subject to paragraph (2), it is for the furtherance of good government that the members of the Council of Ministers present to the Legislature agreed policy for which they are collectively responsible to the Legislature;
- (2) considers that Standing Orders be amended –
  - (i) to provide for exceptions to the collective responsibility of members of the Council of Ministers by permitting a reasoned statement to be made when moving a motion, or immediately after a motion has been moved and seconded, by –
    - (a) the Chief Minister, that all members of the Council of Ministers may speak and vote on the motion as they wish, or
    - (b) the Chief Minister, or the Minister concerned, that the Minister may, having obtained the agreement of the Council of Ministers, speak and vote on the motion as he or she wishes; and
  - (ii) the reasons which may be given under sub-paragraph (i) for allowing a Minister or Ministers to speak and vote in a manner at variance to a tabled motion presenting the agreed policy of the Council of Ministers are –
    - (a) that the motion may impinge on the fundamental religious or moral beliefs of a Minister or some Ministers; or
    - (b) that the motion conflicts with a specified fundamental general interest within the constituency of a named Minister.

### **35. Standing Committee on Constitutional Matters –**

The Chairman of the Committee (Mr Speaker) to move -

That Tynwald is of the opinion that a Minister or a Member who is the Chairman of a Statutory Board –

- (1) is responsible to this honourable Court for
  - (a) a policy made, decision taken, or direction given personally as Minister or Chairman; and

- (b) the administration of the Department or Board, including the delegation of responsibilities within the Department or Board;
- (2) is accountable to this honourable Court for the actions taken by others within the Department or Board, including duties and responsibilities discharged under delegated authority.

**36. Ecclesiastical Committee –**

To elect one Member to serve during the life of the House of Keys in the place of Mr Cringle.

**37. Standing Committee of Tynwald on Economic Initiatives –**

To elect one Member to serve during the life of the House of Keys in the place of Mr Cringle.

**38. Standing Orders Committee –**

To elect one Member to serve during the life of the House of Keys in the place of Mr Cringle.

**39. Select Committee on the Petition for Redress of Grievance of Arthur Derek Radcliffe –**

To elect one Member to serve during the life of the House of Keys in the place of Mr Cringle.

**40. Standing Committee on Expenditure and Public Accounts –**

To elect a Vice-Chairman to serve during the life of the House of Keys in the place of Mr Cannan.

**41. Members of Government Departments -**

Dr Mann to move –

That a Select Committee of three Members be appointed to consider the responsibilities of members of Government Departments, their appointment and dismissal; and report.