

# TYNWALD

Tinvaal



## ORDER PAPER

Claare Obbyr

DOUGLAS  
TUESDAY 13<sup>TH</sup> JULY 2004  
at 10.30 am

**1. To lay before the Court -**

Legal Aid Act 1986 -

Criminal Legal Aid Order 2004 [*SD No 484/04*]

House Purchase Assistance (Amendment) Scheme 2004 -

House Purchase Assistance (Amendment) Scheme 2004 [*SD 465/04*]

Building Control Act 1991 -

Building (Fees) Regulations 2004 [*SD 455/04*]

Food Act 1996 -

Food Labelling Regulations 2004 [*SD 453/04*]

Oil Pollution Act 1986 -

Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order  
2004 [*SD 363/04*]

Merchant Shipping Act 1985 -

Merchant Shipping (Safety of Navigation – SOLAS Chapter V)  
Regulations 2004 [*SD 269/04*]

Minimum Wage Act 2001 -

Minimum Wage (Single Hourly Rate) Regulations 2004 [*SD 522/04*]

Minimum Wage (Young Workers Etc.) Regulations 2004 [*SD 521/04*]

Road Traffic Act 1985 -

Driving Licences (Foreign Licences) Regulations 2004 [*SD 458/04*]

- Licensing and Registration of Vehicles Act 1985 -  
Vehicle Duty Order 2004 [SD 466/04]
- Protected Cell Companies Act 2004 -  
Protected Cell Companies (Prescribed Class of Business) (Collective  
Investment Schemes) Regulations 2004 [SD 410/04]
- Alcoholic Liquor Duties Act 1986 -  
Beer from Small Breweries (Extension of Reduced Rates of Excise  
Duty) Order 2004 [SD 425/04]
- Companies Act 1931 -  
Companies (Transfer of Domicile) Act 1998 -  
Companies (Transfer of Domicile) (Fees and Duties) Order 2004  
[SD 388/04]
- Heath Burning Act 2003 -  
Heath Burning and Destruction (Licensing) Regulations 2004  
[SD 508/04]  
Heath Burning and Destruction (Review and Appeal) Regulations 2004  
[SD 509/04]
- Education Act 2001 -  
Performances by Children Regulations 2004 [SD 439/04]  
School Attendance Orders Regulations 2004 [SD 436/04]  
Education (Special Educational Needs) Regulations 2004 [SD 433/04]  
Independent Schools Regulations 2004 [SD 437/04]  
Independent Schools Tribunal Regulations 2004 [SD 438/04]  
Education (Information and Reports to Parents) Regulations 2004  
[SD 428/04]  
Education (Registration of Pupils) Regulations 2004 [SD 432/04]  
Education (Admission Appeals) Regulations 2004 [SD 430/04]  
Religious Education Advisory Committee Regulations 2004 [SD 429/04]  
Education (Functions) Order 2004 [SD 440/04]
- National Health Service Act 2001 -  
National Health Service (Expenses in Attending Hospitals) Regulations  
2004 [SD 348/04]
- Pension Schemes Act 1995 -  
Welfare Reform and Pensions Act 1999 (Application) (Amendment)  
(No. 2) Order 2004 [SD 462/04]  
Pension Schemes Legislation (Application) (Amendment) Order 2004  
[SD 463/04]
- Social Security Act 2000 -  
Social Security Legislation (Application) (No. 11) Order 2004  
[SD 464/04]
- Beef Cow Premium Scheme 2004 -  
Beef Cow Premium Scheme 2004 [GC No 24/04]

Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2004 -  
Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2004  
*[GC No 21/04]*

Cereals Intervention and Area Payments (Amendment) Scheme 2004 -  
Cereals Intervention and Area Payments (Amendment) Scheme 2004  
*[GC No 20/04]*

Young Farmers Setting-Up Aid Scheme 2004 -  
Young Farmers Setting-Up Aid Scheme 2004 *[GC No 25/04]*

Financial Services (Inward Investment) Assistance Scheme 2004 -  
Financial Services (Inward Investment) Assistance Scheme 2004  
*[GC No 22/04]*

Reports -

Report of the Select Committee on the Petition for Redress of  
Grievance of Mr Philip John Kermode

Report of the Commission of Inquiry into Development Matters at  
Mount Murray Part Two Report - June 2004

Review by the Council of Ministers of the Standardised Complaints  
Procedure and Case for Establishment of an Ombudsman

Marketing and Branding of the Isle of Man Phase 1 Report - June 2004

Economic and Social Development through Country Marketing

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

Air Navigation (No. 2) Order 1995 -  
Air Navigation (Restrictions of Flying) (Exhibition of Flying) (No. 2)  
Regulations 2004 *[SD No 456/04]*

Companies Acts 1931 to 2004 -  
Companies (Forms) (No. 3) Regulations 2004 *[SD No 411/04]*

Value Added Tax Act 1996 -  
Value Added Tax (Amendment) (No. 3) Regulations 2004  
*[SD No 424/04]*

Wildlife Act 1990 -  
Wildlife Act 1990 (Variation of Schedules) (Animals which are  
Protected) Order 2004 *[SD No 457/04]*

Education Act 2001 -  
School Catchment Areas Order 2004 *[SD No 431/04]*  
Education (Curriculum) Order 2004 *[SD No 427/04]*

Heath Burning Act 2003 -  
Heath Burning Act 2003 (Code of Practice) Order 2004 *[SD No 510/04]*  
The Heath Burning Code

European Communities -  
European Community Secondary Legislation June 2004 *[GC No 27/04]*

## Reports and Accounts -

Complaints made against Departments of Government and Statutory Boards during the year ended 31<sup>st</sup> December 2003  
Report on Complaints made against The Office of the Clerk of Tynwald for the year ended 31<sup>st</sup> December 2003  
Report of the Standing Committee on Expenditure and Public Accounts - Government Bonds - Session 2003-2004  
Standing Committee on Economic Initiatives Annual Report for the Parliamentary Session 2003-2004  
Nineteenth Annual Report and Statement of Accounts of the Public Lottery Trust for the year ended 31<sup>st</sup> January 2004  
Isle of Man Government Accounts for the year ended 31<sup>st</sup> March 2004  
Housing Policy Progress Review Report - July 2004  
Report to Tynwald on a visit to the People's Republic of China by the Chief Minister, Minister for Education, Minister for Trade and Industry and other Members of an Isle of Man Government Delegation 23<sup>rd</sup> April - 1<sup>st</sup> May 2004  
Annual Report to Tynwald on Hospital Activity -year ending March 2004  
A Strategy for Health for the Isle of Man

## Appointed Day Orders -

Education Act 2001 (Appointed Day) (No. 1) Order 2004  
[SD No 426/04]  
Heath Burning Act 2003 (Appointed Day) Order 2004 [SD No 507/04]

## 2. Questions -

See Question Paper.

## 3. Executive Government - Supplementary Vote 2003-04 -

The Minister for the Treasury to move -

That Tynwald authorises the Treasury to apply from General Revenue, in respect of the year ended 31<sup>st</sup> March 2004 -

- (1) surplus receipts totalling £686,921 of Executive Government in payment of excess expenditure; and
- (2) the sum of £480,079 in payment of excess expenditure of Executive Government.

**4. The Legal Aid Act 1986 - Supplementary Vote -**

The Minister for the Treasury to move -

- (a) the Criminal Legal Aid Order 2004 be approved [*SD No 484/04*]; and
- (b) that Tynwald authorises Treasury to apply from General Revenue during the year ending 31<sup>st</sup> March 2005, a sum not exceeding £450,000 to meet the additional cost of the provision of Criminal Legal Aid.

**5. Revenue Accounts 2003 - 04 - Supplementary Vote -**

The Minister for Transport to move -

That Tynwald authorises the Treasury to apply from General Revenue, in respect of the year ended 31<sup>st</sup> March 2004 -

- (1) surplus receipts totalling £293,675 of the Department of Transport in payment of excess expenditure; and
- (2) the sum of £832,805 in payment of excess expenditure of the Department of Transport.

**6. Properties (Capital):  
Animal Waste Processing Plant (Pre-Contract Design Fees to Planning Approval Stage) -**

The Minister for Transport to move -

That Tynwald approves of the Department of Transport incurring expenditure not exceeding the sum of £350,000 in respect of Pre-Contract Design Fees to Planning Approval Stage for the new Animal Waste Processing Plant.

[Reference: item no. 7 "Animal Waste Processing Plant" under the heading "Local Government and the Environment" on page 9 of the Isle of Man Budget 2004-2005, referred to in the Capital Estimates 2004-05 to 2007-08 on page 61 of the Isle of Man Budget 2004-2005, responsibility for which expenditure is being taken by the Department of Transport in lieu of the Department of Local Government and the Environment].

**7. Commission of Inquiry into Mount Murray -**

The Chief Minister to move -

That Tynwald -

- (a) receives the Part Two Report of the Commission of Inquiry into Mount Murray and refers it to the Council of Ministers to assess its recommendations and report to the October sitting of Tynwald as to how those recommendations can as far as practical be implemented; and
- (b) approves the expenditure of a further sum not exceeding £50,000, from General Revenue for the year ended 31<sup>st</sup> March 2005 in addition to the £1,050,000 previously voted, to meet the final costs of the Commission of Inquiry into Mount Murray.

**8. Commission of Inquiry into the Care of Young People -**

The Chief Minister to move -

That Tynwald approves the expenditure of a sum not exceeding £450,000 from General Revenue for the year ending 31<sup>st</sup> March 2005, to meet the costs of an Inquiry into the Care of Young People.

**9. Marketing and Branding the Isle of Man -**

The Chief Minister to move -

That Tynwald -

- (a) endorses the Report entitled "Marketing and Branding the Isle of Man Phase 1, Economic and Social Development through Country Marketing;
- (b) approves the establishment of a Government led public-private Steering Committee to progress Phase 2, as defined in the Report; and
- (c) authorises the Treasury to apply from General Revenue in respect of the year ending 31<sup>st</sup> March 2005 a sum not exceeding £500,000, to implement Phase 2, as defined in the Report.

**10. Financial Services (Inward Investment) Assistance Scheme 2004 -**

The Minister for the Treasury to move -

- (1) the Financial Services (Inward Investment) Assistance Scheme 2004 be approved [GC No 22/04]; and
- (2) Treasury is approved to make a sum of £300,000 available from the Tax Strategy Requirement Fund in the year ending 31 March 2005 to fund the Financial Services (Inward Investment) Assistance Scheme 2004.

**11. Revenue Accounts 2003-04 -**

The Minister for Education to move -

That Tynwald authorises the Treasury to apply from the General Revenue in respect of the year ended 31<sup>st</sup> March 2004 -

- (a) surplus receipts totalling £113,628 of the Department of Education in payment of excess expenditure; and
- (b) the sum of £361,349 in payment of excess expenditure of the Department of Education.

**12. Revenue Accounts 2003-04 -**

The Minister for Education to move -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £1,503,400 on the extension to Scoill Vallajeelt.

[Reference: Item No. 9 under the heading "Education" on page 7 of the Isle of Man budget 2004-2005 and as detailed in the Estimate of Capital Payments 2004-2005 to 2008-09 (new schemes - Classroom Scheme Phase 1 - Scoill Vallajeelt) on page 58 of the Isle of Man Budget 2004-2005]

**13. Review of Complaints Procedure to Ombudsman -**

The Chief Minister to move -

That the Review by the Council of Ministers of the Standardised Complaints Procedure and Case for the Establishment of an Ombudsman be received and its recommendations approved.

**14. Report of the Select Committee on the Petition for Redress of Grievance of Mr Philip John Kermode -**

The Hon Member for Michael (Mr Cannan) to move -

That the Report of the Select Committee on the Petition for Redress of Grievance of Mr Philip John Kermode be received and its recommendations approved.

**15. Waiting Times for Medical Consultation and Treatment -**

*Debate resumed on the following motion (which was moved by Mr Quine at the May 2004 sitting and then subsequently adjourned to July 2004) -*

That Tynwald appoints a committee of three Members, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, to investigate and report on the times which patients have to wait to obtain an appointment and receive treatment from a Medical Consultant, including the cause of any unreasonable delay and the adequacy of measures being taken by the Department of Health and Social Security to reduce such delay, and to report with recommendations to address any deficiencies or need for change, and report back by the January 2005 sitting of Tynwald.

**16. House Purchase Assistance (Amendment) Scheme 2004 -**

The Minister for Local Government and the Environment to move -

That the House Purchase Assistance (Amendment) Scheme 2004 be approved.  
[SD 465/04]

**17. Building Control Act 1991 -**

The Minister for Local Government and the Environment to move -

That the Building (Fees) Regulations 2004 be approved. [SD 455/04]

**18. Food Act 1996 -**

The Minister for Local Government and the Environment to move -

That the Food Labelling Regulations 2004 be approved. [SD 453/04]

**19. Oil Pollution Act 1986 -**

The Minister for Trade and Industry to move -

That the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order 2004 be approved. [SD 363/04]

**20. Merchant Shipping Act 1985 -**

The Minister for Trade and Industry to move -

That the Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 be approved. [SD 269/04]

**21. Minimum Wage Act 2001 -**

The Minister for Trade and Industry to move -

That the Minimum Wage (Single Hourly Rate) Regulations 2004 be approved. [SD 522/04]

**22. Minimum Wage Act 2001 -**

The Minister for Trade and Industry to move -

That the Minimum Wage (Young Workers Etc.) Regulations 2004 be approved. [SD 521/04]

**23. Road Traffic Act 1985 -**

The Minister for Transport to move -

That the Driving Licences (Foreign Licences) Regulations 2004 be approved. [SD 458/04]

**24. Licensing and Registration of Vehicles Act 1985 -**

The Minister for Transport to move -

That the Vehicle Duty Order 2004 be approved. [SD 466/04]

**25. Protected Cell Companies Act 2004 -**

The Minister for the Treasury to move -

That the Protected Cell Companies (Prescribed Class of Business) (Collective Investment Schemes) Regulations 2004 be approved. [SD 410/04]

- 26. Alcoholic Liquor Duties Act 1986 -**  
The Minister for the Treasury to move -  
That the Beer from Small Breweries (Extension of Reduced Rates of Excise Duty) Order 2004 be approved. [SD 425/04]
- 27. Companies Act 1931 -  
Companies (Transfer of Domicile) Act 1998 -**  
The Minister for the Treasury to move -  
That the Companies (Transfer of Domicile) (Fees and Duties) Order 2004 be approved. [SD 388/04]
- 28. Heath Burning Act 2003 -**  
The Minister for Agriculture, Fisheries and Forestry to move -  
That the Heath Burning and Destruction (Licensing) Regulations 2004 be approved. [SD 508/04]
- 29. Heath Burning Act 2003 -**  
The Minister for Agriculture, Fisheries and Forestry to move -  
That the Heath Burning and Destruction (Review and Appeal) Regulations 2004 be approved. [SD 509/04]
- 30. Education Act 2001 -**  
The Minister for Education to move -  
That the Performances by Children Regulations 2004 be approved. [SD 439/04]
- 31. Education Act 2001 -**  
The Minister for Education to move -  
That the School Attendance Orders Regulations 2004 be approved. [SD 436/04]
- 32. Education Act 2001 -**  
The Minister for Education to move -  
That the Education (Special Educational Needs) Regulations 2004 be approved. [SD 433/04]

**33. Education Act 2001 -**

The Minister for Education to move -

That the Independent Schools Regulations 2004 be approved. *[SD 437/04]*

**34. Education Act 2001 -**

The Minister for Education to move -

That the Independent Schools Tribunal Regulations 2004 be approved.  
*[SD 438/04]*

**35. Education Act 2001 -**

The Minister for Education to move -

That the Education (Information and Reports to Parents) Regulations 2004 be approved. *[SD 428/04]*

**36. Education Act 2001 -**

The Minister for Education to move -

That the Education (Registration of Pupils) Regulations 2004 be approved.  
*[SD 432/04]*

**37. Education Act 2001-**

The Minister for Education to move -

That the Education (Admission Appeals) Regulations 2004 be approved.  
*[SD 430/04]*

**38. Education Act 2001 -**

The Minister for Education to move -

That the Religious Education Advisory Committee Regulations 2004 be approved. *[SD 429/04]*

**39. Education Act 2001 -**

The Chief Minister to move -

That the Education (Functions) Order 2004 be approved. *[SD 440/04]*

- 40. National Health Service Act 2001 -**  
The Minister for Health and Social Security to move -  
That the National Health Service (Expenses in Attending Hospitals) Regulations 2004 be approved. *[SD 348/04]*
- 41. Pension Schemes Act 1995 -**  
The Minister for Health and Social Security to move -  
That the Welfare Reform and Pensions Act 1999 (Application) (Amendment) (No. 2) Order 2004 be approved. *[SD 462/04]*
- 42. Pension Schemes Act 1995 -**  
The Minister for Health and Social Security to move -  
That the Pension Schemes Legislation (Application) (Amendment) Order 2004 be approved. *[SD 463/04]*
- 43. Social Security Act 2000 -**  
The Minister for Health and Social Security to move -  
That the Social Security Legislation (Application) (No. 11) Order 2004 be approved. *[SD 464/04]*
- 44. Beef Cow Premium Scheme 2004 -**  
The Minister for Agriculture, Fisheries and Forestry to move -  
That the Beef Cow Premium Scheme 2004 be approved. *[GC No 24/04]*
- 45. Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2004 -**  
The Minister for Agriculture, Fisheries and Forestry to move -  
That the Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2004 be approved. *[GC No 21/04]*
- 46. Cereals Intervention and Area Payments (Amendment) Scheme 2004 -**  
The Minister for Agriculture, Fisheries and Forestry to move -  
That the Cereals Intervention and Area Payments (Amendment) Scheme 2004 be approved. *[GC No 20/04]*

**47. Young Farmers Setting-Up Aid Scheme 2004 -**

The Minister for Agriculture, Fisheries and Forestry to move -

That the Young Farmers Setting-Up Aid Scheme 2004 be approved.  
[GC No 25/04]

**48. Representation of the People Act 1995 -**

The Chief Minister to move -

That Tynwald directs that, save for the requirement to appoint a committee, the Governor in Council defer their implementation of the resolution of Tynwald dated 21 April 2004, for that committee to review the number and boundaries of the constituencies for elections to the House of Keys, until such time as the Constitution (Legislative Council) Bill 2004 either -

- (a) receives Royal Assent (in which case a further resolution of Tynwald will be required) or,
- (b) fails, (in which case the resolution of Tynwald of 21 April 2004 can be fully implemented).

**49. Chronically Sick and Disabled Persons Committee -**

The Chief Minister to move -

That Tynwald approves the appointment of the following person as a member of the Chronically Sick and Disabled Persons Committee -

Miss Rhiannon Gardner

**50. Report of the Commission of Inquiry into Mount Murray Part Two -**

The Hon Member for Castletown (Mr Speaker) to move -

That the Report of the Commission of Inquiry into Mount Murray - Part Two be received.

**51. Designation of Departmental Sustainable Development and Environmental Awareness Officers -**

The Hon Member for Rushen (Mr Gawne) to move -

That each Department of Government and each Statutory Board should designate a senior member of staff as its Sustainable Development and Environmental Awareness Officer, with responsibility for examining the activities of the Department or Board as they take place or are proposed in the light of contemporary environmental concerns and issues related to sustainable development, in particular those identified in Agenda 21 at the 1992 Rio Earth Summit, and ensuring that such issues are taken into account in administrative practice, and in the formulation of policy and legislation.

**52. Petition for Redress of Grievance of John Michael Leather -**

The Hon Member for Onchan (Mr Karran) to move -

That a committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to investigate the Petition for Redress of Grievance presented at St John's on 7<sup>th</sup> July 2003 by John Michael Leather and to report with recommendations.

**53. Manx Gas -**

The Hon Member for Douglas North (Mr Henderson) to move -

Tynwald is of the opinion that the Chief Minister and his Government, by appropriate means or otherwise, as far as possible, by themselves or using appropriate officers and officials vigorously attempt to cause Manx Gas to completely underwrite the new and additional health and safety audit charges which are being incurred as a result of alleged poor workmanship during the gas conversion by Primeshade, contracted by Manx Gas, so to ensure that these costs are not passed on to the consumer.

**54. Lieutenant Governor of the Isle of Man -**

The Hon Member for Michael (Mr Cannan) to move -

That the Council of Ministers seek the approval of Tynwald before any decision is made with regard to the style and title of the Lieutenant Governor of the Isle of Man.

**55. Commission of Inquiry into Mount Murray Part Two Report -**

The Hon Member for Onchan (Mr Karran) to move -

That this Honourable Court requires -

- (a) that the third part of Recommendation 25 of the Part Two Report of the Commission of Inquiry into Mount Murray (as to restriction of group tax relief availability) be implemented as a matter of urgency; and
- (b) that the Council of Ministers report on action taken to implement this recommendation to the October sitting of this Honourable Court.

**56. Fire Risk and Health and Safety at Mount Murray -**

The Hon Member for Onchan (Mr Karran) to move -

That in the light of the particular concern of the Commission of Inquiry into Mount Murray as to the “continuing fire risk to health and safety of lives” at Mount Murray, this Honourable Court requires -

- (1) that the Mount Murray Residual Issues Committee be directed to implement Recommendation 12 of the Part One Report of the Commission of Inquiry into Mount Murray as a matter of urgency (and to implement Recommendation 12 (a) with particular urgency); and
- (2) that the Committee report to Honourable Members within 28 days, and again to the October sitting of this Honourable Court.