

# TYNWALD

## Tinvaal



# ORDER PAPER No. 1

## Claare Obbyr

DOUGLAS  
TUESDAY 17<sup>th</sup> FEBRUARY 2004  
at 10.30 am

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

Harbours (Isle of Man) Act 1961 -

Harbour Dues (Merchant Vessels) Regulations 2004 [SD No 28/04]

Harbour Dues (Fishing Vessels, Work Boats and Construction Barges)  
Regulations 2004 [SD No 29/04]

Harbour Dues (Pleasure Vessels and House Boats) Regulations 2004  
[SD No 30/04]

Inland Fisheries Act 1976 -

Inland Fisheries (Duties) Regulations 2004 [SD No 59/04]

Nursing and Residential Homes Act -

Nursing and Residential Homes (Amendment) (Fees) Regulations 2004  
[SD No 885/03]

International Criminal Court Act 2003 -

International Criminal Court (Immunities and Privileges) Order 2004  
[SD No 61/04]

International Criminal Court (Enforcement) Regulations 2004  
[SD No 62/04]

Value Added Tax Act 1996 -

Value Added Tax Act 1996 (Mutual Assistance) (Amendment)  
Order 2004 [SD No 10/04]

Cruelty to Animals Act 1997 -

Protected Animal (Restriction of Definition) Order 2004 [SD No 38/04]

Social Security Act 2000 -

- Social Security Act 2000 (Amendment) Order 2004 [SD No 39/04]
- Employment Act 2002 (Application) (Amendment) Order 2004 [SD No 40/04]
- Social Security Administration Act 1992 (Application) (Amendment) Order 2004 [SD No 41/04]
- Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2004 [SD No 42/04]
- Social Security Legislation (Application) Order 2004 [SD No 43/04]
- Social Security Legislation (Application) (No. 2) Order 2004 [SD No 44/04]
- Social Security Legislation (Application) (Amendment) Order 2004 [SD No 45/04]
- Social Security Legislation (Application) (Amendment) (No. 2) Order 2004 [SD No 46/04]
- Social Security Legislation (Application) (No. 3) Order 2004 [SD No 51/04]
- Social Security Legislation (Application) (No. 4) Order 2004 [SD No 52/04]

Social Security Contributions and Benefits Act 1992 -

- Social Security (Adoption Allowance) (Earnings) Regulations 2004 [SD No 47/04]
- Social Security (Adoption Allowance) (Work Abroad) Regulations 2004 [SD No 48/04]
- Family Income Supplement (General) (Amendment) Regulations 2004 [SD No 49/04]
- Income Support (General) (Isle of Man) (Amendment) Regulations 2004 [SD No 50/04]

Jobseeker's Enhanced Allowance (Amendment) Scheme 2004 -

- Jobseeker's Enhanced Allowance (Amendment) Scheme 2004 [GC No 03/04]

Misuse of Drugs Act 1976 -

- Misuse of Drugs Regulations (Application) Order 2004 [SD No 876/03]

Reports -

- Isle of Man Government and Departmental Plans 2004-2007
- Report of the Mount Murray Residual Issues Committee
- Local Authority and Government Housing Eviction Consultative Body
- Report of the Select Committee on Playground Facilities for Children
- Chamber of Commerce - Tourism Committee: Productivity in the Tourism Sector

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

Partnership Act 1909 -

- Limited Partnerships (Collective Investment Schemes) Regulations 2004 [SD No 1/04]

Value Added Tax Act 1996 -

- Extra-Statutory Concession [GC No 1/04]

International Criminal Court Act 2003 -  
International Criminal Court (Reservations and Declarations)  
Order 2004 [SD No 63/04]  
International Criminal Court Act 2003 (Elements of Crimes)  
Regulations 2004 [65/04]

Companies Acts 1931-1993 -  
Companies (Forms) Regulations 2004 [SD No 72/04]

European Communities -  
European Community Secondary Legislation November 2003 to  
January 2004 [GC No 07/04]

Reports -  
Overseas Aid Committee of the Council of Ministers Annual Report  
2002-2003  
Financial Information and Miscellaneous Accounts for the year ended  
31<sup>st</sup> March 2003 additional to the published Government Accounts  
Report of the Public Auditors of the Accounts of Local Authorities,  
Burial Authorities, Elderly Persons Housing Committees and Joint  
Boards  
Report by the Department of Agriculture, Fisheries and Forestry  
concerning a European Union Council Directive on Foot-and-Mouth  
Disease

Appointed Day Orders -  
Gas and Electricity Act 2003 (Appointed Day) (No. 1) Order 2003  
[SD No 871/03]  
Criminal Justice Act 2001 (Appointed Day) (No. 6) Order 2004  
[SD No 27/04]  
International Criminal Court Act 2003 (Appointed Day) Order 2004  
[SD No 64/04]

**2. Isle of Man Government and Departmental Plans 2004-2007 -**

The Chief Minister to move -

That the Isle of Man Government and Departmental Plans 2004-2007 be  
received.

**3. Questions -**

See Question paper.

**4. Excess Expenditure - Department of Health and Social Security -**

The Minister for Health and Social Security to move -

That Tynwald authorises the Treasury, in respect of the year ended  
31<sup>st</sup> March 2003, to apply from surplus receipts totalling £2,736,781 of the  
Department of Health and Social Security, the sum of £2,216,291 in payment  
of excess expenditure.

**5. Villa Marina -**

The Minister for Local Government and the Environment to move -

That Tynwald -

- (a) approves the expenditure of a sum not exceeding £750,000, being full and final settlement of the compensation to be paid by the Treasury on behalf of Isle of Man Government to the Douglas Corporation in respect of the acquisition of the Villa Marina complex (including contents);
- (b) authorises the Treasury to expend during the year 31st March 2004 from the Capital Transactions Account a sum not exceeding £750,000; and
- (c) approves of and sanctions borrowings not exceeding £750,000 being made by Government, such borrowings to be repaid within a period of 30 years.

**6. Restoration of the Great Union Camera Obscura -**

The Minister for Local Government and the Environment to move -

That Tynwald -

- (a) approves a supplementary vote of a sum not exceeding £275,000 to restore the Great Union Camera Obscura;
- (b) authorises the Treasury to expend during the year ending 31<sup>st</sup> March 2004 from the Capital Transactions Account a sum not exceeding £275,000; and
- (c) approves of and sanctions borrowings not exceeding £275,000 being made by Government, such borrowings to be repaid within a period of 15 years.

**7. Mount Murray Residual Issues Committee -**

The Chief Minister to move -

That the Report of the Mount Murray Residual Issues Committee be received.

**8. Local Authority and Government Housing Eviction Consultative Body -**

The Minister for Local Government and the Environment to move -

That the Report dated January 2004 into the need for a Local Authority and Government Housing Eviction Consultative Body be received.

**9. Select Committee on Playground Facilities for Children -**

The Chair of the Committee (Mrs Hannan) to move -

That the Report of the Select Committee on Playground Facilities for Children be received and the following be approved -

- (a) The recommendations concerning existing play facilities (paragraphs 6.1 (a) to (e) of the Report);
- (b) The recommendations concerning the provision of play areas in new developments (paragraphs 6.2 (a) to (d) of the Report);
- (c) The recommendations regarding the financial implications for local authorities of providing playgrounds (paragraphs 6.3 (a) to (d) of the Report);
- (d) The recommendations regarding health and safety implications (paragraphs 6.4 (a) and (b) of the Report);
- (e) The recommendations regarding law and order implications (paragraphs 6.5 (a) to (e) of the Report);
- (f) The recommendation regarding the use of Section 18 of the 1991 Town and County Planning Act (paragraph 6.6 (a) of the Report).

**10. Harbours (Isle of Man) Act 1961 -**

The Minister for Transport to move -

That the Harbour Dues (Merchant Vessels) Regulations 2004 be approved.  
*[SD No 28/04]*

**11. Harbours (Isle of Man) Act 1961 -**

The Minister for Transport to move -

That the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2004 be approved *[SD No 29/04]*

**12. Harbours (Isle of Man) Act 1961 -**

The Minister for Transport to move -

That the Harbour Dues (Pleasure Vessels and House Boats) Regulations 2004 be approved. *[SD No 30/04]*

**13. Inland Fisheries Act 1976 -**

The Minister for Agriculture, Fisheries and Forestry to move -

That the Inland Fisheries (Duties) Regulations 2004 be approved.  
*[SD No 59/04]*

**14. Nursing and Residential Homes Act -**

The Minister for Health and Social Security to move -

That the Nursing and Residential Homes (Amendment) (Fees) Regulations 2004 be approved. *[SD No 885/03]*

**15. International Criminal Court Act 2003 -**

The Chief Minister to move -

That the International Criminal Court (Immunities and Privileges) Order 2004 be approved. *[SD No 61/04]*

**16. International Criminal Court Act 2003 -**

The Chief Minister to move -

That the International Criminal Court (Enforcement) Regulations 2004 be approved. *[SD No 62/04]*

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

The Minister for the Treasury to move -

That the Value Added Tax Act 1996 (Mutual Assistance) (Amendment) Order 2004 be approved. *[SD No 10/04]*

**18. Cruelty to Animals Act 1997 -**

The Minister for Agriculture, Fisheries and Forestry to move -

That the Protected Animal (Restriction of Definition) Order 2004 be approved. *[SD No 38/04]*

**19. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Act 2000 (Amendment) Order 2004 be approved. *[SD No 39/04]*

**20. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Employment Act 2002 (Application) (Amendment) Order 2004 be approved. *[SD No 40/04]*

**21. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2004 be approved. *[SD No 41/04]*

**22. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2004 be approved. *[SD No 42/04]*

**23. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) Order 2004 be approved. *[SD No 43/04]*

**24. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 2) Order 2004 be approved. *[SD No 44/04]*

**25. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) Order 2004 be approved. *[SD No 45/04]*

**26. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) (No. 2) Order 2004 be approved. *[SD No 46/04]*

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

The Minister for Health and Social Security to move -

That the Social Security (Adoption Allowance) (Earnings) Regulations 2004 be approved. *[SD No 47/04]*

- 28. Social Security Contributions and Benefits Act 1992 -**  
The Minister for Health and Social Security to move -  
That the Social Security (Adoption Allowance) (Work Abroad) Regulations 2004 be approved. *[SD No 48/04]*
- 29. Social Security Contributions and Benefits Act 1992 -**  
The Minister for Health and Social Security to move -  
That the Family Income Supplement (General) (Amendment) Regulations 2004 be approved. *[SD No 49/04]*
- 30. 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 2004 be approved. *[SD No 50/04]*
- 31. Jobseeker's Enhanced Allowance (Amendment) Scheme 2004 -**  
The Minister for Health and Social Security to move -  
That the Jobseeker's Enhanced Allowance (Amendment) Scheme 2004 be approved. *[GC No 03/04]*
- 32. Social Security Act 2000 -**  
The Minister for Health and Social Security to move -  
That the Social Security Legislation (Application) (No. 3) Order 2004 be approved. *[SD No 51/04]*
- 33. Social Security Act 2000 -**  
The Minister for Health and Social Security to move -  
That the Social Security Legislation (Application) (No. 4) Order 2004 be approved. *[SD No 52/04]*
- 34. Misuse of Drugs Act 1976 -**  
The Minister for Health and Social Security to move -  
That the Misuse of Drugs Regulations (Application) Order 2004 be approved. *[SD No 876/03]*

**35. Redress for Mr & Mrs D Spadoni -**

Debate to be resumed on the following motion (which was moved by Mr Rimington at the November Sitting and then subsequently adjourned to February 2004) -

That Tynwald appoints a Select 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 -

- (a) investigate the circumstances of the *Suzanna D's* stability failure,
  - (b) investigate the role of the Isle of Man authorities, and
  - (c) seek a means of redress for Mr & Mrs Spadoni,
- and report back with recommendations.

**36. Adherence to Resolutions of the Court -**

The Hon Member of the Council (Mr Singer) to move -

Tynwald declares that a resolution of the Court on any matter related to Isle of Man Government policy supersedes or supplements any previous resolution on the same matter and Government must respond positively to such resolutions.

**37. Appointment of a Deputy Chief Minister -**

The Hon Member for Glenfaba (Mr Anderson) to move -

That Tynwald is of the opinion that the best modern democratic practice requires that legislation should now be introduced to provide for the appointment from time to time of a deputy Chief Minister to discharge the functions and exercise the powers of the Chief Minister in the case of his absence or indisposition, and calls upon the Council of Ministers to introduce a Bill for the purpose in this Session.

**38. Productivity in the Tourism Sector -**

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

That Tynwald receive the document by the Chamber of Commerce Tourism Committee "Productivity in the Tourism Sector", a response to the Review of Economic Strategy October 2003 dated January 2004, and that Treasury scrutinize its contents and recommendations and assess the viability of incorporating the recommendations into forthcoming and future Government Strategy in an amended format.

**39. Introduction of Digital Hearing Aid Technology -**

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

That Tynwald is of the opinion that the Department of Health and Social Security, through its Audiology Department and any additional resources it may require, undertake a local study as to the practicality of introducing digital hearing aid technology on the National Health Service to qualifying patients with hearing difficulties, taking cognizance of any current United Kingdom information, or initial information from any pilot studies, but progress the local study as soon as is practicable.