

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
TUESDAY 20th APRIL 2004
at 10.30 am

1. To lay before the Court -

Companies Act 1931 -

Limited Liabilities Companies Act 1996 -

Companies (Fees and Duties) (OnLine Public Viewing System) Order
2004 [SD 156/04]

Customs and Excise Acts 1986 -

Excise Duties Order 2004 [SD 197/04]

Value Added Tax Act 1996 -

Value Added Tax (Consideration of Fuel Provided for Private Use)
Order 2004 [SD 201/04]

Value Added Tax (Increase of Registration Limits) Order 2004
[SD 200/04]

Value Added Tax (Buildings and Land) Order 2004 [SD 199/04]

Pension Schemes Act 1995 -

Welfare Reform and Pensions Act 1999 (Application) (Amendment)
Order 2004 [SD 223/04]

Welfare Reform and Pensions Act 1999 -

Pension Sharing (Qualifying Agreements) Regulations 2004
[SD 224/04]

Matrimonial Proceedings Act 2003 -
Matrimonial Proceedings (Pensions) Regulations 2004 [SD 225/04]

Social Security Act 2000 -
Social Security Legislation (Application) (Amendment) (No. 5) Order
2004 [SD 226/04]

Social Security Contributions and Benefits Act 1992 -
Income Support (General) (Isle of Man) (Amendment) (No. 3)
Regulations 2004 [SD 227/04]
Family Income Supplement (General) (Amendment) (No. 3)
Regulations 2004 [SD 228/04]

Family Income Supplement and Disability Working Allowance (Child Care
Charge Adjustment) Scheme 2004 -
Family Income Supplement and Disability Working Allowance (Child
Care Charge Adjustment) Scheme 2004 [GC 15/04]

Gas Regulation Act 1995 -
Gas Regulations 2004 [SD 211/04]

Business Support Scheme 2004 -
Business Support Scheme 2004 [GC 5/04]

Licensing and Registration of Vehicles Act 1985 -
Licensing and Registration of Vehicles (Amendment) Regulations 2004
[SD 241/04]

Customs and Excise Act 1993 -
Customs and Excise Acts (Dealing in Cultural Objects) (Application)
Order 2004 [SD 90/04]
Export of Goods Etc. (Control) (Application) Order 2004 [SD 89/04]
Trade in Controlled Goods (Embargoed Destinations) (Application)
Order 2004 [SD 196/04]

Payment of Members' Expenses Act 1989 -
Attendance Allowances (Amendment) Order 2004 [SD 191/04]

Betting Act 1970 -
Betting Duty (General) (Amendment) (No. 2) Regulations 2004
[SD 212/04]

Price Marking Act 1976 -
Price Marking (Food and Drink Services) Order 2004 [SD 176/04]

Report -
Department of Tourism and Leisure Tourism Strategy 2004-2008
"Fit For The Future"

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

Maintenance Orders (Reciprocal Enforcement) Act 1995 -
Maintenance Orders (Reciprocating Countries) Order 2004
[SD No 126/04]

Companies Acts 1931-1993 -
Disqualified Persons Register (Fraudulent Trading) Regulations 2004
[SD No 118/04]
Disqualified Persons Register (Insolvent Companies) Regulations 2004
[SD No 119/04]
Disqualified Persons Register (Unfit Persons) Regulations 2004
[SD No 120/04]
Companies (Forms) (No. 2) Regulations 2004 [SD No 209/04]

Summary Jurisdiction Act 1989 -
Juvenile Courts Rules 2004 [SD No 221/04]

Income Tax Act 2003 -
Income Tax (Personal Allowance Credit) Regulations 2004
[SD No 194/04]
Income Tax (Personal Allowance Credit) (Amendment) Regulations
2004 [SD No 195/04]

Currency Act 1992 -
Currency (Cat Crowns) Order 2003 [SD No 819/03]

Value Added Tax Act 1996 -
Value Added Tax (Special Provisions) (Amendment) Order 2004
[SD No 198/04]
Value Added Tax (Reduced Rate) (No. 2) Order 2004 [SD No 202/04]
Value Added Tax (Amendment) Regulations 2004 [SD No 222/04]

Local Government Act 1985 -
Port St Mary Declaration and Direction Order 2004 [SD No 242/04]

Burials Act 1986 -
Burial Grounds (Maximum Rate) (No. 2) Order 2004 [SD No 243/04]

Gaming Betting and Lotteries Act 1988 -
Crown Green Bowling Festival (No. 1) Order 2004 [SD No 106/04]
Crown Green Bowling Festival (No. 2) Order 2004 [SD No 107/04]

Post Office Act 1993 -
Post Office (Inland Post) (Amendment) Scheme 2004 [SD No 203/04]
Post Office (Overseas Letter Post) (Amendment) Scheme 2004
[SD No 204/04]

Appointed Day Orders -

- Matrimonial Proceedings Act 2003 (Appointed Day) Order 2004 [SD No 180/04]
- Companies, Etc. (Amendment) Act 2003 (Appointed Day) (No. 2) Order 2004 [SD No 177/04]
- Submarine Cables Act 2003 (Appointed Day) Order 2004 [SD No 252/04]

European Community -

- EU Information Sheet March 2004 EU Scrutiny Procedure. European Community Secondary Legislation that may be applicable to the Isle of Man by virtue of the terms of Protocol 3 [GC No 16/04]

Reports -

- Isle of Man International Business School Financial Statements for the year ended 31st August 2003
- Isle of Man Constabulary Policing Plan 2004-2005
- Interception of Communications Act 1988 - Report of the Commissioner for the year ended 31st December 2003
- Report of the Standing Committee on Expenditure and Public Accounts on Crowe EPH Limited. Session 2003-2004

2. Questions -

See Question paper.

3. Report into effectiveness and efficiency of Local Government structure, and adequacy of DLGE powers as regards supervising Local Authorities -

Statement by the Minister of Local Government and the Environment.

4. Income Tax Act 1970 -

The Minister for the Treasury to move that -

In accordance with section 119 of the Income Tax Act 1970, it is hereby resolved -

- (1) That in respect of the personal allowance credit under section 7 of the Income Tax Act 2003
 - (a) the maximum credit in subsection 2(a) of that section shall be £222.50;
 - (b) the maximum credit in subsection 2(b) of that section shall be £445.00
- (2) That this resolution shall apply in respect of the income tax year commencing 6th April 2004 and subsequent years.

5. Commission of Inquiry into Mount Murray -

The Chief Minister to move -

That Tynwald -

- (a) approves the expenditure of a further sum not exceeding £50,000, in addition to the £1,000,000 previously voted, to meet the continuing costs of the Commission of Inquiry into Mount Murray; and
- (b) approves the expenditure of a total sum not exceeding £50,000 from General Revenue for the year ending 31st March 2005.

6. Animal Waste Processing Plant Richmond Hill -

The Minister for Local Government and the Environment to move -

That Tynwald approves expenditure not exceeding £183,500 for pre-contract costs for the construction of an Animal Waste Processing plant at Richmond Hill.

7. Tourism Strategy 2004-2008 -

The Minister for Tourism and Leisure to move -

That the Tourism Strategy 2004-2008 "Fit For The Future" be approved.

**8. Companies Act 1931
Limited Liabilities Companies Act 1996 -**

The Minister for the Treasury to move -

That the Companies (Fees and Duties) (OnLine Public Viewing System) Order 2004 be approved. [SD 156/04]

9. Customs and Excise Acts 1986 -

The Minister for the Treasury to move -

That the Excise Duties Order 2004 be approved. [SD 197/04]

10. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Consideration of Fuel Provided for Private Use) Order 2004 be approved. *[SD 201/04]*

11. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Increase of Registration Limits) Order 2004 be approved. *[SD 200/04]*

12. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Buildings and Land) Order 2004 be approved. *[SD 199/04]*

13. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Welfare Reform and Pensions Act 1999 (Application) (Amendment) Order 2004 be approved. *[SD 223/04]*

14. Welfare Reform and Pensions Act 1999 -

The Minister for Health and Social Security to move -

That the Pension Sharing (Qualifying Agreements) Regulations 2004 be approved. *[SD 224/04]*

15. Matrimonial Proceedings Act 2003 -

The Minister for Health and Social Security to move -

That the Matrimonial Proceedings (Pensions) Regulations 2004 be approved. *[SD 225/04]*

16. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) (No. 5) Order 2004 be approved. *[SD 226/04]*

17. 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) (No. 3) Regulations 2004 be approved. [SD 227/04]

18. Social Security Contributions and Benefits Act 1992 -

The Minister for Health and Social Security to move -

That the Family Income Supplement (General) (Amendment) (No. 3) Regulations 2004 be approved. [SD 228/04]

19. Family Income Supplement and Disability Working Allowance (Child Care Charge Adjustment) Scheme 2004 -

The Minister for Health and Social Security to move -

That the Family Income Supplement and Disability Working Allowance (Child Care Charge Adjustment) Scheme 2004 be approved. [GC 15/04]

20. Gas Regulation Act 1995 -

The Minister for Trade and Industry to move -

That the Gas Regulations 2004 be approved. [SD 211/04]

21. Business Support Scheme 2004 -

The Minister for Trade and Industry to move -

That the Business Support Scheme 2004 be approved. [GC 5/04]

22. Licensing and Registration of Vehicles Act 1985 -

The Minister for Transport to move -

That the Licensing and Registration of Vehicles (Amendment) Regulations 2004 be approved. [SD 241/04]

23. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Customs and Excise Acts (Dealing in Cultural Objects) (Application) Order 2004 be approved. [SD 90/04]

24. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Goods Etc. (Control) (Application) Order 2004 be approved. [SD 89/04]

25. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Trade in Controlled Goods (Embargoed Destinations) (Application) Order 2004 be approved. [SD 196/04]

26. Payment of Members' Expenses Act 1989 -

The Minister for the Treasury to move -

That the Attendance Allowances (Amendment) Order 2004 be approved. [SD 191/04]

27. Betting Act 1970 -

The Minister for the Treasury to move -

That the Betting Duty (General) (Amendment) (No. 2) Regulations 2004 be approved. [SD 212/04]

28. Price Marking Act 1976 -

The Chairman of the Isle of Man Office of Fair Trading to move -

That the Price Marking (Food and Drink Services) Order 2004 be approved. [SD 176/04]

29. War Pensions Committee -

The Chief Minister to move -

That the Right Reverend Graeme Paul Knowles, Lord Bishop of Sodor and Man, be appointed to the Isle of Man War Pensions Committee for the period ending 15th July 2007.

30. Redress for Mr & Mrs D Spadoni -

Debate to be resumed on the following motion -

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.

(This motion was not moved at the February 2004 sitting, to which it had been adjourned. It is now before the Court for final disposal, either by resolution or withdrawal with leave under Standing Order 3.13)

31. Douglas Corporation -

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

That pursuant to section 3 of the Tynwald Proceedings Act 1876 the President of Tynwald do order the Town Clerk of Douglas to produce to him Douglas Corporation's records showing -

- 1 who advised the Corporation in respect of its claim for recompense following the transfer of ownership of the Villa Marina to the Isle of Man Government; and
- 2 what has been the total cost to the ratepayers of Douglas resulting from the claim

no later than 21st May 2004, the same to be laid before Tynwald at the June 2004 sitting of the Court.

32. Manx National Heritage -

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

That Tynwald is of the opinion that the Manx National Heritage is a jewel in the Island's crown and should be better recognised in the 2004 - 2007 Government Plan and in the Department of Agriculture, Fisheries and Forestry Business Plan 2004-05 - 2006-07.

33. Constituency Boundaries -

The Honourable Member for Middle (Mr Quayle) to move -

That pursuant to section 11(5) of the Representation of the People Act 1995, the Governor in Council do appoint a committee to review the number and boundaries of the constituencies for elections to the House of Keys and to report thereon to Tynwald as soon as may be, the committee to consider in particular the feasibility of:

- (i) eight constituencies returning three Members each;
- (ii) twelve constituencies returning two Members each; and
- (iii) twenty four constituencies returning one Member each,

the limits of the constituencies coinciding as far as possible with natural and traditional boundaries, and that constituencies should ideally have no greater variance from the average number of voters per Member of the House of Keys than plus or minus 15%.

34. Manx Gas -

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

That a Select Committee of three Members be appointed to undertake an in-depth study into the feasibility of the acquisition and operation by the Government or a publicly owned agency of the undertaking and installations of Manx Gas Limited, and of any companies or businesses which in practice form part of the undertaking of Manx Gas Limited in the Isle of Man, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and to report with recommendations by no later than the March 2005 sitting of the Court.

35. Orthopaedic Surgery -

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

That Tynwald requests the Department of Health and Social Security as a matter of urgency to take such action as necessary to significantly reduce the waiting lists for orthopaedic surgery.

36. Residential Care -

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

That Tynwald requests the Minister for Health and Social Security to investigate the feasibility of a scheme to ensure that, by means of compulsory contributions to a fund set up for the purpose, persons over sixty-five years of age who are in need of residential care (with or without nursing facilities) are able to receive it free at the point of delivery, and report with recommendations by the October 2004 sitting of Tynwald.

37. Petition for Redress of Grievance of Wendy Elizabeth and David Andrew Megson -

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

That a Committee of three members be appointed to investigate the two Petitions for Redress of Grievance of Wendy Elizabeth Megson and David Andrew Megson, regarding abuse of the Legal Aid Fund and the withholding of information and maladministration by advocates and Government officials, which were presented at St John's on 5th July 2002, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and to report with recommendations.

38. Scrutiny of Treaties and Secondary Legislation -

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

That the Standing Orders of the Court be amended as follows -

Renumber Standing Order 5.8A as 5.8B

Add new Order 5.8A -

5.8A

- (1) There shall be a Standing Committee on the Scrutiny of Treaties and Secondary Legislation.
- (2) The Committee shall be composed of five Members, not more than two of whom may be Ministers.
- (3) The Committee shall stand charged with the scrutiny of -
 - (i) all public documents or proposed public documents which have legislative effect in the Isle of Man,
 - (ii) any actual or proposed Treaties, International Agreements, Decisions, Directives or Regulations of the European Union which affect or may affect the Isle of Man, and
 - (iii) any actual or proposed Treaties or International Agreements entered into by the Government of the United Kingdom or the Government of the Isle of Man which affect or may affect the Isle of Man.
- (4) The Committee shall report to Tynwald, with or without recommendations, on such of the matters referred to in paragraph (3) as they may think fit.
- (5) The Committee shall have powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876.