

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS

TUESDAY 21ST OCTOBER 2003

at 10.30 am

1. To lay before the Court -

Gaming (Amendment) Act 1984 -

Certification of Premises (Application Fees) Order 2003 *[SD No 731/03]*
Controlled Machines (Suppliers' Licences) (Fees) Order 2003
[SD No 732/03]

Motor Vehicles (International Circulation) Act 1955 -

Motor Vehicles (International Circulation) (Fees) Order 2003
[SD No 619/03]

Hydrocarbon Oil Duties Act 1986 -

Excise Duties (No. 2) Order 2003 *[SD No 569/03]*

Custody Act 1995 -

Custody (Amendment) Rules 2003 *[SD No 608/02]*

Licensing Act 1995 -

Drinking in Public Places (Designated Places) (Malew) Order 2003
[SD No 698/03]

Tourism Development Fund (Amendment) Scheme 2003 -

Tourism Development Fund (Amendment) Scheme 2003 *[GC No 30/03]*

Highways Act 1986 -

Highway Diversion (Orestal, Rushen) Order 2003 *[SD No 706/03]*

Betting Act 1970 -

Pool Betting (Isle of Man) Acts 1961 to 1970 -

Betting and Pool Betting (Amendment) Order 2003 *[SD No 570/03]*

Value Added Tax Act 1996 -

Value Added Tax Act 1996 (Amendment) (No. 2) Order 2003
[SD No 571/03]

Customs and Excise Act 1993 -

Export of Goods (Control) (Iraq and Kuwait Sanctions) (Revocation) Order 2003 [*SD No 603/03*]

Export of Goods (Control) (Amendment) (No. 2) Order 2003 (Application) Order 2003 [*SD No 696/03*]

Subsistence Allowances -

Subsistence Allowances [*GC No 29/03*]

Agricultural Marketing Acts 1934 to 1955 -

Potato Marketing Scheme (Revocation) Order 2003 [*SD No 485/03*]

Animal Health Act 1996 -

Cattle Passports and Database (Amendment) Order 2003 [*SD No 532/03*]

Plant Health Act 1983 -

Plant Health (*Phytophthora Ramorum*) Order 2003 [*SD No 605/03*]

Sea-Fisheries Act 1971 -

Sea-Fisheries (Lobster and Crab Etc. Licensing) Bye-laws 2003 [*SD No 604/03*]

Agricultural Wages Regulations 2003 -

Agricultural Wages Regulations 2003 [*SD No 402/03*]

Social Security Act 2000 -

Social Security Legislation (Application) (Amendment) (No. 18) Order 2003 [*SD No 734/03*]

Social Security Legislation (Application) (No. 19) Order 2003 [*SD No 735/03*]

Pension Schemes Act 1995 -

Pension Schemes Legislation (Application) (Amendment) (No. 4) Order 2003 [*SD No 736/03*]

Reports -

Report by the Council of Ministers on the Commission of Inquiry into Mount Murray Part One Report

Report by the Council of Ministers on the Reorganisation of the Department of Health and Social Security

Council of Ministers' Report on the Convention on the Future of Europe and the Draft Treaty establishing a Constitution for Europe

Chief Constable's Annual Report 2002/03

Report of the Council of Ministers on Research conducted into the Development of a Long Term Strategy for the Provision of Natural Gas to serve the North, South and West of the Island and the possible introduction of a Gas Regulatory Body

Review of Economic Strategy, the Treasury, October 2003

Taxation Strategy - Exchange of Information, the Treasury, October 2003

Consultancy Review of the Isle of Man's Dairy and Fatstock Sectors

Report of the Tynwald Management Committee on the Live Radio Broadcasting of Proceedings in Tynwald Court

First Report of the Joint Committee on the Emoluments of Certain Public Servants for the Session 2003-2004

First Report of the Standing Orders Committee of Tynwald for the Session 2003-2004

First Report of Standing Committee of Tynwald on Constitutional Matters for the Session 2003-2004

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

Child Custody Act 1987 -

Child Abduction and Custody (Parties to Conventions) Order 2003
[SD No 608/03]

Air Navigation (No. 2) Order 1995 -

Air Navigation (Restriction of Flying) (Emergency Evacuation) (No. 2) Regulations 2003 *[SD No 629/03]*

Superannuation Act 1984 -

Superannuation (Clerk of Tynwald's Department) Determination (No. 2) 2003 *[SD No 653/03]*

Town and Country Planning Act 1981 – Isle of Man Planning Scheme (Development Plan) Order 1982 -

Town and Country Planning Act 1981 Part 1 (3) Special Inquiry - Development of Landfill Facility for the Deposition of Non-Incinerable Waste at Archallagan Plantation, Archallagan

Town and Country Planning Act 1991 -

Douglas (Olympia) Conservation Area Order 2003 *[SD No 613/03]*

Douglas (Little Switzerland) Conservation Area Order 2003
[SD No 614/03]

Douglas (Ballaquayle Road) Conservation Area Order 2003
[SD No 612/03]

Douglas (Selborne Drive) Conservation Area Order 2003
[SD No 611/03]

Douglas (Windsor Road) Conservation Area Order 2003
[SD No 609/03]

Douglas (Woodbourne Road) Conservation Area Order 2003
[SD No 610/03]

St Mark's Village Conservation Area Order 2003 *[SD No 615/03]*

Plant Health Act 1983 -

Plant Health (Amendment) Order 2003 *[SD No 695/03]*

Value Added Tax Act 1996 -

Value Added Tax (Finance) Order 2003 *[SD No 486/03]*

Value Added Tax (Place of Supply of Services) (Amendment) Order 2003 *[SD No 223/03]*

Value Added Tax (Amendment) (No. 5) Regulations 2003
[SD No 730/03]

Currency Act 1992 -

Currency (Lord of the Rings Crowns) Order 2003 *[SD No 572/03]*

Customs and Excise Management Act 1986 -

Treasury Directions Passenger Information and Ship Report Inwards
[GC No 28/03]

Reports -

Depositors' Compensation Scheme - Annual Report of the Scheme Manager for the year ended 31st March 2003
Code of Practice on Access to Government Information in the period 1st September 2002 to 31st August 2003
Isle of Man Water Authority Annual Report and Accounts 2002/2003
Isle of Man Water Authority Drinking Water Quality Report 2002/2003
Radio Manx Limited Financial Statements for the year ended 31st March 2003
Laxey Glen Mills Limited Financial Statements for the year ended 31st March 2003
Isle of Man National Transport Limited Report and Financial Statements for the year ended 31st March 2003
Isle of Man Limited Report and Financial Statements for the year ended 31st March 2003
Isle of Man Post Annual Review and Accounts for the year ended 26th March 2003
Second Report of the Standing Orders Committee of Tynwald for the Session 2003-2004

2. Bills for Signing -

Income Tax (Amendment) Bill 2003
Gas and Electricity Bill 2003
Litter (Amendment) Bill 2003
Local Government (Miscellaneous Provisions) Bill 2003

3. Questions -

See Question Paper.

4. Select Committee of Tynwald on GP Services -

Statement by the Chairman of the Committee (Mr Speaker)

5. Commission of Inquiry into Mount Murray -

The Chief Minister to move -

That Tynwald -

- (a) approves the expenditure of a further sum not exceeding £300,000, in addition to the £700,000 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 £300,000 from General Revenue for the year ending 31st March 2004.

6. House Purchase Assistance Scheme -

The Minister for Local Government and the Environment to move -

That Tynwald -

- (a) approves the Department of Local Government and the Environment incurring expenditure not exceeding £5,700,000 to provide grant and top up loan support to First Time Buyers to purchase approved properties under the House Purchase Assistance Scheme;
- (b) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2004, a sum not exceeding £5,700,000;
- (c) approves of and sanctions borrowings not exceeding £5,700,000 being made by Government, such borrowings to be repaid within a period of 30 years; and
- (d) approves the transfer of £5,700,000 from the Housing Reserve Fund to the Capital Transactions Account to meet the above expenditure.

7. Proposed Landfill Site - Archallagan -

The Minister for Local Government and the Environment to move -

That Tynwald -

- (a) approves the expenditure of a sum not exceeding £350,000 on fees to tender stage in respect of a scheme to provide a landfill site for the Island at Archallagan Plantation;
- (b) the above £350,000 is included in the Pink Book total of £3.280M for 2004/05 and 2005/06; and
- (c) authorises the Treasury to expend during the year ending 31st March 2004, from the Capital Transactions Account, a sum not exceeding £350,000.

[Reference: Under the heading 'Local Government and the Environment' 'Landfill Site Phases 1, 2 and 3' amounting to £9,644,000 as detailed on Page 63 of the Capital Estimates 2003/04 of the Isle of Man Budget 2003/04]

8. Rail Infrastructure Renewal Programme -

The Minister for Tourism and Leisure to move -

That Tynwald approves the Department of Tourism and Leisure incurring expenditure not exceeding £720,000 during the year ending 31st March 2004 being the net amount required to meet the costs of undertaking the Rail Infrastructure Renewal Programme.

[Reference: Item No. 7 under the heading "Tourism and Leisure" on page 9 of the Isle of Man Budget 2003/04 and as detailed in the Estimated Capital Payments 2003/04 to 2007/08 under the heading "New Schemes" on page 64 of the Isle of Man Budget 2003/04]

9. Highways (Capital): Vicarage Road, Braddan and Douglas - Improvement (Construction) -

The Minister for Transport to move -

That Tynwald approves of the Department of Transport incurring expenditure not exceeding the sum of £3,481,141 in respect of construction for the improvement of Vicarage Road.

[Reference: Item No. 33 “Vicarage Road, Braddan” under the heading “Transport” on page 10 of the Isle of Man Budget 2003/2004, and as detailed in the Capital Estimates 2003/04 to 2005/06 on page 67 of the Isle of Man Budget 2003/04]

10. Commission of Inquiry into Mount Murray - Part One Report -

The Chief Minister to move -

That the Report by the Council of Ministers on the Commission of Inquiry into Mount Murray Part One Report be received.

11. Reorganisation of the Department of Health and Social Security -

The Chief Minister to move -

That the Report by the Council of Ministers on the Reorganisation of the Department of Health and Social Security be received.

12. Convention on the Future of Europe -

The Chief Minister to move -

That the Council of Ministers’ Report on the Convention on the Future of Europe and the Draft Treaty establishing a Constitution for Europe be received.

13. Chief Constable’s Annual Report 2002/03 -

The Minister for Home Affairs to move -

That the Chief Constable’s Annual Report 2002/03 be received.

14. Development of a Long Term Strategy for the Provision of Natural Gas to serve the North, South and West of the Island -

The Minister for Trade and Industry to move -

That Tynwald -

- (i) receives the Report of the Council of Ministers on Research conducted into the Development of a Long Term Strategy for the Provision of Natural Gas to serve the North, South and West of the Island and the possible introduction of a Gas Regulatory Body; and
- (ii) endorses the recommendations contained within the Report.

15. Economic Strategy -

The Minister for the Treasury to move -

That Tynwald receives the report entitled 'Review of Economic Strategy'.

16. Taxation Strategy -

The Minister for the Treasury to move -

That Tynwald approves the recommended response to the EU Savings Directive within the context of the Island's overall strategy on exchange of information and taxation, as set out in the document entitled 'Taxation Strategy - Exchange of Information'.

17. Consultancy Review of the Isle of Man's Meat and Dairy Sector -

The Minister for Agriculture, Fisheries and Forestry to move -

That the report on the outcome of the cross-industry discussions and other policy matters in response to the Consultancy Review of the Isle of Man's Meat and Dairy Sector, be received and the broad principles contained therein be approved.

18. Tynwald Management Committee - Broadcasting of Tynwald Court -

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

That the Report of the Tynwald Management Committee on the Broadcasting of Proceedings be received and that the following Recommendations be approved -

- (i) That live continuous broadcasting by Manx Radio of the proceedings in Tynwald should be permitted at the pleasure of the Court, with no interruption beyond the interposition of appropriate programmes during adjournments of the Court.
- (ii) That the continuous live broadcasting of Tynwald Court should use the existing analogue system for at least the foreseeable future.
- (iii) That the live continuous broadcasting of Tynwald's proceedings should take place on the AM frequency.
- (iv) That Manx Radio be permitted, at the pleasure of the Court-
 - (a) to install a web camera in the Chamber to show on Manx Radio's website a full view picture of all Members at all times to be changed at one minute intervals, subject to any agreed changes with the Tynwald Management Committee, and
 - (b) to stream proceedings live onto their website, with a written indication of which Member is speaking and which item is being discussed.
- (v) That the responsibility for monitoring the broadcasting of proceedings should rest with the Tynwald Management Committee.
- (vi) That the current Guidelines used by Manx Radio to govern their use of extracts from live broadcasts in subsequent news and current affairs programmes should be applied to all broadcast material.
- (vii) That guidelines should be drawn up by Manx Radio in consultation and agreement with the Tynwald Management Committee to specify the rôle of the presenter.
- (viii) That the continuous live broadcasting of Tynwald proceedings should commence with the January 2004 sitting of the Court.

19. Joint Committee on the Emoluments of Certain Public Servants -

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

That the First Report of the Joint Committee on the Emoluments of Certain Public Servants for the Session 2003-2004 be received and its recommendation approved.

20. Standing Orders Committee of Tynwald -

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

That the addition to Standing Order 2.4 recommended in the First Report of the Standing Orders Committee of Tynwald for the Session 2003-2004 be made.

21. Standing Committee of Tynwald on Constitutional Matters -

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

That the First Report of the Standing Committee of Tynwald on Constitutional Matters for the Session 2003-2004 be received and its recommendations approved.

22. Gaming (Amendment) Act 1984 -

The Minister for Home Affairs to move -

That the Certification of Premises (Application Fees) Order 2003 be approved.
[SD No 731/03]

23. Gaming (Amendment) Act 1984 -

The Minister for Home Affairs to move -

That the Controlled Machines (Suppliers' Licences) (Fees) Order 2003 be approved. *[SD No 732/03]*

24. Motor Vehicles (International Circulation) Act 1955 -

The Minister for Transport to move -

That the Motor Vehicles (International Circulation) (Fees) Order 2003 be approved. *[SD No 619/03]*

25. Hydrocarbon Oil Duties Act 1986 -

The Minister for the Treasury to move -

That the Excise Duties (No. 2) Order 2003 be approved. *[SD No 569/03]*

26. Custody Act 1995 -

The Minister for Home Affairs to move -

That the Custody (Amendment) Rules 2003 be approved. *[SD No 608/02]*

27. Licensing Act 1995 -

The Minister for Home Affairs to move -

That the Drinking in Public Places (Designated Places) (Malew) Order 2003 be approved. *[SD No 698/03]*

28. Tourism Development Fund (Amendment) Scheme 2003 -

The Minister for Tourism and Leisure to move -

That the Tourism Development Fund (Amendment) Scheme 2003 be approved. *[GC No 30/03]*

29. Highways Act 1986 -

The Minister for Transport to move -

That the Highway Diversion (Orestal, Rushen) Order 2003 be approved. *[SD No 706/03]*

**30. Betting Act 1970 -
Pool Betting (Isle of Man) Acts 1961 to 1970 -**

The Minister for the Treasury to move -

That the Betting and Pool Betting (Amendment) Order 2003 be approved. *[SD No 570/03]*

31. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax Act 1996 (Amendment) (No. 2) Order 2003 be approved. *[SD No 571/03]*

32. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Goods (Control) (Iraq and Kuwait Sanctions) (Revocation) Order 2003 be approved. *[SD No 603/03]*

33. Subsistence Allowances -

The Minister for the Treasury to move -

That Tynwald approves the Subsistence Allowances. *[GC No 29/03]*

34. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Goods (Control) (Amendment) (No. 2) Order 2003 (Application) Order 2003 be approved. *[SD No 696/03]*

35. Agricultural Marketing Acts 1934 to 1955 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Potato Marketing Scheme (Revocation) Order 2003 be approved.
[SD No 485/03]

36. Animal Health Act 1996 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Cattle Passports and Database (Amendment) Order 2003 be approved. [SD No 532/03]

37. Plant Health Act 1983 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Plant Health (*Phytophthora Ramorum*) Order 2003 be approved.
[SD No 605/03]

38. Sea-Fisheries Act 1971 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Sea-Fisheries (Lobster and Crab Etc. Licensing) Bye-laws 2003 be approved. [SD No 604/03]

39. Agricultural Wages Regulations 2003 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Agricultural Wages Regulations 2003 be approved. [SD No 402/03]

40. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) (No. 18) Order 2003 be approved. [SD No 734/03]

41. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 19) Order 2003 be approved. [SD No 735/03]

42. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (Amendment) (No. 4) Order 2003 be approved. *[SD No 736/03]*

43. Manx Heritage Foundation -

The Chief Minister to move -

That Tynwald approves the appointment of Mrs Melanie Jansen as a Member of the Manx Heritage Foundation.

44. Petition for Redress of Grievance of Mrs Carolyn Susan Nicholson -

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

That Tynwald appoints a Select Committee of three Members to examine the Petition for Redress of Grievance of Mrs Carolyn Susan Nicholson, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report back with recommendations.

45. Petition for Redress of Grievance of Philip John Kermode -

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

That Tynwald appoint a Select Committee of three Members to investigate the Petition for Redress of Grievance of Philip John Kermode presented at Tynwald Hill on 7th July 2003, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report to the Tynwald sitting in February 2004 at the latest.

46. Review of Bus Service for the New Hospital -

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

That Tynwald is of the opinion that Isle of Man Passenger Transport, part of the Department of Tourism and Leisure, immediately reviews its bus service and timings to the new hospital to better meet the needs of our community, especially the more vulnerable of our society, and provide an appropriate bus shelter to service the main entrance of our national hospital.

47. New Hospital - Prosthetics Clinic -

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

That Tynwald is of the opinion that the current services offered at the new hospital, at the Prosthetics Clinic, are totally inadequate and humiliating to the disabled members of our community who have to use this service, and that it is embarrassing and requires urgent and immediate upgrading to properly and adequately meet the needs of people who use this clinic.

48. Villa Marina - former staff employed by Douglas Corporation -

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

That Tynwald approves the appointment of a Select Committee of three Members to investigate the reasons behind Douglas Corporation's denial to settle outstanding pay due to its employees, following the transfer of the Villa Marina to Government.

49. Villa Marina - Wurlitzer Organ -

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

That Tynwald is of the opinion that the Department of Tourism and Leisure should arrange for the installation of the Wurlitzer Organ in the Royal Hall of the refurbished Villa Marina.

50. Respite Care Beds for the Elderly -

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

That Tynwald is of the opinion that as a matter of urgency the Department of Health and Social Security reviews its current policies affecting -

- (1) Respite care beds for the elderly confused and reinstate a practical number of respite beds for the Douglas area;
- (2) care of the elderly, confused patients given free health care under the auspices of Mental Health having this service transferred to Social Services where this care will have to be paid for; and that a number of these beds be kept under the Health Services to retain a free health facility with professionally trained staff to provide the specialist care required; and
- (3) the transfer of confused elderly patients from the purpose-built ESMI Unit on the Ballamona site, known formerly as Grianagh Court, to the New Southlands - that these patients and their relatives be treated with more care and support, especially in travelling arrangements for relatives.