

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
14TH DECEMBER 2004
at 10.30 am

1. To lay before the Court -

Submarine Cables Act 2003 -

Submarine Cables (Application for Authorisation) Regulations 2004
[SD\No\802\04]

Submarine Cables (Authorised Persons) Regulations 2004
[SD\No\803\04]

Submarine Cables (Safety) Regulations 2004 [SD\No\804\04]

Submarine Cables (Fees) Regulations 2004 [SD\No\805\04]

Superannuation Act 1984 -

Superannuation Act 1984 (Amendment) Order 2004 [SD\No\782\04]

Sea-Fisheries Act 1971 -

Sea-Fisheries (Licensing, Etc.) Bye-laws 2004 [SD\No\784\04]

Sea-Fisheries (Bass) Bye-laws 2004 [SD\No\785\04]

Sheep Premium Scheme 2004 -

Sheep Premium Scheme 2004 [GC\No\40\04]

Tourist Act 1975 -

Tourist (General) (Amendment) Regulations 2004 [SD\No\821\04]

Customs and Excise Act 1993 -

Export of Goods Etc (Control) (Application) (Amendment No.2) Order
2004 [SD\No\765\04]

Export Control (Libya Embargo) Order 2004 (Application) Order 2004
[SD\No\810\04]

Witnesses' Allowances Act 1947 -

Witnesses' Allowances Act 1947 - Witnesses Allowances Order 2005
[SD\No\749\04]

Licensing Act 1995 -

Licensing Regulations (Revocations) Regulations 2004 [SD\No\806\04]

Anti-Terrorism and Crime Act 2003 -

Anti-Terrorism (Audio Recording of Interviews) Order 2004 [SD\No\774\04]

Anti-Terrorism (Authorised Officers) Order 2004 [SD\No\775\04]

Anti-Terrorism (Examining Officers) Order 2004 [SD\No\777\04]

Anti-Terrorism (Carding) Order 2004 [SD\No\779\04]

Anti-Terrorism (Enforcement of External Orders) Order 2004 [SD\No\780\04]

Anti-Terrorism (Legal Representation) Order 2004 [SD\No\886\04]

Anti-Terrorism (Schedule 7 Information) Order 2004 [SD\No\887\04]

Anti-Terrorism (Exceptions to Dangerous Substances) Regulations 2004 [SD\No\888\04]

Social Security Act 2000 -

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2004 [SD\No\837\04]

Social Security Legislation (Application) (No. 14) Order 2004 [SD\No\838\04]

Social Security Legislation (Application) (No. 15) Order 2004 [SD\No\839\04]

Social Security Benefits Up-rating Order 2004 (Amendment) Order 2004 [SD\No\840\04]

Social Security Contributions and Benefits Act 1992 -

Disability Working Allowance (General) Regulations 2004 [SD\No\841\04]

Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) (No. 3) Regulations 2004 [SD\No\842\04]

National Health Service Act 2001 -

Health Professions (Amendment) Order 2004 [SD\No\770\04]

Reports -

Report by the Council of Ministers on Sustainable Development; Proposed Designation of Senior Officers

Report of the Department of Local Government and the Environment on the Effectiveness of the present Local Government Structure on the Island and the Department's Supervisory Powers

First Report of the Standing Orders Committee for the Session 2004-05

First Report of the Standing Committee on Constitutional Matters for the Session 2004-05

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

National Health Service Act 2001 -

National Health Service (Independent Review Body) Regulations 2004 [SD\No\679\04]

National Health Service (Complaints) Regulations 2004 [SD\No\216\04]

Fireworks Act 2004 -

Fireworks (Prescribed Forms) Regulations 2004 [SD No 801/04]

Anti-Terrorism and Crime Act 2003 -

Anti-Terrorism (Places of Detention) Designation 2004 [SD No 778/04]

Appointed Day Orders -

Licensing (Amendment) Act 2001 (Appointed Day) (Amendment) Order 2004 [SD No 845/04]

Anti-Terrorism and Crime Act 2003 (Appointed Day) (No. 1) Order 2004 [SD No 772/04]

Anti-Terrorism and Crime Act 2003 (Appointed Day) (No. 2) Order 2004 [SD No 773/04]

European Communities -

European Community Secondary Legislation November 2004 [GC No 46/04]

Report -

General Report of the Standing Committee on Expenditure and Public Accounts for the Session 2003-2004

2. Questions -

See Question Paper.

3. Eastern Civic Amenity Site - Southern Civic Amenity Site -

The Minister for Local Government and the Environment to move -

That Tynwald approves the expenditure of a sum not exceeding £1,113,700, being £1,063,700 on capital works and associated fees in respect of a scheme to provide an Eastern Civic Amenity Site for the Island at Middle River, Douglas, and £50,000 on additional health and safety works at the Southern Civic Amenity Site, Castletown Road, Port St Mary.

[Reference: Item No. 4 under the heading 'Local Government and the Environment' on Page 9 of the Isle of Man Budget 2004-05, and as detailed in the Estimates of Capital Payments 2004-05 to 2008-09 under the heading "New Schemes" on page 61 of the Isle of Man Budget 2004/05].

4. Provision of a Children's Unit -

The Minister for Health and Social Security to move -

That Tynwald approves of the Department of Health and Social Security incurring expenditure not exceeding £867,900 for the provision of a Children's Unit.

[Reference item No 18 under the heading "Health and Social Security" on page 8 of the Isle of Man Budget 2004/05 and as detailed in the Capital Estimates 2004/2005 to 2008/2009 on page 59 of the Isle of Man Budget 2004/2005].

5. Excess Expenditure -

The Minister for Health and Social Security to move -

That Tynwald authorises Treasury to apply from general revenue, in respect of the year ended 31 March 2004 -

- (a) surplus receipts totalling £2,397,825 of the Department of Health and Social Security in payment of excess expenditure; and
- (b) the sum of £1,763,145 in payment of excess expenditure by the Department of Health and Social Security.

6. Sustainable Development -

The Chief Minister to move -

That the Report by the Council of Ministers on Sustainable Development; proposed designation of senior officers be received and its recommendations be approved.

7. Waste Disposal Charges -

Notice given at the sitting of Tynwald in November 2004 by Mr Rimington to move this Motion again at the sitting of Tynwald in December 2004 under the provisions of Standing Order 3.19.

The Minister for Local Government and the Environment to move -

That Tynwald -

- (a) requests the Department of Local Government and the Environment to reduce the previously agreed subsidy of 90% of the cost of disposing of domestic wastes to 70% with effect from 1st April 2005; and
- (b) expects that the additional cost to be passed on to households by the Island's waste collection authorities should not exceed the equivalent of an extra £20.00 per annum (on average) per domestic property from that date.

8. Effectiveness of Local Government Structure -

The Minister for Local Government and the Environment to move -

That the Report of the Department of Local Government and the Environment on the Effectiveness of the present Local Government Structure on the Island and the Department's Supervisory Powers be received and its recommendations approved.

9. Isle of Man Steam Packet Company Limited -

The Minister for Transport to move -

That Tynwald approves of the Department of Transport entering into an agreement with the Isle of Man Steam Packet Company Limited to extend the term of the Licence Agreement in respect of the use of the Department's link bridge in Douglas Harbour, such extension agreement to be in the material form of the draft agreement proposed.

10. Tynwald Standing Orders Committee -

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

That the First Report of the Standing Orders Committee for the Session 2004-05 be received and the following recommendations approved -

(i) Add to Standing Order 3.11 -

“(6) A motion only that a Report or other document be received does not imply that its contents are necessarily acceptable to the Court, and accordingly no such motion shall be made where a Report or other document contains recommendations or conclusions.

(7) A motion that a Report or other document be received and its recommendations approved does not imply that its contents are necessarily acceptable to the Court, but does indicate that its recommendations or conclusions are approved and intended to be implemented.

(8) A motion that a Report or other document be accepted and its recommendations approved indicates that its contents are acceptable to the Court and that its recommendations or conclusions are approved and intended to be implemented.”

(ii) Amend Standing Order 5.8(3) to read -

“(3) The Committee shall consider and report upon any matter that may from time to time be referred to the Committee by the Court, or by a Member, which relates to the conduct of a Member, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876.”

(iii) Amend Standing Order 6.11 as follows -

“(c) contain no reference to any matter capable of adjudication upon by the High Court or any tribunal or arbitration, or any formal officially recognised complaints procedure, unless the petition shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy.”

- (iv) Add to Standing Order 3.13 -
 “(3) Where a Member has begun to speak to move a motion on the Order Paper but fails to move it, that motion shall be deemed nonetheless to have been moved and seconded and shall be resolved by the Court accordingly.”
- (v) Renumber Standing Order 10.2 as (1) and add -
 “(2) Where a Member is nominated for election to a committee of the Court, and the Member believes that his or her circumstances are such that service on the committee would give rise to difficulties by reason of the Member’s past or present connection with or interest in the persons or subjects to be considered by the Committee, the Member shall, if present, declare the existence and character of such circumstances in open Court before the ballot takes place.”
- (vi) In Standing Order 6.1(9) for the words “the Companies Acts 1931 to 1992” substitute “the Companies Acts 1931 to 2004”.
- (vii) For Standing Order 10.6 substitute -
 “10.6 Every Bill which is to be submitted for Royal Assent shall be signed by a quorum of each branch, or be signed in accordance with section 10 of the Constitution Act 1961.”
- (viii) In Standing Order 10.9, for the words “Standing Order 2.4(4)” substitute “Standing Order 2.4A(4)”.
- (ix) That the practice in the Tynwald Office of not releasing Tynwald papers to the media until 2.30 pm on the Thursday in the week in which papers are made available to Members should cease; that the papers should be made available for collection by Members from 5.00 pm on the Monday two weeks before the sitting, to the media by mid-day on the Tuesday of that week, and to the public thereafter.

11. Standing Committee on Constitutional Matters -

The Chairman of the Standing Committee on Constitutional Matters (Mr Speaker) to move -

That the First Report of the Standing Committee on Constitutional Matters for the Session 2004-05 be received and the following recommendations approved -

- (i) That the Department for Home Affairs should bring forward legislation at an early date to amend the Police Act 1993 to place the Chief Constable’s oath on a statutory footing.
- (ii) That the appointment of the Attorney General should now become a matter for the Council of Ministers in the Isle of Man, and that the Council of Ministers should report to Tynwald by June 2005 on the progress of discussions with the Department of Constitutional Affairs in the United Kingdom.

- (iii) That when an international agreement is to be included on the Council of Ministers' agenda, it should be circulated to Members of Tynwald for information.
- (iv) That the Chief Minister should report to the Court on the outcome of the Government's review of the Lt-Governor's powers by April 2005.

12. Submarine Cables Act 2003 -

The Minister for Transport to move -

That the Submarine Cables (Application for Authorisation) Regulations 2004 be approved. [SD No 802/04]

13. Submarine Cables Act 2003 -

The Minister for Transport to move -

That the Submarine Cables (Authorised Persons) Regulations 2004 be approved. [SD No 803/04]

14. Submarine Cables Act 2003 -

The Minister for Transport to move -

That the Submarine Cables (Safety) Regulations 2004 be approved. [SD No 804/04]

15. Submarine Cables Act 2003 -

The Minister for Transport to move -

That the Submarine Cables (Fees) Regulations 2004 be approved. [SD No 805/04]

16. Superannuation Act 1984 -

The Chairman of the Civil Service Commission to move -

That the Superannuation Act 1984 (Amendment) Order 2004 be approved. [SD No 782/04]

17. Sea-Fisheries Act 1971 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Sea-Fisheries (Licensing, Etc.) Bye-laws 2004 be approved. [SD No 784/04]

18. Sea-Fisheries Act 1971 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Sea-Fisheries (Bass) Bye-laws 2004 be approved. [*SD No 785/04*]

19. Sheep Premium Scheme 2004 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Sheep Premium Scheme 2004 be approved. [*GC No 40/04*]

20. Tourist Act 1975 -

The Minister for the Department of Tourism and Leisure to move -

That the Tourist (General) (Amendment) Regulations 2004 be approved. [*SD No 821/04*]

21. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Goods Etc (Control) (Application) (Amendment No.2) Order 2004 be approved. [*SD No 765/04*]

22. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Libya Embargo) Order 2004 (Application) Order 2004 be approved. [*SD NO 810/04*]

23. Witnesses' Allowances Act 1947 -

The Minister for the Treasury to move -

That the Witnesses' Allowances Act 1947 - Witnesses Allowances Order 2005 be approved. [*SD No 749/04*]

24. Licensing Act 1995 -

The Minister for Home Affairs to move -

That the Licensing Regulations (Revocations) Regulations 2004 be approved. [*SD No 806/04*]

25. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Audio Recording of Interviews) Order 2004 be approved. [SD No 774/04]

26. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Authorised Officers) Order 2004 be approved. [SD No 775/04]

27. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Examining Officers) Order 2004 be approved. [SD No 777/04]

28. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Carding) Order 2004 be approved. [SD No 779/04]

29. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Enforcement of External Orders) Order 2004 be approved. [SD No 780/04]

30. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Legal Representation) Order 2004 be approved. [SD No 886/04]

31. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Schedule 7 Information) Order 2004 be approved. [SD No 887/04]

32. Anti-Terrorism and Crime Act 2003 -

The Minister for Home Affairs to move -

That the Anti-Terrorism (Exceptions to Dangerous Substances) Regulations 2004 be approved. [SD No 888/04]

33. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2004 be approved. [SD No 837/04]

34. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 14) Order 2004 be approved. [SD No 838/04]

35. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 15) Order 2004 be approved. [SD No 839/04]

36. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Benefits Upgrading Order 2004 (Amendment) Order 2004 be approved. [SD No 840/04]

37. Social Security Contributions and Benefits Act 1992 -

The Minister for Health and Social Security to move -

That the Disability Working Allowance (General) Regulations 2004 be approved. [SD No 841/04]

38. Social Security Contributions and Benefits Act 1992 -

The Minister for Health and Social Security to move -

That the Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) (No. 3) Regulations 2004 be approved. [SD No 842/04]

39. National Health Service Act 2001 -

The Minister for Health and Social Security to move -

That the draft Health Professions (Amendment) Order 2004 be approved.
[SD No 770/04]

40. Waiting Times for Medical Consultation and Treatment -

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

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.

This motion was originally moved by Mr Quine at the May 2004 sitting; it was adjourned to July 2004, and then to December 2004.

41. Smoking and Passive Smoking -

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

That Tynwald, recognising the effects of smoking and passive smoking, requests the Council of Ministers to undertake a public consultation exercise as to the support for a Bill to ban smoking in enclosed public spaces, and report to Tynwald by July 2005.

42. Overseas Aid -

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

That Tynwald calls for there to be a significant increase in the amount donated by the Isle of Man Government to Overseas Aid, with a target to increase the amount given by stages to 0.7% of national income by the year 2013.

43. Assessment of the Isle of Man Constabulary -

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

That Tynwald approves Her Majesty's Inspectorate of Constabulary Baseline Assessment of the Isle of Man Constabulary, April 2004, laid before Tynwald in November 2004.

44. Protection of Long-term Liability to Government -

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

That Tynwald is of the opinion that -

- (i) licences or agreements by which the Government, a statutory board or any publicly owned business enables a commercially owned firm to provide services to members of the public should only be granted or made subject to a condition in such licence or agreement that the annual accounts of the commercially owned firm are laid before Tynwald;
- (ii) in the case of any lease or agreement for the occupation or use of premises by the Government, a statutory board or any publicly owned business for a period which does or may exceed five years, the amount of the rent and service charge payable thereunder and the identity of the beneficial owner of the lessor or grantor's interest in the premises should be clearly stated in the Isle of Man Government Accounts; and
- (iii) all loans contracted, or guarantees for loans given, by the Government, a statutory board or any publicly owned business should be clearly stated in the Isle of Man Government Accounts.

45. Manx Electricity Authority -

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

That the Treasury Minister discloses fully and unequivocally at this sitting of Tynwald all the details and financial arrangements of the new £120 million borrowing by the Manx Electricity Authority.