

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
17th MAY 2005
at 10.30 am

1. To lay before the Court -

Licensing Act 1995 -

- Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 1) Order 2005 [*SD No 177/05*]
- Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 2) Order 2005 [*SD No 178/05*]
- Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 3) Order 2005 [*SD No 179/05*]

European Communities (Isle of Man) Act 1973 -

- Unsolicited Communications Order 2005 [*draft*]

Pension Schemes Act 1995 -

- Pension Schemes (No. 2) Order 2005 [*SD No 219/05*]
- Pensions Act 2004 (Application) (No. 3) Order 2005 [*SD No 220/05*]
- Pensions Act 1995 (Application) (Amendment) (No. 2) Order 2005 [*SD No 221/05*]
- Pension Schemes Legislation (Application) (No. 2) Order 2005 [*SD No 222/05*]
- Welfare Reform and Pensions Act 1999 (Application) (Amendment) Order 2005 [*SD No 223/05*]
- Pension Schemes Legislation (Application) (Amendment) Order 2005 [*SD No 224/05*]

Town and Country Planning Act 1999 -

- Town and Country Planning (Development Procedure) Order 2005 [*SD No 251/05*]
- Registered Buildings Regulations 2005 [*SD No 252/05*]
- Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005 [*SD No 253/05*]
- Town and Country Planning (Registers) Regulations 2005 [*SD No 255/05*]

Public Health Act 1990 & Town and Country Planning Act 1999 -
Planning and Waste Disposal (Concurrent Proceedings) Regulations
2005 [SD No 254/05]

Isle of Man Passenger Transport Act 1982 -
Specified Speeds of Trains and Trams Over Un-Manned Level
Crossings Byelaws 2005 [SD No 199/05]

Merchant Shipping (Prevention of Air Pollution from Ships) Regulations
2005 -
Merchant Shipping (Prevention of Air Pollution from Ships)
Regulations 2005 [SD No 239/05]

Road Traffic Act 1985 -
Reciprocal Enforcement of Driving Disqualifications (United Kingdom)
Order 2005 [SD No 264/05]

Motor Vehicles (International Circulation) Act 1955 -
Motor Vehicles (International Circulation) (Amendment) Order 2005
[SD No 265/05]

Customs and Excise Acts 1986 -
Excise Duties Order 2005 [SD No 167/05]

Value Added Tax Act 1996 -
Value Added Tax (Increase of Registration Limits) Order 2005
[SD No 168/05]
Value Added Tax (Consideration for Fuel Provided for Private Use)
Order 2005 [SD No 169/05]

Customs and Excise Act 1993 -
Export of Goods Etc (Control) (Application) Order 2005 [SD No 166/05]
Pool Betting (Isle of Man) (Amendment) Order 2005 [SD No 172/05]

Insurance Intermediaries (General Business) Act 1996 -
Insurance Intermediaries (General Business) (Amendment)
Regulations 2005 [SD No 192/05]

Online Gambling Regulation Act 2001 -
Online Gambling Duty Order 2005 [SD No 174/05]

Animal Health Act 1996 -
Bluetongue Order 2005 [SD No 248/05]
Animal Health (Slaughter and Compensation) (Amendment) Order
2005 [SD No 249/05]

Wild Animals (Restriction on Importation Etc) Act 1980 -
Wild Animals (Film Industry) Order 2005 [SD No 250/05]

Weights and Measures Act -
Weights and Measures (Foods) Order 2005 [SD No 98/05]

Price Marking Act 1976 -
Price Marking Order 2005 [SD No 97/05]

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

Paper Laid by order of His Excellency the Lieutenant Governor -
Statement of Changes to Immigration Rules [*SD No 62/05*]

Value Added Tax Act 1996 -
Valued Added Tax (Amendment) Regulations 2005 [*SD No 170/05*]
Value Added Tax (Reduced Rate) Order 2005 [*SD No 171/05*]

Insurance Act 1986 -
Redomiciliation of Insurers (Designated Countries) Regulations 2005
[*SD No 191/05*]
Insurance (Protected Cell Companies) (Amendment) Regulations 2005
[*SD No 267/05*]

Currency Act 1992 -
Currency (2005 Tourist Trophy Crowns) Order 2005 [*SD No 245/05*]
Currency (400th Anniversary of the Gunpowder Plot Crowns) Order
2005 [*SD No 246/05*]
Currency (Famous Fairy Tales Crowns) Order 2005 [*SD No 247/05*]

Employment Act 1991 -
Appointment of Members of the Employment Tribunal [*SD No 266/05*]

European Community -
EC Secondary Legislation April 2005 [*GC No 13/05*]

Appointed Day Orders -
Insurance (Amendment) Act 2004 (Appointed Day) (No. 3) Order 2005
[*SD No 161/05*]
Town and Country Planning Act 1999 (Appointed Day) (No. 2) Order
2005 [*SD No 256/05*]

Reports -
Report of the Commissioner pursuant to section 9 (6) of the
Interception of Communications Act 1988 (as amended) for the year
ended 31st December 2004
Annual Report of the Gaelic Broadcasting Commission year ended
31st March 2004

2. Questions -

See Question Paper.

3. GP Out of Hours Services -

Statement by the Minister of Health and Social Security.

4. Avian Flu -

The Minister for Health and Social Security to move -

That Tynwald authorises the Treasury to apply from the General Revenue during the year ending 31 March 2006, a sum not exceeding £228,000 being the additional amount required for the purpose of purchasing antiviral drugs in preparation for a possible flu epidemic.

5. Supplementary Capital Authorities -

The Treasury Minister to move -

That Tynwald -

- (1) Authorises the Treasury to expend in respect of the year ended 31 March 2005 from the Capital Transactions Account sums not exceeding £4,448,317 in payment of the items set out in column 6 of the Schedule hereto;
- (2) Approves expenditure not exceeding £1,573,744 incurred in respect of the items set out in column 7 of the Schedule hereto.

SCHEDULE - SUPPLEMENTARY CAPITAL AUTHORITIES FOR 2004/05

1 Department	2 Item	3 Project	4 Vote 2004/05 £	5 Actual 2004/05 £	6 Excess Vote 2004/05 £	7 Additional Amount to be Authorised for Project £
Education	1	Ashley Hill - Extension	112,000	117,835	5,835	-
	2	Bemahague Secondary School	492,500	680,654	188,154	-
	3	St Ninian's Dining Room/Extension	20,800	22,535	1,735	-
Health & Social Security	4	Purchase of Land	-	341,058	341,058	341,058
	5	New District General Hospital	1,302,300	2,143,877	841,577	-
Home Affairs	6	Rehabilitation/Detox Unit	-	2,686	2,686	2,686
	7	Digital Trunked Radio System	507,000	923,610	416,610	-
Local Government & the Environment	8	Joint Control Room Emergency Services	120,000	705,377	585,377	-
	9	Plots for Sale, Jurby	15,000	15,314	314	-
	10	Planned Maintenance	1,030,000	1,030,053	53	-
Transport	11	Infrastructure at Jurby	300,000	585,175	285,175	-
	12	Camera Obscura Restoration	97,900	230,500	132,600	-
Transport	13	Purchase of Land	-	1,230,000	1,230,000	1,230,000
	14	Port Erin/Castletown Transmission Main	1,112,600	1,447,886	335,286	-
	15	White Hoe Pumping Station	-	26,359	26,359	-
	16	Inner Link South Quay	-	37,618	37,618	-
	17	Road Island	-	1,200	1,200	-
	18	Surface Water Castletown-Port Erin	-	16,680	16,680	-
Notes			5,110,100	9,558,417	4,448,317	1,573,744

1. Column 6 shows the Supplementary Capital Vote required to authorise the overspending of the Vote that occurred in the last Financial Year. Exceeding the Vote for the year does not necessarily imply that the total cost of the project approved by Tynwald has been exceeded. Exceeding the Vote for the year can arise simply because a project proceeds faster than originally estimated.

2. Column 7 shows overspending of the project, if any, against the total cost of the project previously approved by Tynwald.
3. Excess spending by the Department of Local Government and the Environment and the Department of Health and Social Security on the unplanned acquisition of land or property is to be financed by a transfer of £1,571,058 from the Land and Property Acquisition Reserve. That expenditure required and received the prior approval of Treasury.

6. Refurbishment of the Ballakermeen High School Medway Block -

The Minister for Education to move -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £371,600 on the third phase of the refurbishment of the Ballakermeen High School Medway Block.

[Reference: Item No 6 under the heading "Education" on page 7 of the Isle of Man Budget 2005-2006, and as detailed in the Estimate of Capital Payments 2005-2006 to 2009-2010 on page 59 of the Isle of Man Budget 2005-2006.]

7. The Licensing Act 1995 -

Notice given at the sitting of Tynwald in April 2005 by Mr Braidwood to move this Motion again at the sitting of Tynwald in May 2005 under the provisions of Standing Order 3.19.

The Minister for Home Affairs to move -

That the Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 1) Order 2005 be approved. *[SD No 177/05]*

8. The Licensing Act 1995 -

Notice given at the sitting of Tynwald in April 2005 by Mr Braidwood to move this Motion again at the sitting of Tynwald in May 2005 under the provisions of Standing Order 3.19.

The Minister for Home Affairs to move -

That the Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 2) Order 2005 be approved. *[SD No 178/05]*

9. The Licensing Act 1995 -

Notice given at the sitting of Tynwald in April 2005 by Mr Braidwood to move this Motion again at the sitting of Tynwald in May 2005 under the provisions of Standing Order 3.19.

The Minister for Home Affairs to move -

That the Liquor Licensing (Grant of Licences) (Temporary Variation) (No. 3) Order 2005 be approved. *[SD No 179/05]*

10. European Communities (Isle of Man) Act 1973 -

The Chief Minister to move -

That the Unsolicited Communications Order 2005 be approved. *[draft]*

11. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes (No. 2) Order 2005 be approved. *[SD No 219/05]*

12. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pensions Act 2004 (Application) (No. 3) Order 2005 be approved. *[SD No 220/05]*

13. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pensions Act 1995 (Application) (Amendment) (No. 2) Order 2005 be approved. *[SD No 221/05]*

14. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (No. 2) Order 2005 be approved. *[SD No 222/05]*

15. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Welfare Reform and Pensions Act 1999 (Application) (Amendment) Order 2005 be approved. *[SD No 223/05]*

16. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (Amendment) Order 2005 be approved. *[SD No 224/05]*

17. Town and Country Planning Act 1999 -

The Minister for Local Government and the Environment to move -

That the Town and Country Planning (Development Procedure) Order 2005 be approved. *[SD No 251/05]*

18. Town and Country Planning Act 1999 -

The Minister for Local Government and the Environment to move -

That the Registered Buildings Regulations 2005 be approved. *[SD No 252/05]*

19. Town and Country Planning Act 1999 -

The Minister for Local Government and the Environment to move -

That the Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005 be approved. *[SD No 253/05]*

**20. Public Health Act 1990
Town and Country Planning Act 1999 -**

The Minister for Local Government and the Environment to move -

That the Planning and Waste Disposal (Concurrent Proceedings) Regulations 2005 be approved. *[SD No 254/05]*

21. Town and Country Planning Act 1999 -

The Minister for Local Government and the Environment to move -

That the Town and Country Planning (Registers) Regulations 2005 be approved. *[SD No 255/05]*

22. Isle of Man Passenger Transport Act 1982 -

The Minister for Tourism and Leisure to move -

That the Specified Speeds of Trains and Trams Over Un-Manned Level Crossings Byelaws 2005 be approved. *[SD No 199/05]*

23. Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2005 -

The Minister for Trade and Industry to move -

That the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2005 be approved. *[SD No 239/05]*

24. Road Traffic Act 1985 -

The Minister for Transport to move -

That the Reciprocal Enforcement of Driving Disqualifications (United Kingdom) Order 2005 be approved. *[SD No 264/05]*

25. Motor Vehicles (International Circulation) Act 1955 -

The Minister for Transport to move -

That the Motor Vehicles (International Circulation) (Amendment) Order 2005 be approved. *[SD No 265/05]*

26. Customs and Excise Act 1993 -

The Treasury Minister to move -

That the Export of Goods Etc (Control) (Application) Order 2005 be approved. *[SD No 166/05]*

27. Customs and Excise Acts 1986 -

The Treasury Minister to move -

That the Excise Duties Order 2005 be approved. *[SD No 167/05]*

28. Value Added Tax Act 1996 -

The Treasury Minister to move -

That the Value Added Tax (Increase of Registration Limits) Order 2005 be approved. *[SD No 168/05]*

29. Value Added Tax Act 1996 -

The Treasury Minister to move -

That the Value Added Tax (Consideration for Fuel Provided for Private Use) Order 2005 be approved. *[SD No 169/05]*

30. Customs and Excise Act 1993 -

The Treasury Minister to move -

That the Pool Betting (Isle of Man) (Amendment) Order 2005 be approved.
[SD No 172/05]

31. Insurance Intermediaries (General Business) Act 1996 -

The Treasury Minister to move -

That the Insurance Intermediaries (General Business) (Amendment) Regulations 2005 be approved. [SD No 192/05]

32. Online Gambling Regulation Act 2001 -

The Treasury Minister to move -

That the Online Gambling Duty Order 2005 be approved. [SD No 174/05]

33. Animal Health Act 1996 -

The Minister for Agriculture Fisheries and Forestry to move -

That the Bluetongue Order 2005 be approved. [SD No 248/05]

34. Animal Health Act 1996 -

The Minister for Agriculture Fisheries and Forestry to move -

That the Animal Health (Slaughter and Compensation) (Amendment) Order 2005 be approved. [SD No 249/05]

35. Wild Animals (Restriction on Importation Etc) Act 1980 -

The Minister for Agriculture Fisheries and Forestry to move -

That the Wild Animals (Film Industry) Order 2005 be approved.
[SD No 250/05]

36. Weights and Measures Act -

The Chairman of the Office of Fair Trading to move -

That the Weights and Measures (Foods) Order 2005 be approved.
[SD No 98/05]

37. Price Marking Act 1976 -

The Chairman of the Office of Fair Trading to move -

That the Price Marking Order 2005 be approved. *[SD No 97/05]*

38. Manx Electricity Authority -

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

That Tynwald has no confidence in the Directors of the Manx Electricity Authority.

39. Standing Orders of Tynwald -

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

That this Honourable Court reaffirms its support for the Standing Orders of Tynwald, in particular sections 3.3 to 3.6 inclusive.

40. Queen's Pier, Ramsey -

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

That this Honourable Court, being concerned at the derelict state of the Queen's Pier in Ramsey and viewing with concern the continuing decay of the structure, is of the opinion that a review of the implications for its future is long overdue and 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 for the following purposes:

- (i) to update the last report on the Pier;
- (ii) to seek professional advice upon a possible phased refurbishment, based on a realistic specification and programme of work, using local resources and extending over several financial years;
- (iii) to recommend who would be responsible for the repair, re-commissioning and operation of the Pier; and
- (iv) to report to the October 2005 sitting of Tynwald.

41. Manx Electricity Authority Public Inquiry -

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

That this Honourable Court has no confidence in the Government's conduct of matters in relation to the affairs of the Manx Electricity Authority and now resolves -

- (i) that a Commission of Inquiry be appointed by His Excellency the Lieutenant Governor pursuant to section 1 of the Inquiries (Evidence) Act 2003 to establish the true and correct position with regard to the Authority's affairs and the responsibility of the Government, in particular the Treasury and the Department of Trade and Industry, in regard to them; and
- (ii) further resolves that the powers conferred by the Inquiries (Evidence) Act 2003 shall be exercisable by such Commission of Inquiry.