

# TYNWALD

## Tinvaal



# ORDER PAPER

## Claare Obbyr

**DOUGLAS**  
**TUESDAY 21<sup>st</sup> JUNE 2005**  
**at 10.30 am**

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

European Communities (Isle of Man) Act 1973 -

European Communities (Côte d'Ivoire Sanctions)(Freezing of Funds, etc)(Application) Order 2005 [SD No 364/05]

Rehabilitation of Offenders Act 2001 -

Rehabilitation of Offenders Act 2001 (Exceptions)(Amendment) Order 2005 [SD 366/05]

Highways Act 1986 -

Highway Closure (Birch Grove, Douglas) Order 2005 [SD 285/05]

Highway Closure (Cedar Grove, Douglas) Order 2005 [SD 286/05]

Highway Closure (Elm Avenue, Douglas) Order 2005 [SD 287/05]

Highway Closure (Laburnum Road, Douglas) Order 2005 [SD 288/05]

Highway Closure (Oak Avenue, Douglas) Order 2005 [SD 289/05]

Airports and Civil Aviation Act 1987 -

Isle of Man Airports Byelaws 2005 [SD 401/05]

Licensing and Registration of Vehicles Act 1985 -

Licensing and Registration of Vehicles (Amendment) Regulations 2005 [SD 402/05]

Road Traffic Act 1985 -

Road Vehicles (Maintenance and Use)(Amendment) Regulations 2005 [SD 404/05]

Hydrocarbon Oil Duties Act 1986 -

Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2005 [SD 173/05]

Customs and Excise Act 1993 -  
Export Control (Iraq and Ivory Coast) Order 2005 (Application) (No. 2)  
Order 2005 [SD 225/05]

Customs and Excise Act 1993 -  
Value Added Tax Act 1996 -  
Customs and Excise (Revenue and Customs)(Amendment) Order 2005  
[SD 242/05]

Income Tax Act 1995 -  
Income Tax (Retention of Tax and Exchange of Information)  
Regulations 2005 [SD 378/05]

Fees and Duties Act 1989 -  
High Court Fees Order 2005 [SD 403/05]

British Nationality (Fees) Act 1983 -  
British Nationality (Fees) Order 2005 [SD 238/05]

Companies Act 1931 -  
Collective Investment Schemes (Prospectus)(Exemption) Regulations  
2005 [SD 290/05]  
Companies (Fees and Duties) Order 2005 [SD 211/05]

Investment Business Acts 1991 to 1993 -  
Investment Business (Exemption)(Fund Managers) Regulations 2005  
[SD 338/05]

Financial Supervision Commission - Extra Statutory Concession - Charities  
Incorporated under the Companies Acts 1931 to 2004 -  
Financial Supervision Commission – Extra Statutory Concession-  
Charities Incorporated under the Companies Acts 1931 to 2004  
[GC 14/05]

Fees and Duties Act 1989 -  
Companies Registry (Miscellaneous Fees) Order 2005 [SD 214/05]  
Insurance Companies (Transfer of Domicile) (Fees and Duties) Order  
2005 [SD 216/05]

Companies Act 1931 -  
Companies (Transfer of Domicile) Act 1998 -  
Companies (Transfer of Domicile) (Fees and Duties) Order 2005  
[SD 217/05]

Registration of Business Names Acts 1918 and 1954 -  
Registration of Business Names (Fees and Duties) Rules 2005  
[SD 212/05]

Limited Liability Companies Act 1996 -  
Limited Liability Companies (Fees and Duties) Order 2005 [SD 213/05]

Social Security Act 2000 -  
Social Security Legislation (Application) (No. 4) Order 2005  
[SD 292/05]

Social Security Contributions and Benefits Act 1992 -  
Social Security Administration Act 1992 -  
Social Security Benefits Upgrading Order 2005 (Amendment) Order 2005  
[SD 293/05]

National Health Service Act 2001 -  
National Health Service (Dental Charges) Regulations 2005  
[SD 279/05]

Money Lenders Act 1991 -  
Money Lenders (Exempt Person) Regulations 2005 [SD 435/05]

Reports -  
Appointment of HM Attorney General - Report by the Council of Ministers  
Department of Health and Social Security Report to Tynwald on GP Out-of-Hours Services  
Department of Local Government and the Environment Report on Further Consultation on the Structure of Local Government  
Report of the Tynwald Management Committee on Electronic Voting in Tynwald Court  
Report of the Select Committee on the Petition for Redress of Grievance of John Michael Leather

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

National Health Service Act 2001 -  
National Health Service (General Dental Services) Regulations 2005  
[SD No 278/05]

European Communities (Isle of Man) Act 1973 -  
Unsolicited Communications Regulations 2005 [SD No 393/05]  
Côte D'Ivoire Sanctions (Freezing of Funds, etc) Regulations 2005  
[SD No 365/05]

Income Tax Act 1970 -  
Income Tax (Rate of Surcharge Interest) Order 2005 [SD No 377/05]

Bank Holidays Act 1989 -  
Bank Holidays (2006) Order [SD No 367/05]

Wages and Salaries Agreements for the year ended 31<sup>st</sup> March 2005

Online Gambling and Regulation Act 2001 -  
Online Gambling (Prescribed Descriptions) Regulations 2005  
[SD No 200/05]

European Community -  
EC Secondary Legislation May 2005 [GC No 17/05]

Reports -

Annual Report of the Activities of the Industrial Relations Service for 2004

Report on Complaints made against the Office of the Clerk of Tynwald for the year ended 31<sup>st</sup> December 2004

Report by the Chief Secretary on Complaints made against Departments of Government and Statutory Boards during the year ended 31<sup>st</sup> December 2004

Report by the Government Actuary on the Operation of the Social Security Acts in the Isle of Man for the period 1<sup>st</sup> April 1997 to 31<sup>st</sup> March 2002

**2. Questions -**

See Question Paper.

**3. Public Access to Government Information -**

Statement by the Chief Minister.

**4. Government Actuary's Report on the Operation of Social Security Acts in the Isle of Man for the period 1<sup>st</sup> April 1997 to 31<sup>st</sup> March 2002 -**

Statement by the Minister for Health and Social Security.

**5. Report on Damage to the Uplands and Foreshores by Vehicles -**

Statement by the Minister for Agriculture, Fisheries and Forestry.

**6. New Prison -**

The Minister for the Department of Home Affairs to move -

The Tynwald approves the expenditure of a sum not exceeding £39,011,459 in respect of the construction of a New Prison on the preferred site at Jurby.

*[Reference: Item No. 5 under the heading "Home Affairs" on page 8 of the Isle of Man Budget 2005-06 and as detailed in the Estimates of Capital Payments 2005-06 to 2009-10 [New Schemes Prison Redevelopment Programme] on page 61 of the Isle of Man Budget 2005-06]*

**7. Refurbishment of Eight Properties as Decant/Transit Accommodation at Janet's Corner, Castletown -**

The Minister for Local Government and the Environment to move -

That Tynwald approves expenditure of a sum not exceeding £129,000 for the refurbishment of eight properties as decant/transit accommodation at Janet's Corner, Castletown.

*[Ref: Item 4 under the heading "Local Government & the Environment" on page 9 of the Isle of Man Budget 2005-06, and as detailed in the Estimates of Capital Payments 2005-06 to 2009-10 [New Schemes – Janet's Corner – Replacement/Refurbishment (182 units) on page 62 of the Isle of Man Budget 2005-06]*

**8. Report by Council of Ministers on the Appointment of HM Attorney General -**

The Chief Minister to move -

That the Report of the Council of Ministers on the Appointment of HM Attorney General be received and its recommendation approved.

**9. GP Out-of-Hours Services -**

The Minister for Health and Social Security to move -

That Tynwald notes the Report of the Department of Health and Social Security on Recommendations 4.4 and 4.7 of the Report of the Select Committee on GP Out-of-Hours Services, and approves the recommendations at paragraph 4 and the conclusions at paragraph 5 of the Department's Report.

**10. Reform of Local Government – Suspension of Standing Orders -**

*The part of the detailed motion below shown in italics was in substance the subject of a Resolution of the Court in January 2005, and a suspension of Standing Orders is necessary for it to be debated again in the same Session. This motion for suspension of Standing Orders needs 16 votes in the Keys and 6 in the Council to pass.*

The Minister for Local Government and the Environment to move -

That Standing Order 3.11(1) be suspended to permit the part of the following motion next on the Order Paper now shown in italics to be moved at this sitting -

“That Tynwald receives the Report dated May 2005 on Further Consultation on the Structure of Local Government and approves its recommendations that Tynwald;

- (1) affirms its support for the provision of local community services through a democratically accountable system of local government;

- (2) supports the fair distribution of the rate burden for the provision of local authority services;
- (3) supports the fair distribution of non-residential rate income for the provision of local authority services;
- (4) recognises that, in the provision of local authority services, there is a need for greater consistency, higher standards and better “value for money”;
- (5) endorses the principle that the two key public services of waste collection and housing will be delivered more effectively if provided on a regional basis; and
- (6) *supports the inclusion, in a new Local Government Bill, of measures to restructure local government by creating four new Area Authorities outside the Borough of Douglas, thus establishing five regional authorities which would become the principal providers of a range of public services, whilst retaining the existing local authorities for community representation.*

#### **11. Report on Further Consultation on the Structure of Local Government -**

The Minister for Local Government and the Environment to move -

That Tynwald receives the Report dated May 2005 on Further Consultation on the Structure of Local Government and approves its recommendations that Tynwald;

- (1) affirms its support for the provision of local community services through a democratically accountable system of local government;
- (2) supports the fair distribution of the rate burden for the provision of local authority services;
- (3) supports the fair distribution of non-residential rate income for the provision of local authority services;
- (4) recognises that, in the provision of local authority services, there is a need for greater consistency, higher standards and better “value for money”;
- (5) endorses the principle that the two key public services of waste collection and housing will be delivered more effectively if provided on a regional basis; and
- (6) supports the inclusion, in a new Local Government Bill, of measures to restructure local government by creating four new Area Authorities outside the Borough of Douglas, thus establishing five regional authorities which would become the principal providers of a range of public services, whilst retaining the existing local authorities for community representation.

**12. Report of the Tynwald Management Committee on Electronic Voting in Tynwald Court -**

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

That the Report of the Tynwald Management Committee on Electronic Voting in Tynwald Court be received and its recommendation approved.

**13. Select Committee for the Redress of Grievance of John Michael Leather -**

The Chairman of the Select Committee (Mr Cannan) to move -

That the Report of the Select Committee for the Redress of Grievance of John Michael Leather be received and its recommendations approved.

**14. European Communities (Isle of Man) Act 1973 -**

The Chief Minister to move -

That the European Communities (Côte d'Ivoire Sanctions) (Freezing of Funds, etc) (Application) Order 2005 be approved. *[SD No 364/05]*

**15. Rehabilitation of Offenders Act 2001 -**

The Minister for Home Affairs to move -

That the Rehabilitation of Offenders Act 2001 (Exceptions)(Amendment) Order 2005 be approved. *[SD 366/05]*

**16. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Birch Grove, Douglas) Order 2005 be approved. *[SD 285/05]*

**17. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Cedar Grove, Douglas) Order 2005 be approved. *[SD 286/05]*

**18. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Elm Avenue, Douglas) Order 2005 be approved.  
[SD 287/05]

**19. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Laburnum Road, Douglas) Order 2005 be approved. [SD 288/05]

**20. Highways Act 1986 -**

The Minister for Transport to move -

That the Highway Closure (Oak Avenue, Douglas) Order 2005 be approved.  
[SD 289/05]

**21. Airports and Civil Aviation Act 1987 -**

The Minister for Transport to move -

That the Isle of Man Airports Byelaws 2005 be approved. [SD 401/05]

**22. Licensing and Registration of Vehicles Act 1985 -**

The Minister for Transport to move -

That the Licensing and Registration of Vehicles (Amendment) Regulations 2005 be approved. [SD 402/05]

**23. Road Traffic Act 1985 -**

The Minister for Transport to move -

That the Road Vehicles (Maintenance and Use)(Amendment) Regulations 2005 be approved. [SD 404/05]

**24. Hydrocarbon Oil Duties Act 1986 -**

The Minister for the Treasury to move -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2005 be approved. [SD 173/05]

**25. Customs and Excise Act 1993 -**

The Minister for the Treasury to move -

That the Export Control (Iraq and Ivory Coast) Order 2005 (Application) (No. 2) Order 2005 be approved. [SD 225/05]

**26. Customs and Excise Act 1993 -  
Value Added Tax Act 1996 -**

The Minister for the Treasury to move -

That the Customs and Excise (Revenue and Customs)(Amendment) Order 2005 be approved. [SD 242/05]

**27. Income Tax Act 1995 -**

The Minister for the Treasury to move -

That the Income Tax (Retention of Tax and Exchange of Information) Regulations 2005 be approved. [SD 378/05]

**28. Fees and Duties Act 1989 -**

The Minister for the Treasury to move -

That the High Court Fees Order 2005 be approved. [SD 403/05]

**29. British Nationality (Fees) Act 1983 -**

The Minister for the Treasury to move -

That the British Nationality (Fees) Order 2005 be approved. [SD 238/05]

**30. Companies Act 1931 -**

The Minister for the Treasury to move -

That the Collective Investment Schemes (Prospectus)(Exemption) Regulations 2005 be approved. [SD 290/05]

**31. Investment Business Acts 1991 to 1993 -**

The Minister for the Treasury to move -

That the Investment Business (Exemption)(Fund Managers) Regulations 2005 be approved. [SD 338/05]

**32. Financial Supervision Commission - Extra Statutory Concession - Charities Incorporated under the Companies Acts 1931 to 2004 -**

The Minister for the Treasury to move -

That the Financial Supervision Commission - Extra Statutory Concession - Charities Incorporated under the Companies Acts 1931 to 2004 be approved. [GC 14/05]

**33. Fees and Duties Act 1989 -**

The Minister for the Treasury to move -

That the Companies Registry (Miscellaneous Fees) Order 2005 be approved. [SD 214/05]

**34. Fees and Duties Act 1989 -**

The Minister for the Treasury to move -

That the Insurance Companies (Transfer of Domicile) (Fees and Duties) Order 2005 be approved. [SD 216/05]

**35. Companies Act 1931 -  
Companies (Transfer of Domicile) Act 1998 -**

The Minister for the Treasury to move -

That the Companies (Transfer of Domicile) (Fees and Duties) Order be approved. [SD 217/05]

**36. Companies Act 1931 -**

The Minister for the Treasury to move -

That the Companies (Fees and Duties) Order 2005 be approved. [SD 211/05]

**37. Registration of Business Names Acts 1918 and 1954 -**

The Minister for the Treasury to move -

That the Registration of Business Names (Fees and Duties) Rules 2005 be approved. [SD 212/05]

**38. Limited Liability Companies Act 1996 -**

The Minister for the Treasury to move -

That the Limited Liability Companies (Fees and Duties) Order 2005 be approved. *[SD 213/05]*

**39. Social Security Act 2000 -**

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 4) Order 2005 be approved. *[SD 292/05]*

**40. Social Security Contributions and Benefits Act 1992 -  
Social Security Administration Act 1992 -**

The Minister for Health and Social Security to move -

That the Social Security Benefits Up-rating Order 2005 (Amendment) Order 2005 be approved. *[SD 293/05]*

**41. National Health Service Act 2001 -**

The Minister for Health and Social Security to move -

That the National Health Service (Dental Charges) Regulations 2005 be approved. *[SD 279/05]*

**42. Money Lenders Act 1991 -**

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

That the Moneylenders (Exempt Person) Regulations 2005 be approved. *[SD 435/05]*

**43. Global Poverty -**

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

That Tynwald endorses the aims of the 'Make Poverty History' campaign in its endeavour to end global poverty and specifically calls upon the G8 States -

- (i) to ensure that the unpayable debts of the world's poorest countries are cancelled in full;
- (ii) to end export subsidies which damage the livelihoods of poor communities around the world; and
- (iii) to allow the Governments of poor countries the freedom to protect and support their own farmers and traders.

**44. Petition for Redress of Grievance of Dante and Joan Spadoni -**

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

That a Select Committee of three members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to investigate the claim of maladministration in the Petition for Redress of Grievance of Dante and Joan Spadoni presented at St John's on 5<sup>th</sup> July 2004 and to report with recommendations.

**45. Petition for Redress of Grievance of Anne Elizabeth Saria Jill Pilling -**

The Hon Member of the Council, Mr Lowey, to move -

That a Select Committee of three members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to consider and report on the Petition for Redress of Grievance of Anne Elizabeth Saria Jill Pilling presented at St John's on 5<sup>th</sup> July 2004.

**46. Civil Service Commission -**

The Hon Member for Ayre (Mr Teare) to move -

That this Court resolves that the Chairman of the Civil Service Commission institutes as a matter of urgency an organisation and methods study into the operation of every Department to establish whether there are any positions which could be dispensed with, and that human resources are being used to maximum benefit.

**47. Cheshire Constabulary -**

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

That Tynwald:

- (1) summons to the Bar as witnesses to assist the Court in regard to the matters raised in part (2) of this motion, the Chief Secretary Mrs Mary Williams, the Chief Executive of the Department of Home Affairs Mr William Greenhow and Detective Superintendent P J Charlton of the Cheshire Constabulary, and
- (2) calls upon the Chief Minister to give a full and unequivocal explanation of events that caused papers/documents in his safe keeping to be handed to the Cheshire Constabulary.

**48. Kyoto Agreement -**

The Hon Member for Peel (Mrs Hannan) to move -

That Tynwald is of the opinion that by 2010 all Departments of Government should have reduced their Carbon emissions by 20% of the 1990 levels and report to Tynwald by January 2006 on how they intend to achieve this.

**49. 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.