

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
TUESDAY 25TH APRIL 2006
at 10.30 am

1. To lay before the Court -

Diplomatic and Analogous Immunities and Privileges Act 1957 -
European Court of Human Rights (Immunities and Privileges)
(Application) Order 2006 [*SD No 210/06*]

Nursing and Residential Homes Act 1988 -
Nursing and Residential Homes [Amendment] [Fees] Regulations 2006
[*SD No 841/05*]

Opticians Act 1996 -
Opticians Act 1996 (Amendment) Order 2005 [*SD No 902/05*]

Social Security Contributions and Benefits Act 1992 -
Income Support and Jobseeker's Allowance (Exceptional Needs Grants
and Budgeting Loans) (Amendment) Regulations 2006 [*SD No 145/06*]

Social Security Act 2000 -
Social Security Legislation (Application) (No. 6) Order 2006
[*SD No 146/06*]
Social Security Legislation (Application) (Amendment) Order 2006
[*SD No 153/06*]
Social Security Legislation (Application) (Amendment) (No. 2) Order
2006 [*SD No 154/06*]

Pension Schemes Act 1995 -

Pension Schemes Legislation (Application) (No. 3) Order 2006
[SD No 147/06]

Pension Schemes Legislation (Application) (No. 4) Order 2006
[SD No 148/06]

Pension Schemes Legislation (Application) (No. 5) Order 2006
[SD No 149/06]

Pensions Act 1995 (Application) (Amendment) (No. 2) Order 2006
[SD No 150/06]

Welfare Reform and Pensions Act 1999 (Application) (Amendment)
(No. 2) Order 2006 [SD No 151/06]

Pension Schemes Legislation (Application) (Amendment) Order 2006
[SD No 152/06]

Food Act 1996 -

General Food Regulations 2006 [SD No 163/06]

Alcoholic Liquor Duties Act 1986 -

Alcoholic Liquor Duties Act 1986 (Duty Stamps) Order 2006
[SD No 74/06]

Fees and Duties Act 1989 -

Boarding, Breeding and Riding Establishments (Licence Fees) Order
2006 [SD No 107/06]

Customs and Excise Act 1993 -

Export Control (Bosnia and Herzegovina) Order 2006 (Application)
Order 2006 [SD No 111/06]

Value Added Tax (Community Instrument) (Application) Order 2006
[SD No 113/06]

Customs and Excise Act 1986 -

Excise Duties (No. 2) Order 2006 [SD No 211/06]

Income Tax Act 2003 -

Income Tax (USA) Order 2006 [SD No 169/06]

Income Tax Act 1970 -

Income Tax (Non Resident) (Excluded Income) Order 2006
[SD No 213/06]

Income Tax (Married Couples) (Elections) Regulations 2006
[SD No 216/06]

Income Tax (Married Couples) (Revocation) Regulations 2006
[SD No 217/06]

Income Tax (Distributable Profits Charge) (Calculation of Charge)
Order 2006 [SD No 219/06]

Income Tax (Distributable Profits Charge) (Credit Voucher)
Regulations 2006 [SD No 222/06]

Income Tax (Distributable Profits Charge) (Groups) Regulations 2006
[SD No 220/06]
Income Tax (Distributable Profits Charge) (Distributing Company)
Regulations 2006 [SD No 218/06]
Income Tax (Distributable Profits Charge)(Mixed Income Companies)
Regulations 2006 [SD No 221/06]
Income Tax (Rates of Income Tax) (Non-Corporate Taxpayers) Order
2006 [SD No 225/06]
Income Tax (Rates of Income Tax) (Resident Individuals) (Capping)
Order 2006 [SD No 223/06]
Income Tax (Rates of Income Tax) (Resident and Non Resident
Corporate Taxpayers) Order 2006 [SD No 224/06]
Income Tax (Capital Relief) (Tourist Business Incentive Allowance)
(Revocation) Order 2006 [SD No 226/06]

Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2006 -
Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2006
[GC No 12/06]

Reports -

Report on the Findings of an Inquiry into the Exercise of Certain
Functions by Braddan Parish Commissioners in the period
1st January 1985 to the present day [GR No 14/06]
Report of the Select Committee of Tynwald on Douglas Corporation
Policy on Villa Marina Staff [PP 19/06]
Second Report of the Standing Committee of Tynwald on
Constitutional Matters for the Session 2005-06 [PP 68/06]

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

Value Added Tax Act 1996 -

Value Added Tax (Increase of Registration Limits) Order 2006
[SD No 244/06]
Value Added Tax (Special Provisions) (Amendment) Order 2006
[SD No 245/06]
Value Added Tax (Cars) (Amendment) Order 2006 [SD No 246/06]
Value Added Tax (Consideration for Fuel Provided for Private Use)
Order 2006 [SD No 247/06]
Value Added Tax (Amendment) Regulations 2006 [SD No 165/06]

Currency Act 1992 -

Currency (50p Christmas Coin 2006 - Two Turtle Doves) Order 2006
[SD No 121/06]
Currency (Decimal Coins) Order 2005 [SD No 831/05]

Census Act 1929 -

The Census (Prescribed Forms) Regulations 2006 [SD No 11/06]

Customs and Excise Management Act 1986 -
Warehousekeepers and Owners of Warehoused Goods (Amendment)
Regulations 2006 [SD No 164/06]

Alcoholic Liquor Duties Act 1986 -
Duty Stamps Regulations 2006 [SD No 75/06]

Income Tax -
Extra Statutory Concession Taxable Benefits [GC No 14/06]

Online Gambling Regulations Act 2001 -
Online Gambling (Advertising) (Overseas) Regulations 2006
[SD No 93/06]
Online Gambling (Technical Support and Disaster Recovery)
(Amendment) Regulations 2006 [SD No 94/06]
Online Gambling (Systems Verification Amendment) (No. 2)
Regulations 2006 [SD No 95/06]

Merchant Shipping Act 1985 -
The Fishing Vessel (Radio) Regulations 2006 [SD No 72/06]
Merchant Shipping (Additional Safety Measures for Bulk Carriers -
SOLAS Chapter XII) Regulations 2006 [SD No 156/06]
Merchant Shipping (Carriage of Cargoes) Regulations 2006
[SD No 276/06]

European Community -
EC Secondary Legislation - March 2006 [GC No 16/06]

European Communities (Isle of Man) Act 1973 -
Food Act 1996 (Amendment) Regulations 2006 [SD No 194/06]

Appointed Day Order -
Income Tax (Amendment) Act 2006 (Appointed Day) Order 2006
[SD No 212/06]

Reports and Other Papers -
Report on Complaints made against the Office of the Clerk of Tynwald
for the year ended 31st December 2005 [PP 52/06]
Peel East Quay Design Guide [GC No 13/06]

2. Questions -

See Question Paper.

3. Manx Electricity Authority Sub Sea Fibre Optic Cable -

Statement by the Chief Minister.

4. All-Island Strategic Plan -

Statement by the Minister of Local Government and the Environment.

5. An Energy Policy -

Statement by the Minister for Local Government and the Environment.

6. Petition for the Redress of Grievance of Moorhouse Farm Limited -

Statement by the Minister for Home Affairs.

7. 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 that the personal allowance in respect of married couples who are jointly and severally liable under section (1) of section 35 of that Act shall be £17,340.

8. Housing Planned Maintenance -

The Minister for Local Government and the Environment to move -

That Tynwald approves the expenditure of a sum not exceeding £1,100,000 for the continuation of the planned maintenance programme to the Department's Public Sector Housing stock.

[Reference: Item No 15 under the heading Local Government and the Environment) on page 9 of the Isle of Man Budget 2006/07, and as detailed in the Estimates of Capital Payments 2006/07 to 2010/11 under the heading "Schemes Funded from the Housing Reserve". Committed Schemes: planned maintenance on page 64 of the Isle of Man Budget 2006/07]

9. Remedial Works to Courts and Registry

The Minister for Local Government and the Environment to move –

That Tynwald approves the expenditure of a sum not exceeding £299,800 for the payment of outstanding contractual commitments and improvements to the entrance doors and glazing to the Courthouse/General Registries.

[Ref: Item No 14 under the heading "Local Government and the Environment" on page 9 of the Isle of Man Budget 2006/07, and as detailed in the Estimates of Capital Payments 2006/07 to 2010/11 under the heading Courthouse/General Registry, Committed Schemes: on page 64 of the Isle of Man Budget 2006/07]

10. Jurby Housing Refurbishment Phase III -

The Minister for Local Government and the Environment to move -

That Tynwald approves the expenditure of a sum not exceeding £964,000 for works to the external fabric of 62 properties at The Bretney, Jurby

[Reference: Item No 7 under the heading "Local Government and the Environment" on page 9 of the Isle of Man Budget 2006-07 and as detailed in the Estimates of Capital Payments 2006-07 to 2010-11 under the heading "Committed Schemes: Bretney Refurbishment – Construction" on page 64 of the Isle of Man Budget 2006-07]

11. Queen Elizabeth II High School Humanities/Nurture Unit Scheme -

The Minister for Education to move -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £2,461,100 on the construction of the proposed Queen Elizabeth II High School Humanities/Nurture Unit Scheme.

[Reference Item No 25 under the heading "Education" on page 7 of the Isle of Man 2006-07 Budget, and as detailed in the Estimate of Capital Payments 2006-07 to 2010-11 on page 61 of the Isle of Man 2006-07 Budget]

12. Onchan Nursery and Traffic Management Scheme -

The Minister for Education to move -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £382,197 on the construction of the proposed Onchan Nursery and Traffic Management Scheme.

[Reference Item No 23 under the heading "Education" on page 7 of the Isle of Man 2006-07 Budget, and as detailed in the Estimate of Capital Payments 2006-07 to 2010-11 on page 61 of the Isle of Man 2006-07 Budget]

13. Inquiry into the Exercise of Certain Functions by Braddan Parish Commissioners -

The Minister for Local Government and the Environment to move -

That Tynwald notes the Chairman's Report on the Findings of an Inquiry into the Exercise of Certain Functions by Braddan Parish Commissioners.

14. Select Committee of Tynwald on Douglas Corporation Policy on Villa Marina Staff -

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

That the Report of the Select Committee of Tynwald on Douglas Corporation Policy on Villa Marina Staff be received and that the following recommendations be approved -

- (i) Tynwald reprimands Douglas Corporation for not paying Mr Blackburn and Mr Quigley for the additional hours owing to them at the time their employment transferred to the Department of Tourism and Leisure and for continued resistance to making such payments;
- (ii) Tynwald reprimands the Town Clerk of Douglas Corporation for his failure to manage the disputes effectively;
- (iii) Tynwald calls upon Douglas Corporation to give serious consideration to the future role of the present Town Clerk;
- (iv) Tynwald reprimands Douglas Corporation for its initial failure to co-operate with your Committee in seeking to undertake a taxation review for the services provided by the advocates to the Corporation in these cases;
- (v) Tynwald requests the Department of Local Government and the Environment to investigate introducing appropriate legislation to require that all local authorities go out to tender for the provision of legal services, and that local authorities employ legal services on the basis of an annual fixed rate fee rather than an hourly charge, and report to Tynwald thereon not later than October 2006;
- (vi) Tynwald requests that the Department of Local Government and the Environment investigate the feasibility of introducing appropriate legislation to require that future Town Clerks employed by Douglas Corporation are legally qualified members of the Manx Bar;

- (vii) Tynwald requests that the Attorney General's Chambers consider whether or not section 21 (6) of the Local Government Act 1985 would enable the Corporation (or any other local authority), in such circumstances, to make cash payments to staff for the time owing to them; and if not to consider and advise on how section 21 (6) of the Local Government Act could be amended to provide for such circumstances in the future, and report to Tynwald thereon not later than October 2006; and
- (viii) Tynwald requests the Chief Minister to investigate incorporating into the functions of the Office of Ombudsman the power to investigate disputes between members of the public (including local authority staff) and local authorities, and report to Tynwald thereon not later than October 2006.

15. Standing Committee of Tynwald on Constitutional Matters -

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

That the Second Report of the Standing Committee of Tynwald on Constitutional Matters for the Session 2005-06 be received and that the following recommendation be approved -

That the decision of Tynwald in October 2005 regarding the title of Her Majesty's representative in the Isle of Man, and the further decision of Tynwald in January 2006 that the Standing Committee on Constitutional Matters conduct a meaningful public consultation on the matter, be rescinded.

16. Care Homes -

The Minister for Health and Social Security to move -

That Tynwald resolves -

1. to support the Department of Health and Social Security in its policy intention to provide assistance to those in nursing homes with the costs of nursing care, in accordance with the principle of the *Coughlan* judgement in the United Kingdom; and
2. that having regard to the public concern in respect of a possible significant increase in nursing home fees in the near future, the Department takes account of the outcome of the ongoing OFT investigation into Isle of Man nursing homes charges when assessing the levels of financial support which it would be appropriate to provide to residents of such homes.

17. Tribunals Act 2006 -

The Chief Minister to move -

That Tynwald approves the appointment by the Council of Ministers of the undermentioned persons to the Appointments Commission for the respective periods expressed in relation thereto -

- (a) Robert Cannell for a period expiring on the 1st January 2007;
- (b) John Wilson for a period expiring on the 1st January 2008;
- (c) Philip Bannan for a period expiring on the 1st January 2009;
- (d) Kit Pemberton for a period expiring on the 1st January 2010; and
- (e) Hamish Killip for a period expiring on the 1st January 2011.

18. Diplomatic and Analogous Immunities and Privileges Act 1957 -

The Chief Minister to move -

That the European Court of Human Rights (Immunities and Privileges) (Application) Order 2006 be approved. *[SD No 210/06]*

19. Nursing and Residential Homes Act 1988 -

The Minister for Health and Social Security to move -

That the Nursing and Residential Homes [Amendment] [Fees] Regulations 2006 be approved. *[SD No 841/05]*

20. Opticians Act 1996 -

The Minister for Health and Social Security to move -

That the Opticians Act 1996 (Amendment) Order 2005 be approved. *[SD No 902/05]*

21. Social Security Contributions and Benefits Act 1992 -

The Minister for Health and Social Security to move -

That the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) (Amendment) Regulations 2006 be approved. *[SD No 145/06]*

22. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (No. 6) Order 2006 be approved. *[SD No 146/06]*

23. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (No. 3) Order 2006 be approved. *[SD No 147/06]*

24. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (No. 4) Order 2006 be approved. *[SD No 148/06]*

25. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (No. 5) Order 2006 be approved. *[SD No 149/06]*

26. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pensions Act 1995 (Application) (Amendment) (No. 2) Order 2006 be approved. *[SD No 150/06]*

27. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Welfare Reform and Pensions Act 1999 (Application) (Amendment) (No. 2) Order 2006 be approved. *[SD No 151/06]*

28. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (Amendment) Order 2006 be approved. *[SD No 152/06]*

29. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) Order 2006 be approved. *[SD No 153/06]*

30. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Application) (Amendment) (No. 2) Order 2006 be approved. *[SD No 154/06]*

31. Food Act 1996 -

The Minister for Local Government and the Environment to move -

That the General Food Regulations 2006 be approved. *[SD No 163/06]*

32. Alcoholic Liquor Duties Act 1986 -

The Minister for the Treasury to move -

That the Alcoholic Liquor Duties Act 1986 (Duty Stamps) Order 2006 be approved. *[SD No 74/06]*

33. Fees and Duties Act 1989 -

The Minister for the Treasury to move -

That the Boarding, Breeding and Riding Establishments (Licence Fees) Order 2006 be approved. *[SD No 107/06]*

34. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Bosnia and Herzegovina) Order 2006 (Application) Order 2006 be approved. *[SD No 111/06]*

35. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Value Added Tax (Community Instrument) (Application) Order 2006 be approved. *[SD No 113/06]*

36. Income Tax Act 2003 -

The Minister for the Treasury to move -

That the Income Tax (USA) Order 2006 be approved. *[SD No 169/06]*

37. Customs and Excise Acts 1986 -

The Minister for the Treasury to move -

That the Excise Duties (No. 2) Order 2006 be approved. *[SD No 211/06]*

38. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Non Resident) (Excluded Income) Order 2006 be approved. *[SD No 213/06]*

39. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Married Couples) (Elections) Regulations 2006 be approved. *[SD No 216/06]*

40. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Married Couples) (Revocation) Regulations 2006 be approved. *[SD No 217/06]*

41. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Distributable Profits Charge) (Calculation of Charge) Order 2006 be approved. *[SD No 219/06]*

42. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Distributable Profits Charge) (Credit Voucher) Regulations 2006 be approved. *[SD No 222/06]*

43. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Distributable Profits Charge) (Groups) Regulations 2006 be approved. *[SD No 220/06]*

44. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Distributable Profits Charge) (Distributing Company) Regulations 2006 be approved. *[SD No 218/06]*

45. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Distributable Profits Charge)(Mixed Income Companies) Regulations 2006 be approved. *[SD No 221/06]*

46. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Rates of Income Tax) (Non-Corporate Taxpayers) Order 2006 be approved. *[SD No 225/06]*

47. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Rates of Income Tax) (Resident Individuals) (Capping) Order 2006 be approved. *[SD No 223/06]*

48. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Rates of Income Tax) (Resident and Non Resident Corporate Taxpayers) Order 2006 be approved. *[SD No 224/06]*

49. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Capital Relief) (Tourist Business Incentive Allowance) (Revocation) Order 2006 be approved. *[SD No 226/06]*

50. Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2006 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Laxey Glen Mills Limited Milling Wheat (Amendment) Scheme 2006 be approved. *[GC No 12/06]*

51. Department of Health and Social Security Child Care Portfolio -

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

That Tynwald requests the Department of Health and Social Security to undertake a survey into the cost benefit of operating its Child Care portfolio to include the direct employment of care staff instead of employing agencies on a contractual basis, and report by the July 2006 sitting.

52. Election of Members of the Legislative Council -

The Hon Member for Douglas West (Mr Delaney) to move -

That in accordance with section 1 of the Referendum Act 1979 a referendum be held on the same date as the forthcoming General Election to the House of Keys on the question whether the eight Members of the Legislative Council elected by the House of Keys should in principle be elected by universal suffrage.

53. Town and Country Planning (Permitted Development) Order 2005 -

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

That Tynwald is of the opinion that Class 1 in Part I of Schedule 3 of the Town and Country Planning (Permitted Development) Order 2005 should be deleted to enable owners or occupiers of potentially affected properties the basic right to object to the change of use of a private dwelling house to a residential care home.