

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
TUESDAY 21ST OCTOBER 2008
at 10.30 am

1. To lay before the Court -

Value Added Tax Act 1996 -

Value Added Tax (Reduced Rate) Order 2008 [*SD No 501/08*]

Value Added Tax Act 1996 (Amendment) (No. 3) Order 2008
[*SD No 639/08*]

Customs and Excise Act 1993 -

Export of Goods, Transfer of Technology and Provision of Technical Assistance Control) (Amendment) Order 2008 (Application) Order 2008 [*SD No 499/08*]

Export Control (Democratic Republic of Congo) (Amendment) (No. 2) Order 2008 (Application) Order 2008 [*SD No 677/08*]

Air Passenger Duty (Amendment) (Application) Order 2008 [*SD No 535/08*]

Trade in Goods (Categories of Controlled Goods) Order 2008 (Application) Order 2008 [*SD No 688/08*]

Customs and Excise Act (Application) Order 2008 [*SD No 638/08*]

Customs and Excise Management Act 1986 -

Customs and Excise Management Act 1986 (Amendment) Order 2008
[*SD No 637/08*]

Hydrocarbon Oil Duties Act 1986 -

Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2008
[*SD No 640/08*]

Civil Registration Act 1984 -

Marriage Act 1984 -

Registration of Births, Deaths and Marriages (Fees) Regulations 2008
[*SD No 895/08*]

- Companies Act 1931 -
 Companies (Fees and Duties) (Amendment) (No. 2) Order 2008
[SD No 560/08]
- Sea Fisheries Act 1971 -
 Sea Fisheries (Logbook) Byelaws 2006 (Amendment) Byelaws 2008
[SD No 702/08]
- Agricultural Wages Act 1952 -
 Agricultural Wages Regulations 2008 *[SD No 703/08]*
- Social Security Act 2000 -
 Social Security Act 2000 (Amendment) Order 2008 *[SD No 756/08]*
- Pension Schemes Act 1995 -
 Pension Schemes Order 2008 *[SD No 757/08]*
 Pension Schemes Legislation (Application) (No. 3) Order 2008
[SD No 763/08]
- Social Security Act 2000 -
 Social Security Contributions and Benefits Act 1992 (Application)
 (Amendment) (No. 2) Order 2008 *[SD No 758/08]*
 Social Security Administration Act 1992 (Application) (Amendment)
 (No. 3) Order 2008 *[SD No 759/08]*
 Social Security Act 1998 (Application) (Amendment) (No. 3) Order
 2008 *[SD No 760/08]*
 Social Security Legislation (Benefits) (Application) (No. 3) Order 2008
[SD No 761/08]
- Social Security Act 2000 -
 Social Security Administration Act 1992 -
 Social Security Benefits Up-rating (Amendment) Order 2008
[SD No 762/08]
- Superannuation Act 1984 -
 National Health Service Superannuation (Amendment) Scheme 2008
[SD No 784/08]
 National Health Service Superannuation (Amendment) (No. 2) Scheme
 2008 *[SD No 783/08]*
 National Health Service Pension Scheme 2008 *[SD No 782/08]*
- Reports -
 Isle of Man Government Annual Report 2008 on the Government
 Strategic Plan 2007 – 2011
 Report by the Council of Ministers on the Establishment of a Body for
 the Preservation of the Island's War Memorials *[GR No 035/08]*
 Chief Constable's Annual Report 2007/2008 *[GR No 23/08]*

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

Companies Act 2006 -

Companies (Fees, Duties and Penalties) (Amendment) Regulations 2008 *[SD No 338/08]*

Companies (Fees, Duties and Penalties) (Amendment) (No. 2) Regulations 2008 *[SD No 559/08]*

Payment of Members' Expenses Act 1989 -

Department of Transport (Allowances) (Specified Body) Order 2008 *[SD No 606/08]*

Air Navigation Order 2005 -

Air Navigation (Restriction of Flying) (Emergency Evacuation) (No. 2) Regulations 2008 *[SD No 687/08]*

Superannuation Act 1984 -

Superannuation (Clerk of Tynwald's Department) Determination (No. 1) 2008 *[SD No 668/08]*

Council of Ministers Act 1990 -

Assignment of Ministers Instrument 2008 *[GC No 38/08]*

Summary Jurisdiction Act 1989 -

Summary Jurisdiction (Live Television Link) Rules 2008 *[SD No 691/08]*

High Court Act 1991 -

Criminal Jurisdiction (Live Television Link) Rules 2008 *[SD No 707/08]*

Criminal Justice Act 1990 -

Criminal Justice (Money Laundering - Online Gambling) Code 2008 *[SD No 693/08]*

Custody Act 1995 -

Custody (Designation of Institution) (Revocation) Order 2008 *[SD No 753/08]*

Isle of Man Sports Council -

Appointment of New Members *[GC No 47]*

Isle of Man Arts Council -

Appointment of New Members *[GC No 48]*

Value Added Tax Act 1996 -

Value Added Tax (Finance) Order 2008 *[SD No 676/08]*

Value Added Tax (Correction of Errors) Regulations 2008 *[SD No 534/08]*

Hydrocarbon Oil Duties Act 1986 -

Other Fuel Substitutes (Rates of Excise Duty Etc) Order 2008 *[SD No 556/08]*

Customs and Excise Management Act 1986 -
Alcoholic Liquor Duties Act 1986 -
Beer, Cider and Perry and Wine and Made-Wine (Amendment)
Regulations 2008 [*SD No 642/08*]

Online Gambling Regulation Act 2001 -
Online Gambling Duty Regulations 2008 [*SD No 641/08*]

Currency Act 1992 -
Currency (The Terracotta Army Crowns) Order 2008 [*SD No 812/08*]
Currency (Vancouver Olympic) Order 2008 [*SD No 813/08*]
Currency (500th Anniversary of the Accession of Henry VIII Crown)
Order 2008 [*SD No 814/08*]

Insurance Act 1986 -
Redomiciliation of Insurers (Liechtenstein) Regulations 2008
[*SD No 755/08*]

European Community -
EC Secondary Legislation – June 2008 [*GC No 43/08*]
EC Secondary Legislation – July 2008 [*GC No 44/08*]
EC Secondary Legislation – August 2008 [*GC No 45/08*]
EC Secondary Legislation – September 2008 [*GC No 46/08*]

Appointed Day Orders -
Road Traffic (Amendment) Act 2006 (Appointed Day) (No.3) Order
2008 [*SD No 708/08*]
Criminal Justice, Police and Courts Act 2007 (Appointed Day) Order
2008 [*SD No 609/08*]
Corruption Act 2008 (Appointed Day) Order 2008 [*SD No 689/08*]
Gambling (Amendment) Act 2006 (Appointed Day) (No 2) Order 2008
[*SD No 604/08*]
Financial Services Act 2008 (Appointed Day) (Amendment) Order 2008
[*SD No 590/08*]
Companies, Etc. (Amendment) Act 2003 (Appointed Day) (No. 5)
Order 2008 [*SD No 725/08*]

Reports -
Twenty-third Report of the Public Lottery Trust - Report and Statement
of Accounts for the year ended 31st January 2008
Radio Manx Ltd Annual Report to Tynwald for the year ended
31st March 2008
Isle of Man Water Authority Annual Report and Accounts 2007/2008
Isle of Man Post Office Report and Accounts for the 52.5 weeks ended
30th March 2008
Council of Ministers Annual Report of the Gaelic Broadcasting
Committee year ended 31st March 2008 [*GR No 032/08*]
Annual Report on the Activities of the Manx Industrial Relations
Service for 2007 [*GR No 034/08*]
Report of the Council of Ministers into the Complaint of Mr and
Mrs Spadoni [*GR No 037/08*]

Council of Ministers Tynwald Policy Decisions Report 2008
[GR No 036/08]
Manx Electricity Authority Annual Report 2007/2008
Codes of Practice on Access to Government Information from
1st September 2007 to 31st August 2008
Isle of Man Government Accounts for the year ended 31st March 2008
[GD No 029/08]
Isle of Man National Transport Limited Report and Financial
Statements for the year ended 31st March 2008
Isle of Man Limited Report and Financial Statements for the year
ended 31st March 2008
Laxey Glen Mills Limited Financial Statements for the year ended
31st March 2008

2. Bill for Signing -

Proceeds of Crime Bill 2008.

3. Questions -

See Question Paper.

4. Chronicles of Kings of Mann and the Isles -

Statement by the Chief Minister.

5. Latest Progress on the Review of the Planning System -

Statement by the Minister for Local Government and the Environment.

6. Depositors' Compensation Scheme -

Statement by the Treasury Minister.

7. Footpaths at Langness -

Statement by the Chairman of the Delegation (Mr Cannan).

8. Supplementary Vote – Manx Service Men and Women -

The Chief Minister to move that -

Whereas in July 2008 Tynwald approved the making of one off tax free *ex gratia* payments of £8,000 to each of those residents exposed to nuclear tests in the 1950s and 1960s who are resident in the Isle of Man and in respect of whom sufficient evidence is produced to verify their claim, Tynwald is further asked to confirm that the *ex gratia* payments should only apply to persons resident in the Island as at 15th July 2008 and further Tynwald approves the Treasury to apply from General Revenue during the year ending 31st March 2009, a sum not exceeding £48,000, being the further amount required for the purpose of making *ex gratia* payments of £8,000 each to Manx veterans exposed to nuclear testing in the 1950s and 1960s, in line with the Tynwald resolution of July 2008.

9. Supplementary Vote – 2009 Winter Bonus -

The Minister for Health and Social Security to move -

That Tynwald authorises the Treasury to apply from General Revenue during the year ended 31st March 2009 a sum not exceeding £450,000 being the additional amount required by the Department of Health and Social Security to finance (a) a £150 enhancement to the rate of the 2009 Winter Bonus for certain recipients of income support and income-based jobseeker's allowance, and (b) a Winter Bonus of £150 for certain recipients of family income supplement and disability working allowance.

10. Supplementary Vote – Home Improvement and Energy Conservation Scheme 2005 -

The Minister for Local Government and the Environment to move -

That Tynwald authorises the Treasury to apply from General Revenue during the year ending 31st March 2009, a sum not exceeding £500,000 being the additional amount required by the Department of Local Government and the Environment for the purpose of meeting the unexpectedly high demand for funding under the Home Improvement and Energy Conservation Scheme 2005.

11. Adjourned Langness Motion - *from January, April and July 2008*

Motion made in January 2008 -

Whereas the Department of Transport has determined to hold an inquiry pursuant to section 117 of the Highways Act 1986:

- (a) as to the status under that Act of a certain footpath on the Langness peninsula, namely that which follows the route from the Department's car park around the coastline and passes to the seaward side of the Langness lighthouse, and in particular whether the said footpath may be presumed to have been dedicated as a highway under section 88 of the said Act
- (b) as to whether in the light of the findings of the said inquiry the Department should exercise its powers under section 39 of the said Act in respect of the said footpath

Tynwald now resolves that the powers conferred by the Inquiries (Evidence) Act 2003 shall be exercisable in relation to the said inquiry.

Mr Anderson

Amendments moved -

- (1) In the first line of the motion for "has determined" substitute "intends";

- (2) After the word “of” in line 1 of paragraph (a) insert “(i)”;
- (3) After the words “Langness lighthouse “ in paragraph (a) insert -

“(ii) a path departing from the circular footpath at the south-western side, leading to Langness Point, (iii) the road from the car park to the lighthouse perimeter wall, following the perimeter wall to the western side and joining the circular path, (iv) a path from the north gate of the lighthouse perimeter wall, following a route east along the existing walkway to the coastal path, (v) a path running north-south from the circular footpath to the herring tower, (vi) a path running north-south from the herring tower to join the existing walkway in (iv) above, (vii) a path running due east from the herring tower along the route of the existing clear path to the coastal path, (viii) two further deviations from the circular footpath to the eastern side, the first passing to the south of the industrial archaeology, and the second as a continuation east of path (iv) above.”

- (4) For the words “said footpath” where they appear in paragraphs (a) and (b), substitute “said footpaths”.

Mr Watterson

Debate adjourned to the sitting of the Court in [October], and that a delegation of three Members, [Mr Cannan, Mr Cregeen and Mr Malarkey] together with Her Majesty’s Attorney General (or such member of his chambers as he may nominate), should meet with those persons they deem appropriate in relation to the use by the public of the footpath proposed to be the subject of an Inquiry to ascertain whether the matter of the public’s access can be satisfactorily resolved without the need for a statutory Inquiry, and to make recommendations to the sitting of the Court in [October] 2008 before this debate is resumed.

Motion by the Hon Member for Douglas West (Mr Shimmin) -

That this debate be further adjourned until next December sitting or until the report of the delegation of Tynwald is laid before the Court, whichever is sooner.

12. Isle of Man Government Annual Report 2008 on the Government Strategic Plan 2007 – 2011 -

The Chief Minister to move -

That the Isle of Man Government Annual Report 2008 on the Government Strategic Plan 2007 – 2011 be received.

13. The Report on the Establishment of a Body for the Preservation of the Island’s War Memorials -

The Chief Minister to move -

That the Report by the Council of Ministers on the Establishment of a Body for the Preservation of the Island’s War Memorials be received and its recommendation approved.

14. Chief Constable's Annual Report 2007/2008 -

The Minister for Home Affairs to move –

That the Chief Constable's Report 2007/2008 be received.

15. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Reduced Rate) Order 2008 be approved
[SD No 501/08]

16. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) Order 2008 (Application) Order 2008 be approved *[SD No 499/08]*

17. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Democratic Republic of Congo) (Amendment) (No. 2) Order 2008 (Application) Order 2008 be approved *[SD No 677/08]*

18. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Air Passenger Duty (Amendment) (Application) Order 2008 be approved *[SD No 535/08]*

19. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Trade in Goods (Categories of Controlled Goods) Order 2008 (Application) Order 2008 be approved *[SD No 688/08]*

20. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Customs and Excise Act (Application) Order 2008 be approved
[SD No 638/08]

21. Customs and Excise Management Act 1986 -

The Minister for the Treasury to move -

That the Customs and Excise Management Act 1986 (Amendment) Order 2008 be approved [*SD No 637/08*]

22. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax Act 1996 (Amendment) (No. 3) Order 2008 be approved [*SD No 639/08*]

23. Hydrocarbon Oil Duties Act 1986 -

The Minister for the Treasury to move -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2008 be approved [*SD No 640/08*]

**24. Civil Registration Act 1984 -
Marriage Act 1984 -**

The Minister for the Treasury to move -

That the Registration of Births, Deaths and Marriages (Fees) Regulations 2008 be approved [*SD No 895/08*]

25. Companies Act 1931 -

The Minister for the Treasury to move -

That the Companies (Fees and Duties) (Amendment) (No. 2) Order 2008 be approved [*SD No 560/08*]

26. Sea Fisheries Act 1971 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Sea Fisheries (Logbook) Byelaws 2006 (Amendment) Byelaws 2008 be approved [*SD No 702/08*]

27. Agricultural Wages Act 1952 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Agricultural Wages Regulations 2008 be approved [*SD No 703/08*]

28. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Act 2000 (Amendment) Order 2008 be approved
[SD No 756/08]

29. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Order 2008 be approved *[SD No 757/08]*

30. 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. 2) Order 2008 be approved *[SD No 758/08]*

31. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Administration Act 1992 (Application) (Amendment)
(No. 3) Order 2008 be approved *[SD No 759/08]*

32. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Act 1998 (Application) (Amendment) (No. 3) Order
2008 be approved *[SD No 760/08]*

33. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Benefits) (Application) (No. 3) Order
2008 be approved *[SD No 761/08]*

**34. Social Security Act 2000 -
Social Security Administration Act 1992 -**

The Minister for Health and Social Security to move -

That the Social Security Benefits Up-rating (Amendment) Order 2008 be
approved *[SD No 762/08]*

35. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Legislation (Application) (No. 3) Order 2008 be approved [*SD No 763/08*]

36. Superannuation Act 1984 -

The Chairman of the Civil Service Commission to move -

That the National Health Service Superannuation (Amendment) Scheme 2008 be approved [*SD No 784/08*]

37. Superannuation Act 1984 -

The Chairman of the Civil Service Commission to move -

That the National Health Service Superannuation (Amendment) (No. 2) Scheme 2008 be approved [*SD No 783/08*]

38. Superannuation Act 1984 -

The Chairman of the Civil Service Commission to move -

That the National Health Service Pension Scheme 2008 be approved [*SD No 782/08*]

39. Announcement of Royal Assent -

Proceeds of Crime Act 2008.

[Subject to Royal Assent being notified]

40. To lay before the Court -

Proceeds of Crime Act 2008 -

Proceeds of Crime Act 2008 (Code of Practice: Cash Searches) Order 2008 [*SD No 746/08*]

Proceeds of Crime Act 2008 (Financial Threshold for Civil Recovery) Order 2008 [*SD No 747/08*]

Proceeds of Crime Act 2008 (Recovery of Cash in Summary Proceedings: Minimum Amount) Order 2008 [*SD No 748/08*]

Proceeds of Crime Act 2008 (Disclosure of Information) Order 2008 [*SD No 749/08*]

Proceeds of Crime Act 2008 (Legal Expenses in Civil Recovery Proceedings) Regulations 2008 [*SD No 750/08*]

Proceeds of Crime Act 2008 (Exemptions from Civil Recovery) Order 2008 [*SD No 751/08*]

Proceeds of Crime Act 2008 (Code of Practice: Part 4 Functions) Order 2008 [*SD No 752/08*]

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

Customs and Excise Management Act 1986 -
Customs and Excise (Cash Declaration and Disclosure) Order 2008
[SD No 745/08]

Criminal Justice Act 1990 -
Criminal Justice (Money Laundering) (Amendment) (No. 2) Code 2008
[SD xxx]

Appointed Day Orders -
Proceeds of Crime Act 2008 (Appointed Day) (No. 1) Order 2008
[SD No 743/08]
Proceeds of Crime Act 2008 (Appointed Day) (No. 2) Order 2008
[SD No 744/08]

41. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Code of Practice: Cash Searches) Order 2008 be approved *[SD No 746/08]*

42. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Financial Threshold for Civil Recovery) Order 2008 be approved *[SD No 747/08]*

43. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Recovery of Cash in Summary Proceedings: Minimum Amount) Order 2008 be approved *[SD No 748/08]*

44. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Disclosure of Information) Order 2008 be approved *[SD No 749/08]*

45. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Legal Expenses in Civil Recovery Proceedings) Regulations 2008 be approved *[SD No 750/08]*

46. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Exemptions from Civil Recovery) Order 2008 be approved [*SD No 751/08*]

47. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime Act 2008 (Code of Practice: Part 4 Functions) Order 2008 be approved [*SD No 752/08*]

48. Precept for disclosure of information -

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

That pursuant to section 3 of the Tynwald Proceedings Act 1876, as amended, the President of Tynwald do order the Chief Executive of the Department of Health & Social Security to produce the Department's records of the salary and any other emoluments of the Director of Public Health and the Consultant in Public Health Medicine to the Clerk of Tynwald no later than 5.00 pm on 31st October 2008 at the Legislative Buildings, Finch Road, Douglas IM1 3PW, and that the President of Tynwald shall thereafter communicate that information to the Members of this Court by such means as he shall think fit.

49. Petition for Redress of Grievance of Donald Whittaker -

The Hon Member for Malew & Santon (Mr Cregeen) 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, as amended, to investigate and report with recommendations on the issues raised by the Petition for Redress of Grievance of Donald Whittaker presented on Tynwald Hill on 7th July 2008.

50. Douglas Dog Control Byelaws -

The Hon Member for Douglas East (Mrs Cannell) to move -

That Tynwald is of the opinion that the Douglas Dog Control Byelaws 2008 should be revoked.