

TYNWALD

Tinvaal



ORDER PAPER

Claare Obbyr

DOUGLAS
TUESDAY 20TH OCTOBER 2009
at 10.30 am

1. To lay before the Court -

Proceeds of Crime Act 2008 -

Proceeds of Crime (External Requests and Orders) Order 2009
[SD No 687/09]

Proceeds of Crime (Prescribed Disclosure Form) Order 2009
[SD No 715/09]

Finance Act 2008 -

Information Notice: Resolution of Disputes as to Privileged
Communications Regulations 2009 [SD No 576/09]

Customs and Excise Act 1993 -

Export Control (Amendment) (No. 2) Order 2009 (Application) Order
2009 [SD No 575/09]

Customs and Excise Acts (Application) Order 2009 [SD No 584/09]

Customs and Excise Acts (Application) (No. 2) Order 2009
[SD No 595/09]

Export Control (Amendment) (No. 3) Order 2009 (Application) Order
2009 [SD No 630/09]

Export of Objects of Cultural Interest (Control) (Amendment) Order
2009 (Application) Order 2009 [SD No 649/09]

Value Added Tax Act 1996 -

Value Added Tax (Buildings and Land) Order 2009 [SD No 577/09]

Value Added Tax (Change of Rate) Order 2009 [SD No 583/09]

Value Added Tax Act 1996 (Amendment) (No. 5) Order 2009
[SD No 596/09]

Hydrocarbon Oil Duties Act 1986 -
Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2009
[SD No 648/09]

Income Tax Act 1970 -
Income Tax (Belgium) (Double Taxation) Order 2009 *[SD No 665/09]*
Income Tax (New Zealand) (Double Taxation) Order 2009
[SD No 667/09]
Income Tax (Disclosure of Information) (Enforcing Authority) Order
2009 *[SD No 707/09]*

Income Tax Act 2003 -
Income Tax (New Zealand) Order 2009 *[SD No 666/09]*

Income Tax Act 1995 -
Income Tax (Individuals) (Temporary Taxation) Order 2009
[SD No 708/09]

Financial Services Act 2008 -
Compensation of Depositors (Amendment) (No. 3) Regulations 2009
[SD No 671/09]
Compensation of Depositors (Amendment) (No. 4) Regulations 2009
[SD No 645/09]

Gaming (Amendment) Act 1984 -
Controlled Machines (Prescribed Amounts) (No. 2) Regulations 2009
[SD No 718/09]

Fees and Duties Act 1989 -
Passport Fees Order 2009 *[SD No 713/09]*

Agricultural Wages Act 1952 -
Agricultural Wages Regulations 2009 *[SD No 703/09]*

Inland Fisheries Act 1976 -
Inland Fisheries (Winter Fishing) Regulations 2009 *[SD No 705/09]*

Pig Premium Quota Scheme 2009 -
Pig Premium Quota Scheme 2009 *[GC No 28/09]*

Social Security Act 2000 -
Social Security Act 2000 (Amendment) Order 2009 *[SD No 592/09]*
Social Security Legislation (Benefits) (Application) (No. 4) Order 2009
[SD No 594/09]

Pension Schemes Act 1995 -
Pension Schemes Order 2009 *[SD No 593/09]*

Fireworks Act 2004 -

Fireworks (Variation of Time Restrictions on Fireworks Displays) Order 2009 [SD No 714/09]

Litter Act 1972 -

Litter Control Notices (Amendment) Regulations 2009 [SD No 717/09]

Tynwald Membership Pension Scheme 1995 -

Tynwald Membership Pension Scheme 1995 as amended [PP119/09]

Reports -

Isle of Man Government Report 2009 on the Government Strategic Plan 2007-2011 [GD No 45/09]

Standing Committee on Public Accounts Report on Fines Collection [PP118/09]

Report of the Department of Health and Social Security on the Ending of the Reciprocal Health Agreement between the United Kingdom and the Isle of Man [GD No 44/09]

Note: The following items are not the subject of motions on the Order Paper but may be subject to negative resolution procedures

Statement of Changes in Immigration Rules -

Statement of Changes in Immigration Rules [GC No 35/09]

European Communities (Isle of Man) Act 1973 -

Nationality, Immigration and Asylum Act 2002 -

Immigration (European Economic Area) Regulations 2009 [SD No 635/09]

European Community -

EC Secondary Legislation - June to September 2009 [GC No 030/09]

High Court Act 1991 -

Rules of the High Court of Justice (Amendment) 2009 [SD No 686/09]

Payment of Members' Expenses Act 1989 -

Payment of Members' Expenses (Specified Bodies) (Amendment) Order 2009 [SD No 467/09]

Finance Act 1996 -

Customs and Excise Duties (Interest Rate) Regulations 2009 [SD No 598/09]

Air Passenger Duty (Interest Rate) (Amendment) Regulations 2009 [SD No 597/09]

Value Added Tax Act 1996 -

Value Added Tax (Tour Operators) (Amendment) Order 2009 [SD No 629/09]

Value Added Tax (Interest Rate) (Amendment) Order 2009 [SD No 599/09]

Value Added Tax (Amendment) (No. 3) Regulations 2009
[SD No 600/09]

Value Added Tax (Emissions Allowances) Order 2009 *[SD No 585/09]*

Currency Act 1992 -

Currency (500th Anniversary of the Accession of Henry VIII and
25th Anniversary of the Angel Crown) Order 2009 *[SD No 474/09]*

European Communities (Isle of Man) Act 1973 -

Aquatic Animal Health Regulations 2009 *[SD No 736/09]*

Appointed Day Orders -

Companies (Amendment) Act 2009 (Appointed Day) Order 2009
[SD No 572/09]

Reports -

Annual Report Radio Manx Limited Financial Statements for the year
ended 31st March 2009

Manx Electricity Authority Annual Report 2008/2009

Isle of Man Post Office Annual Report and Accounts for the 52 weeks
ended 29th March 2009

Isle of Man Water Authority Annual Report and Accounts 2008/2009

Tynwald Membership Pension Scheme Management Committee
Report for the Session 2009-10 *[PP120/09]*

Isle of Man Limited Report and Financial Statements for the year
ended 31st March 2009 *[GD No 37/09]*

Isle of Man National Transport Limited Report and Financial
Statements for the year ended 31st March 2009 *[GD No 38/09]*

Isle of Man Film Limited Directors' Report and Consolidated Financial
Statements for the year ended 31st March 2006 *[GD No 42/09]*

Isle of Man Film Limited Directors' Report and Consolidated Financial
Statements for the year ended 31st March 2007 *[GD No 39/09]*

Isle of Man Film Limited Directors' Report and Consolidated Financial
Statements for the year ended 31st March 2008 *[GD No 40/09]*

Isle of Man Film Limited Directors' Report and Consolidated Financial
Statements for the year ended 31st March 2009 *[GD No 41/09]*

Annual Report of the Commissioner under the Code of Practice on
Access to Government Information for the period 1st September 2008 to
31st August 2009

Isle of Man Government Accounts for the year ended 31st March 2009
[GD No 033/09]

Report of the Police Complaints Commissioner for the year ended
31 March 2009

Isle of Man Financial Supervision Commission Annual Report
2008/2009

Tynwald Policy Decisions Report 2009: a Report by the Council of
Ministers *[GR No 43/09]*

2. Questions -

See Question Paper.

3. Public Sector Pensions Review -

Statement by the Chief Minister.

4. Independent Review of Whitley Council -

Statement by the Chief Minister.

5. Depositors' Compensation Scheme -

Statement by the Treasury Minister.

6. GP Surgery - Peel -

The Minister for Health and Social Security to move -

That Tynwald approves of the Department of Health and Social Security incurring expenditure not exceeding £1,378,000 for the construction of a new GP surgery for Peel Medical Centre in Peel.

[Reference Item no. 11 under the heading "Health and Social Security" on page 8 of the Isle of Man Budget 2009/2010 and as described in the Estimate of Capital Payments 2009-2010 to 2013-2014 on page 54 of the Isle of Man Budget 2009-2010]

7. Central Community Healthcare Development, Phase 3 -

The Minister for Health and Social Security to move -

That Tynwald approves of the Department of Health and Social Security incurring expenditure not exceeding £918,974 to include the relocation of non-patient services from the former Noble's Hospital, Westmoreland Road, Douglas.

[Reference Item no. 5 under the heading "Health and Social Security" on page 8 of the Isle of Man Budget 2009/2010 and as described in the Estimate of Capital Payments 2009-2010 to 2013-2014 on page 54 of the Isle of Man Budget 2009-2010]

8. Airport Security - Perimeter Control -

The Minister for Transport to move -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £728,330 in respect of the Perimeter Control at the Airport.

[Ref: Item no. 28 under the heading "Transport" on page 10 of the Isle of Man Budget 2009-10 and as detailed in the Estimates of Capital Payments 2009-10 to 2013-14 on page 59 of the Isle of Man Budget 2009-10]

9. Douglas Quayside Development Scheme -

The Minister for Local Government and the Environment to move -

That Tynwald approves the Heads of Terms and the Department of Local Government and the Environment progressing the scheme.

10. Re-development of the former Summerland site -

The Minister for Tourism and Leisure to move -

That Tynwald gives approval to the Department of Tourism and Leisure entering into a land transaction and development agreement for the disposal of the former Summerland site through the granting of a 99 year lease to the Sefton Group (Palace Hotel Holdings Ltd). All subject to contract and obtaining relevant planning permission.

11. Isle of Man Government Annual Report 2009 -

The Chief Minister to move -

That the Isle of Man Government Annual Report 2009 on the Government Strategic Plan 2007 - 2011 *[GD No 45/09]* be received.

12. UK Reciprocal Health Agreement -

The Minister for Health and Social Security to move -

That Tynwald notes that as from 1st April 2010 the United Kingdom Department of Health will no longer provide a reciprocal health agreement under which Isle of Man residents visiting the United Kingdom will receive free health care, except for the provision of GP services and treatment at Accident and Emergency facilities.

As a consequence, the report of the Department entitled "The Ending of the Reciprocal Health Agreement between the United Kingdom and the Isle of Man" be received by Tynwald and its recommendations approved.

(a) That from April 1st 2010, the payment of any NHS charges incurred by Manx residents visiting the UK is an individual responsibility and further that the Department of Health and Social Security will continue to cover the costs associated with any medical referrals off-Island for Isle of Man residents.

(b) That the Department undertakes these actions

(i) Seeks to replace the contribution currently made by the UK DoH to the DHSS budget bearing in mind that the recovery of funds

from patients is expected to fall significantly below the allowance given by the UK for the treatment of their residents whilst visiting the Isle of Man.

- (ii) Ensures that all Manx residents travelling to the UK are aware that if they require emergency treatment in the UK which requires admission, it will be given but they will have to pay for it, either personally or through travel insurance.
- (iii) Proposes amendments to the NHS Act 2001 as necessary.
- (iv) Clarifies the position and continues dialogue with the other devolved administrations within the UK jurisdiction.
- (v) Continues to support developments in the Insurance Industry.
- (vi) Continues dialogue and information-sharing with the Channel Islands.
- (vii) Continues a public awareness campaign on the Isle of Man.
- (viii) Conducts specific insurance-awareness campaign for sports, cultural, trade and other organisations and for other Government Departments.
- (ix) Addresses any ongoing or emerging detailed aspects of the ending of the Agreement, through the DHSS Reciprocal Agreement Sub-group chaired by the Member for Health.

13. Tynwald Membership Pension Scheme Management Committee -

A member of the Tynwald Membership Pension Scheme Management Committee (Mr Speaker) to move -

That Tynwald approves the draft Rules of the Members' Pension Scheme [PP119/09], laid before this Hon Court, which reflect the technical changes to the Scheme Rules agreed in principle by both Branches of Tynwald on 27th January 2009.

14. Standing Committee on Public Accounts -

The Chairman of the Standing Committee on Public Accounts (Mrs Christian) to move -

That the Report of the Standing Committee on Public Accounts on Fines Collection be received and the following recommendations approved:

- (i) that the Council of Ministers

- (a) designate a body, with the authority and powers to direct all the various bodies who have responsibility for the collection of court financial penalties and fixed penalties;
 - (b) ensure that a Service Level Agreement is put into place to facilitate the efficient exchange of information between all those responsible bodies; and
 - (c) examine whether the facility to share information from other Government bodies for the purposes of the collection of court financial penalties and fixed penalties could be extended.
- (ii) that the Working Party should consider whether changes to legislation are required to –
- a. simplify the Attachment of Earnings procedure, and
 - b. provide for Attachment of Benefits Orders.
- (iii) that the Working Party's Review should evaluate the following measures:
- Additional financial penalties in respect of late payment to offset the additional expense incurred in attempting to obtain payment
 - Registration of outstanding court debts which would potentially affect the defaulter's credit rating, as is the case with civil debts
 - Collection of outstanding amounts via the Income Tax system
 - Community Service as an alternative to imprisonment
 - Clamping*
 - Penalty points or cancellation of driving licences*
 - Refusal to re-licence cars until fines/fixed penalties are paid*
 - Investigate whether reciprocal agreements with neighbouring jurisdictions over the collection of outstanding financial penalties (including costs) would be a feasible option
 - Using debt collection agencies to recover debts from persons living in other jurisdictions,

and that any of the above options which are approved should be progressed without further delay.

* *Only in respect of parking and motoring offences.*

- (iv) that the Insolvency Services Office Bill should be progressed as a matter of urgency. If there are practical difficulties which may delay this Bill, then other interim measures to address the issues set out in section 6.3 of this Report should be introduced.
- (v) that the Council of Ministers should consult with the Attorney General's Chambers to investigate the feasibility of the introduction of legislation which would provide for automatic regular increases to fines and fixed penalties and report back to Tynwald by April 2010.

15. Proceeds of Crime Act 2008 -

The Attorney General to move -

That the Proceeds of Crime (External Requests and Orders) Order 2009 [SD No 687/09] be approved

16. Finance Act 2008 -

The Minister for the Treasury to move -

That the Information Notice: Resolution of Disputes as to Privileged Communications Regulations 2009 be approved [SD No 576/09]

17. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Amendment) (No. 2) Order 2009 (Application) Order 2009 be approved [SD No 575/09]

18. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Customs and Excise Acts (Application) Order 2009 be approved [SD No 584/09]

19. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Customs and Excise Acts (Application) (No. 2) Order 2009 be approved [SD No 595/09]

20. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export Control (Amendment) (No. 3) Order 2009 (Application) Order 2009 be approved [SD No 630/09]

21. Customs and Excise Act 1993 -

The Minister for the Treasury to move -

That the Export of Objects of Cultural Interest (Control) (Amendment) Order 2009 (Application) Order 2009 be approved [SD No 649/09]

22. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Buildings and Land) Order 2009 be approved [SD No 577/09]

23. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax (Change of Rate) Order 2009 be approved [SD No 583/09]

24. Value Added Tax Act 1996 -

The Minister for the Treasury to move -

That the Value Added Tax Act 1996 (Amendment) (No. 5) Order 2009 be approved [SD No 596/09]

25. Hydrocarbon Oil Duties Act 1986 -

The Minister for the Treasury to move -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2009 be approved [SD No 648/09]

26. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Belgium) (Double Taxation) Order 2009 be approved
[SD No 665/09]

27. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (New Zealand) (Double Taxation) Order 2009 be approved
[SD No 667/09]

28. Income Tax Act 2003 -

The Minister for the Treasury to move -

That the Income Tax (New Zealand) Order 2009 be approved *[SD No 666/09]*

29. Income Tax Act 1970 -

The Minister for the Treasury to move -

That the Income Tax (Disclosure of Information) (Enforcing Authority) Order 2009 be approved *[SD No 707/09]*

30. Income Tax Act 1995 -

The Minister for the Treasury to move -

That the Income Tax (Individuals) (Temporary Taxation) Order 2009 be approved
[SD No 708/09]

31. Financial Services Act 2008 -

The Minister for the Treasury to move -

That the Compensation of Depositors (Amendment) (No. 3) Regulations 2009 be approved
[SD No 671/09]

32. Financial Services Act 2008 -

The Minister for the Treasury to move -

That the Compensation of Depositors (Amendment) (No. 4) Regulations 2009 be approved [*SD No 645/09*]

33. Gaming (Amendment) Act 1984 -

The Minister for the Treasury to move -

That the Controlled Machines (Prescribed Amounts) (No. 2) Regulations 2009 be approved [*SD No 718/09*]

34. Fees and Duties Act 1989 -

The Minister for the Treasury to move -

That the Passport Fees Order 2009 be approved [*SD No 713/09*]

35. Agricultural Wages Act 1952 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Agricultural Wages Regulations 2009 be approved [*SD No 703/09*]

36. Inland Fisheries Act 1976 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Inland Fisheries (Winter Fishing) Regulations 2009 be approved [*SD No 705/09*]

37. Pig Premium Quota Scheme 2009 -

The Minister for Agriculture, Fisheries and Forestry to move -

That the Pig Premium Quota Scheme 2009 be approved [*GC No 28/09*]

38. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Act 2000 (Amendment) Order 2009 be approved [*SD No 592/09*]

39. Pension Schemes Act 1995 -

The Minister for Health and Social Security to move -

That the Pension Schemes Order 2009 be approved [*SD No 593/09*]

40. Social Security Act 2000 -

The Minister for Health and Social Security to move -

That the Social Security Legislation (Benefits) (Application) (No. 4) Order 2009 be approved [*SD No 594/09*]

41. Fireworks Act 2004 -

The Political Member for Home Affairs (Mr Malarkey) to move -

That the Fireworks (Variation of Time Restrictions on Fireworks Displays) Order 2009 be approved [*SD No 714/09*]

42. Proceeds of Crime Act 2008 -

The Minister for Home Affairs to move -

That the Proceeds of Crime (Prescribed Disclosure Form) Order 2009 be approved [*SD No 715/09*]

43. Litter Act 1972 -

The Minister for Local Government and the Environment to move -

That the Litter Control Notices (Amendment) Regulations 2009 be approved [*SD No 717/09*]

44. Petition for Redress of Grievance of Stephen Broad -

The Hon Member for Ayre (Mr Teare) 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, as amended, to consider the Petition for Redress of Grievance of Stephen Broad presented at St John's on 6th July 2009 with regard to the impact on the administration of justice of awarding Civil Legal Aid to one side only in family cases in the Isle of Man and to report with recommendations.

45. Petition for Redress of Grievance of Mrs Helen Parry -

The Hon Member for Rushen (Mr Watterson) 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, as amended, to consider the Petition for Redress of Grievance of Mrs Helen Parry presented at St John's on 6th July 2009 with regard to the provision in the Isle of Man of free nursery education for all children aged 3 to 4 in the year prior to their admission to school and to report with recommendations.