

# TYNWALD

## Tinvaal



## VOTES AND PROCEEDINGS

### Reaghyssyn as daaltyn

#### DOUGLAS

TUESDAY 13th JULY 1999 at 10.30 am

WEDNESDAY 14th JULY 1999 at 10.30 am

#### Bills signed -

Estate Agents Bill 1999  
Public Records Bill 1999

#### Laid before the Court -

Cinematograph Act 1977 -

Cinematograph (Licence Fees) Regulations [SD No 296/99]

Fees and Duties Act 1989 -

Music and Dancing Fees and Duties Order 1999 [SD No 295/99]

Licensing Fees and Duties Order 1999 [SD No 294/99]

Civil Registration Act 1984 : Marriage Act 1984 -

Registration of Births, Deaths and Marriages (Fees) Regulations 1999  
[SD No 115/99]

Weights and Measures Act 1989 -

Weights and Measures (Testing Fees) Regulations 1999  
[SD No 357/99]

Agricultural Wages Act 1952 -

Agricultural Wages Regulations 1999 [SD No 373/99]

Game Acts 1882 to 1971 -

Game Order 1999 *[SD No 364/99]*

Social Security Act 1982 -

Social Security Legislation (Application) (No.7) Order 1999  
*[SD No 385/99]*

Social Security Legislation (Application) (No.8) Order 1999  
*[SD No 386/99]*

Social Security Legislation (Application) (No.9) Order 1999  
*[SD No 387/99]*

Social Security Legislation (Application) (No.10) Order 1999  
*[SD No 388/99]*

Social Security Legislation (Application) (No.11) Order 1999  
*[SD No 389/99]*

Supplementary Benefits Act 1976 -

Supplementary Benefit (Requirements and Resources) Amendment  
(No.2) Regulations *[SD No 390/99]*

Drug Trafficking Act 1996 -

Drug Trafficking (Designated Countries and Territories) Order 1999  
*[SD No 353/99]*

Criminal Justice Act 1963 -

Probation (Amendment) Rules 1999 *[SD No 356/99]*

Criminal Justice Act 1990 -

Criminal Justice Act 1990 (Designated Countries and Territories)  
(Amendment) Order *[SD No 354/99]*

Criminal Justice Act 1991 -

Criminal Justice (Enforcement of External Forfeiture Orders)  
(Amendment) Order 1999 *[SD No 355/99]*

Town and Country Planning Acts 1934 to 1991 -

Isle of Man Planning Scheme (St. John's Local Plan) Order 1999  
*[SD No 247/99]*

Town and Country Planning (Permitted Development) (Statutory  
Undertakings) Order 1999 *[SD No 384/99]*

Merchant Shipping Act 1995 -

Carriage of Passengers and their Luggage by Sea (Manx Carriers)  
Order 1999 *[SD No 372/99]*

Customs and Excise Act 1993 -

Customs and Excise (Community Instruments) (Application)  
(Amendment) Order 1999 *[SD No 348/99]*

Video Recordings Act 1995 -

Video Recordings (Labelling) (Amendment) Regulations 1999  
*[SD No 363/99]*

Legal Practitioners Registration Act 1986 -  
Legal Practitioners Registration (Amendment) Regulations 1999  
[SD No 382/99]

High Court Act 1991 : Agricultural Holdings Act 1969 -  
High Court of Justice (Land Court Appeals) Rules 1999  
[SD No 249/99]

Charities Registration Act 1989 -  
Religious Charities Regulations 1999 [SD No 392/99]

Department of Health and Social Security -  
Pension Supplement (No.2) Scheme 1999 [GC No 25/99]  
Retirement Pension (Premium) (No.2) Scheme 1999 [GC No 26/99]

Department of Local Government and the Environment -  
House Purchase Assistance Scheme 1999 [GC No 27/99]

Department of Trade and Industry -  
Employment (Persons with Disabilities Etc.) Scheme 1999  
[GC No 24/99]

Reports -  
Report of the Council of Ministers on Silverdale Car Parking  
Report of the Council of Ministers on the Supply of Electricity to Rural  
Properties  
Annual Report of the Isle of Man Constabulary for the Year 1998/99  
Report of the Select Committee of Tynwald on the Isle of Man Steam  
Packet Company  
Report of the Standing Committee of Tynwald on Expenditure and  
Public Accounts on the Refurbishment of Cronkbourne Village

Petition -  
Petition of Bride Parish Commissioners for Approval of Purchase of  
Land at East View, Bride

Value Added Tax Act 1996 -  
Value Added Tax (Amendment) (No 3) Regulations 1999  
[SD No 349/99]

Customs and Excise Management Act 1986 -  
Warehousekeepers and Owners of Warehoused Goods Regulations  
1999 [SD No 347/99]

Currency Act 1992 -  
Currency (Meridian Crowns) Order 1999 [SD No 325/99]  
Currency (Mann 2000 Crowns) Order 1999 [SD No 360/99]

Road Traffic Act 1985 -

Road Vehicles (Authorisation of Special Types) General Order 1999  
[SD No 359/99]

Merchant Shipping Act 1985 -  
Merchant Shipping (Survey and Certification) Regulations 1999  
[SD No 352/99]

Superannuation Act 1984 -  
Superannuation (Clerk of Tynwald's Department) Determination 1999  
*[SD No 395/99]*

Bank Holidays Act 1989 -  
Bank Holidays (2000) Order 1999 *[SD No 345/99]*

European Communities (Isle of Man) Act 1973 -  
European Communities (Libya) (Application) Order 1999 *[draft]*

Appointed Day Orders -  
Advocates Act 1995 (Appointed Day) (No.6) Order 1999 *[SD No 371/99]*  
Statistics Act 1999 (Appointed Day) Order 1999 *[SD No 391/99]*

Reports and Accounts -  
Isle of Man Government Accounts for the year ended 31st March 1999  
Report of the Isle of Man Data Protection Registrar for the year 1998 to 1999.  
Report and Statement of Accounts of the Public Lottery Trust for the year ended 31st January 1999.

European Communities -  
European Communities Instruments circulated during May 1999  
*[GC No 28/99]*

### **Legislative Council -**

Resumption of debate on the following motion which was moved by Mr Cannell at the October 1998 sitting of Tynwald, adjourned to the April 1999 sitting and further adjourned to the July 1999 sitting -

That Tynwald requests the Council of Ministers to introduce legislation to provide for the election of the Legislative Council by popular franchise.

Motion adjourned by agreement to the November 1999 sitting.

### **Home Office Meeting on International Issues -**

Statement made by the Chief Minister.

### **Cinematograph Act 1977 -**

Motion made -

That the Cinematograph (Licence Fees) Regulations *[SD No 296/99]* be approved.

Mr Corkill

Motion carried.

### **Fees and Duties Act 1989 -**

Motion made -

That the Music and Dancing Fees and Duties Order 1999 [SD No 295/99] be approved.

Mr Corkill

Motion carried.

#### **Fees and Duties Act 1989 -**

Motion made -

That the Licensing Fees and Duties Order 1999 [SD No 294/99] be approved.

Mr Corkill

Motion carried.

#### **Civil Registration Act 1984 : Marriage Act 1984 -**

Motion made -

That the Registration of Births, Deaths and Marriages (Fees) Regulations 1999 [SD No 115/99] be approved.

Mr Corkill

Motion carried.

#### **Weights and Measures Act 1989 -**

Motion made -

That the Weights and Measures (Testing Fees) Regulations 1999 [SD No 357/99] be approved.

Mrs Crowe

Motion carried.

#### **5 Year Drug Strategy -**

Motion made -

That Tynwald authorises the Treasury to apply from the General Revenue during the year ending 31st March 2000, a sum not exceeding £496,900 being the sum of the amounts required by the following Departments to implement the 5 Year Drug Strategy Report, approved by Tynwald in March 1999 -

Department of Health and Social Security	£208,800
Department of Home Affairs	£177,600
Department of Education	£30,000
Treasury	£37,500
Executive Government	£43,100
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	£497,000

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Mr Gelling

Motion carried.

### **Alterations and Extensions to Queen Elizabeth II High School**

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £995,600 on the alterations and extension to Queen Elizabeth II High School for the proposed Post 16 Suite.

[Reference: item No 10 under the heading “Queen Elizabeth II Post 16 Accommodation” on page 8 of the Isle of Man Budget 1999/2000, and as detailed in the Capital Estimates 1999/2000 to 2003/2004 on page 39 of the Isle of Man Budget 1999/2000].

Mr Rodan

Motion carried.

### **Alterations and Extensions to St Ninian’s High School -**

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £1,042,800 on the alterations and extensions to St Ninian’s High School for the proposed Post 16 Suite.

[Reference: item no 12 under the heading “St Ninian’s Post 16 Accommodation” on page 8 of the Isle of Man Budget 1999/2000, and as detailed in the Capital Estimates 1999/2000 to 2003/2004 on page 39 of the Isle of Man Budget 1999/2000].

Mr Rodan

Motion carried.

### **Alterations and Extensions to Castle Rushen High School -**

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £850,900 on the alterations and extensions to Castle Rushen High School for the proposed Post 16 Suite.

[Reference: item no 14 under the heading “Castle Rushen Post 16 Accommodation” on page 8 of the Isle of Man Budget 1999/2000, and as detailed in the Capital Estimates 1999/2000 to 2003/2004 on page 39 of the Isle of Man Budget 1999/2000].

Mr Rodan

Motion carried.

### **Revenue Accounts 1998-99 -**

Motion made -

That Tynwald authorises the Treasury in respect of the year ended 31st March 1999 to apply surplus receipts totalling £35,700 of the Department of Home Affairs in payment of excess expenditure.

Mr Bell

Motion carried.

### **European Communities (Isle of Man) Act 1973 -**

Motion made -

That the European Communities (Prohibition of Flights) (Application) Order 1999 *[draft]* be approved.

Mr Gelling

Motion carried.

### **Agricultural Wages Act 1952 -**

Motion made -

That the Agricultural Wages Regulations 1999 *[SD No 373/99]* be approved.

Mr Downie

Motion carried.

### **Game Acts 1882 to 1971 -**

The Minister for Agriculture, Fisheries and Forestry to move -

That the Game Order 1999 *[SD No 364/99]* be approved.

Mr Downie

Motion carried.

### **Social Security Act 1982 -**

Motion made -

That the Social Security Legislation (Application) (No.7) Order 1999 *[SD No 385/99]* be approved.

Mrs Christian

Court divided.

Motion carried.

### **Social Security Act 1982 -**

Motion made -

That the Social Security Legislation (Application) (No.8) Order 1999  
[SD No 386/99] be approved.

Mrs Christian

Motion carried.

### **Social Security Act 1982 -**

Motion made -

That the Social Security Legislation (Application) (No.9) Order 1999  
[SD No 387/99] be approved.

Mrs Christian

Court divided.  
Motion carried.

### **Social Security Act 1982**

Motion made -

That the Social Security Legislation (Application) (No.10) Order 1999  
[SD No 388/99] be approved.

Mrs Christian

Motion carried.

### **Social Security Act 1982**

Motion made -

That the Social Security Legislation (Application) (No.11) Order 1999  
[SD No 389/99] be approved.

Mrs Christian

Court divided.  
Motion carried.

### **Supplementary Benefits Act 1976 -**

Motion made -

That the Supplementary Benefit (Requirements and Resources) Amendment  
(No.2) Regulations [SD No 390/99] be approved.

Mrs Christian

Further motion made -

That debate be adjourned to the next sitting.

Mr Cannan

Court divided.  
Further motion lost.  
Court divided.  
Motion carried.

### **Drug Trafficking Act 1996 -**

Motion made -

That the Drug Trafficking (Designated Countries and Territories) Order 1999 [SD No 353/99] be approved.

Mr Bell

Motion carried.

### **Criminal Justice Act 1963 -**

Motion made -

That the Probation (Amendment) Rules 1999 [SD No 356/99] be approved.

Mr Bell

Motion carried.

### **Criminal Justice Act 1990 -**

Motion made -

That the Criminal Justice Act 1990 (Designated Countries and Territories) (Amendment) Order [SD No 354/99] be approved.

Mr Bell

Motion carried.

### **Criminal Justice Act 1991 -**

Motion made -

That the Criminal Justice (Enforcement of External Forfeiture Orders) (Amendment) Order 1999 [SD No 355/99] be approved.

Mr Bell

Motion carried.

### **Town and Country Planning Acts 1934 to 1991 -**

Motion made -

That the Town and Country Planning (Permitted Development) (Statutory Undertakings) Order 1999 [SD No 384/99] be approved.

Mr Quine

Motion carried.

### **Merchant Shipping Act 1995 -**

Motion made -

That the Carriage of Passengers and their Luggage by Sea (Manx Carriers) Order 1999 [SD No 372/99] be approved.

Mr North

Motion carried.

**Customs and Excise Act 1993 -**

Motion made -

That the Customs and Excise (Community Instruments) (Application) (Amendment) Order 1999 [SD No 348/99] be approved.

Mr Corkill

Motion carried.

**Video Recordings Act 1995 -**

Motion made -

That the Video Recordings (Labelling) (Amendment) Regulations 1999 [SD No 363/99] be approved.

Mrs Crowe

Motion carried.

**Legal Practitioners Registration Act 1986 -**

Motion made -

That the Legal Practitioners Registration (Amendment) Regulations 1999 [SD No 382/99] be approved.

HM Attorney General

Motion carried.

**High Court Act 1991 : Agricultural Holdings Act 1969 -**

Motion made -

That the High Court of Justice (Land Court Appeals) Rules 1999 [SD No 249/99] be approved.

HM Attorney General

Motion carried.

**Charities Registration Act 1989 -**

Motion made -

That the Religious Charities Regulations 1999 [SD No 392/99] be approved.

HM Attorney General

Motion carried.

**Department of Health and Social Security -**

Motion made -

That the Pension Supplement (No.2) Scheme 1999 [GC No 25/99] be approved.

Mrs Christian

Motion carried.

**Department of Health and Social Security -**

Motion made -

That the Retirement Pension (Premium) (No.2) Scheme 1999 [GC No 26/99] be approved.

Mrs Christian

Motion carried.

**Department of Local Government and the Environment -**

Motion made -

That the House Purchase Assistance Scheme 1999 [GC No 27/99] be approved.

Mr Gilbey

Motion carried.

**Announcement of Royal Assent to Acts -**

Estate Agents Act 1999  
Public Records Act 1999

**Department of Trade and Industry -**

Motion made -

That the Employment (Persons with Disabilities Etc.) Scheme 1999 [GC No 24/99] be approved.

Mr North

Motion carried.

**Isle of Man War Pensions Committee -**

Motion made -

That Mrs L M Leece be appointed to the Isle of Man War Pensions Committee for the remainder of the term of appointment of the Committee which is due to expire on 15th July 2002.

Mr Gelling

Motion carried.

### **Silverdale Car Parking -**

Motion made -

That the Report of the Council of Ministers on Silverdale Car Parking be received and the recommendations of the Sub-Committee, which have been endorsed by the Council, be approved.

Mr Gelling

Motion carried.

### **Supply of Electricity to Rural Properties -**

Motion made -

That the Report of the Council of Ministers on the Supply of Electricity to Rural Properties be received and its recommendations adopted.

Mr North

Motion carried.

The Court rose at 8.21 pm and adjourned to Wednesday 14th July 1999.

## **DOUGLAS WEDNESDAY 14th JULY 1999**

### **Town and Country Planning Acts 1934 to 1991 -**

Motion made -

That the Isle of Man Planning Scheme (St. John's Local Plan) Order 1999 [SD No 247/99] be approved.

Mr Gilbey

Motion carried.

### **Annual Report of the Isle of Man Constabulary for the Year 1998/99 -**

Motion made -

That the Annual Report of the Isle of Man Constabulary for the Year 1998/99  
be received.

Mr Bell

Court divided.  
Motion carried.

### **Select Committee of Tynwald on Isle of Man Steam Packet Company -**

Motion made -

That the Report of the Select Committee on the Isle of Man Steam Packet Company be received and its recommendations adopted.

Mr Waft

Motion carried.

### **Select Committee of Tynwald on Ministerial Government -**

Statement made by the Chairman of the Select Committee, Mr Speaker.

### **Standing Committee of Tynwald on Expenditure and Public Accounts -**

Motion made -

That the Report of the Standing Committee on Expenditure and Public Accounts on the Refurbishment of Cronkbourne Village be received and its recommendations adopted.

Mr Cannan

Motion carried.

### **Hyperbaric Chamber -**

Motion made -

That Tynwald -

- (1) reaffirms its support for the operation of the hyperbaric chamber by the Kevin Gray Memorial Charity; and
- (2) is of the opinion that the Department of Health and Social Security should -
  - (a) (for the financial year 1999/2000) increase the grant to the Charity from £40,000 to £70,000; and
  - (b) in consultation with the charity, review annually the amount of the grant.

Mr Houghton

Amendment moved -  
*For paragraph (2) substitute -*

*“(2) is of the opinion that the Department of Health and Social Security should continue to review annually, in consultation with the Charity, the appropriate amount of grant assistance.”*

Mrs Christian

Court divided.  
Amendment carried.  
Court divided.  
Motion as amended carried.

### **Petition for Redress of Grievance of Jill Dugdale -**

Motion made -

That a Select Committee of five Members be appointed to consider the Petition of Redress of Grievance of Jill Dugdale presented at Tynwald assembled at St John's on 6th July 1998, to the extent that it seeks a review of the policy of the Department of Health and Social Security on the range of types of services which are offered, or could be offered to members of the handicapped community, their families and their carers; and report.

Mrs Cannell

Motion carried.

Mr Crowe, Mr Lowey, Dr Mann, Mr Waft, Mr Bell, Mr Braidwood, Mrs Cannell, Mrs Hannan, Mr Henderson and Mr Rodan were nominated and seconded.

After a first ballot, Mr Lowey, Mr Waft and Mrs Hannan were elected.

After a third ballot Mr Bell was elected.

After a fourth ballot Mrs Cannell was elected.

### **Falcon Cliff Lift -**

Motion made -

That Tynwald requests the Department of Tourism and Leisure to investigate the practical and financial viability of relocating and restoring the Falcon Cliff lift for public use and report to the October sitting.

Mr Karran

Motion carried.

## **Monitoring of Economic, Fiscal and Monetary Initiatives of the European Union, International Agencies and States -**

Motion made -

That a Standing Committee of five Members be appointed to monitor and consider economic, fiscal and monetary initiatives of the European Union, international agencies and states, which may affect the Isle of Man; and report from time to time, with recommendations.

Mr Quine

Amendment moved -

*For the words after "report", substitute "with or without recommendations each July and at such other times as the Committee deems necessary".*

Mr Gelling

Amendment carried.

Motion as amended carried.

Mr Crowe, Dr Mann, Mr Braidwood, Mrs Cannell, Mr Cannell, Mrs Crowe, Mr Duggan, Mrs Hannan, Mr Quine, Mr Singer, Sir Miles Walker and Mr Speaker were nominated and seconded.

After a first ballot Mr Crowe, Sir Miles Walker and Mr Speaker were elected.

After a fourth ballot Mr Braidwood and Mr Singer were elected.

## **Bride Parish Commissioners : Petition for Approval of Purchase of Land at East View, Bride -**

Motion made -

That -

- (1) the Prayer of the Petition of the Local Government District of Bride, dated 22nd June 1999, be granted; and
- (2) the petitioners be authorised (in accordance with the provisions of section 25 of the Local Government Act 1985) to acquire the land, field number 572, described in Appendix B of the Petition.

Mr Gilbey

Motion carried.

## **Business to be considered under Standing Order 2.2(6) -**

Motion made -

That Standing Order 10.9 be suspended and that, under Standing Order 2.2(6), the following business be considered.

Sir Miles Walker

Motion carried.

**Laid before the Court -**

Report of the Standing Orders Committee of Tynwald on Petitions for Redress presented on 5th July 1999.

The Court adjourned at 7.43 pm.

**Sir Charles Kerruish  
President of Tynwald**