



LEGISLATIVE COUNCIL
Y Choonceil Slattyssagh
VOTES AND PROCEEDINGS
Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 6TH MAY 2003
at 10.30 am

PRESENT: The Honourable President of the Council, HM Attorney General, Mrs Christian, Mrs Crowe, Mr Delaney, Mr Gelling, Mr Lowey, Mr Singer and Mr Waft with the Clerk of the Council.

1. QUESTIONS

Questions 1 to 4 answered orally.

2. FIREWORKS BILL

Bill considered in committee.

With the agreement of Members, Clause 3 was reconsidered.

Amendment moved -

Page 2, line 26; for paragraph (d) substitute -

"(d) a person to whom a licence referred to in section 4(1) has been granted for the letting off of the firework in question;"

- Mr Lowey

Amendment carried.

Clause 3 as amended carried.

Motion made – that Clause 4 do stand part of the Bill

- Mr Waft

Amendment moved -

Page 3, line 23; for subsections (1) to (3) substitute –

"(1) No person shall let off a firework in any place unless the letting off is authorised by a licence granted by the Department of home Affairs ("the Department") to –

(a) that person,

(b) the owner or occupier of the place, or

(c) where the firework is let off as part of a display, the person by whom the display is put on,

and any conditions specified in the licence are complied with.

(2) Schedule [Licences] has effect with respect to the grant of licences referred to in subsection (1)."

Page 4, line 32, omit subsection (8).

NEW SCHEDULE

SCHEDULE

LICENCES

Interpretation etc.

1. (1) In this Schedule –

"licence" means a licence under paragraph 3;

"prescribed" (except in relation to a fee) means prescribed by regulations made by the Department.

(2) Regulations under this Schedule shall not have effect unless they are approved by Tynwald.

Application for licence

2. (1) An application for a licence –

(a) shall be in the prescribed form;

(b) shall be made to the Department not less than 42 days before the time specified in the application as the time when the fireworks are to be let off; and

(c) shall be accompanied by such fee as may be prescribed under the Fees and Duties Act 1989.

(2) The Department shall by regulations make provision for –

- (a) *the giving to such persons as may be prescribed of notice of an application for a licence;*
- (b) *the giving of public notice of the application; and*
- (c) *the making of objections and representations to the Department with respect to the application.*

Grant of licence

3. (1) *The Department, on an application under paragraph 2, may grant to the applicant a licence to let off fireworks –*

- (a) *at the time and place specified in the application and in the licence, or*
- (b) *at such other time and place as may be agreed between the Department and the applicant and specified in the licence,*

subject to such conditions (if any) as may be specified in the licence.

(2) *In determining whether to grant a licence, and what conditions (if any) to specify in it, the Department shall have regard to the following matters –*

- (a) *the safety of persons;*
- (b) *the safety of property, in particular the risk of damage or destruction by fire;*
- (c) *the welfare of domestic animals; and*
- (d) *the protection of the amenities of the area;*

and shall take into account any objections and representations made pursuant to regulations under paragraph 2(2).

(3) *Where, 10 days before the time specified in the application, the Department has neither granted a licence nor refused the application, it shall thereafter be deemed for all purposes to have granted a licence to let off fireworks at the time and place specified in the application.*

Appeal against refusal etc.

4. (1) *Where an application for a licence is refused, the applicant may appeal to the High Bailiff.*

(2) *Where the applicant for the grant of a licence is aggrieved by any of the conditions specified in the licence, he may appeal to the High Bailiff.*

(3) *An appeal under this paragraph may not be made after the expiration of the period of 14 days beginning with the date on which the applicant is notified in writing by the Department of the decision in question.*

(4) *On an appeal under this section the High Bailiff may vary or reverse the decision of the Department if he considers that the Department in reaching the decision –*

- (a) *erred in law; or*

(b) based its decision on any incorrect material fact; or

(c) exercised its discretion in an unreasonable manner;

and the Department shall give effect to the decision of the High Bailiff.

- Mr Lowey

Amendment carried.

Clause 4 as amended carried.

Motion made – that Clause 5 do stand part of the Bill.

- Mr Waft

Amendment moved -

Page 5, line 4; for subsection (2) substitute –

"(2) Nothing in subsection (1) applies to the letting off of a firework in accordance with a licence under Schedule [Licences]."

- Mr Lowey

Amendment carried.

Clause 5 as amended carried.

Motion made – that Clause 6 do stand part of the Bill.

- Mr Waft

Motion carried.

Motion made – that Clause 7 do stand part of the Bill.

- Mr Waft

Motion carried.

Motion made – that Clause 8 do stand part of the Bill.

- Mr Waft

Motion carried.

Motion made – that Clause 9 do stand part of the Bill.

- Mr Waft

Motion carried.

Council resumed.

Motion made - that Standing Order 22(2) be suspended to enable the third reading of this Bill to be taken

- Mr Waft

Council divided.

For the motion

Mr Lowey

Mr Waft

Mr Singer

Mr Delaney

Mr Gelling

= 5

Against the motion

Mrs Christian

Mrs Crowe

= 2

Motion carried.

Motion made – that this Bill be now read a third time and do pass

- Mr Waft

Council divided.

For the motion

Mr Lowey

Mr Waft

Mr Singer

Mr Delaney

Mr Gelling

= 5

Against the motion

Mrs Christian

Mrs Crowe

= 2

Motion carried.

3. INQUIRIES (EVIDENCE) BILL

Motion made – that this Bill be now read a third time and do pass

- HM Attorney General

Motion carried.

4. INTERNATIONAL CRIMINAL COURT BILL

Motion made – that this Bill be now read a second time

- HM Attorney General

Motion carried.

Bill considered in committee.

Motion made – that Clause 1 and Schedule 1 do stand part of the Bill.

- HM Attorney General

Motion carried.

Motion made – that Clauses 2 to 6 inclusive do stand part of the Bill.

- HM Attorney General

Motion carried.

Motion made – that Clauses 7 and 8 do stand part of the Bill.

- HM Attorney General

Motion carried.

Motion made – that Clauses 9 to 11 inclusive do stand part of the Bill.

- HM Attorney General

Motion carried.

Motion made – that Clauses 12 to 17 inclusive do stand part of the Bill.

- HM Attorney General

Motion carried.

Motion made – that Clauses 18 and 19 do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 20 to 23 inclusive and Schedule 2 do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clause 24 do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 25 to 38 inclusive and Schedules 3 to 6 inclusive do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 39 to 43 inclusive do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clause 44 and Schedule 7 do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 45 to 49 inclusive and Schedule 8 do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 50 to 53 inclusive do stand part of the Bill.
- HM Attorney General
Motion carried.

Motion made – that Clauses 54 to 59 inclusive do stand part of the Bill.
- HM Attorney General
Motion carried.

Council resumed.

IN COMMITTEE OF THE WHOLE COUNCIL

(IN PRIVATE)

5. PROCEEDINGS IN THE COUNCIL OF MINISTERS

Summaries of Proceedings in the Council of Ministers (March 2003) considered.

The Council adjourned to 13th May 2003 at 10.30 am.

MRS M CULLEN
Clerk of the Council
Cleragh y Chooneil Slattyssagh