



HOUSE OF KEYS

Y Chiare as Feed

VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

CORRECTED VERSION

DOUGLAS
TUESDAY 27th MAY 2003
at 10.00 am

PRESENT: Mr Speaker and 20 Members, Mr Gawne, Mr Rimington and Mr Shimmin being absent with leave.

1. ORAL QUESTIONS

Questions 1-7 were answered orally and Questions 8 and 9 were answered in writing.

2. WRITTEN QUESTIONS

The Question was answered in writing.

3. BILLS FOR FIRST READING

1. Audit (Amendment) Bill

Mr Karran

Bill read a first time.

2. Human Tissue (Amendment) Bill

Mr Karran

Bill read a first time.

3. Construction Contracts Bill

Mr Downie

Bill read a first time.

4. BILL FOR CONSIDERATION OF CLAUSES

1. Local Government (Miscellaneous Provisions) Bill

New Clause {B} for agreement in principle -

Allowances for members of local authorities

(1) *In Schedule 2 (attendance and travelling allowances) to the Local Government Act 1985¹ -*

(a) *paragraph 1 is repealed;*

(b) *for paragraph 2 substitute -*

“2. (1) *Subject to the following provisions of this paragraph, a local authority shall pay to each member of the authority who makes a claim in accordance with sub-paragraph (2) an attendance allowance of the prescribed amount for each session during which the member undertakes an approved duty.*

(2) *A member of a local authority who wishes to claim an allowance under this paragraph shall submit his claim in writing, in such form as may be approved by the Department, to the clerk of the authority.*

(3) *Not more than one attendance allowance shall be paid to any person in respect of any one session.*

(4) *The aggregate of the attendance allowances paid to any one person by any one local authority in a financial year shall not exceed the prescribed amount.*

(5) *Allowances under this paragraph shall be treated as allowances in respect of expenses and disbursements in the performance of the recipient's duties.”*

(2) *This section shall come into operation on the 1st April 2004.*

(³1985 c 24)

Mr Karran

House divided.
New Clause [B] Lost.

New clause {C} for agreement in principle -

Postage of election addresses

In Schedule 1 to the Local Elections Act 1986² (application of provisions of Representation of the People Act 1995³), after the entry relating to section 30 insert -

- “31 Postage of election addresses to be paid by Treasury In subsection (1), for “Treasury out of money provided by Tynwald” substitute “local authority out of the district fund of the authority”, and for “constituency” substitute “district or ward”.*
- In subsection (3)(d), for “Treasury” substitute “local authority”.*”

⁽⁴⁾1986 c 10)

⁽⁵⁾1995 c 13)

Mr Karran

Motion made - that this House should adjourn consideration of the Clauses Stage of the Local Government (Miscellaneous Provisions) Bill.

Capt. Douglas

House divided.

Motion lost.

House Divided.

New Clause [C] Lost.

New clause {D} for agreement in principle -

Reimbursement of certain expenses by local authorities

(1) After section 92 of the Public Health Act 1990⁴ insert -

“92A. Expenses of Department

- (1) Where, in pursuance of arrangements under section 2(1) of the Local Government Act 1985, the Department provides technical assistance to a local authority in the exercise of its functions under this Act, the authority shall pay to the Department, at such times and in such manner as the Department may reasonably require, the expenses incurred by the Department in providing such assistance.*

- (2) *Where, pursuant to section 10(1), the Department exercises any functions of a local authority under section 2, 3, 6, 7 or 9 in the district of that authority, the authority shall pay to the Department, at such times and in such manner as the Department may reasonably require, the expenses incurred by the Department in exercising those functions.*
- (3) *The expenses payable under subsection (1) or (2) shall include a reasonable sum in respect of the Department's establishment charges.*
- (4) *Any question arising under this section between the Department and a local authority shall, in default of agreement, be determined by arbitration."*

(2) *In section 34 of the Building Control Act 1991⁵, at the end insert -*

" (5) Where a local authority is not the building authority for the authority's district, the authority shall pay to the Department, at such times and in such manner as the Department may reasonably require, the expenses incurred by the Department in performing its functions as building authority for that district (including a reasonable sum in respect of its establishment charges).

(6) Any question arising under subsection (5) between the Department and a local authority shall, in default of agreement, be determined by arbitration."

⁽⁶⁾1990 c10
⁽⁷⁾1991 c21

Mr Karran

New Clause [D] Lost.

New clause {E} for agreement in principle -

Rating of unfinished properties etc

For section 31 of the Rating and Valuation Act 1953⁶ substitute -

"31. Valuation of unfinished properties etc

- (1) *This section applies to any land in respect of which planning approval has been granted by or pursuant to a development order for the carrying out thereon of any building operations which have not been completed.*
- (2) *The Treasury may, and if so requested by the Commissioners shall, direct that any land to which this section applies shall be valued at its full value as if those operations had been completed.*

- (3) *The Treasury may, for the purpose of making a valuation under this section, require the production of any drawings or specifications in the possession of any person.*
- (4) *In this section “development order” and “planning approval” have the same meanings as in the Town and Country Planning Act 1999⁷.*

31A. Valuation of land zoned etc for building

- (1) *This section applies to any land, where an area plan makes proposals for its development by way of the carrying out of building operations of any description or where planning approval has been granted therefor.*
- (2) *The Treasury may, and if so requested by the Commissioners shall, direct that any land to which this section applies shall be valued on the basis that the gross value thereof were the following amount -*

$$CV \times F$$

where -

- CV = the amount which the land if sold in the open market by a willing seller might be expected to realise;*
- F = two, or such other factor as the Treasury may by regulations prescribe.*

- (3) *This Part of this Act shall apply to the determination of any amount under subsection (2), subject to such modifications as the Treasury may by regulations prescribe.*
- (4) *Regulations under this section shall not have effect unless they are approved by Tynwald.*
- (5) *In this section “area plan” has the same meaning as in the Town and Country Planning Act 1999.”.*

⁽⁸⁾XVIII p 258)
⁽⁹⁾1999 c 9)

Mr Karran

House divided.
 New Clause [E] Lost.

Clause 4 ordered to stand part of the Bill.

Motion made - that Standing Order 158 (1) be suspended to permit the Third Reading of the Local Government (Miscellaneous Provisions) Bill to be taken at this sitting.

Mr Earnshaw

House divided.
 Motion carried.

Motion made - that the Local Government (Miscellaneous Provisions) Bill be now read a third time.

Mr Earnshaw

Motion carried.

2. Companies, Etc (Amendment) Bill

Clauses 1 to 31 ordered to stand part of the Bill.

Clause 32 and Schedules 1 and 2 -

Amendments to be moved by Mr Corkill

Schedule 1. Amendment of Enactments -

Page 51 -

Under the heading "Companies (Transfer of Domicile) Act 1998 (c 6)", omit entries 1 and 2.

Schedule 2. Enactments Repealed -

Page 54 -

Against the heading "Companies (Transfer of Domicile) Act 1998 (c 6)" in the third column, insert the following two entries before the existing text -

"In section 1(1)(b) omit subsection (1)(b)(i) and (iii)".

and

"In section 7(1)(b) omit subsection (1)(b)(i) and (iii)".

Mr Corkill

Amendments carried.

Clause 32 and Schedules 1 and 2, as amended, ordered to stand part of the Bill.

Clause 33 ordered to stand part of the Bill.

Resolution made -

That the sitting of the House on 24th June 2003 should be concluded by 1pm.

Resolution carried.

The House rose at 4.15pm.

Malachy Cornwell-Kelly
Secretary of the House

The House adjourned to the sitting of Tynwald Court commencing on the 17th June 2003 and thereafter to the 24th June 2003.