

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 15th JULY 2003
WEDNESDAY 16th JULY 2003
THURSDAY 17th JULY 2003

(The number before each motion refers to the number of the motion on the Order Paper)

The Manx Regiment -

Mr President paid tribute to the Manx Regiment on the occasion of its 65th anniversary and final gathering.

Bill signed -

European Communities (Amendment) Bill 2003.

1. Laid before the Court -

Road Traffic Act 1985 -

Driving Tests and Licences (Fees) Regulations 2003 *[SD No 423/03]*

Moped and Learner Motor Cycle (Definitions) Regulations 2003
[SD No 414/03]

Licensing and Registration of Vehicles Act 1985 -

Vehicle Duty Order 2003 *[SD No 424/03]*

Weights and Measures Act 1981 -

Weights and Measures (Testing Fees) Regulations 2003 *[SD No 462/03]*

Social Security Act 2000 -

Social Security Act 1998 (Application) (Amendment) Order 2003
[SD No 442/03]

Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) (No. 5) Order 2003 *[SD No 443/03]*

Social Security Legislation (Application) (No. 15) Order 2003
[SD No 444/03]

Social Security Legislation (Application) (No. 16) Order 2003
[SD No 445/03]

Social Security Legislation (Application) (No. 17) Order 2003
[SD No 446/03]

Social Security Contributions and Benefits Act 1992 -

Family Income Supplement (General) (Amendment) (No. 2) Regulations
2003 *[SD No 447/03]*

Income Support (General) (Isle of Man) (Amendment) (No. 5) Regulations
2003 *[SD No 448/03]*

Benefits Schemes (Miscellaneous Amendments) Scheme 2003 -

Benefits Schemes (Miscellaneous Amendments) Scheme 2003
[GC No 22/03]

Criminal Justice Act 1990 -

Criminal Justice Act 1990 (Designated Countries and Territories)
(Amendment) Order 2003 *[SD No 453/03]*

Drug Trafficking Act 1996 -

Drug Trafficking (Designated Countries and Territories) (Amendment)
Order 2003 *[SD No 454/03]*

Criminal Justice Act 1991 -

Criminal Justice (Enforcement of External Forfeiture Orders)
(Amendment) Order 2003 *[SD No 455/03]*

Merchant Shipping Act 1985 -

Merchant Shipping (Pleasure Vessel) Regulations 2003 *[SD No 396/03]*

Highways Act 1986 -

Highway Closure (Palace View Terrace Lane, Douglas) Order 2003
[SD No 450/03]

Betting Act 1970 -

Betting Act 1970 (Amendment) (No. 2) Order 2003 *[SD No 435/03]*

Sea-Fisheries Act 1971 -

Sea-Fisheries (Experimental Area) Bye-Laws 2003 *[SD No 422/03]*

Adoption Act 1984 -

Registration of Foreign Adoptions Regulations 2003 *[SD No 403/03]*
Adoption Societies Order 2003 *[SD No 449/03]*

Compulsory Acquisition of Land at Vicarage Road, Douglas -

Petition of the Department of Transport dated 26th June 2003

Reports -

Isle of Man Government Annual Report 2003.

Department of Local Government and the Environment - Housing Policy
Review Progress Report July 2003.

- Value Added Tax Act 1996 -
Value Added Tax (Amendment) (No. 4) Regulations 2003 [*SD No 436/03*]
- Tobacco Products Duty Act 1986 -
Tobacco Products (Amendment) Regulations 2003 [*SD No 452/03*]
Tobacco Products (Description of Products) Order 2003 [*SD No 451/03*]
- Government Departments Act 1987 -
Appointment of Members of Departments Instrument 2003 [*GC No 23/03*]
- Employment Act 1991 -
Employment Tribunal - appointment of Deputy Chairman [*SD No 463/03*]
- Agricultural Wages Act 1952 -
Agricultural Wages Board Order 2003 [*SD No 401/03*]
- Patents -
Patents Act 1977 (Isle of Man) Order 2003 [*SI 2003 No 1249*]
- United Nations -
Iraq (United Nations Sanctions) (Isle of Man) Order 2003 [*SI 2003 No 1522*]
- Appointed Day Orders -
Property Service Charges (Amendment) Act 2003 (Appointed Day) Order 2003 [*SD No 415/03*]
- European Communities -
Sixth Amendment to the List of Persons, Groups and Entities under the European Communities (Al-Qaida and Taliban Sanctions) (Application) Order 2003 [*GC No 24/03*]
European Communities Secondary Legislation April to June 2003
- Reports -
Eighteenth Report and Statement of Accounts of the Public Lottery Trust for the year ended 31st January 2003.
Annual Report for the year ended June 2003 of the Standing Committee of Tynwald on Economic Initiatives.
Report of the Police Complaints Commissioner for the year ended 31st March 2003.
Report by the Clerk of Tynwald on the Petition of the Department of Transport.
Annual Report to Tynwald on Hospital Activity for year ended 31st March 2003.
Part 1 of the Report of the Commission of Inquiry into Mount Murray.
Report of the Standing Orders Committee of Tynwald on Petitions for Redress presented on 7th July 2003.
- Accounts -
Isle of Man Government Accounts for the year ended 31st March 2003.

13. Report of the Mount Murray Commission of Inquiry -

Under Standing Order 2.8, notice of motion for immediate discussion of a definite matter of urgent public importance was given by Mr Speaker in writing to Mr President, four members rising in their seats.

Leave to move the motion granted.

Motion made -

- (1) As a matter of urgent public importance Tynwald is of the opinion that the business on the July Order Paper at item 13, 'Report of the Mount Murray Commission of Inquiry', be taken immediately and;
- (2) That any and all proceedings relating to the said item be broadcast live and in full on Manx Radio.

Mr Speaker

Amendment moved -

That the motion be amended by deleting from paragraph 1 the word "immediately", and substituting -

"after Item 2 (Questions) has been concluded".

Mr Cannan

Amendment carried.

Motion as amended carried.

2. Questions -

Questions 1 to 22 answered orally.

Questions 23 to 25 deferred to the October sitting.

Questions 26 to 60 answered in writing.

13. Report of the Mount Murray Commission of Inquiry -

Motion made -

That Part 1 of the Report of the Commission of Inquiry into Mount Murray be approved.

Mr Karran

Amendment moved -

For the word "approved" substitute "received" and add -

"and the Council of Ministers be asked to report on the recommendations therein by October 2003."

Mr Corkill

Further amendment moved -

Delete the word "approved" and insert -

"received, and that the Council of Ministers accepts the need for change and gives an undertaking to assess the recommendations of the Mount Murray Report, and convey to the October sitting of Tynwald as to how those recommendations can as far as practical be implemented."

Mr Henderson

Mr Corkill's amendment withdrawn by leave of the Court.

Mr Henderson's amendment -

Court divided.

Amendment carried.

Court divided.

Motion as amended carried.

The Court rose at 9.43 pm and adjourned to Wednesday 16th July 2003.

**DOUGLAS
WEDNESDAY 16th JULY 2003**

3. Ramsey Police Station -

Motion made -

That Tynwald -

- (i) approves additional capital expenditure of a sum not exceeding £62,225 to allow the completion of the Refurbishment of Ramsey Police Station;
- (ii) authorises the Treasury to expend a sum not exceeding £62,225 from the Capital Transaction Fund in the year ending 31st March 2004 in respect of the additional expenditure.

[Reference: Item 1 under the heading "Home Affairs" on page 8 of the Isle of Man Budget 2003-04 and as detailed in the Estimates of Capital Payments 2003-04 to 2007-08 on page 62 of the Isle of Man Budget 2003-04]

Mr Braidwood

Motion carried.

4. Contingency Planning Funding for Bio-Terrorism and Other Threats -

Motion made -

That Tynwald authorises the Treasury to apply from the General Revenue during the year ending 31st March 2004 for a sum not exceeding £865,000 to allow the Department of Home Affairs to establish and maintain a resource to enable the Isle of Man Government to plan for and respond to Chemical, Biological, Radioactive or Nuclear threats and to ensure a credible level of readiness to respond to “all hazards” civil emergencies.

Mr Braidwood

Motion carried.

5. Archallagan Plantation -

Motion made -

That Tynwald -

- (a) approves the expenditure of a sum not exceeding £550,000 on fees to tender stage in respect of a scheme to provide a landfill site for the Island at Archallagan Plantation;
- (b) authorises the Treasury to expend during the year ending 31st March 2004 from the Capital Transactions Account a sum not exceeding £550,000;
- (c) approves of and sanctions borrowings not exceeding £550,000 being made by Government, such borrowings to be repaid within a period of 30 years.

[Reference: under the heading “Local Government & Environment” - Landfill Sites Phases 1, 2 and 3 - amounting to £9,644,000 on page 63 of the Isle of Man Budget 2003-04]

Mrs Crowe

Amendment moved -

That the motion be amended by -

(i) deleting from paragraph (a) “£550,000 on fees to tender stage” and substituting “£200,000 in respect of the costs of the planning inquiry”

and

(ii) deleting “£550,000” in paragraphs (b) and (c) and substituting “£200,000”.

Mr Anderson

Amendment carried.

Court divided.

Motion as amended carried.

14. Road Traffic Act 1985 -

Motion made -

That the Driving Tests and Licences (Fees) Regulations 2003 be approved.
[SD No 423/03]

Mr Shimmin

Motion carried.

15. Weights and Measures Act 1981 -

Motion made -

That the Weights and Measures (Testing Fees) Regulations 2003 be approved.
[SD No 462/03]

Mr Houghton

Motion carried.

16. Licensing and Registration of Vehicles Act 1985 -

Motion made -

That the Vehicle Duty Order 2003 be approved. *[SD No 424/03]*

Mr Shimmin

Motion carried.

38. Private Petition – Acquisition of Land Act 1984 - Vicarage Road -

Motion made -

That the Prayer of the Petition of the Department of Transport dated 26th June 2003 be granted.

Mr Shimmin

Mrs Clare Faulds appeared at the Bar on behalf of –

Mrs & Mrs R T P Allan, Old Vicarage, Braddan;

Mr & Mrs Burgoyne, Wychbury, Vicarage Road;

Mr & Mrs C Cain, Mee-Ny-Nollick, Vicarage Road; and

Mr & Mrs P Christian and Mr D Christian, Manderlay, Vicarage Road.

Court divided.

Motion carried.

39. Acquisition of Land Act 1984 - Compulsory Acquisition of Land for the Widening of Vicarage Road -

Motion made -

That Tynwald, having this day granted the prayer of a petition of the Department of Transport, the Department of Transport be authorised (in accordance with the provisions of section 2 of the Acquisition of Land Act 1984) to acquire compulsorily the land described in the schedule to that petition.

Mr Shimmin

Motion carried.

6. Summerland Site -

Motion made -

That Tynwald -

- (1) approves of the principle of a joint venture redevelopment of the Summerland site to include a mixture of commercial uses and public sector leisure facilities;
- (2) approves the Department of Tourism and Leisure incurring additional expenditure and other expenses not exceeding £1,080,600 for total fees for the development of the Summerland site including Summerland Redevelopment, TT Experience and Ice Rink/Five-a-Side Centre;
- (3) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2004, a sum not exceeding £454,200;
- (4) approves of and sanctions borrowings not exceeding £454,200 being made by Government, such borrowings to be repaid within a period of 30 years.

[Reference: Item No 2 under the heading "Tourism and Leisure" on page 9 of the Isle of Man Budget 2003-04 and as detailed in the Estimates of Capital Payments 2003-04 to 2007-08 on page 64 of the Isle of Man Budget 2003-04]

Mr Lowey

Amendment moved -

That in Paragraph (2) for the words "Ice Rink/Five-a-Side Centre" substitute -

"recreational facilities"

Mr Singer

Court divided.

Amendment lost.

Court divided.

Motion carried.

7. Revenue Accounts 2002/03 -

Motion made -

That Tynwald authorises the Treasury to apply from General Revenue, in respect of the year ended 31st March 2003 -

- (1) Surplus receipts totalling £1,043,868 of the Department of Transport in payment of excess expenditure; and
- (2) The sum of £706,822 in payment of excess expenditure of the Department of Transport comprising -
 - (a) £210,000 in respect of expenditure incurred on behalf of the Road Transport Licensing Committee not included in the Isle of Man Budget 2002-03; and
 - (b) In respect of the Airport -
 - (i) £92,000 for increased costs of security and insurance not charged to the airlines; and
 - (ii) £404,822 in respect of the balance of expenditure incurred for the scheme, introduced on 1st April 2002, of rebates of fees and charges paid by airlines.

Mr Shimmin

Motion carried.

8. Revenue Accounts 2002/03 -

Motion made -

That Tynwald authorises the Treasury to apply from the General Revenue in respect of the year ended 31st March, 2003, the sum of £529,280 in payment of excess expenditure of £521,318 of the Department of Education and £7,962 shortfall in receipts of the Department of Education.

Mr Rodan

Motion carried.

9. Ashley Hill Primary School -

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £367,100 on the second phase of the refurbishment and extension to Ashley Hill Primary School.

[Reference: Item No 10 under the heading "Education" on page 7 of the Isle of Man Budget 2003-04 and as detailed in the Estimates of Capital Payments 2003-04 to 2007-08 (new schemes - Ashley Hill School Extension) on page 59 of the Isle of Man Budget 2003-04]

Mr Rodan

Motion carried.

Announcement of Royal Assent to Act -

European Communities (Amendment) Act 2003.

17. Adoption Act 1984 -

Motion made -

That the Adoption Societies Order 2003 be approved. *[SD No 449/03]*
Mrs Christian

Motion carried.

18. Social Security Act 2000 -

Motion made -

That the Social Security Act 1998 (Application) (Amendment) Order 2003 be approved. *[SD No 442/03]*

Mrs Christian

Motion carried.

19. Social Security Act 2000 -

Motion made -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2003 be approved. *[SD No 443/03]*

Mrs Christian

Motion carried.

20. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 15) Order 2003 be approved. *[SD No 444/03]*

Mrs Christian

Motion carried.

21. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 16) Order 2003 be approved. *[SD No 445/03]*

Mrs Christian

Motion carried.

22. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 17) Order 2003 be approved. *[SD No 446/03]*

Mrs Christian

Motion carried.

23. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Family Income Supplement (General) (Amendment) (No. 2) Regulations 2003 be approved. *[SD No 447/03]*

Mrs Christian

Motion carried.

24. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Income Support (General) (Isle of Man) (Amendment) (No. 5) Regulations 2003 be approved. *[SD No 448/03]*

Mrs Christian

Motion carried.

25. Benefits Schemes (Miscellaneous Amendments) Scheme 2003 -

Motion made -

That the Benefits Schemes (Miscellaneous Amendments) Scheme 2003 be approved. *[GC No 22/03]*

Mrs Christian

Motion carried.

26. Criminal Justice Act 1990 -

Motion made -

That the Criminal Justice Act 1990 (Designated Countries and Territories) (Amendment) Order 2003 be approved. *[SD No 453/03]*

Mr Braidwood

Motion carried.

27. Drug Trafficking Act 1996 -

Motion made -

That the Drug Trafficking (Designated Countries and Territories) (Amendment) Order 2003 be approved. *[SD No 454/03]*

Mr Braidwood

Motion carried.

28. Criminal Justice Act 1991 -

Motion made -

That the Criminal Justice (Enforcement of External Forfeiture Orders) (Amendment) Order 2003 be approved. *[SD No 455/03]*

Mr Braidwood

Motion carried.

29. Merchant Shipping Act 1985 -

Motion made -

That the Merchant Shipping (Pleasure Vessel) Regulations 2003 be approved. *[SD No 396/03]*

Mr Downie

Motion carried.

30. Road Traffic Act 1985 -

The Minister for Transport to move -

That the Moped and Learner Motor Cycle (Definitions) Regulations 2003 be approved. *[SD No 414/03]*

Mr Shimmin

Motion carried.

31. Highways Act 1986 -

Motion made -

That the Highway Closure (Palace View Terrace Lane, Douglas) Order 2003 be approved. *[SD No 450/03]*

Mr Shimmin

Motion carried.

32. Betting Act 1970 -

Motion made -

That the Betting Act 1970 (Amendment) (No. 2) Order 2003 be approved.
[SD No 435/03]

Mr Bell

Motion carried.

33. Sea-Fisheries Act 1971 -

Motion made -

That the Sea-Fisheries (Experimental Area) Bye-Laws 2003 be approved.
[SD No 422/03]

Mr Rimington

Motion carried.

34. Adoption Act 1984 -

Motion made -

That the Registration of Foreign Adoptions Regulations 2003 be approved.
[SD No 403/03]

HM Attorney General

Motion carried.

35. Standing Committee on Expenditure and Public Accounts -

To elect one Member of Tynwald to serve during the life of the House of Keys in place of Mr Earnshaw.

Mrs Craine, Mr Gawne and Mr Gill were nominated and seconded.

After a ballot, Mr Gill was elected.

The Court rose at 9.03 pm and adjourned to Thursday 17th July 2003.

10. Isle of Man Government Annual Report 2003 -

Motion made -

That the Isle of Man Government Annual Report 2003 be received.
Mr Corkill

Court divided.
Motion carried.

11. Housing Policy Review Progress Report - July 2003 -

Motion made -

That the Housing Policy Review Progress Report July 2003 be received.
Mrs Crowe

Amendment moved –

That the motion be amended by adding-

“and that the Minister for Local Government and the Environment should report to the December 2003 sitting of Tynwald Court on-

- (1) all the options for remedying the shortage of houses available for owner-occupation, including the use of fiscal measures and rent control;*
- (2) all the options for controlling the demand for housing, and*
- (3) options for introducing measures to limit the amount of development land owned or controlled by any single developer or group of associated development companies.”*

Mr Gawne

Amendment divided into parts and put separately under Standing Order 3.17(4)

Court divided.
Part 1 of the amendment lost.
Part 2 of the amendment lost.
Part 3 of the amendment lost.

Motion carried.

12. Select Committee on the Scrutiny of the Public Accounts Committee Functions -

Statement made by the Chairman of the Committee (Mr Speaker).

36. Local Authority and Government Housing Eviction Consultative Body -

Motion made -

- (1) Tynwald is of the opinion that, as all funding for Local Authority and Government housing comes from Government, all proposed evictions must be referred to a consultative body consisting of -
 - (a) Local Government and the Environment Officer - Housing,
 - (b) Department of Health and Social Security Social Worker; and
- (2) that a Housing Welfare Officer should be appointed who would also sit on this body.

Mrs Hannan

Amendment moved -

Delete all the words after -

“(1) Tynwald is of the opinion that, as all funding for Local Authority and Government housing comes from Government,”

and substitute -

“the Department of Local Government and the Environment should investigate, in consultation with local Authorities, the need for a consultative body consisting of -

(a) Local Government and the Environment Officer - Housing;

(b) Department of Health and Social Security Social Worker;

and

(2) that the Department should similarly investigate the need for a Housing Welfare Officer, who if appointed, would also sit on this body to deal with cases of eviction,

and report further to the November sitting Tynwald on such investigations.”

Mrs Crowe

Amendment carried.

Motion as amended carried.

37. Mount Murray Inquiry -

Motion not put

The Court adjourned at 9.40 pm.

**The Hon Noel Quayle Cringle
President of Tynwald**