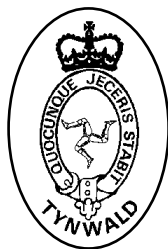


# **TYNWALD**

## **Tinvaal**



### **VOTES AND PROCEEDINGS**

#### **Reaghyssyn as daaltyn**

**DOUGLAS**  
**TUESDAY 15th OCTOBER 2002**  
**WEDNESDAY 16TH OCTOBER 2002**  
**THURSDAY 17TH OCTOBER 2002**

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

#### **Mr John Norman Radcliffe CP CBE -**

Mr President paid tribute to the late Mr John Norman Radcliffe CP MLC. The Court stood in silence as a mark of respect.

#### **Mr Donald James Gelling CBE MLC -**

Mr President welcomed Mr Gelling to his first sitting of Tynwald Court as a Member of the Legislative Council.

#### **1. Laid before the Court -**

Corporate Service Providers Act 2000 -

Corporate Service Providers (Fees) Regulations 2002 *[SD No 547/02]*

Social Security Act 2000 -

Social Security Legislation (Application) (No. 11) Order 2002  
*[SD No 623/02]*

Social Security Legislation (Application) (No. 12) Order 2002  
*[SD No 624/02]*

Social Security Contributions and Benefits Act 1992 -

Income Support (General) (Isle of Man) (Amendment) (No. 4)  
Regulations *[SD No 625/02]*

Land Registration Act 1982 -  
Land Registry (Designation of Compulsory Area) Order 2002  
*[SD No 611/02]*

Electronic Transactions Act 2000 -  
Electronic Transactions (General) (Amendment) Regulations 2002  
*[SD No 627/02]*

Minimum Wage Act 2001 -  
Minimum Wage Committee Regulations 2002 *[SD No 620/02]*

Subsistence Allowances -  
Subsistence Allowances *[GC No 32/02]*

Payment of Members' Expenses Act 1989 -  
Travelling Allowances Order 2002 *[SD No 536/02]*  
Attendance Allowances Order 2002 *[SD No 476/02]*

Customs and Excise Act 1993 -  
Dual-Use Items (Export Control) (Amendment) (No. 2) Regulations  
2002 (Application) Order 2002 *[SD No 551/02]*  
Customs and Excise Acts (Application) (Amendment) Order 2002  
*[SD No 524/02]*

Customs and Excise Management Act 1986 -  
Customs and Excise Management Act 1986 (Amendment) Order 2002  
*[SD No 517/02]*

Value Added Tax Act 1996 -  
Value Added Tax Act 1996 (Amendment) (No. 2) Order 2002  
*[SD No 518/02]*

Betting Act 1970 -  
Betting Act 1970 (Amendment) Order 2002 *[SD No 520/02]*

Hydrocarbon Oil Duties Act 1986 -  
Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2002  
*[SD No 521/02]*

Alcoholic Liquor Duties Act 1986 -  
Alcoholic Liquor Duties Act 1986 (Amendment) (No. 2) Order 2002  
*[SD No 522/02]*

Pool Betting (Isle of Man) Acts 1961 to 1970 -  
Pool Betting (Isle of Man) (Amendment) (No. 2) Order 2002  
*[SD No 523/02]*

Banking Act 1998 -  
Banking (Exemption) (Temporary Business Continuity Operations)  
Regulations 2002 *[SD No 588/02]*

- Investment Business Acts 1991 to 1993 -  
 Investment Business (Exemption) (Temporary Business Continuity Operations) Regulations 2002 *[SD No 589/02]*
- Corporate Service Providers Act 2000 -  
 Corporate Service Providers (Exemption) (Temporary Business Continuity Operations) Regulations 2002 *[SD No 590/02]*
- Agricultural Wages Act 1952 -  
 Agricultural Wages Regulations 2002 *[SD No 513/02]*
- Superannuation Act 1984 -  
 Superannuation Act 1984 (Amendment to Schedule 1) Order 2002 *[SD No 602/02]*
- Constables Fees and Witnesses Allowances Act 1947 -  
 Witnesses Allowances Order 2002 *[SD No 475/02]*
- Reports -  
 Office of the Chief Minister: Annual Report 2002.  
 Treasury: Modification to the Taxation Strategy  
 Chief Constable's Annual Report 2001-2002.  
 Report by the Council of Ministers: Residence Act 2001. A Progress Report.  
 Report by the Children and Young People's Strategy Committee of the Council of Ministers: The Options for Addressing the Problem of Young People with Challenging Behaviour Absenting Themselves from Care Establishments.
- Superannuation Act 1984 -  
 Superannuation (Clerk of Tynwald's Department) Determination (No. 4) 2002 *[SD No 432/02]*
- Government Departments Act 1987 -  
 Appointment of Members of Departments Instrument 2002 *[GC No 28/02]*
- Agricultural Wages Act 1952 -  
 Agricultural Wages Board Order 2002 *[SD No 512/02]*
- Post Office Act 1993 -  
 Post Office (Inland Post) (Amendment No. 2) Scheme 2002 *[SD No 490/02]*
- Value Added Tax Act 1996 -  
 Value Added Tax (Acquisitions) Relief Order 2002 *[SD No 519/02]*  
 Value Added Tax (Special Provisions) (Amendment) (No. 2) Order 2002 *[SD No 388/02]*  
 Value Added Tax (Cars) (Amendment) Order 2002 *[SD No 389/02]*
- Hydrocarbon Oil Duties Act 1986 -  
 Hydrocarbon Oil (Industrial Reliefs) Regulations 2002 *[SD No 445/02]*  
 Hydrocarbon Oil (Marking) Regulations 2002 *[SD No 485/02]*  
 Biodiesel and Bioblend Regulations 2002 *[SD No 525/02]*

- Police Act 1993 -  
Isle of Man (Amendment) (No. 2 ) Regulations 2002 [*SD No 617/02*]
- Custody Act 1995 -  
Custody (Designation of Douglas Police Station) Order 2002  
[*SD No 552/02*]
- Food (Emergency Provisions) Act 1986 -  
Food (Emergency Provisions) (Diarrhetic Shellfish Poisoning)  
Revocation Order 2002 [*SD No 488/02*]  
Food (Emergency Provisions) (Diarrhetic Shellfish Poisoning) (No. 2)  
Revocation Order 2002 [*SD No 633/02*]
- Town and Country Planning Act 1991 -  
Douglas Promenades Conservation Area Order 2002 [*SD No 516/02*]
- Medicines Act 1976 -  
Medicines (Pharmacies) (Registration Fees) Regulations 2002  
[*SD No 612/02*]
- Payment of Members' Expenses Act 1989 -  
Department of Health and Social Security (Allowances) (Specified  
Body) Order 2002 [*SD No 640/02*]
- Mental Health Act 1998 -  
Mental Health Code of Practice (Approval) Instrument 2002  
[*SD No 526/02*]
- Appointed Day Order -  
Mental Health (Amendment) Act 2001 (Appointed Day) Order 2002  
[*SD No 643/02*]
- European Communities (Isle of Man) Act 1973 -  
Anti-Money Laundering (Money Service Businesses) Regulations 2002  
[*SD No 487/02*]  
European Communities (Air Carrier Liability in Respect of the  
Carriage of Passengers and their Baggage by Air) (Application) Order  
2002
- European Communities -  
European Communities (Zimbabwe Sanctions) (Application) Order  
2002 [*GC No 30/02*] - amended list  
European Communities (Zimbabwe Sanctions) (Application) Order  
2002 [*GC No 33/02*] - second amended list  
European Communities Secondary Legislation July/August 2002  
[*GC No 34/02*]
- Reports and Accounts -  
  
Depositors' Compensation Scheme Annual Report and Accounts of the  
Scheme Manager for the year ended 31st March 2002.  
Code of Practice on Access to Government Information: Report of the  
Commissioner for the period 1st September 2001 to 31st August 2002.

Report of the Police Complaints Commissioner for the Year Ended 31st March 2002.

Report by Her Majesty's Inspectorate of Constabulary 2002.

Isle of Man Water Authority: Annual Report and Accounts 2001-2002.

Isle of Man Water Authority: Drinking Water Quality Report 2001-2002.

Standing Committee on Expenditure and Public Accounts: General Report Session 2001-2002.

**2. Questions -**

Questions 1-27 were answered orally. Questions 28-51 were answered in writing.

**3. Mount Murray Inquiry -**

Statement made by the Chief Minister.

**4. Annual Report 2002 -**

Motion made -

That the Isle of Man Government Annual Report 2002 be received and the Council of Ministers be invited to present to Tynwald for consideration in January, 2003, a Corporate Plan which builds on the work described in the Report.

Mr Corkill

Court divided.

Motion carried.

**11. Superannuation Act 1984 -**

Motion made -

That the Superannuation Act 1984 (Amendment to Schedule 1) Order 2002 be approved. *[SD No 602/02]*

Mr Waft

Motion carried.

**12. Social Security Act 2000 -**

Motion made -

That the Social Security Legislation (Application) (No. 11) Order 2002 be approved. *[SD No 623/02]*

Mrs Christian

Motion carried.

**13. Social Security Act 2000 -**

Motion made -

That the Social Security Legislation (Application) (No. 12) Order 2002 be approved. *[SD No 624/02]*

Mrs Christian

Motion carried.

**14. Social Security Contributions and Benefits Act 1992 -**

Motion made -

That the Income Support (General) (Isle of Man) (Amendment) (No. 4) Regulations 2002 be approved. *[SD No 625/02]*

Mrs Christian

Motion carried.

**5. Corporate Service Providers Act 2000 -**

Motion made -

That the Corporate Service Providers (Fees) Regulations 2002 be approved. *[SD No 547/02]*

Mr Bell

Motion carried.

**15. Land Registration Act 1982 -**

Motion made -

That the Land Registry (Designation of Compulsory Area) Order 2002 be approved. *[SD No 611/02]*

Mrs Crowe

Motion carried.

**16. Electronic Transactions Act 2000 -**

Motion made -

That the Electronic Transactions (General) (Amendment) Regulations 2002 be approved. *[SD No 627/02]*

Mr Downie

Motion carried.

**17. Minimum Wage Act 2001 -**

Motion made -

That the Minimum Wage Committee Regulations 2002 be approved.  
*[SD No 620/02]*

Mr Downie

Motion carried.

**18. Subsistence Allowances -**

Motion made -

That the Subsistence Allowances be approved. *[GC No 32/02]*

Mr Bell

Motion carried.

**19. Payment of Members' Expenses Act 1989 -**

Motion made -

That the Travelling Allowances Order 2002 be approved. *[SD No 536/02]*

Mr Bell

Court divided.

Motion carried.

**20. Payment of Members' Expenses Act 1989 -**

Motion made -

That the Attendance Allowances Order 2002 be approved. *[SD No 476/02]*

Mr Bell

Motion carried.

**21. Customs and Excise Act 1993 -**

Motion made -

That the Dual-Use Items (Export Control) (Amendment) (No. 2) Regulations 2002 (Application) Order 2002 be approved. *[SD No 551/02]*

Mr Bell

Motion carried.

**22. Customs and Excise Management Act 1986 -**

The Minister for the Treasury to move -

That the Customs and Excise Management Act 1986 (Amendment) Order 2002 be approved. *[SD No 517/02]*

Mr Bell

Motion carried.

**23. Value Added Tax Act 1996 -**

Motion made -

That the Value Added Tax Act 1996 (Amendment) (No. 2) Order 2002 be approved. *[SD No 518/02]*

Mr Bell

Motion carried.

**24. Betting Act 1970 -**

Motion made -

That the Betting Act 1970 (Amendment) Order 2002 be approved. *[SD No 520/02]*

Mr Bell

Motion carried.

**25. Hydrocarbon Oil Duties Act 1986 -**

Motion made -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2002 be approved. *[SD No 521/02]*

Mr Bell

Motion carried.

**26. Alcoholic Liquor Duties Act 1986 -**

Motion made -

That the Alcoholic Liquor Duties Act 1986 (Amendment) (No. 2) Order 2002 be approved. *[SD No 522/02]*

Mr Bell

Motion carried.

**27. Pool Betting (Isle of Man) Acts 1961 to 1970 -**

Motion made -

That the Pool Betting (Isle of Man) (Amendment) (No. 2) Order 2002 be approved. *[SD No 523/02]*

Mr Bell

Motion carried.

**28. Customs and Excise Act 1993 -**

Motion made -

That the Customs and Excise Acts (Application) (Amendment) Order 2002 be approved. *[SD No 524/02]*

Mr Bell

Motion carried.

**29. Banking Act 1998 -**

Motion made -

That the Banking (Exemption) (Temporary Business Continuity Operations) Regulations 2002 be approved. *[SD No 588/02]*

Mr Bell

Motion carried.

**30. Investment Business Acts 1991 to 1993 -**

Motion made -

That the Investment Business (Exemption) (Temporary Business Continuity Operations) Regulations 2002 be approved. *[SD No 589/02]*

Mr Bell

Motion carried.

**31. Corporate Service Providers Act 2000 -**

Motion made -

That the Corporate Service Providers (Exemption) (Temporary Business Continuity Operations) Regulations 2002 be approved. *[SD No 590/02]*

Mr Bell

Motion carried.

**32. Agricultural Wages Act 1952 -**

Motion made -

That the Agricultural Wages Regulations 2002 be approved. *[SD No 513/02]*

Mr Rimington

Motion carried.

**33. Constables Fees and Witnesses Allowances Act 1947 -**

Motion made -

That the Witnesses Allowances Order 2002 be approved. *[SD No 475/02]*

HM Attorney General

Motion carried.

The Court rose at 8.30 pm and adjourned to Wednesday 16th October 2002.

**DOUGLAS  
WEDNESDAY 16th OCTOBER 2002**

**6. GP Surgery Castletown -**

Motion made -

That Tynwald approves of the Department of Health and Social Security incurring expenditure not exceeding £675,000 for the construction of a G.P. Surgery in Castletown.

[Reference: Item No. 15 under the heading "Health and Social Security" on page no. 8 of the Isle of Man Budget 2002-2003 and as detailed in the Estimates of Capital Payments 2002-2003 to 2006-2007 on page 112 of the Isle of Man Budget 2002-2003]

Mrs Christian

Motion carried.

**7. Prison Redevelopment Programme -**

Motion made -

That Tynwald approves the expenditure of a sum not exceeding £1,695,000 for Design Fees (Pre-Contract) in respect of the proposed scheme to develop a new prison on the preferred site at Jurby.

[Reference: Item 14 under the heading "Home Affairs" on page 8 of the Isle of Man Budget 2002-2003 and as detailed in the Estimates of Capital Payments 2002-03 to 2006-07 (new Schemes - Prison Redevelopment Programme - Design Fees (Pre-Contract)) on page 113 of the Isle of Man Budget 2002-2003]

Mr Braidwood

Further motion made -

That Item 7 be adjourned until the November 2002 sitting of Tynwald Court to enable the Department of Home Affairs to provide a report for Tynwald on the criteria and reasons for siting the prison at Jurby.

Mrs Hannan

Court divided.

Further motion carried.

**8. New Build Housing Projects - Pre-Contract Fees -**

Motion made -

That Tynwald -

- (1) authorises the Department of Local Government and the Environment incurring expenditure not exceeding £293,000 in respect of pre-contract fees to progress new build housing projects;
- (2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March, 2003, a sum not exceeding £293,000;
- (3) approves of and sanctions borrowings not exceeding £293,000 being made by Government, such borrowings to be repaid within a period of 30 years; and
- (4) approves the transfer of £293,000 from the Housing Reserve Fund to the Capital Transactions Account during the year ending 31st March, 2003.

Mrs Crowe

Motion carried.

**9. Rail Infrastructure Renewal Programme -**

Motion made -

That Tynwald approves the Department of Tourism and Leisure incurring expenditure not exceeding £720,000 during the year ending 31st March, 2003, being the net amount required to meet the costs of undertaking the Rail Infrastructure Renewal Programme

[Reference: Item No. 10 under the heading "Tourism and Leisure" on page 9 of the Isle of Man Budget 2002-2003 and as detailed in the Estimated Capital Payments 2002-2003 to 2006-2007 under the heading "New Schemes" on page 115 of the Isle of Man Budget 2002-2003]

Mr Cretney

Motion carried.

**10. Ashley Hill Primary School -**

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £183,300 on the first phase of refurbishment and extensions to Ashley Hill Primary School.

[Reference: Item No. 22 under the heading "Education" on page 7 of the Isle of Man Budget 2002-2003 and as detailed in the Estimate of Capital Payments 2002-2003 to 2006-2007 (new schemes - Ashley Hill School Extension) on page 111 of the Isle of Man Budget 2002-2003]

Mr Rodan

Motion carried.

**34. Children and Young People's Strategy Committee -**

Motion made -

That the Report of the Children and Young People's Strategy Committee of the Council of Ministers on the Options for Addressing the Problem of Young People with Challenging Behaviour Absenting Themselves from Care Establishments be received and the recommendations made by the Committee be approved.

Mr Corkill

Amendment moved -

*Delete all words after "received" and substitute -*

*"and that a further report with recommendations to prevent issues of absconding or absenteeism from care establishments be brought to Tynwald no later than the January 2003 sitting."*

Mr Houghton

Court divided.  
Amendment lost.  
Court divided.  
Motion carried.

**35. Residence Act 2001 -**

Motion made -

That the Council of Ministers' Progress Report, dated September 2002, on the Residence Act be received.

Mr Corkill

Court divided.  
Motion carried.

**36. Chief Constable's Annual Report 2001-2002 -**

Motion made -

That the Chief Constable's Annual Report 2001-2002 be received.

Mr Braidwood

The Court rose at 9.00 pm and adjourned to Thursday 17th October 2002.

**DOUGLAS**  
**THURSDAY 17th OCTOBER 2002**

**36. Chief Constable's Annual Report 2001-2002 -**

Debate Resumed.

Motion carried.

**37. Taxation Strategy -**

Motion made -

That Tynwald endorses the implementation of the modification to the Taxation Strategy by the Treasury, as set out in the document laid before the Court entitled "Modification to the Taxation Strategy".

Mr Bell

Court divided.

Motion carried.

**38. Standing Orders Committee of Tynwald -**

Motion made -

That the First Report of the Standing Orders Committee for the Session 2002-2003 be received and its recommendations approved.

Mr Speaker

Amendment moved -

*That in recommendation 9.5 delete the proposed addition of Standing Order 6.12 and substitute as a new Standing Order 6.12 -*

*"6.12 A Petition for Redress which is in order but which has not been the subject of a resolution for its investigation by a Select Committee of Tynwald within five years following the end of the month in which it has been presented on Tynwald Hill shall be deemed to have lapsed and shall cease to be before the Court (whether or not a general election to the House of Keys shall have taken place within that period)."*

Mr Singer

Under Standing Order 3.12 the Court resolved to vote on each recommendation separately -

Recommendations 9.1 to 9.4 carried.

Recommendation 9.5.1 Court divided.

Recommendation 9.5.1 carried.

Recommendation 9.5.2 as amended carried.

Recommendations 9.6 and 9.7 carried.

Motion as amended carried.

### 39. Nuclear Power -

Motion made -

That Tynwald recognises the dangers to the Isle of Man from nuclear facilities in the UK due to the potential of accident, terrorism and the inability of the UK Government to ensure the safe disposal and/or storage of accumulated nuclear waste.

Tynwald therefore -

- (a) re-affirms its policy of wishing to see the early closure of Sellafield;
- (b) calls for the immediate cessation of the re-processing of nuclear waste;
- (c) opposes the introduction of any new civil nuclear energy plants in the UK;
- (d) will work together with other jurisdictions and organisations which have the same objectives; and

requires the Chief Minister to inform the UK Government of this Resolution.

Mr Singer

Amendment made -

*That all words after the word "terrorism" in line 3 be deleted and replaced by -*

*"and the difficulties for the UK Government to ensure the safe disposal and/or storage of accumulated nuclear waste.*

*Tynwald therefore -*

- (a) re-affirms its policy of wishing to see the complete closure of Sellafield;*
- (b) opposes the reprocessing of spent nuclear fuels;*
- (c) opposes the introduction of any new civil nuclear energy plants in the UK which will employ a fuel management cycle involving reprocessing at Sellafield;*
- (d) requires the Minister for Local Government and the Environment to examine all proposals and consultations concerning the development of any new nuclear facility in the UK;*
- (e) will work together with other jurisdictions and organisations which have the same objectives; and*

*requires the Chief Minister to inform the UK Government of this Resolution."*

Mrs Crowe

Court divided.

Amendment carried.

Court divided.

Motion as amended carried.

**40. Bottom Ash Disposal -**

Motion made -

That, before moving the approval of any public expenditure for the provision of a site for the disposal of bottom ash and material not suitable for incineration, the Minister for the Department of Local Government and the Environment shall have had conducted a detailed study and environmental impact assessment in relation to the possible alternative site at Knock-y-Laughan and reported thereon to this Honourable Court.

Mr Anderson

Court divided.

Motion lost.

**41. Castletown Sub-Post Office -**

Motion made -

That a Select Committee of five Members be appointed to investigate the circumstances surrounding, along with the reasons and the decision made by the Isle of Man Post Office relating to, the awarding of the Castletown sub-post office contract to the Manx Co-op, and further to assess the implications of the decision to the town of Castletown and to the future of the sub-post office network in general, and report.

Mr Speaker

Amendment made -

*That all words after "That" be deleted and replaced with-*

*"Tynwald -*

*(a) establish a Select Committee of three Members to investigate and report on the manner and circumstances in which the Isle of Man Post awarded the agency for Castletown sub-post office to the Manx Co-op; and*

*(b) requires the Council of Ministers to report not later than the February 2003 sitting of Tynwald Court on the future of the Island's Post Office network."*

Mr Shimmin

Under Standing Order 3.12 the Court resolved to vote on each part of the amendment separately -

Court divided.

Part (a) carried.

Court divided.

Part (b) carried.

Motion as amended carried.

Mr Cannan, Mrs Cannell, Mr Houghton, Mr Quayle, Mr Shimmin and Mr Speaker were nominated and seconded.

After a ballot Mr Cannan, Mrs Cannell and Mr Quayle were elected.

**42. Residency Control -**

Motion not put.

**43. Iraq -**

Motion not put.

**Supplementary Order Paper -**

**1. Laid before the Court -**

Criminal Justice Act 1990 -

Anti-Money Laundering (Online Gambling) Code 2002 *[SD No 647/02]*

The Court adjourned at 9.30pm.

**Hon Noel Quayle Cringle  
President of Tynwald**