

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 17th JUNE 2003
WEDNESDAY 18th JUNE 2003

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

2. Bills signed –

Matrimonial Proceedings Bill 2003
Inquiries (Evidence) Bill 2003
International Criminal Court Bill 2003

1. Laid before the Court -

Social Security Act 2000 -

Child Benefit (Tax Credits Act 2002) (Application) (Amendment) Order
2003 [SD No 351/03]

Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) (No. 4) Order 2003 [SD No 352/03]

Social Security Legislation (Application) (No. 10) Order 2003
[SD No 353/03]

Social Security Legislation (Application) (No. 11) Order 2003
[SD No 354/03]

Social Security Legislation (Application) (No. 12) Order 2003
[SD No 355/03]

Social Security Legislation (Application) (No. 13) Order 2003
[SD No 356/03]

Social Security Legislation (Application) (No. 14) Order 2003
[SD No 357/03]

Social Security Contributions and Benefits Act 1992 -

Income Support (General) (Isle of Man) (Amendment) (No. 4)
Regulations 2003 [SD No 358/03]

- Pension Schemes Act 1995 -
Pension Scheme Legislation (Application) (No. 3) Order 2003 *[SD No 359/03]*
- Road Traffic (International Agreements) Act 1974 -
Road Traffic (European Agreement) (Crews of Vehicles Engaged in International Road Transport) Order 2003 *[SD No 365/03]*
- Customs and Excise Act 1986 -
Excise Duties Order 2003 *[SD No 224/03]*
- Value Added Tax Act 1996 -
Value Added Tax (Increase of Registration Limits) Order 2003 *[SD No 225/03]*
Value Added Tax (Supply of Services) (Amendment) Order 2003 *[SD No 227/03]*
Value Added Tax Act 1996 (Amendment) Order 2003 *[SD No 229/03]*
Value Added Tax Act 1996 (Special Accounting Scheme) (Amendment) Order 2003 *[SD No 264/03]*
- Betting Act 1970 -
Betting Act 1970 (Amendment) Order 2003 *[SD No 265/03]*
- Financial Supervision Act 1988 -
Financial Supervision (Experienced Investor Fund) (Exemption) (Amendment) (No. 2) Order 2003 *[SD No 347/03]*
- Jury Act 1980 -
Jurors Order 2003 *[SD No 60/03]*
- Jurors (Supplementary Payments) Scheme 2003 -
Jurors (Supplementary Payments) Scheme 2003 *[GC No 3/03]*
- Farm and Horticultural Improvement (Amendment) Scheme 2003 -
Farm and Horticultural Improvement (Amendment) Scheme 2003 *[GC No 21/03]*
- Reports -
Report of the Department of Local Government and the Environment on Charges for Waste Disposal.
Report of the Department of Health and Social Security on the Outcome of the Public Consultation Process on the Policy for Ramsey and District Cottage Hospital.
- Limited Liability Companies Act 1996 -
Limited Liability Companies (Registered Agents' Qualifications) Regulations 2003 *[SD No 373/03]*
- Value Added Tax Act 1996 -
Value Added Tax (Amendment) (No. 3) Regulations 2003 *[SD No 290/03]*

Bank Holidays Act 1989 -

Bank Holidays (2004) Order 2003 [*SD No 366/03*]

Post Office Act 1993 -

Post Office (Inland Post) (Amendment No. 2) Scheme 2003
[*SD No 316/03*]

Post Office (Overseas Letter Post) (Amendment) Scheme 2003 [*SD
No 317/03*]

Air Navigation (No. 2) Order 1995 -

Air Navigation (Restriction of Flying) (Emergency Evacuation)
Regulations 2003 [*SD No 361/03*]

Air Navigation (Restriction of Flying) (Exhibition of Flying)
Regulations 2003 [*SD No 362/03*]

Air Navigation (Restriction of Flying) (Tynwald Day) Regulations 2003
[*SD No 363/03*]

Air Navigation (Restriction of Flying) (Exhibition of Flying) (No. 2)
Regulations 2003 [*SD No 364/03*]

Air Navigation (Restriction of Flying) (Exhibition of Flying) (No. 3)
Regulations 2003 [*SD No 400/03*]

3. Questions -

Questions 1 to 19 were answered orally, and Questions 20 to 30 were answered in writing.

Ballasalla Sub Post Office -

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

Leave to move the motion granted.

Motion made -

- (1) That Tynwald extends the Terms and Reference of the Select Committee into Castletown Post Office to further include an investigation of the recent announcement by the Post Office of its intention to relocate the Ballasalla Post Office and produce its findings in a joint report; and
- (2) that the Post Office be instructed to put on hold its intention to relocate the existing premises or finalise the appointment of a new Sub Postmaster until the Select Committee has reported.

Mr Houghton

Debate adjourned until Wednesday 18th June 2003 in order that a witness may be summoned to the Bar of the Court under Standing Order 10.14.

4. Residence Act 2001 -

Statement made by the Chief Minister.

5. Auldyn Infant School -

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £4,922,000 on the first phase of the construction of the new Auldyn Infant School.

[Reference: Item No. 4 under the heading "Education" on page 7 of the Isle of Man Budget 2003-04 and as detailed in the Estimate of Capital Payments 2003-04 to 2007-08 (new schemes - Auldyn School) on pages 58 and 59 of the Isle of Man Budget 2003-04]

Mr Rodan

Motion carried.

6. Planned Maintenance -

Motion made -

That Tynwald -

- (1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £2,250,000 for Planned Maintenance projects in its housing stock;
- (2) authorises the Treasury to spend out of the Capital Transactions Account a sum not exceeding £750,000 in each of the financial years ending 31st March 2004, 31st March 2005 and 31st March 2006;
- (3) approves of and sanctions total borrowings not exceeding £2,250,000 being made by Government, such borrowings to be paid within a period of 30 years; and
- (4) approves the transfer of £750,000 from the Housing Reserve Fund to the Capital Transactions Account in each of the years ending 31st March 2004, 31st March 2005 and 31st March 2006.

Mrs Crowe

Motion carried.

7. Proposed Housing Refurbishment/Replacement Project Janet's Corner Castletown -

Motion made -

That Tynwald approves expenditure of a sum not exceeding £160,000 for Pre-Contract Costs for the proposed Housing Refurbishment Project at Janet's Corner, Castletown.

[Reference: Item 10 under the heading "Local Government and the Environment" 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 (New Schemes - Janet's Corner - Replacement/Refurbishment) on page 63 of the Isle of Man Budget 2003-04].

Mrs Crowe

Motion carried.

8. Proposed Housing Refurbishment Project at Bretney and Threshold, Jurby -

Motion made -

That Tynwald approves expenditure of a sum not exceeding £132,000 for Pre-Contract Costs for the proposed Housing Refurbishment Project at Bretney and Threshold, Jurby.

[Reference: Item 8 under the heading "Local Government and the Environment" 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 (New Schemes - Jurby) on page 63 of the Isle of Man Budget 2003-04]

Mrs Crowe

Motion carried.

35. Announcement of Royal Assent to Acts -

Matrimonial Proceedings Act 2003
Inquiries (Evidence) Act 2003
International Criminal Court Act 2003

9. Ramsey and District Cottage Hospital -

Motion made -

That the Report of the Department of Health and Social Security on the Outcome of the Public Consultation Process on the Policy for Ramsey and District Cottage Hospital be received and its recommendations approved.

Mrs Christian

Amendment moved -

Before the word "That" insert "(1)"

Delete the words after "received" and add -

"(2) Tynwald deplores the failure of the Department to respond in a meaningful and positive manner to the overwhelming opinion of the consultees and the public that the out of hours GP service centred on Ramsey Cottage Hospital be restored with minimum delay."

Mr Singer

Court divided.
Amendment lost.

Court divided.
Motion carried.

The Court rose at 6.55pm and adjourned to Wednesday 18th June 2003.

**DOUGLAS
WEDNESDAY 18TH JUNE 2003**

Ballasalla Sub Post Office -

Debate resumed.

Mr B Callister (Chief Executive Isle of Man Post Office) examined at the Bar of the Court under Standing Order 10.14.

Under Standing Order 3.12 the Court resolved to vote on each part of the Motion separately.

Part 1 -
Court divided.
Part 1 carried.

Part 2 -
Court divided.
Part 2 lost.

Motion carried as to Part 1.

10. Social Security Act 2000 -

Motion made -

That the Child Benefit (Tax Credits Act 2002) (Application) (Amendment) Order 2003 be approved. *[SD No 351/03]*

Mrs Christian

Motion carried.

11. Social Security Act 2000 -

Motion made -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 4) Order 2003 be approved. *[SD No 352/03]*

Mrs Christian

Motion carried.

12. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 10) Order 2003 be approved. *[SD No 353/03]*

Mrs Christian

Motion carried.

13. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 11) Order 2003 be approved. *[SD No 354/03]*

Mrs Christian

Motion carried.

14. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 12) Order 2003 be approved. *[SD No 355/03]*

Mrs Christian

Motion carried.

15. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 13) Order 2003 be approved. *[SD No 356/03]*

Mrs Christian

Motion carried.

16. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 14) Order 2003 be approved. *[SD No 357/03]*

Mrs Christian

Motion carried.

17. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Income Support (General) (Isle of Man) (Amendment) (No. 4) Regulations 2003 be approved. *[SD No 358/03]*

Mrs Christian

Motion carried.

18. Pension Schemes Act 1995 -

Motion made -

That the Pension Scheme Legislation (Application) (No. 3) Order 2003 be approved. *[SD No 359/03]*

Mrs Christian

Motion carried.

19. Road Traffic (International Agreements) Act 1974 -

Motion made -

That the Road Traffic (European Agreement) (Crews of Vehicles Engaged in International Road Transport) Order 2003 be approved. *[SD No 365/03]*

Mr Shimmin

Motion carried.

20. Customs and Excise Act 1986 -

Motion made -

That the Excise Duties Order 2003 be approved. *[SD No 224/03]*

Mr Bell

Motion carried.

21. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Increase of Registration Limits) Order 2003 be approved. *[SD No 225/03]*

Mr Bell

Motion carried.

22. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Supply of Services) (Amendment) Order 2003 be approved. *[SD No 227/03]*

Mr Bell

Motion carried.

23. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax Act 1996 (Amendment) Order 2003 be approved. *[SD No 229/03]*

Mr Bell

Motion carried.

24. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax Act 1996 (Special Accounting Scheme) (Amendment) Order 2003 be approved. *[SD No 264/03]*

Mr Bell

Motion carried.

25. Betting Act 1970 -

Motion made -

That the Betting Act 1970 (Amendment) Order 2003 be approved. *[SD No 265/03]*

Mr Bell

Motion carried.

26. Financial Supervision Act 1988 -

Motion made -

That the Financial Supervision (Experienced Investor Fund) (Exemption) (Amendment) (No. 2) Order 2003 be approved. *[SD No 347/03]*

Mr Bell

Motion carried.

27. Jury Act 1980 -

Motion made -

That the Jurors Order 2003 be approved. *[SD No 60/03]*

Mr Bell

Motion carried.

28. Jurors (Supplementary Payments) Scheme 2003 -

Motion made -

That the Jurors (Supplementary Payments) Scheme 2003 be approved. *[GC No 3/03]*

Mr Bell

Motion carried.

29. Farm and Horticultural Improvement (Amendment) Scheme 2003 -

Motion made -

That the Farm and Horticultural Improvement (Amendment) Scheme 2003 be approved. *[GC No 21/03]*

Mr Rimington

Motion carried.

30. Charges for Waste Disposal -

Motion made -

That -

(a) the Report titled "Charges for Waste Disposal" dated May 2003 be received; and

(b) the Department reports to Tynwald in November 2003 on the implementation process.

Mrs Crowe

Adjournment moved -

That debate be adjourned to the July 2003 sitting of the Court under Standing Order 2.9.

Mr Karran

Court divided.

Adjournment motion lost.

Amendment to be moved -

Delete the 'full stop' after 'process' and add:

“; and

(c) that Tynwald is of the opinion that

- (i) no charges should be applied to the private householder or to a local authority by the Government, or the Waste Management Board, or by local government in relation to the disposal of household waste collected by Government, the Waste Management Board, or by or on behalf of a local authority;*
- (ii) in relation to the disposal of Industrial and Commercial Waste the Government may, either directly or through the Waste Management Board, make a charge for the disposal of the said waste;*
- (iii) any charges implemented in relation to the disposal of any Controlled Waste, as defined under the Public Health Act 1990, shall not include any costs associated with any capital costs, including any loan charges, incurred by Government or by the Waste Management Board, in relation to the disposal of any such waste collected within the Island;*
- (iv) the above charges shall not apply in relation to the disposal of Special Waste as defined in the Public Health Act 1990 section 71(1), for which the Department may make such charges as are necessary for the disposal of such Special Waste;*
- (v) no charges may be made directly against the public in relation to the disposal of any waste, or waste materials for recycling, deposited at any civic amenity facility; and*
- (vi) that the Department of Local Government and the Environment, in relation to any charges already implemented by a local authority, through the local authority rating system in relation to any anticipated Controlled Waste disposal charges for the year 2003/2004 and, where any such charges made are over and above what is actually required to meet the said charges for the disposal costs associated with the disposal of the Controlled Waste, shall ensure, that such charges are rebated to the ratepayer in full.*

Mr Speaker

Court divided.
Amendment lost.

Court divided.
Motion carried.

31. Road Transport Licensing Committee -

Motion made -

That, in accordance with section 1 of the Road Transport Act 2001, it be approved that the Council of Ministers shall appoint the following persons to the Road Transport Licensing Committee for the period ending 20th January 2007 -

- (a) Mr J K Watterson as Vice Chairman; and
- (b) Mr D Evans.

Mr Corkill

Motion carried.

32. General Practitioners Out of Hours Services -

Motion made -

That a Select Committee of five members be appointed to investigate the matter of the General Practitioners 'Out of Hours Services' being provided throughout the Island, with power to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report by October 2003.

Mr Speaker

Motion carried.

Mrs Craine, Mr Gelling, Mr Gill, Mr Singer, Mr Speaker and Mr Waft were nominated.

After a ballot Mr Gelling, Mr Gill, Mr Singer, Mr Speaker and Mr Waft were elected.

33. Out of Hours Primary Health Care -

Motion not put.

34. Department of Health and Social Security, Social Security Section -

Motion made -

That the Department of Health and Social Security, Social Security section, reviews its preparation of explanatory memoranda to Members of Tynwald in relation to any statutory orders, or any changes that are being made to existing orders or legislation or any other changes, so that they are in an easy to understand, user friendly-format, and clearly indicate if there are to be any effects on current or future benefit entitlements.

Mr Henderson

Court divided.

Motion lost.

Supplementary Order Paper No 3 -

1. Business considered under Standing Order 11.3 -

Motion made -

That Standing Order 2.4(1) be suspended, in order that the following business be considered -

Mrs Crowe

Motion carried.

2. Charges for Waste Disposal -

Motion made -

That Tynwald authorises the Treasury to apply from General Revenue in respect of the year ending 31 March 2004 the sum of £1,166,667 to meet a shortfall in waste disposal receipts in the Department of Local Government and the Environment.

Mrs Crowe

Motion carried.

The Court adjourned at 9.15pm.

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

