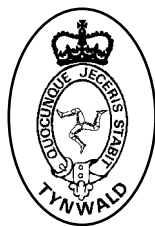


TYNWALD

Tinvaal



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 18th FEBRUARY 2003
WEDNESDAY 19th FEBRUARY 2003
THURSDAY 20th FEBRUARY 2003

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

Order Paper No 1 -

2. Bills signed -

Transfer of Deemsters' Functions Act 2003

Agriculture (Miscellaneous Provisions) Act 2003

Order Paper No 2 -

1. Laid before the Court -

The Isle of Man Budget 2003-2004

Non-Resident Company Duty Act 1986 -

Non-Resident Company Duty (Amendment) Regulations 2003
[SD No 38/03]

National Lottery Act 1999 -

National Lottery (Designation) (Amendment) Order 2003
[SD No 35/03]

Isle of Man Government Plan 2003-2006 -

Departments, Statutory Boards and Offices Plans

2. Budget for the year 2003-2004 -

Motion made -

That the Budget proposals for the year ending 31st March 2004 be received and necessary action be taken to give effect thereto.

Mr Bell

Court divided.

Motion unanimously carried.

3. General Revenue and Capital Payments 2003-2004 -

Motion made -

- (1) That the Treasury be authorised to expend during the year ending 31st March 2004 sums not exceeding those set out in Column 3 of pages 2 to 5 of the Isle of Man Budget, being the amounts required by the Revenue Funded Government Departments and Other Bodies after deduction of the receipts of the said Government Departments and Other Bodies (estimated at the sums set out opposite their names in Column 2) to enable those Departments and Other Bodies to expend sums not exceeding those set out in Column 1 totalling £629,644,170 for the purpose of carrying into effect the services approved by Tynwald.

Provided that a Department or Other Body, having the duty to administer expenditure out of monies provided by Tynwald, may transfer savings on any main heads to meet additional anticipated expenditure to be incurred on any other main heads of its Vote, subject to the conditions set out in Financial Regulation FD15 - Virements, issued by the Treasury in January 1999.

- (2) (a) That the Treasury be authorised to expend during the year ending 31st March 2004, from Capital Transactions Account, sums not exceeding those set out in Column 1 of the Capital Estimates of Government Departments and Other Bodies on pages 7 to 11 of the Isle of Man Budget, totalling £72,917,700 (being expenditure on projects already approved by Tynwald).
- (b) That Tynwald approves of the expenditure detailed in Column 2 of the Capital Estimates of Government Departments and Other Bodies on pages 7 to 11 of the Isle of Man Budget and authorises the Treasury to expend during the year ending 31st March 2004, from Capital Transactions Account, sums not exceeding those set out in Column 2, totalling £14,376,400.
- (c) That, upon Tynwald approval to such projects being obtained, the Treasury be authorised to expend during the year ending 31st March 2004, from Capital Transactions Account, sums not exceeding those set out in Column 3 of the Capital Estimates of Government Departments and Other Bodies on pages 7 to 11 of the Isle of Man Budget, totalling £16,870,300.

- (d) That Tynwald sanctions borrowings not exceeding those set out in Column 4 of the Capital Estimates of Government Departments and Other Bodies on pages 7 to 11 of the Isle of Man Budget, totalling £39,524,000, being made by Government, such borrowings to be repaid within the appropriate period as set out in Column 5.
- (3) (a) That Tynwald approves the transfers from General Revenue Account of the amounts set out in column 2 totalling £21,227,000 and the transfers to General Revenue and Capital Accounts and Other Expenses' expenditure set out in columns 5 and 6 totalling £14,345,000 and £17,890,000 respectively of the Investments and Reserves, Probable 2002-2003, on page 14 of the Isle of Man Budget.
- (b) That Tynwald approves the transfers from General Revenue Account of the amounts set out in column 2 totalling £17,502,000 and the transfers to General Revenue Account and Other Expenses' expenditure set out in columns 5 and 6 totalling £16,329,000 and £25,091,000 respectively of the Investments and Reserves, Estimate 2003-2004, on page 14 of the Isle of Man Budget.

Mr Bell

Motion carried.

4. Income Tax Act 1970 -

Motion made -

That in accordance with section 119 of the Income Tax Act 1970 it is hereby resolved-

- (1) That in accordance with section 1(2A) of the Income Tax Act 1970 -
 - (a) the standard rate of Income Tax shall be 10% on every pound of taxable income;
 - (b) the higher rate of Income Tax shall be 18% on every pound of taxable income.
- (2) That the Income Tax payable on every pound of taxable income derived by any person not residing in this Island, or any association not registered in this Island, from any trade, profession, employment or vocation carried on by such person or association in this Island and from any other source within this Island, shall be at the rate of 18%.
- (3) That in respect of the lower tax rates for companies under section 1A of that Act -
 - (a) the lower tax rates for companies in subsection 1(a) of that section shall be in respect of every pound of taxable income up to and including £100,000,000, at a rate of 10%;
 - (b) in subsections (2) and (4) of that section the amount shall be £100,000,000.

- (4) That the personal allowance -
- (a) in respect of married men under subsection (1) of section 35 of that Act shall be £16,000;
 - (b) in respect of individuals under each of paragraphs (a), (b), (c) and (d) of subsection (3) of that section shall be £8,000.
- (5) That, in accordance with Section 1(2A) of that Act, the threshold for the payment of the higher rate of Income Tax shall be -
1.
 - (a) for a single person £10,000;
 - (b) for a married person who for that year of assessment is not living with his or her spouse £10,000;
 - (c) for a married man who for that year of assessment is living with his wife £10,000;
 - (d) for a married woman who for that year of assessment is living with her husband £10,000.
 2. For the purposes of paragraph 1, a husband and wife shall be treated as living together unless -
 - (a) they are separated under an order of a court of competent jurisdiction, or by deed of separation; or
 - (b) they are in fact separated in such circumstances that the separation is likely to be permanent; or
 - (c) an election for separate treatment is made in accordance with section 65 of the Income Tax Act 1970.
 3. If the threshold of a married person under paragraph 1(c) or as the case may be 1(d) is not exhausted, the threshold of that person's spouse shall be increased by the unused balance.
 4. Any increase under paragraph 3 shall be made by the Assessor.
- (6) That the allowance in respect of registered blind persons under subsection (1) of section 35A of that Act shall be £2,460 and the further deduction under subsection (2) of that section shall be £2,460.
- (7) That the allowance for disabled persons under subsection (1) of section 35B of that Act shall be £2,460 and the further deduction under subsection (2) of that section shall be £2,460.
- (8) That in respect of the additional relief in respect of children under section 39A of that Act, the deduction under subsection (2) of that section shall be £5,475.
- (9) That in respect of the additional relief in respect of children under section 39B of that Act, the additional deduction under subsection (3) shall not in any case exceed £5,475.

(10) That in respect of the additional relief in respect of children under section 39C of that Act, in the formula in subsection (3) for £5,270 there shall be substituted £5,475.

(11) That this resolution shall apply in respect of the income tax year commencing 6th April 2003 and subsequent years.

Mr Bell

Motion carried.

5. Non-Resident Company Duty Act 1986 -

Motion made -

That the Non-Resident Company Duty (Amendment) Regulations 2003 be approved. *[SD No 38/03]*

Mr Bell

Motion carried.

6. National Lottery Act 1999 -

Motion made -

That the National Lottery (Designation) (Amendment) Order 2003 be approved. *[SD No 35/03]*

Mr Bell

Motion carried.

Order Paper No 1 -

37. Announcement of Royal Assent -

Transfer of Deemsters' Functions Act 2003

Agriculture (Miscellaneous Provisions) Act 2003

4. Future of Post Offices -

Statement made by the Chief Minister.

5. Study of Places of Worship in the Isle of Man -

Statement made by the Minister for Local Government and the Environment.

1. Laid before the Court -

Harbours (Isle of Man) Act 1961 -

- Harbour Dues (Merchant Vessels) Regulations 2003 *[SD No 51/03]*
- Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2003 *[SD No 52/03]*
- Harbour Dues (Pleasure Vessels and House Boats) Regulations 2003 *[SD No 53/03]*

Data Protection Act 2002 -

- Data Protection (Fees) Regulations 2003 *[SD No 17/03]*
- Data Protection (Notification) Regulations 2003 *[SD No 16/03]*
- Data Protection (Subject Access) Regulations 2003 *[SD No 18/03]*
- Data Protection (Subject Access Modification) (Health) Order 2003 *[SD No 19/03]*
- Data Protection (Subject Access Modification) (Social Work) Order 2003 *[SD No 20/03]*
- Data Protection (Subject Access Modification) (Education) Order 2003 *[SD No 21/03]*
- Data Protection (Subject Access Exemptions) (Adoption etc.) Order 2003 *[SD No 22/03]*
- Data Protection (Corporate Finance Exemption) Order 2003 *[SD No 23/03]*
- Data Protection (Crown Appointments) Order 2003 *[SD No 24/03]*
- Data Protection (Designated Codes of Practice) Order 2003 *[SD No 25/03]*
- Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2003 *[SD No 28/03]*
- Data Protection (Functions of Designated Authority) Order 2003 *[SD No 26/03]*
- Isle of Man Data Protection Tribunal Rules 2003 *[SD No 27/03]*

Inland Fisheries Act 1976 -

- Inland Fisheries (Duties) Regulations 2003 *[SD No 12/03]*

Government Departments Act 1987 -

- Transfer of Functions (Bona Vacantia) Order 2003 *[SD No 29/03]*

Value Added Tax Act 1996 -

- Value Added Tax Act 1996 (Amendment) (No. 3) Order 2002 *[SD No 860/02]*

Financial Supervision Act 1988 -

- Banking Business (Compensation of Depositors) (Amendment) Regulations 2003 *[SD No 30/03]*

Forestry Act 1984 -

- Forestry (General) Byelaws 2003 *[SD No 2/03]*

Social Security Act 2000 -

- Social Security Legislation (Application) Order 2003 *[SD No 40/03]*
- Social Security Legislation (Application) (No. 2) Order 2003 *[SD No 41/03]*

National Insurance Contributions Act 2002 (Application) Order 2003
[SD No 42/03]
Social Security Act 2000 (Amendment) Order 2003 *[SD No 43/03]*

Superannuation Act 1984 -
Local Government Superannuation Scheme 2003 *[SD No 61/03]*

Recreation and Leisure Act 1998 -
Recreation and Leisure (Parish District of Braddan) Order 2003
[SD No 557/02]

Local Government Act 1985 -
Braddan Parish General Bye Laws 2002 *[SD No 558/02]*

Maintenance Orders (Reciprocal Enforcement) Act 1995 -
Maintenance Orders (Reciprocal Enforcement) (Hague Convention
Countries) Order 2003 *[SD No 44/03]*
Maintenance Orders (Maintenance Convention Countries) Order 2003
[SD No 45/03]

Value Added Tax Act 1996 -
Value Added Tax (Amendment) (No. 4) Regulations 2002 *[SD No 861/02]*

Hydrocarbon Oil Duties Act 1986 -
Other Fuel Substitutes (Rates of Excise Duty etc.) (Amendment) Order
2002 *[SD No 863/02]*

Copyright Act 1991 -
Copyright (Certification of Licensing Scheme) (Educational Recording
Agency Limited) (Amendment) Order 2003 *[SD No 65/03]*

Payment of Members' Expenses Act 1989 -
Payment of Members' Expenses (Specified Bodies) Order 2003
[SD No 39/03]

European Community -
Third Amendment to the List of Persons, Groups and Entities under the
European Communities (Al-Qaida and Taliban Sanctions) (Application)
Order 2002 *[GC No 5/03]*
European Communities Secondary Legislation January 2003
[GC No 6/03]

Appointed Day Order -
Data Protection Act 2002 (Appointed Day) (No. 1) Order 2003
[SD No 15/03]

Reports -
Report of the Gaelic Broadcasting Committee for the two years ended
31st March 2002.
Overseas Aid Committee of the Council of Ministers Annual Report
2001-2002.

7. Harbours (Isle of Man) Act 1961 -

Motion made -

That the Harbour Dues (Merchant Vessels) Regulations 2003 be approved.
[SD No 51/03]

Mr Shimmin

Motion carried.

8. Harbours (Isle of Man) Act 1961 -

Motion made -

That the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2003 be approved. *[SD No 52/03]*

Mr Shimmin

Motion carried.

9. Harbours (Isle of Man) Act 1961 -

Motion made -

That the Harbour Dues (Pleasure Vessels and House Boats) Regulations 2003 be approved. *[SD No 53/03]*

Mr Shimmin

Motion carried.

10. Data Protection Act 2002 -

Motion made -

That the Data Protection (Fees) Regulations 2003 be approved. *[SD No 17/03]*

Mr Bell

Motion carried.

11. Inland Fisheries Act 1976 -

Motion made -

That the Inland Fisheries (Duties) Regulations 2003 be approved.
[SD No 12/03]

Mr Rimington

Motion carried.

12. Government Departments Act 1987 -

Motion made-

That the Transfer of Functions (Bona Vacantia) Order 2003 be approved.
[SD No 29/03]

Mr Corkill

Motion carried.

13. Data Protection Act 2002 -

Motion made -

That the Data Protection (Notification) Regulations 2003 be approved.
[SD No 16/03]

Mr Bell

Motion carried.

14. Data Protection Act 2002 -

Motion made -

That the Data Protection (Subject Access) Regulations 2003 be approved.
[SD No 18/03]

Mr Bell

Motion carried.

15. Data Protection Act 2002 -

Motion made -

That the Data Protection (Subject Access Modification) (Health) Order 2003 be approved. *[SD No 19/03]*

Mr Bell

Motion carried.

16. Data Protection Act 2002 -

Motion made -

That the Data Protection (Subject Access Modification) (Social Work) Order 2003 be approved. *[SD No 20/03]*

Mr Bell

Motion carried.

17. Data Protection Act 2002 -

Motion made -

That the Data Protection (Subject Access Modification) (Education) Order 2003 be approved. *[SD No 21/03]*

Mr Bell

Motion carried.

18. Data Protection Act 2002 -

The Minister for the Treasury to move -

That the Data Protection (Subject Access Exemptions) (Adoption etc.) Order 2003 be approved. *[SD No 22/03]*

Mr Bell

Motion carried.

19. Data Protection Act 2002 -

Motion made -

That the Data Protection (Corporate Finance Exemption) Order 2003 be approved. *[SD No 23/03]*

Mr Bell

Motion carried.

20. Data Protection Act 2002 -

Motion made -

That the Data Protection (Crown Appointments) Order 2003 be approved. *[SD No 24/03]*

Mr Bell

Motion carried.

21. Data Protection Act 2002 -

Motion made -

That the Data Protection (Designated Codes of Practice) Order 2003 be approved. *[SD No 25/03]*

Mr Bell

Motion carried.

22. Data Protection Act 2002 -

Motion made -

That the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2003 be approved. *[SD No 28/03]*

Mr Bell

Court rose at 7.30pm and adjourned to Wednesday 19th February 2003.

**DOUGLAS
WEDNESDAY 19th FEBRUARY 2003**

3. Questions -

Questions 1 to 22 were answered orally. Questions 23 to 37 were answered in writing.

22. Data Protection Act 2002 -

Debate resumed.

Motion carried.

6. Refurbishment of Old Government Office -

Motion made -

That Tynwald approves the expenditure of a sum not exceeding £8,640,000 for the refurbishment and redevelopment of Old Government Offices.

[Reference: item 19 under the heading 'Local Government and the Environment' on page 9 of the Isle of Man Budget 2002-2003 and as detailed in the Estimates of Capital Payments 2002-2003 to 2006-2007 on page 114 of the Isle of Man Budget 2002-2003; and also item 1 under the heading 'Expenses of the Legislature' on page 11 of the Isle of Man Budget 2003-2004 and as detailed in the Estimates of Capital Payments 2003-2004 to 2007-2008 on page 68 of the Isle of Man Budget 2003-2004]

Mrs Crowe

The Court rose at 3.20pm and adjourned to Thursday 20th February 2003.

DOUGLAS
THURSDAY 20th FEBRUARY 2003

6. Refurbishment of Old Government Office -

Debate resumed.

Court divided.
Motion carried.

23. Data Protection Act 2002 -

Motion made -

That the Data Protection (Functions of Designated Authority) Order 2003 be approved. *[SD No 26/03]*

Mr Bell

Motion carried.

24. Data Protection Act 2002 -

Motion made -

That the Isle of Man Data Protection Tribunal Rules 2003 be approved.
[SD No 27/03]

Mr Bell

Motion carried.

25. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax Act 1996 (Amendment) (No. 3) Order 2002 be approved. *[SD No 860/02]*

Mr Bell

Motion carried.

26. Financial Supervision Act 1988 -

Motion made -

That the Banking Business (Compensation of Depositors) (Amendment) Regulations 2003 be approved. *[SD No 30/03]*

Mr Bell

Motion carried.

27. Forestry Act 1984 -

Motion made -

That the Forestry (General) Byelaws 2003 be approved. *[SD No 2/03]*
Mr Rimington

Motion carried.

28 Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) Order 2003 be approved.
[SD No 40/03]

Mrs Christian

Motion carried.

29. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 2) Order 2003 be approved. *[SD No 41/03]*

Mrs Christian

Motion carried.

30. Social Security Act 2000 -

Motion made -

That the National Insurance Contributions Act 2002 (Application) Order 2003 be approved. *[SD No 42/03]*

Mrs Christian

Motion carried.

31. Social Security Act 2000 -

Motion made -

That the Social Security Act 2000 (Amendment) Order 2003 be approved.
[SD No 43/03]

Mrs Christian

Motion carried.

32. Superannuation Act 1984 -

Motion made -

That the Local Government Superannuation Scheme 2003 be approved.
[SD No 61/03]

Mrs Crowe

Motion carried.

33. Recreation and Leisure Act 1998 -

Motion made -

That the Recreation and Leisure (Parish District of Braddan) Order 2003 be approved. [SD No 557/02]

Mrs Crowe

Motion carried.

34. Local Government Act 1985 -

Motion made -

That the Braddan Parish General Bye Laws 2002 be approved. [SD No 558/02]

Mrs Crowe

Motion carried.

35. Natural Gas Pipeline -

Motion made -

Tynwald is of the opinion that provision for funding should be made during the financial years 2003-2004 and 2004-2005 for the construction of a natural gas pipeline to serve the north, south and west of the Island.

Mr Cannan

Amendment moved -

That the following be substituted after the words "Tynwald is of the opinion"-

"that further research be undertaken to develop a long term strategy for the provision of natural gas to serve the north, south and west of the Island."

Mr Corkill

Amendment moved -

That the following be substituted after the words “Tynwald is of the opinion”-

“that further research be undertaken to develop a long term strategy for the provision of natural gas to serve the north, south and west of the Island and that consideration be given to the introduction of a gas regulatory body and that the Council of Ministers report to Tynwald no later than October 2003”.

Mr Speaker.

Mr Corkill’s Amendment -
Amendment carried.

Mr Speaker’s Amendment -
Amendment carried.

Motion as amended carried.

36. Health Services Consultative Committee -

Motion made -

Tynwald is of the opinion that the establishment of the Health Services Consultative Committee in accordance with Appointed Day Order - National Health Service Act 2001 (Appointed Day) (No. 2) Order 2002 [SD No 818/02], be deferred for further consultation with the medical profession and the professions allied to me

Mr Cannan

Amendment moved -

The words from “establishment” to the end to be deleted and replaced by -

“Health Service Consultative Committee be invited to consider its present constitution and report to the Department thereon”.

Mrs Christian

Amendment withdrawn.

Amendment moved -

The words from “establishment” to the end to be deleted and replaced by -

Members and prospective members of the Health Service Consultative Committee be invited to consider its present constitution and report to the Department thereon”.

Mr Singer

Amendment carried.

Motion as amended carried.

The Court adjourned at 3.45pm.

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