

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 18th MARCH 2003
WEDNESDAY 19th MARCH 2003

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

Bill Signed -

Property Service Charges (Amendment) Bill 2003

1. Laid before the Court -

Corporate Service Providers Act 2000 -

Corporate Service Providers (Fees) Regulations 2003 *[SD No 54/03]*

Investment Business Acts 1991 to 1993 -

Investment Business (Fees) Regulations 2003 *[SD No 55/03]*

Banking Act 1998 -

Banking (Fees) Regulations 2003 *[SD No 56/03]*

Income Tax Acts 1970 to 1991 -

Income Tax Exemption (Managed Banks) (Fees) Order 2003
[SD No 57/03]

Building Societies Act 1986 -

Building Societies (Authorisation) (Fees) Regulations 2003
[SD No 59/03]

Financial Supervision Act 1988 -

Collective Investment Scheme (Fees) Regulations 2003 *[SD No 58/03]*

Financial Supervision (Professional Investor Fund) (Exemption)
(Amendment) Order 2003 *[SD No 81/03]*

Financial Supervision (Experienced Investor Fund) (Exemption)
(Amendment) Order 2003 *[SD No 80/03]*

Fees and Duties Act 1989 -
 Planning and Building Control (Search Fees etc.) Order 2003
 [SD No 93/03]

Town and Country Planning Acts 1934 to 1991 -
 Town and Country Planning (Fees for Applications) Order 2003
 [SD No 126/03]

Government Departments Act 1987 -
Statutory Boards Act 1987 -
 Waste Management Board Order 2003 *[SD No 145/03]*

Value Added Tax Act 1996 -
 Value Added Tax (Financial Services) (Amendment) Order 2003
 [SD No 115/03]

Animal Health Act 1996 -
 Marking and Cattle Records (Amendment) Order 2003 *[SD No 66/03]*
 Cattle Passports (Amendment) Order 2003 *[SD No 67/03]*
 Importation of Carriers of Rabies (Amendment) Order 2003
 [SD No 125/03]

Provision of Lime (Amendment) Scheme 2003 -
 Provision of Lime (Amendment) Scheme 2003 *[GC No 7/03]*

Dairy Industry (Emergency Financial Assistance) Scheme 2003 -
 Dairy Industry (Emergency Financial Assistance) Scheme 2003
 [GC No 8/03]

Student Awards Scheme 2003 -
 Student Awards Scheme 2003 *[GC No 04/03]*

Social Security Contributions and Benefits Act 1992 -
Social Security Administration Act 1992 -
 Social Security Benefits Up-rating Order 2003 *[SD No 116/03]*

Social Security Act 2002 -
 Social Security Contributions and Benefits Act 1992 (Application)
 (Amendment) Order 2003 *[SD No 117/03]*
 Social Security Administration Act 1992 (Application) (Amendment)
 Order 2003 *[SD No 118/03]*
 Social Security Legislation (Application) (No. 3) Order 2003
 [SD No 119/03]
 Child Benefit (Tax Credits Act 2002) (Application) Order 2003
 [SD No 120/03]

Social Security Contributions and Benefits Act 1992 -
 Child Benefit (General) (Amendment) Regulations 2003 *[SD No 121/03]*
 Income Support (General) (Isle of Man) (Amendment) Regulations
 2003 *[SD No 122/03]*
 Family Income Supplement (General) (Amendment) Regulations 2003
 [SD No 123/03]

- Gaming (Amendment) Act 1984 -
Controlled Machines (Prescribed Amounts) Regulations 2003
[SD No 79/03]
- Local Government Act 1985 -
Northern Parishes Refuse Collection Board Order 2003 *[SD No 127/03]*
Peel (Boundary Extension) Order 2003 *[SD No 110/03]*
- Report -
Executive Summary of the Consultancy Review of the Isle of Man's
Meat and Dairy Sector (February 2003) by Promar International.
Report of the Tynwald Members' Pension Scheme Committee.
Report of the Standing Committee of Tynwald on Expenditure and
Public Accounts.
- Currency Act 1992 -
Currency (Harry Potter Crowns) Order 2002 *[SD No 616/02]*
- Social Security Pensions Act 1975 -
Pensions Increase (Annual Review) Order 2003 *[SD No 62/03]*
- Insurance Act 1986 -
Insurance (Amendment) (Fees) Regulations 2003 *[SD No 86/03]*
- Insurance Intermediaries (General Business) Act 1996 -
Insurance Intermediaries (General Business) (Amendment) (Fees)
Regulations 2003 *[SD No 87/03]*
- Customs and Excise Acts 1986 -
Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations
2003 *[SD No 64/03]*
- Value Added Tax Act 1996 -
Value Added Tax (Health and Welfare) Order 2003 *[SD No 68/03]*
- Burials Act 1986 -
Burial Grounds (Maximum Rate) Order 2003 *[SD No 138/03]*
- Trade Marks -
Trade Marks Act 1994 (Isle of Man) (Amendment) Order 2003
[SI 2002 No 3148]
- European Communities -
European Community Secondary Legislation February 2003
[GC No 11/03]
Fourth Amendment to the List of Persons, Groups and Entities Under
the European Communities (Al-Qaida and Taliban Sanctions)
(Application) Order 2002 *[GC No 10/03]*

Reports -

British-Irish Inter-Parliamentary Body. Report on the Twenty-Fifth Plenary Conference.

Financial Information and Miscellaneous Accounts for the year ended 31st March 2002 additional to the published Government Accounts.

Isle of Man Policing Plan 2003-2004.

Isle of Man International Business School Financial Statements for the year ended 31st August 2002.

Interception of Communications Act 1988 - Report of the Commissioner for the year ended 31st December 2002.

2. Questions -

Questions 1 to 14 were answered orally. Questions 15 to 19 were answered in writing.

3. Proposed Residential Development at Red Gap /School Hill, Castletown -

Motion made -

That Tynwald -

- (i) approves the Department of Local Government and the Environment incurring expenditure not exceeding £5,800,000 for the development of a site of 61 housing units;
- (ii) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March, 2003, a sum not exceeding £5,800,000;
- (iii) approves of and sanctions borrowing not exceeding £5,800,000 being made by Government, such borrowings to be repaid within a period of 30 years; and
- (iv) approves the transfer of £5,800,000 from the Housing Reserve Fund to the Capital Transactions Account during the year ending 31st March, 2003.

Mrs Crowe

Court divided.

Motion carried.

Supplementary Order Paper -

1. Business to be 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 Laid before the Court -

Food (Emergency Provisions) Act 1986 -
Food (Emergency Provisions) (Amnesic Shellfish Poisoning) Order
2003 [SD No 149/03]

3. Food (Emergency Provisions) Order -

Motion made -

That the Food (Emergency Provisions) (Amnesic Shellfish Poisoning) Order
2003 be approved. [SD No149/03]

Mrs Crowe

Motion carried.

Main Order Paper -

4. Whey Disposal -

Motion made -

That Tynwald approves the Department of Agriculture, Fisheries and
Forestry advancing to the Isle of Man Milk Marketing Association, by way of
a grant, a sum not exceeding £700,000 for the purpose of implementing an
interim whey disposal solution.

Mr Rimington

Motion carried.

5. Tynwald Members' Pension Scheme Management Committee -

Motion made -

That the Report of the Tynwald Members' Pension Scheme Management
Committee be received and its recommendations approved.

Mr Speaker

Motion carried.

6. Standing Committee on Expenditure and Public Accounts -

Motion made -

That the Report of the Standing Committee on Expenditure and Public
Accounts on the Review of the Role of the Committee be received and its
recommendations approved.

Mr Quine

Amendment moved -

After the word “approved” add -

“and that the select committee recommended in paragraph 37 of the Report be required to consider the ‘matter for consideration’ identified in paragraphs 38, 39 and 40 and report by the July 2003 sitting and that the said select committee shall consist of five Members.”

Mr Speaker

Amendment carried.

Court divided.

Motion as amended carried.

Mr Gelling, Capt. Douglas, Mr Earnshaw, Mrs Hannan, Mr Quine, Mr Rimington, Mr Shimmin and Mr Speaker were nominated and seconded.

After a ballot Mr Gelling, Mr Earnshaw, Mrs Hannan and Mr Speaker were elected.

At the second ballot no nominee secured a majority of those present and voting.

After a third ballot Mr Rimington was elected.

7. Corporate Service Providers Act 2000 -

Motion made -

That the Corporate Service Providers (Fees) Regulations 2003 be approved.
[SD No 54/03]

Mr Bell

Motion carried.

8. Investment Business Acts 1991 to 1993 -

Motion made -

That the Investment Business (Fees) Regulations 2003 be approved.
[SD No 55/03]

Mr Bell

Motion carried.

9. Banking Act 1998 -

Motion made -

That the Banking (Fees) Regulations 2003 be approved. [SD No 56/03]

Mr Bell

Motion carried.

10. Income Tax Acts 1970 to 1991 -

Motion made -

That the Income Tax Exemption (Managed Banks) (Fees) Order 2003 be approved. *[SD No 57/03]*

Mr Bell

Motion carried.

11. Building Societies Act 1986 -

Motion made -

That the Building Societies (Authorisation) (Fees) Regulations 2003 be approved. *[SD No 59/03]*

Mr Bell

Motion carried.

12. Financial Supervision Act 1988 -

Motion made -

That the Collective Investment Scheme (Fees) Regulations 2003 be approved. *[SD No 58/03]*

Mr Bell

Motion carried.

13. Fees and Duties Act 1989 -

Motion made -

That the Planning and Building Control (Search Fees etc.) Order 2003 be approved. *[SD 93/03]*

Mr Bell

Motion withdrawn.

14. Town and Country Planning Acts 1934 to 1991 -

Motion made -

That the Town and Country Planning (Fees for Applications) Order 2003 be approved. *[SD No 126/03]*

Mrs Crowe

Motion carried.

**15. Government Departments Act 1987 -
Statutory Boards Act 1987 -**

Motion made -

That the Waste Management Board Order 2003 be approved. *[SD No 145/03]*
Mr Corkill

Court divided.

Motion carried.

16. Financial Supervision Act 1988 -

Motion made -

That the Financial Supervision (Professional Investor Fund) (Exemption)
(Amendment) Order 2003 be approved. *[SD No 81/03]*
Mr Bell

Motion carried.

17. Financial Supervision Act 1988 -

Motion made -

That the Financial Supervision (Experienced Investor Fund) (Exemption)
(Amendment) Order 2003 be approved. *[SD No 80/03]*
Mr Bell

Motion carried.

18. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Financial Services) (Amendment) Order 2003 be
approved. *[SD No 115/03]*
Mr Bell

Motion carried.

The Court resolved to consider Items 19 and 20 together.

19&20. Animal Health Act 1996 -

Motions made -

That the Marking and Cattle Records (Amendment) Order 2003 be approved.
[SD No 66/03]

That the Cattle Passports (Amendment) Order 2003 be approved.
[SD No 67/03]

Mr Rimington

Court divided.

Motions carried.

The Court rose at 7.40pm and adjourned to Wednesday 19th March 2003.

DOUGLAS
WEDNESDAY 19th MARCH 2003

21. Animal Health Act 1996 -

Motion made -

That the Importation of Carriers of Rabies (Amendment) Order 2003 be approved. *[SD No 125/03]*

Mr Rimington

Motion carried.

22. Provision of Lime (Amendment) Scheme 2003 -

Motion made -

That the Provision of Lime (Amendment) Scheme 2003 be approved. *[GC No 7/03]*

Mr Rimington

Motion carried.

23. Dairy Industry (Emergency Financial Assistance) Scheme 2003 -

Motion made -

That the Dairy Industry (Emergency Financial Assistance) Scheme 2003 be approved. *[GC No 8/03]*

Mr Rimington

Court divided.

Motion carried.

24. Student Awards Scheme 2003 -

Motion made -

That the Student Awards Scheme 2003 be approved. *[GC No 04/03]*

Mr Rodan

Motion carried.

**25. Social Security Contributions and Benefits Act 1992 -
Social Security Administration Act 1992 -**

Motion made -

That the Social Security Benefits Up-rating Order 2003 be approved. *[SD No 116/03]*

Mrs Christian

Motion carried.

26. Social Security Act 2002 -

Motion made -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2003 be approved. *[SD No 117/03]*

Mrs Christian

Motion carried.

27. Social Security Act 2002 -

Motion made -

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2003 be approved. *[SD No 118/03]*

Mrs Christian

Motion carried.

28. Social Security Act 2002 -

Motion made -

That the Social Security Legislation (Application) (No. 3) Order 2003 be approved. *[SD No 119/03]*

Mrs Christian

Court divided.

Motion carried.

29. Social Security Act 2002 -

Motion made -

That the Child Benefit (Tax Credits Act 2002) (Application) Order 2003 be approved. *[SD No 120/03]*

Mrs Christian

Motion carried.

30. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Child Benefit (General) (Amendment) Regulations 2003 be approved. *[SD No 121/03]*

Mrs Christian

Motion carried.

31. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Income Support (General) (Isle of Man) (Amendment) Regulations 2003 be approved. *[SD No 122/03]*

Mrs Christian

Motion carried.

32. Social Security Contribution and Benefits Act 1992 -

Motion made -

That the Family Income Supplement (General) (Amendment) Regulations 2003 be approved. *[SD No 123/03]*

Mrs Christian

Motion carried.

33. Gaming (Amendment) Act 1984 -

Motion made -

That the Controlled Machines (Prescribed Amounts) Regulations 2003 be approved. *[SD No 79/03]*

Mr Braidwood

Court divided.

Motion carried.

34. Local Government Act 1985 -

Motion made -

That the Northern Parishes Refuse Collection Board Order 2003 be approved. *[SD No 127/03]*

Mrs Crowe

Motion carried.

35. Local Government Act 1985 -

Motion made -

That the Peel (Boundary Extension) Order 2003 be approved. *[SD No 110/03]*

Mrs Crowe

Amendment moved -

Before "That" insert '(1)', and after "approved" add -

‘; and

- (2) *that the Council of Ministers be requested to consider the present legislation, giving particular consideration to section 6 of the Local Government Act 1985, and to the need if any, along with any other proposals, to implement legislative changes to provide clear statutory guidelines and procedures for the Department of Local Government and the Environment and for local authorities in relation to consideration of an application by a local authority for an alteration of its boundary, especially at an inquiry, and to report to Tynwald by no later than December 2003.”*

Mr Speaker

Amendment carried.

Motion as amended carried.

36. Consultancy Review of the Isle of Man's Meat and Dairy Sector -

Motion made -

That the Executive Summary of the Consultancy Review of the Isle of Man's Meat and Dairy Sector (February 2003) by Promar International be received.

Mr Rimington

Amendment moved -

Delete all words after "That" and replace by -

- (a) *the Executive Summary of the Consultancy Review of the Isle of Man's Meat and Dairy Sector (February 2003) by Promar International be received; and*
- (b) *the Minister for Agriculture, Fisheries and Forestry shall report back to Tynwald in October 2003 on progress made by the joint working group which has been set up to consider the means of implementing the recommendations of the Consultancy Review, and which consists of representatives of the agricultural industry and the Department of Agriculture, Fisheries and Forestry.”*

Mr Quayle

Amendment carried.

Motion as amended carried.

37. Isle of Man War Pensions Committee -

Motion made -

That the following person be appointed to the Isle of Man War Pensions Committee for the period to 15th July, 2007-

Ms Elizabeth Kewley

Mr Corkill

Motion carried.

38. Departmental Plans -

Motion made -

That the Isle of Man Government Plan 2003 - 2006 - Service and Business Departmental Plans as issued to Members of Tynwald in February 2003 in boxed ten volume sets be debated and received.

Mr Henderson

Court divided.

Motion carried.

39. Housing -

Motion made -

That a Select Committee of three Members be established to investigate the need for housing and the appropriateness of the policies, strategies, programmes and other measures now in place, and report to Tynwald with any recommendations for change, not later than October 2003.

Mr Quine

Amendment moved -

Delete the words following "That" and substitute -

"the Department of Local Government and the Environment should continue with its ongoing review of the Housing Strategy, with particular regard to the need for housing and appropriateness of the policies, programmes and any other measures now in place, and should report to Tynwald with any recommendations for change in July 2003."

Mrs Crowe

Court divided.

Amendment carried.

Court divided.

Motion as amended carried.

Announcement of Royal Assent -

Property Service Charges (Amendment) Act 2003.

40. Ramsey Cottage Hospital -

Motion made -

That the Department of Health and Social Security -

- (1) defines its present, medium and long-term policy for the Ramsey Cottage Hospital;
- (2) consults with all medical, charitable and interested groups and the general public in order to modify that policy if necessary;
- (3) explains the public consultation that took place prior to the decision to commence the alterations to the John Clucas Wing to establish a National Health Service dental surgery; and
- (4) reports to Tynwald on (2) above by June 2003.

Mr Singer

Motion carried.

41. Landmines and Similar Bombs -

Motion made -

That Tynwald appoint a Select Committee of three Members to investigate our legislation and take evidence in relation to the banning of the use of landmines and similar bombs and report back by July 2003.

Mrs Hannan

Amendment moved -

After "Tynwald" delete all and substitute -

"abhors the use of landmines and requests the Chief Minister to seek an assurance from the UK Government, via the Lord Chancellor's Department, that the intent of s 5 of the Landmines Act as outlined by the former Secretary of State for Foreign and Commonwealth Affairs, Robin Cook, that -

'British forces will be instructed in their rules of engagement for any exercise or operation that they must not use, possess, transport or handle landmines'

be honoured."

Mr Rimington

Amendment moved -

After "Tynwald" delete all and substitute -

"abhors the use of landmines and requests the Chief Minister to seek an assurance from the UK Government, via the Lord Chancellor's Department, that the intent of s 5 of the Landmines Act as outlined by the former Secretary of State for Foreign and Commonwealth Affairs, Robin Cook, that -

'British forces will be instructed in their rules of engagement for any exercise or operation that they must not use, possess, transport or handle landmines'

be honoured; and that this conforms to the Ottawa Treaty on Landmines etc."

Mr Karran

Mr Rimington's amendment -
Court divided.
Amendment carried.

Mr Karran's amendment -
Court divided.
Amendment lost.

Court divided.
Motion as amended carried.

The Court adjourned at 9.57pm.

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