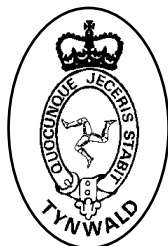


# TYNWALD

## Tinvaal



## VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS

TUESDAY 19th NOVEMBER 2002

WEDNESDAY 20th NOVEMBER 2002

THURSDAY 21st NOVEMBER 2002

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

### Mr Andrew Cowin Douglas -

Mr President welcomed the new Member for Malew and Santon Mr Douglas.

### 1. Laid before the Court -

Road Traffic Regulation Act 1985 -

Fixed Penalty Order 2002 [SD No 676/02]

Fees and Duties Act 1989 -

Licensing Fees and Duties Order 2002 [SD No 533/02]

Music and Dancing Fees and Duties Order 2002 [SD No 534/02]

Motor Bicycles (Approved Training Courses for Drivers) (Fees) Order 2002 [SD No 716/02]

Cinematograph Act 1977 -

Cinematograph (Licence Fees) Order 2002 [SD No 535/02]

National Health Service (Isle of Man) Act 1948 -

National Health Service (Charges for Drugs and Appliances) Regulations 2002 [SD No 696/02]

National Health Service (Scheduled Drugs) Regulations 2002 [SD No 553/02]

European Communities (Isle of Man) Act 1973 -

European Communities (Air Carrier Liability in respect of the Carriage of Passengers and their Baggage by Air) (Application) Order 2002

European Communities (Al-Qaida and Taliban Sanctions)  
(Application) Order 2002 *[SD No 444/02]*

Litter Act 1972 -

Litter (Fixed Penalty) Order 2002 *[SD No 688/02]*

Litter (Fixed Penalty Notice) Regulations 2002 *[SD No 689/02]*

Road Traffic Act 1985 -

Road Vehicles (Maintenance and Use) Regulations 2002 *[SD No 673/02]*

Road Vehicles (Construction, Equipment and Weights) Regulations  
2002 *[SD No 674/02]*

Road Vehicles Lighting (Application) (Amendment) Regulations 2002  
*[SD No 675/02]*

Goods Vehicles (Plating without Examination of Vehicles) Regulations  
2002 *[SD No 710/02]*

Goods Vehicles (Plating without Examination of Vehicles) (Fees)  
Regulations 2002 *[SD No 711/02]*

Goods Vehicles (Plating) (Fees) Regulations 2002 *[SD No 712/02]*

Motor Bicycles (Approved Training Courses for Drivers) Regulations  
2002 *[SD No 665/02]*

Driving Licences and Tests (Amendment) Regulations 2002  
*[SD No 666/02]*

Moped and Learner Motor Cycle (Definitions) Regulations 2002  
*[SD No 667/02]*

Licensing and Registration of Vehicles Act 1985 -

Licensing and Registration of Vehicles Regulations 2002  
*[SD No 707/02]*

Licensing and Registration of Vehicles (Fees for Reviews) Regulations  
2002 *[SD No 708/02]*

Vehicle Duty (Amendment) Order 2002 *[SD No 709/02]*

Customs and Excise Act 1993 -

Export of Goods (Control) (Amendment) (Application) Order 2002  
*[SD No 622/02]*

Animal Health Act 1996 -

Animal Health (By-Products) Order 2002 *[SD No 641/02]*

Brucellosis (Testing and Control) Order 2002 *[SD No 642/02]*

Dairy Cow Financial Assistance (Amendment) Scheme 2002 -

Dairy Cow Financial Assistance (Amendment) Scheme 2002  
*[GC 37/02]*

Social Security Act 2000 -

Social Security Act 2000 (Amendment) Order 2002 *[SD No 692/02]*

Social Security Legislation (Application) (No. 13) Order 2002  
*[SD No 693/02]*

Social Security Legislation (Application) (No. 14) Order 2002  
*[SD No 694/02]*

Employment Act 1991 -

Employment (Recoupment of Benefit) (Amendment) Regulations 2002  
*[SD No 695/02]*

Superannuation Act 1984 -

Judicial Pension (Amendment) (No. 2) Scheme 2002 [*SD No 605/02*]

Reports -

Standing Committee on Expenditure and Public Accounts Report on Consultancy Services.

Isle of Man Government third progress report on the Isle of Man 5 Year Drug Strategy.

Darwin Strategy Consulting Limited and Oliver and Ohlbaum Associates Limited Report on the Future Role, Structure and Funding of Manx Radio.

Finance Act 1993 -

Lottery Duty (Instant Chances) Regulations 2002 [*SD No 621/02*]

Customs and Excise Management Act 1986 -

Customs and Excise Management Act 1986 (Enforcement Authorities) Order 2002 [*SD No 586/02*]

European Communities -

European Communities Secondary Legislation September/October 2002 [*GC No 40/02*]

United Nations -

Somalia (United Nations Sanctions) (Isle of Man) Order 2002 [*SI 2002 No 2630*]

Reports -

Manx Electricity Authority: Annual Report 2001-2002.

Isle of Man Post Office: Report and Financial Statements to the 27th March 2002.

## **2. Questions -**

Questions 1 to 26 were answered.

Motion made -

That Standing Order 3.5 (2) be suspended to enable the remaining questions tabled for oral answer to be put.

Mr Henderson

Court divided.

Motion lost.

Questions 27 to 46 were answered in writing.

## **3. Ecclesiastical Committee -**

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

Mr Douglas was proposed, seconded and elected.

**4. Tynwald Honours Committee -**

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

Mr Gelling, Mr Houghton and Mr Rimington were proposed and seconded.

After a ballot Mr Houghton was elected.

**5. Standing Committee of Tynwald on Constitutional Matters -**

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

Mr Quayle and Mrs Hannan were proposed and seconded.

After a ballot Mrs Hannan was elected.

**6. Standing Committee of Tynwald on Expenditure and Public Accounts -**

To elect the Vice-Chairman to serve during the life of the House of Keys in the place of Mr Gelling.

Mr Cannan and Mr Gelling were proposed and seconded.

After a ballot Mr Gelling was elected.

**7. Standing Committee of Tynwald on Economic Initiatives -**

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

Mr Earnshaw, Mr Gelling and Mr Gill were proposed and seconded.

After a ballot Mr Gelling was elected.

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

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

Mr Cannan, Mrs Cannell, Mr Houghton and Mr Quayle were proposed and seconded.

After a ballot Mr Quayle was elected.

**9. National Insurance -**

Motion made -

That, in consideration of announcements in the United Kingdom Budget on 17th April 2002, the Department of Health and Social Security prepares an Order to provide that additional funding, raised by increasing by 1% Class 1 and Class 4 National Insurance contributions payable by employers and the self employed from 6th April 2003, is allocated to the Island's Health Service in order to meet the cost of committed developments.

Mrs Christian

Amendment moved -

*That the following words be deleted -*

*"in order to meet the cost of committed developments."*

Mr Singer

Amendment carried.

Motion as amended carried.

**10. Prison Redevelopment Programme -**

Resumption of debate on the following motion, moved by Mr Braidwood at the October 2002 sitting -

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]

Court divided.

Motion carried.

**11. Standing Committee of Tynwald on Expenditure and Public Accounts -**

Motion made -

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

Mr Quine

Motion carried.

**12. Standing Committee of Tynwald on Expenditure and Public Accounts -**

Motion made -

That the General Report of the Standing Committee on Expenditure and Public Accounts - Session 2001-2002 be received.

Mr Rimington

Motion carried.

**DOUGLAS  
WEDNESDAY 20th NOVEMBER 2002**

**13. Residency Control -**

Motion made -

That Tynwald resolves that a referendum, under the provisions of the Referendum Act 1979, be held in the Island on the question of whether or not residency control should be introduced.

Mr Quine

Amendment moved -

*After the word "Tynwald" insert (a)*

*and at the end insert -*

*“; and*

*(b) agrees that there be no relaxation in the work permit regulations until such time as residency controls are introduced.”*

Mr Karran

Court divided.

Amendment lost.

Court divided.

Motion lost.

**14. Iraq -**

Motion made -

That Tynwald supports the policy of the United Kingdom Government in its relations with the Government of Iraq.

Mr Cannan

Amendment moved -

*That the words after “supports” be replaced by -*

*“the international attempts through the United Nations to prevent the acquisition and use of weapons of mass destruction by Iraq.”*

Mr Corkill

Court divided.

Amendment carried.

Court divided.

Motion as amended carried.

**DOUGLAS  
THURSDAY 21st NOVEMBER 2002**

**15. Road Traffic Regulation Act 1985 -**

Motion made -

That the Fixed Penalty Order 2002 be approved. *[SD No 676/02]*

Mr Shimmin

Motion carried.

**16. Fees and Duties Act 1989 -**

Motion made -

That the Licensing Fees and Duties Order 2002 be approved. *[SD No 533/02]*

Mr Bell

Motion carried.

**17. Fees and Duties Act 1989 -**

Motion made -

That the Music and Dancing Fees and Duties Order 2002 be approved.  
*[SD No 534/02]*

Mr Bell

Motion carried.

**18. Cinematograph Act 1977 -**

Motion not made.

**19. National Health Service (Isle of Man) Act 1948 -**

Motion made -

That the National Health Service (Charges for Drugs and Appliances) Regulations 2002 be approved. *[SD No 696/02]*

Mrs Christian

Motion carried.

**20. European Communities (Isle of Man) Act 1973 -**

Motion made -

That the European Communities (Air Carrier Liability in respect of the Carriage of Passengers and their Baggage by Air) (Application) Order 2002 be approved.

Mr Corkill

Motion carried.

**21. European Communities (Isle of Man) Act 1973 -**

Motion made -

That the European Communities (Al-Qaida and Taliban Sanctions) (Application) Order 2002 be approved. *[SD No 444/02]*

Mr Corkill

Motion carried.

**22. Litter Act 1972 -**

Motion made -

That the Litter (Fixed Penalty) Order 2002 be approved. *[SD No 688/02]*

Mrs Crowe

Court divided.

Motion carried.

**23. Litter Act 1972 -**

Motion made -

That the Litter (Fixed Penalty Notice) Regulations 2002 be approved. *[SD No 689/02]*

Mrs Crowe

Motion carried.

**24. Road Traffic Act 1985 -**

Motion made -

That the Road Vehicles (Maintenance and Use) Regulations 2002 be approved.  
*[SD No 673/02]*

Mr Shimmin

Motion carried.

**25. Road Traffic Act 1985 -**

The Minister for Transport to move -

That the Road Vehicles (Construction, Equipment and Weights) Regulations 2002 be approved. *[SD No 674/02]*

Mr Shimmin

Motion carried.

**26. Road Traffic Act 1985 -**

Motion made -

That the Road Vehicles Lighting (Application) (Amendment) Regulations 2002 be approved. *[SD No 675/02]*

Mr Shimmin

Motion carried.

**27. Road Traffic Act 1985 -**

Motion made -

That the Goods Vehicles (Plating without Examination of Vehicles) Regulations 2002 be approved. *[SD No 710/02]*

Mr Shimmin

Motion carried.

**28. Road Traffic Act 1985 -**

Motion made -

That the Goods Vehicles (Plating without Examination of Vehicles) (Fees) Regulations 2002 be approved. *[SD No 711/02]*

Mr Shimmin

Motion carried.

**29. Road Traffic Act 1985 -**

Motion made -

That the Goods Vehicles (Plating) (Fees) Regulations 2002 be approved.  
*[SD No 712/02]*

Mr Shimmin

Motion carried.

**30. Licensing and Registration of Vehicles Act 1985 -**

Motion made -

That the Licensing and Registration of Vehicles Regulations 2002 be approved. *[SD No 707/02]*

Mr Shimmin

Motion carried.

**31. Licensing and Registration of Vehicles Act 1985 -**

Motion made -

That the Licensing and Registration of Vehicles (Fees for Reviews) Regulations 2002 be approved. *[SD No 708/02]*

Mr Shimmin

Motion carried.

**32. Licensing and Registration of Vehicles Act 1985 -**

Motion made -

That the Vehicle Duty (Amendment) Order 2002 be approved. *[SD No 709/02]*

Mr Shimmin

Motion carried.

**33. Road Traffic Act 1985 -**

Motion made -

That the Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002 be approved. *[SD No 665/02]*

Mr Shimmin

Motion carried.

**34. Road Traffic Act 1985 -**

Motion made -

That the Driving Licences and Tests (Amendment) Regulations 2002 be approved. *[SD No 666/02]*

Mr Shimmin

Motion carried.

**35. Road Traffic Act 1985 -**

Motion made -

That the Moped and Learner Motor Cycle (Definitions) Regulations 2002 be approved. *[SD No 667/02]*

Mr Shimmin

Motion carried.

**36. Fees and Duties Act 1989 -**

Motion made -

That the Motor Bicycles (Approved Training Courses for Drivers) (Fees) Order 2002 be approved. *[SD No 716/02]*

Mr Bell

Motion carried.

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

Motion made -

That the Export of Goods (Control) (Amendment) (Application) Order 2002 be approved. *[SD No 622/02]*

Mr Bell

Motion carried.

**38. Animal Health Act 1996 -**

Motion made -

That the Animal Health (By-Products) Order 2002 be approved. *[SD No 641/02]*

Mr Rimington

Motion carried.

**39. Animal Health Act 1996 -**

Motion made -

That the Brucellosis (Testing and Control) Order 2002 be approved. *[SD No 642/02]*

Mr Rimington

Motion carried.

**40. Dairy Cow Financial Assistance (Amendment) Scheme 2002 -**

Motion made -

That the Dairy Cow Financial Assistance (Amendment) Scheme 2002 be approved. *[GC No 37/02]*

Mr Rimington

Motion carried.

**41. Social Security Act 2000 -**

Motion made -

That the Social Security Act 2000 (Amendment) Order 2002 be approved. *[SD No 692/02]*

Mrs Christian

Motion carried.

**42. Social Security Act 2000 -**

Motion made -

That the Social Security Legislation (Application) (No. 13) Order 2002 be approved. *[SD No 693/02]*

Mrs Christian

Motion carried.

**43. Social Security Act 2000 -**

Motion made -

That the Social Security Legislation (Application) (No. 14) Order 2002 be approved. *[SD No 694/02]*

Mrs Christian

Motion carried.

**44. Employment Act 1991 -**

Motion made -

That the Employment (Recoupment of Benefit) (Amendment) Regulations 2002 be approved. *[SD No 695/02]*

Mrs Christian

Motion carried.

**45. National Health Service (Isle of Man) Act 1948 -**

Motion made -

That the National Health Service (Scheduled Drugs) Regulations 2002 be approved. *[SD No 553/02]*

Mrs Christian

Motion carried.

**46. Superannuation Act 1984 -**

Motion made -

That the Judicial Pension (Amendment) (No. 2) Scheme 2002 be approved. *[SD No 605/02]*

Mr Waft

Motion carried.

**47. Drug and Alcohol Strategies -**

Motion made -

That the Government's third progress report on the Isle of Man 5 Year Drug Strategy, together with the second report of the 5 Year Alcohol Strategy, be received.

Mr Corkill

Motion carried.

**48. Manx Radio -**

Motion not made.

**49. Insurance and Pensions Authority Order 1996 -**

Motion made -

That Tynwald approves of the Treasury's appointment of Mr D J Gelling MLC as member and Chairman of the Insurance and Pensions Authority.

Mr Bell

Motion carried.

**50. Telecommunications Act 1984 -**

Motion made -

That the licence granted to Cable & Wireless Isle of Man Limited to run telecommunications systems under Section 5 of the Telecommunications Act 1984 be approved.

Mr Braidwood

Motion carried.

**51. Reserve Fund Losses -**

Motion made -

That Tynwald expresses deep concern at the deteriorating losses (£138.4 million) of the market value of the Government Reserve Funds and requests the Minister for the Treasury to give an explanation.

Mr Cannan

Amendment moved -

*That the words after "Tynwald" be deleted and replaced by -*

*"notes the explanation of the Minister for the Treasury and the current value of the Government's externally invested funds."*

Mr Bell

Amendment withdrawn.

Amendment moved -

*All words after "That" be deleted and replaced by -*

*"Tynwald expresses deep concern at the deteriorating losses of the market value of the Government Reserve Funds and notes the explanation of the Minister for the Treasury and the current value of Government's externally invested funds."*

Mr Quine

Amendment carried.

Motion as amended carried.

## **52. Rate Disposal Charge -**

Motion made -

Tynwald is of the opinion that there should be no 'rate disposal' charge levied on local authorities at this time and that meaningful consultation between the Department of Local Government and the Environment and local authorities should take place with the view of introducing a scheme for the reduction, re-use and recycling of domestic waste and/or composting of the same, such a scheme to be introduced prior to the commissioning of the new incinerator plant, and that the Minister for Local Government and the Environment should report back at the July 2003 sitting of Tynwald with a progress report.

Mrs Cannell

Amendment moved -

*Delete all words after "Tynwald" and add -*

- (a) "re-affirms its endorsement of the "User Pays Principle" in relation to the Waste Management Strategy approved in 1990, 1994 and 1995 and endorses the decision to provide a subsidy of 90% of the cost of waste disposal to local authorities during 2003/2004; and*
- (b) instructs the Department of Local Government and the Environment to continue meaningful discussions with local authorities in order to assist them with the introduction of appropriate schemes for the reduction, recovery, re-use and recycling of waste and for composting of green waste."*

Mrs Crowe

Further amendment moved -

*Delete all words after "Tynwald" and add -*

- (a) "re-affirms its endorsement of the "User Pays Principle" in relation to the Waste Management Strategy approved in 1990, 1994 and 1995 and endorses the decision to provide a subsidy of 90% and believes that this level of subsidy should remain in force until amended by Tynwald; and*

- (b) *instructs the Department of Local Government and the Environment to continue meaningful discussions with local authorities in order to assist them with the introduction of appropriate schemes for the reduction, recovery, re-use and recycling of wastes and for composting green waste.*"

Mr Gill

Further amendment moved -

*Delete all words after "Tynwald is of the opinion that there should be no rate disposal charge levied on local authorities" and add -*

*"until such time that discussions have taken place with Local Authorities with particular regard to -*

- (1) *whether or not any such disposal charge should be imposed;*
- (2) *the level of any charge that may be imposed and the phasing in of such charges; and*
- (3) *the arrangements for alleviating any such charge in respect of persons the imposition of such charge on whom would be unreasonable."*

Mr Quine

Further motion made -

That the motion be adjourned and that the motion and all amendments be referred to the Council of Ministers for consideration and report by June 2003 and that no charges be implemented until Tynwald has determined such a policy.

Mr Speaker

Mr Speaker's motion -  
Court divided.  
Motion lost.

Further motion made -

That the question now be put.

Dr Mann

Dr Mann's motion -  
Court divided.  
Motion lost.  
Mrs Crowe's amendment withdrawn.

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

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

Court divided.  
Motion as amended carried.

**53. Coastal Erosion -**

Motion made -

That Tynwald is of the opinion that responsibility for all matters relating to coastal erosion shall become the responsibility of the Department of Transport.

Mr Cannan

Amendment moved -

*For all the words after "That" substitute -*

*"following the resolution of Tynwald in October 2000 to accept the recommendation within the Department of Transport's Coastal Erosion Report, which combined the responsibilities for the Island's main river with coastal management under the Department of Local Government and the Environment, Tynwald is now of the opinion that the responsibility for these matters shall become the responsibility of the Department of Transport."*

Mr Kniveton

Further motion made -

That consideration of the motion be adjourned until the December 2002 sitting of Tynwald Court.

Mr Karran

Mr Karran's motion -  
Court divided.  
Motion lost.

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

Court divided.  
Motion as amended carried.

The Court adjourned at 10.08 pm.

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