

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 11th MARCH 2008
WEDNESDAY 12th MARCH 2008

1. Laid before the Court -

Nursing and Residential Homes Act 1988 -
Nursing and Residential Homes (Amendment) (Fees) Regulations 2008
[SD No 09/08]

Social Security Contributions and Benefits Act 1992 -
Social Security Administration Act 1992 -
Social Security Benefits Uprating Order 2008 *[SD No 113/08]*

Social Security Act 2000 -
Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) Order 2008 *[SD No 114/08]*
Social Security Legislation (Application) Order 2008 *[SD No 116/08]*

Social Security Contributions and Benefits Act 1992 -
Maternity and Funeral Expenses (General) (Isle of Man) (Amendment)
Regulations 2008 *[SD No 115/08]*

Benefits Schemes (Miscellaneous Amendments) Scheme 2008 -
Benefits Schemes (Miscellaneous Amendments) Scheme 2008
[GC No 04/08]

Pension Schemes Act 1995 -
Pension Schemes Legislation (Application) Order 2008 *[SD No 117/08]*

Building Control Act 1991 -
Building (Fees) (Amendment) Regulations 2008 *[SD No 124/08]*

Merchant Shipping (Miscellaneous Provisions) Act 1996 -
Merchant Shipping (Fees) Regulations 2008 *[SD No 125/08]*

Companies Act 1931 -
Companies (Fees and Duties) Order 2008 *[SD No 84/08]*

Companies Act 1931 -
Companies (Transfer of Domicile) Act 1998 -
 Companies (Transfer of Domicile) (Fees and Duties) Order 2008
 [SD No 86/08]

Partnership Act 1909 -
 Partnership (Fees) Rules 2008 [SD No 89/08]

Registration of Business Names Acts 1918 and 1954 -
 Registration of Business Names (Fees and Duties) Rules 2008
 [SD No 90/08]

Fees and Duties Act 1989 -
 Insurance Companies (Transfer of Domicile) (Fees and Duties) Order
 2008 [SD No 87/08]
 Companies Registry (Miscellaneous Fees) Order 2008 [SD No 88/08]
 Town and Country Planning (Fees for Applications) (Amendment)
 Order 2008 [SD No 123/08]

Income Tax Act 2003 -
 Income Tax (Denmark) Order 2008 [SD No 59/08]
 Income Tax (Faroës) Order 2008 [SD No 62/08]
 Income Tax (Finland) Order 2008 [SD No 65/08]
 Income Tax (Greenland) Order 2008 [SD No 68/08]
 Income Tax (Iceland) Order 2008 [SD No 71/08]
 Income Tax (Norway) Order 2008 [SD No 74/08]
 Income Tax (Sweden) Order 2008 [SD No 77/08]

Income Tax Act 1995 -
 Income Tax (Denmark) (Temporary Taxation) Order 2008
 [SD No 60/08]
 Income Tax (Faroës) (Temporary Taxation) Order 2008 [SD No 63/08]
 Income Tax (Finland) (Temporary Taxation) Order 2008 [SD No 66/08]
 Income Tax (Greenland) (Temporary Taxation) Order 2008
 [SD No 69/08]
 Income Tax (Iceland) (Temporary Taxation) Order 2008 [SD No 72/08]
 Income Tax (Norway) (Temporary Taxation) Order 2008 [SD No 75/08]
 Income Tax (Sweden) (Temporary Taxation) Order 2008 [SD No 78/08]

Income Tax Act 1970 -
 Income Tax (Denmark) (Double Taxation Arrangements) Order 2008
 [SD No 61/08]
 Income Tax (Faroës) (Double Taxation Arrangements) Order 2008
 [SD No 64/08]
 Income Tax (Finland) (Double Taxation Arrangements) Order 2008
 [SD No 67/08]
 Income Tax (Greenland) (Double Taxation Arrangements) Order 2008
 [SD No 70/08]
 Income Tax (Iceland) (Double Taxation Arrangements) Order 2008
 [SD No 73/08]
 Income Tax (Norway) (Double Taxation Arrangements) Order 2008
 [SD No 76/08]
 Income Tax (Sweden) (Double Taxation Arrangements) Order 2008
 [SD No 79/08]

Education (Student Awards) Regulations 2008 -
Education (Student Awards) Regulations 2008 *[SD No 129/08]*

Farm and Horticultural Improvement Scheme 2006 (Amendment) Scheme
2008 -
Farm and Horticultural Improvement Scheme 2006 (Amendment)
Scheme 2008 *[GC No 05/08]*

Weights and Measures Act 1989 -
Weights and Measures (Testing Fees) Regulations 2008 *[SD No 92/08]*

Consumer Protection Act 1991 -
Consumer Protection (Code of Practice for Traders on Price Indications
in the Isle of Man) Order 2008 *[SD No 101/08]*

Reports -
First Report of the Tynwald Management Committee for the Session
2007-08 *[PP25/08]*

Limited Liability Companies Act 1996 -
Limited Liability Companies (Fees and Duties) Order 2008
[SD No 85/2008]

Companies Act 2006 -
Companies (Fees, Duties and Penalties) Regulations 2008
[SD No 83/2008]

Social Security Pensions Act 1975 -
Pensions Increase (Annual Review) Order 2008 *[SD No 82/08]*

Currency Act 1992 -
Currency (Paddington Bear Crown) Order 2008 *[SD No 106/08]*
Currency (European Football Championship Crowns) Order 2008
[SD No 107/08]

European Community -
EC Secondary Legislation - January 2008 *[GC No 03/08]*
EC Secondary Legislation - February 2008 *[GC No 07/08]*

Reports -
Council of Ministers' Report on the External Assessor's Report to the
Isle of Man Government on the Progress of the Recommendations of
the Commission of Inquiry into the Care of Young People
[GR No 006/08]
Surveillance Commissioner's Annual Report 2007 *[GR No 008/08]*

2. Commonwealth Day Message from Her Majesty the Queen -

Mr President read Her Majesty's Commonwealth Day Message.

Bills Signed -

Fertilisers and Feeding Stuffs (Amendment) Bill 2007
Income Tax (Amendment) Bill 2007
Onchan District (Amendment) Bill 2007
Presiding Officers Bill 2007

3. Questions -

Questions 1 to 18 answered orally.
Questions 19 to 20 answered in writing.

4. Statement on Police Complaints -

Statement made by the Minister for Home Affairs.

5. GP Surgery - Palatine -

Motion made -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £1,025,000 for the construction of a new GP surgery for Palatine Group Practice in Braddan.

Mr Teare

Court divided.
Motion carried.

6. Douglas Quayside Development -

Motion made -

That Tynwald approves in principle the Department of Local Government and the Environment entering into an agreement to grant a 999 year lease on land situated on Lord Street, Douglas (known formerly as the Lord Street Bus Station site) for the development of an hotel, with associated residential, retail, and leisure facilities to Askett-Hawk Developments (IOM) Limited, all subject to contract and obtaining relevant planning permission.

Mr Shimmin

Motion made -

That this debate be adjourned to the sitting of the Court in April 2008.

Mr Karran

Court divided.
Adjournment motion lost.

Amendment moved -

Delete all the words after "leisure facilities" in line 5.

Mrs Cannell

Court divided.

Amendment lost.

Court divided.

Motion carried.

7. Select Committee on the 'Poacher's Pocket' -

Statement made by the Chairman of the Select Committee on the 'Poacher's Pocket' (Mr Speaker).

8. Tynwald Management Committee -

Motion made -

That the First Report of the Tynwald Management Committee for the Session 2007-08 be received and that the following recommendations be approved:

- (i) that Manx Radio should be authorised to broadcast the public evidence hearings of all select committees – or any other committee for the time being holding a similar hearing, such as the Public Accounts Committee – on the same basis as that on which Tynwald proceedings are now broadcast, but only when adequate resources can be made available to enable non-selective broadcasting to take place;
- (ii) that further study of the best means of enhancing the existing webcasting of Tynwald at present done by Manx Radio should be undertaken and a report made to the Court by the December 2008 sitting.

Mr Speaker

Amendment moved -

In part (i) delete the words "should be authorised to"

Mr Earnshaw

Amendment lost.

Court divided.

Motion carried.

9. Nursing and Residential Homes Act 1988 -

Motion made -

That the Nursing and Residential Homes (Amendment) (Fees) Regulations 2008 be approved [SD No 09/08]

Mr Teare

Court divided.

Motion carried.

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

Motion made -

That the Social Security Benefits Upgrading Order 2008 be approved
[SD No 113/08]

Mr Teare

Court divided.

Motion unanimously carried.

The Court rose at 8.21 pm and adjourned to Wednesday 12th March 2008.

**DOUGLAS
WEDNESDAY 12th MARCH 2008**

11. Social Security Act 2000 -

Motion made -

That the Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) Order 2008 be approved [SD No 114/08]

Mr Teare

Motion carried.

12. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Maternity and Funeral Expenses (General) (Isle of Man)
(Amendment) Regulations 2008 be approved [SD No 115/08]

Mr Teare

Court divided.

Motion carried.

13. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) Order 2008 be approved
[SD No 116/08]

Mr Teare

Motion carried.

14. Benefits Schemes (Miscellaneous Amendments) Scheme 2008 -

Motion made -

That the Benefits Schemes (Miscellaneous Amendments) Scheme 2008 be approved *[GC No 04/08]*

Mr Teare

Court divided.
Motion carried.

15. Pension Schemes Act 1995 -

Motion made -

That the Pension Schemes Legislation (Application) Order 2008 be approved *[SD No 117/08]*

Mr Teare

Motion carried.

16. Building Control Act 1991 -

Motion made -

That the Building (Fees) (Amendment) Regulations 2008 be approved *[SD No 124/08]*

Mr Shimmin

Motion carried.

17. Merchant Shipping (Miscellaneous Provisions) Act 1996 -

Motion made -

That the Merchant Shipping (Fees) Regulations 2008 be approved *[SD No 125/08]*

Mr Cretney

Motion carried.

18. Value Added Tax Act 1996 -

Motion not made.

19. Companies Act 1931 -

Motion made -

That the Companies (Fees and Duties) Order 2008 be approved *[SD No 84/08]*

Mr Bell

Motion carried.

**20. Companies Act 1931 -
Companies (Transfer of Domicile) Act 1998 -**

Motion made -

That the Companies (Transfer of Domicile) (Fees and Duties) Order 2008 be approved [SD No 86/08]

Mr Bell

Motion carried.

21. Partnership Act 1909 -

Motion made -

That the Partnership (Fees) Rules 2008 be approved [SD No 89/08]

Mr Bell

Motion carried.

22. Registration of Business Names Acts 1918 and 1954 -

Motion made -

That the Registration of Business Names (Fees and Duties) Rules 2008 be approved [SD No 90/08]

Mr Bell

Motion carried.

23. Fees and Duties Act 1989 -

Motion made -

That the Insurance Companies (Transfer of Domicile) (Fees and Duties) Order 2008 be approved [SD No 87/08]

Mr Bell

Motion carried.

24. Fees and Duties Act 1989 -

Motion made -

That the Companies Registry (Miscellaneous Fees) Order 2008 be approved [SD No 88/08]

Mr Bell

Motion carried.

25. Fees and Duties Act 1989 -

Motion made -

That the Town and Country Planning (Fees for Applications) (Amendment) Order 2008 be approved [SD No 123/08]

Mr Bell

Motion carried.

26-46 Income Tax Act 2003 -

Motions made -

26. That the Income Tax (Denmark) Order 2008 be approved [*SD No 59/08*]
27. That the Income Tax (Denmark) (Temporary Taxation) Order 2008 be approved [*SD No 60/08*]
28. That the Income Tax (Denmark) (Double Taxation Arrangements) Order 2008 be approved [*SD No 61/08*]
29. That the Income Tax (Faroes) Order 2008 be approved [*SD No 62/08*]
30. That the Income Tax (Faroes) (Temporary Taxation) Order 2008 be approved [*SD No 63/08*]
31. That the Income Tax (Faroes) (Double Taxation Arrangements) Order 2008 be approved [*SD No 64/08*]
32. That the Income Tax (Finland) Order 2008 be approved [*SD No 65/08*]
33. That the Income Tax (Finland) (Temporary Taxation) Order 2008 be approved [*SD No 66/08*]
34. That the Income Tax (Finland) (Double Taxation Arrangements) Order 2008 be approved [*SD No 67/08*]
35. That the Income Tax (Greenland) Order 2008 be approved [*SD No 68/08*]
36. That the Income Tax (Greenland) (Temporary Taxation) Order 2008 be approved [*SD No 69/08*]
37. That the Income Tax (Greenland) (Double Taxation Arrangements) Order 2008 be approved [*SD No 70/08*]
38. That the Income Tax (Iceland) Order 2008 be approved [*SD No 71/08*]
39. That the Income Tax (Iceland) (Temporary Taxation) Order 2008 be approved [*SD No 72/08*]
40. That the Income Tax (Iceland) (Double Taxation Arrangements) Order 2008 be approved [*SD No 73/08*]
41. That the Income Tax (Norway) Order 2008 be approved [*SD No 74/08*]
42. That the Income Tax (Norway) (Temporary Taxation) Order 2008 be approved [*SD No 75/08*]
43. That the Income Tax (Norway) (Double Taxation Arrangements) Order 2008 be approved [*SD No 76/08*]
44. That the Income Tax (Sweden) Order 2008 be approved [*SD No 77/08*]

45. That the Income Tax (Sweden) (Temporary Taxation) Order 2008 be approved
[SD No 78/08]
46. That the Income Tax (Sweden) (Double Taxation Arrangements) Order 2008
be approved *[SD No 79/08]*

Mr Bell

Item 26 -
Motion carried.
Item 27 -
Motion carried.
Item 28 -
Motion carried.
Item 29 -
Motion carried.
Item 30 -
Motion carried.
Item 31 -
Motion carried.
Item 32 -
Motion carried.
Item 33 -
Motion carried.
Item 34 -
Motion carried.
Item 35 -
Motion carried.
Item 36 -
Motion carried.
Item 37 -
Motion carried.
Item 38 -
Motion carried.
Item 39 -
Motion carried.
Item 40 -
Motion carried.
Item 41 -
Motion carried.
Item 42 -
Motion carried.
Item 43 -
Motion carried.
Item 44 -
Motion carried.
Item 45 -
Motion carried.
Item 46 -
Court divided.
Motion unanimously carried.

47. Education (Student Awards) Regulations 2008 -

Motion made -

That the Education (Student Awards) Regulations 2008 be approved
[SD No 129/08]

Mrs Craine

Motion carried.

48. Farm and Horticultural Improvement Scheme 2006 (Amendment) Scheme 2008 -

Motion made -

That the Farm and Horticultural Improvement Scheme 2006 (Amendment) Scheme 2008 be approved *[GC No 05/08]*

Mr Gawne

Motion carried.

49. Weights and Measures Act 1989 -

Motion made -

That the Weights and Measures (Testing Fees) Regulations 2008 be approved
[SD No 92/08]

Mr Gill

Motion carried.

50. Consumer Protection Act 1991 -

Motion made -

That the Consumer Protection (Code of Practice for Traders on Price Indications in the Isle of Man) Order 2008 be approved *[SD No 101/08]*

Mr Gill

Motion carried.

51. Capital Projects -

Motion not made.

52. Taxi Services in the Isle of Man -

Motion made -

That a Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 & 4 of the Tynwald Proceedings Act 1876, as amended, to investigate what effect any Orders under paragraph 2 of Schedule 2 to the Road Transport Act 2001 would have on the provision of taxi services in the Isle of Man, taking into account the independent Needs Survey Report of December 2006, and to report with recommendations by the December 2008 sitting of this Court; and Tynwald is of the opinion that no measure relating to the continued application of Schedule 2, or any part of it, should be brought before Tynwald before March 2009.

Mr Malarkey

Court divided.
Motion lost.

Announcement of Royal Assent -

Fertilisers and Feeding Stuffs (Amendment) Act 2008
Income Tax (Amendment) Act 2008
Onchan District (Amendment) Act 2008
Presiding Officers Act 2008

Supplementary Order Paper

1. Suspension of Standing Orders

Motion made -

That Standing Order 2.4(1) be suspended and that under Standing Order 2.2(6) the following business now be taken.

Mr Earnshaw

Court divided.
Motion carried.

2. MER Rail Infrastructure Renewal 2008/09 and Supplementary Scheme -

Motion made -

That Tynwald approves the Department of Tourism and Leisure incurring expenditure not exceeding the sum of £1,897,000 in respect of the MER Rail Infrastructure Renewal Scheme 2008/09

AND that Tynwald

- (1) approves the Department of Tourism & Leisure incurring expenditure not exceeding £2,800,000 in respect of a supplementary MER Rail Infrastructure Scheme;

- (2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2009, a sum not exceeding £2,800,000;
- (3) approves of and sanctions borrowings not exceeding £2,800,000 being made by Government, such borrowings to be repaid within a period of 30 years.

Mr Earnshaw

Court divided.

Motion unanimously carried.

The Court adjourned at 4.56 pm.

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