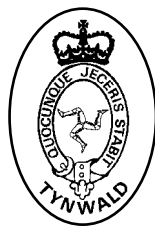


# TYNWALD

## Tinvaal



## VOTES AND PROCEEDINGS

### Reaghyssyn as daaltyn

DOUGLAS  
TUESDAY 15<sup>th</sup> JANUARY 2008  
WEDNESDAY 16<sup>th</sup> JANUARY 2008

#### 1. Laid before the Court -

Personal Liability (Ministers, Members and Officers) Act 2007 -  
Personal Liability (Ministers, Members and Officers) Act 2007  
(Designated Persons) Order 2007 [SD No 961/07]

Investment Business Acts 1991 to 1993 -  
Investment Business (Amendment) Order 2007 [SD No 933/07]  
Financial Supervision Commission (Financial Resources and  
Compliance Reporting) (Amendment) Regulatory Code 2007  
[SD No 934/07]

Financial Supervision Act 1988 -  
Banking Business (Compensation of Depositors) (Amendment)  
Regulations 2007 [SD No 848/07]

Fees and Duties Act 1989 -  
Deeds and Probate Registries (Fees) Order 2008 [SD No 266/07]

Land Registration Act 1982 -  
Land Registry Fees Order 2008 [SD No 240/07]

Financial Supervision Act 1988 -  
Financial Supervision Act 1988 (Definition of Collective Investment  
Schemes) (Amendment) Order 2007 [SD No 982/07]

Members of Tynwald (Resettlement Grant) Scheme 2007 -  
Members of Tynwald (Resettlement Grant) Scheme 2007 [GC No 75/07]

Inland Fisheries Act 1976 -  
Inland Fisheries (Duties) Regulations 2007 [SD No 953/07]

Forestry Act 1984 -  
Forestry (General) (Amendment) (No. 2) Byelaws 2007 [SD No 954/07]

Animal Health Act 1996 -  
Animal Health (Slaughter and Compensation) (Amendment) Order  
2007 [SD No 979/07]

Health and Safety at Work Etc Act 1977 -  
Health and Safety at Work (Amendment) Order 2007 [SD No 984/07]

Reports -  
First Report of the Standing Committee on Scrutiny for the Session  
2007-08 [PP137/07]

Value Added Tax Act 1996 -  
Value Added Tax (Reduced Rate) (Amendment) Order 2007  
[SD No 976/07]

Partnership Act 1909 -  
Listed Limited Partnerships Regulations 2007 [SD No 983/07]

Hydrocarbon Oil Duties Act 1986 -  
Biofuels and Hydrocarbon Oil Duties (Miscellaneous Amendments)  
Regulations 2007 [SD No 978/07]

Insurance Act 1986 -  
Insurance (Valuation of Long Term Liabilities) Regulations 2007  
[SD No 960/07]

Digital Switchover (Disclosure of Information) Act 2007 (of the United  
Kingdom Parliament) -  
Digital Switchover (Disclosure of Information) (Isle of Man) Order 2007  
[UK SI 2007 No 3472]

European Community -  
EC Secondary Legislation - December 2007 [GC No 77/07]

Appointed Day Orders -  
Criminal Justice, Police and Courts Act (Appointed Day) (No. 2) Order  
2007 [SD No 974/07]

Reports -  
Isle of Man Transport Limited Report and Financial Statements for the  
year ended 31<sup>st</sup> March 2007  
Isle of Man Limited Report and Financial Statements for the year  
ended 31<sup>st</sup> March 2007  
Isle of Man Post Office Report and Financial Statements for the  
52 weeks ended 28<sup>th</sup> March 2007

## 2. Questions -

Questions 1 to 25 answered orally.  
Questions 26 to 37 answered in writing.

**Modification of the preamble for Isle of Man legislation -**

Statement made by the Chief Minister.

**3. Braddan Parish Commissioners -**

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

**Matter of Urgent Public Importance -**

Mrs Cannell, having given written notice to the President and supported by eight other Members rising, sought leave under Standing Order 2.8 that a matter of urgent public importance be discussed.

Court divided.  
Leave given.

**Transport for adults with a learning disability -**

Motion made -

That Tynwald considers that the arrangements with Protours to transport adults with a learning disability to Day Services should continue until such time as the true costs of the service are fully investigated, and that the Minister for the Department of Health and Social Security should make a statement to the Court of the results of that investigation no later than the sitting in July 2008 and before making any alternative arrangements.

Mrs Cannell

Amendment moved -

*after the words "continue until" delete all remaining words and insert:*

*"31st March 2008, to further allow for the introduction of modified, flexible arrangements for service users, as presently being implemented by the Social Services Division of the Department"*.

Mr Teare

Court divided.  
Amendment carried.  
Court divided.  
Amended motion unanimously carried.

**4. Supplementary Vote -**

Motion made -

That Tynwald authorises the Treasury to apply from General Revenue during the year ending 31st March 2008, a sum not exceeding £2,619,000 being the additional amount required by the Department of Health and Social Security in respect of excess expenditure in relation to the cost of the Reciprocal Medical Agreement with the United Kingdom (£1,824,000) and Membership of the Medical Protection Society Limited (£795,000).

Mr Teare

Motion carried.

**5. Jurby Industrial Estate -**

Motion made -

That Tynwald approves the expenditure of a sum not exceeding £2,050,000 for the construction of a new road and for carrying out other infrastructure works on the Jurby Industrial Estate.

Mr Shimmin

Motion carried.

**10. Personal Liability (Ministers, Members and Officers) Act 2007 -**

Motion made -

That the Personal Liability (Ministers, Members and Officers) Act 2007 (Designated Persons) Order 2007 be approved [SD No 961/07]

Mr Brown

Motion carried.

**11. Companies Act 2006 (an Act of the United Kingdom Parliament) -**

Motion made -

That Her Majesty be requested to direct by Order in Council that the provisions of Chapter 1 (*The Takeover Panel*) and Chapter 2 (*Impediments to Takeovers*) of Part 28 of the Companies Act 2006 (an Act of the United Kingdom Parliament) shall extend to the Isle of Man with such modifications as may be specified in the Order.

Mr Bell

Motion carried.

**12. Investment Business Acts 1991 to 1993 -**

Motion made -

That the Investment Business (Amendment) Order 2007 be approved  
[SD No 933/07]

Mr Bell

Motion carried.

**13. Investment Business Acts 1991 to 1993 -**

Motion made -

That the Financial Supervision Commission (Financial Resources and Compliance Reporting) (Amendment) Regulatory Code 2007 be approved  
[SD No 934/07]

Mr Bell

Motion carried.

**14. Financial Supervision Act 1988 -**

Motion made -

That the Banking Business (Compensation of Depositors) (Amendment) Regulations 2007 be approved [SD No 848/07]

Mr Bell

Motion carried.

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

Motion made -

That the Deeds and Probate Registries (Fees) Order 2008 be approved  
[SD No 266/07]

Mr Bell

Motion adjourned.

The Court rose at 8.12 pm and adjourned to Wednesday 16<sup>th</sup> January 2008.

**DOUGLAS**  
**WEDNESDAY 16<sup>th</sup> JANUARY 2008**

**6. Governor's Bridge (Phase 1) -**

Motion made -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £1,250,379 in respect of Phase 1, Governor's Bridge Highway Improvement Scheme.

Mr Anderson

Court divided.

Motion carried.

**7. Expenses of the Legislature -**

Motion made -

That Tynwald authorises Treasury to apply from General Revenue, in respect of the year ended 31<sup>st</sup> March 2008 the sum of £89,775 in payment of excess expenditure of the Legislature in respect of increased salaries resulting from the 2007-08 pay award to Staff and Members of Tynwald.

Mr Speaker

Motion carried.

**15. Fees and Duties Act 1989 –**

Motion made -

That the Deeds and Probate Registries (Fees) Order 2008 be approved  
*[SD No 266/07]*

Mr Bell

Motion carried.

**16. Land Registration Act 1982 -**

Motion made -

That the Land Registry Fees Order 2008 be approved *[SD No 240/07]*

Mr Bell

Motion carried.

**17. Financial Supervision Act 1988 -**

Motion made -

That the Financial Supervision Act 1988 (Definition of Collective Investment Schemes) (Amendment) Order 2007 be approved *[SD No 982/07]*

Mr Bell

Motion carried.

**18. Members of Tynwald (Resettlement Grant) Scheme 2007 -**

Motion made -

That the Members of Tynwald (Resettlement Grant) Scheme 2007 be approved [GC No 75/07]

Mr Bell

Motion carried.

**8. Scrutiny Committee Report -**

Motion made -

That the First Report of the Standing Committee on Scrutiny for the Session 2007-08 be received, and the following recommendations approved [PP137/07]:-

- (i) that the Treasury should review the adequacy of the appeals system for the indirect taxes, and report their findings to Tynwald in the Government's 2008 Policy Decisions Report;
- (ii) that the Council of Ministers report to Tynwald no later than July 2008 on the proposed revisions to the statutes and constitution of Manx National Heritage;
- (iii) that a further statement on the position in relation to longer-term car parking plans for Peel should be made by the Minister for Transport by the end of July 2008;
- (iv) that the Borough of Douglas Parking Places (Consolidation) (Amendment) (No. 2) Order 2006 be revoked and replaced by an Order which says plainly what is intended.

Mrs Cannell

Amendment moved -

*In paragraph (ii), for "July" substitute "December".*

Mr Brown

Amendment carried.

Amended motion carried.

## 9. Langness Peninsula Footpaths -

Motion made -

Whereas the Department of Transport has determined to hold an inquiry pursuant to section 117 of the Highways Act 1986:

- (a) as to the status under that Act of a certain footpath on the Langness peninsula, namely that which follows the route from the Department's car park around the coastline and passes to the seaward side of the Langness lighthouse, and in particular whether the said footpath may be presumed to have been dedicated as a highway under section 88 of the said Act
- (b) as to whether in the light of the findings of the said inquiry the Department should exercise its powers under section 39 of the said Act in respect of the said footpath

Tynwald now resolves that the powers conferred by the Inquiries (Evidence) Act 2003 shall be exercisable in relation to the said inquiry.

Mr Anderson

Amendment moved -

*Delete all the words after "Whereas" and insert:-*

*"there is uncertainty in relation to the existence or otherwise of public rights of way over various footpaths on the Langness peninsula, and in particular that which follows the route from the Department's car park around the coastline and passes to the seaward side of Langness lighthouse, Tynwald now appoints a delegation of three Members and directs that, together with Her Majesty's Attorney General (or such member of his chambers as he may nominate), they should meet with those persons they deem appropriate in relation to the use by the public of the said footpath to ascertain whether the uncertainty regarding the public's access to that footpath can be satisfactorily resolved without the need for a statutory Inquiry, and to make recommendations to the sitting of the Court in April 2008."*

Mr Cregeen

Amendments moved -

- (1) *In the first line of the motion for "has determined" substitute "intends";*
- (2) *After the word "of" in line 1 of paragraph (a) insert "(i)";*
- (3) *After the words "Langness lighthouse " in paragraph (a) insert -*

*“(ii) a path departing from the circular footpath at the south-western side, leading to Langness point, (iii) the road from the car park to the lighthouse perimeter wall, following the perimeter wall to the western side and joining the circular path, (iv) a path from the north gate of the lighthouse perimeter wall, following a route east along the existing walkway to the coastal path, (v) a path running north-south from the circular footpath to the herring tower, (vi) a path running north-south from the herring tower to join the existing walkway in (iv) above, (vii) a path running due east from the herring tower along the route of the existing clear path to the coastal path, (viii) two further deviations from the circular footpath to the eastern side, the first passing to the south of the industrial archaeology, and the second as a continuation east of path (iv) above.”*

(4) For the words “said footpath” where they appear in paragraphs (a) and (b), substitute “said footpaths”.

Mr Watterson

Motion made -

That this debate be adjourned to the sitting of the Court in April 2008, and that a delegation of three Members, together with Her Majesty’s Attorney General (or such member of his chambers as he may nominate), should meet with those persons they deem appropriate in relation to the use by the public of the footpath proposed to be the subject of an Inquiry to ascertain whether the matter of the public’s access can be satisfactorily resolved without the need for a statutory Inquiry, and to make recommendations to the sitting of the Court in April 2008 before this debate is resumed.

Mr Shimmin

Adjournment motion carried.

Mr Lowey, Mr Cannan, Mrs Craine, Mr Cregeen, Mr Henderson, Mr Karran, Mr Malarkey and Mr Teare were nominated and seconded.

On the first ballot Mr Cregeen and Mr Malarkey were elected; on the second ballot Mr Cannan was elected.

**19. Inland Fisheries Act 1976 -**

Motion made -

That the Inland Fisheries (Duties) Regulations 2007 be approved  
[SD No 953/07]

Mr Gawne

Motion carried.

**20. Forestry Act 1984 -**

Motion made -

That the Forestry (General) (Amendment) (No. 2) Byelaws 2007 be approved  
[SD No 954/07]

Mr Gawne

Motion carried.

**21. Animal Health Act 1996 -**

Motion made -

That the Animal Health (Slaughter and Compensation) (Amendment) Order  
2007 be approved [SD No 979/07]

Mr Gawne

Motion carried.

**22. Health and Safety at Work Etc Act 1977 -**

Motion made -

That the Health and Safety at Work (Amendment) Order 2007 be approved  
[SD No 984/07]

Mr Shimmin

Motion carried.

**23. Department of Health and Social Security -**

Motion made -

That Tynwald, in considering the policies, performance and services  
provided by the Department of Health and Social Security, requests the  
Department to give serious consideration to the views expressed by  
Hon Members at this sitting and to take appropriate action.

Mr Cannan

Motion carried.

**24. Nursing Homes -**

Motion made -

That the Minister for Health and Social Security make a full report to the  
Court at its sitting in February 2008 on the action taken by his Department  
since 21<sup>st</sup> April 2004 in raising public awareness of the need for retirement  
planning, explaining how that has helped in practical terms to make  
provision for persons over 65 years of age in need of residential and nursing  
care.

Mr Karran

Amendment moved -

*For "February 2008" insert "May 2008".*

Mr Teare

Amendment carried.

Amended motion carried.

**25. Manx Servicemen and Servicewomen -**

Motion made -

That Tynwald Court requests the Council of Ministers -

- (a) to make all appropriate medical tests immediately available to all Manx Servicemen and Servicewomen who were subjected to radiation exposure in the 1950's and 1960's in Atom/Hydrogen bomb tests (as provided for under EU Directive); and
- (b) to consider a method of providing an *ex gratia* sum to those surviving members;

and to report back no later than the March 2008 sitting of this Court.

Mr Lowey

Amendment moved -

*In the final line delete "March" and substitute "July".*

Mr Teare

Amendment carried.

Amended motion carried.

The Court adjourned at 9.37 pm.

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