

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 15th APRIL 2008
WEDNESDAY 16th APRIL 2008

1. Laid before the Court -

Government Departments Act 1987 -

Transfer of Functions (Civil Aviation) Order 2008 [*SD No 120/08*]

European Communities (Isle of Man) Act 1973 -

European Communities (Burma/Myanmar Sanctions) (Application)
Order 2008 [*SD No 234/08*]

House Purchase Assistance (Amendment) Scheme 2008 -

House Purchase Assistance (Amendment) Scheme 2008 [*GC No 19/08*]

Local Government Act 1985 -

Malew Parish General Byelaws 2007 [*SD No 922/07*]

Customs and Excise Act 1993 -

Export Control (Democratic Republic of Congo) (Amendment) Order
2008 (Application) Order 2008 [*SD No 49/08*]

Income Tax Act 1970 -

Income Tax (Corporate Taxpayers) (Deductions) Order 2008
[*SD No 137/08*]

Legal Aid Act 1986 -

Criminal Legal Aid Order 2008 [*SD No 109/08*]
Civil Legal Aid Order 2008 [*SD No 110/08*]

Carer's Bereavement Payment Scheme 2008 -

Carer's Bereavement Payment Scheme 2008 [*GC No 18/08*]

Social Security Act 2000 -

Social Security Administration Act 1992 (Application) (Amendment) Order 2008 *[SD No 219/08]*

Social Security Act 1998 (Application) (Amendment) Order 2008 *[SD No 220/08]*

Social Security Legislation (Application) (Amendment) Order 2008 *[SD No 221/08]*

Social Security Legislation (Application) (No. 2) Order 2008 *[SD No 223/08]*

Social Security Contributions and Benefits Act 1992 -

Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) (No. 2) Regulations 2008 *[SD No 222/08]*

Non-Resident Traders Act 1983 -

Non-Resident Traders (Licence Fees) Regulations 2008 *[SD No 121/08]*

Reports -

Developing a Reliable, Sustainable, Self Reliant Manx Agriculture, Department of Agriculture, Fisheries and Forestry *[GR No 12/08]*

Report of the Select Committee on the Poacher's Pocket *[PP39/08]*

Report of the Public Accounts Committee on the Tender Process Resulting in the Award of a Contract to Ice Mann Food Service Ltd *[PP122/07]*

Gaming, Betting and Lotteries Act 1988 -

Crown Green Bowling Festival (No. 1) Order 2008 *[SD No 135/08]*

Crown Green Bowling Festival (No. 2) Order 2008 *[SD No 136/08]*

Currency Act 1992 -

Currency (Beijing Olympics Crowns) Order 2008 *[SD No 217/08]*

Currency (London Olympic Centenary Crown) Order *[SD No 218/08]*

Value Added Tax Act 1996 -

Value Added Tax (Amendment) Regulations 2008 *[SD No 197/08]*

Value Added Tax (Increase of Registration Limits) Order 2008 *[SD No 199/08]*

Value Added Tax (Consideration for Fuel Provided for Private Use) Order 2008 *[SD No 200/08]*

Value Added Tax (Rate of Interest) Order 2008 *[SD No 130/08]*

Immigration Acts 1971 to 2006 of the United Kingdom -

Immigration (Isle of Man) Order 2008 *[UK SI 2008 No. 680]*

Dogs Act 1990 -

Arbory Dog Control Byelaws 2007 *[SD No 551/07]*

Online Gambling Regulation Act 2001 -

Online Gambling (Registration and Accounts) Regulations 2008 *[SD No 283/08]*

Nationality, Immigration and Asylum Act 2002 -
 Immigration (Leave to Enter and Remain) Order 2008 *[SD No 172/08]*
 Immigration (Continuation of Leave) (Notices) Regulations 2008 *[SD No 173/08]*
 Immigration (Certificate of Entitlement to Right of Abode in the Isle of Man) Regulations 2008 *[SD No 178/08]*
 Immigration Appeals (Family Visitor) Regulations *[SD No 179/08]*
 Immigration Appeals (Specified States) Order 2008 *[SD No 180/08]*
 Immigration (Notices) Regulations 2008 *[SD No 181/08]*
 Immigration (Provision of Physical Data) Regulations *[SD No 182/08]*
 Immigration Appeals (Procedure) Rules 2008 *[SD No 184/08]*
 Reporting of Suspicious Marriages Regulations 2008 *[SD No 185/08]*

Immigration Act 1971 -
 Immigration (Passenger Information) Order 2008 *[SD No 174/08]*
 Immigration (Designation of Travel Bans) Order 2008 *[SD No 187/08]*

Immigration and Asylum Act 1999 -
 Immigration (Removal Directions) Regulations 2008 *[SD No 175/08]*
 Immigration Control (Provision of Facilities at Ports) Order 2008 *[SD No 176/08]*
 Carriers' Liability Regulations 2008 *[SD No 177/08]*

Asylum and Immigration (Treatment of Claimants, Etc) Act 2004 -
 Immigration (Procedure for Marriage) Regulations 2008 *[SD No 183/08]*

Asylum and Immigration Act 1996 -
 Immigration (Restrictions on Employment) Order 2008 *[SD No 186/08]*

European Communities (Isle of Man) Act 1973 -
 Burma/Myanmar Sanctions Regulations 2008 *[SD No 235/08]*
 Draft European Communities (Cash Controls) (Application) Order 2008 *[SD No xxx/08]*

Post Office Act 1993 -
 Post Office (Inland Post) (Amendment) Scheme 2008 *[SD No 80/08]*
 Post Office (Overseas Letter Post) (Amendment) Scheme 2008 *[SD No 81/08]*

Appointed Day Orders -
 Onchan District (Amendment) Act 2008 (Appointed Day) Order 2008 *[SD No 209/08]*

Reports -
 Interception of Communications Act 1988, Report of the Commissioner for the year ended 31st December 2007
 Further Investigation into Gas Prices in the Isle of Man a Report by the Council of Ministers *[GR No 009/08]*

2. Questions -

Questions 1 to 28 answered orally.
 Questions 29 to 37 answered in writing.

3. Preservation of War Memorials -

Statement made by the Chief Minister.

4. Statement on the Langness Delegation -

Statement made by the Chairman of the Delegation (Mr Cannan).

9. Langness Peninsula Footpaths -

Motion made -

That this debate be further adjourned until the end of the current parliamentary session, or until the report of the delegation of Tynwald is laid before the Court, whichever is sooner.

Mr Shimmin

Motion carried.

5. Airport: Runway End Safety Areas/Runway Project -

Motion made -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £43,992,342 in order to undertake works for the construction of a rock armoured promontory approximately 245m into the sea; to resurface, strengthen and extend the existing runway and some taxiways; drainage and work to the aeronautical ground lighting.

Mr Anderson

Amendment moved -

Delete

“£43,992,342 in order to undertake works for the construction of a rock armoured promontory approximately 245m into the sea;”

and substitute

“£20,000,000 in order to undertake works within the existing airport boundary,”

Mr Karran

Court divided, twice.

Amendment lost.

Motion carried.

6. Airport: Airport Car Park No 3 -

Motion made -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £1,008,752 in respect of the Airport Car Park No 3.

Mr Anderson

Motion carried.

Fluoridation: Position of Isle of Man Water Authority in respect of Relevant Legislation -

Statement made by the Minister for Health and Social Security.

7. Mental Health Rehabilitation and Treatment Facility -

Motion made -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £1,497,327 in respect of the provision of a rehabilitation and treatment facility.

Mr Teare

Motion carried.

8. GP Surgery - Loch Promenade -

Motion made -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £800,245 for the construction of a new GP surgery for Promenade Medical Centre in Douglas.

Mr Teare

Motion carried.

10. Manx Agriculture -

Motion made -

That the Report entitled "Developing a Reliable, Sustainable, Self Reliant Manx Agriculture" be received and the recommendations contained therein approved. Those recommendations being that Tynwald should approve the principle of:-

1. The broad concepts outlined in the Report.
2. Providing our farmers with levels of support at least equivalent to that provided to their European competitors.
3. Supporting the strategic objective of ensuring that the Isle of Man retains a reliable, sustainable and self reliant food production industry capable of feeding the Manx nation with a diverse range of food products including our staple foods.

Mr Gawne

Amendment moved -
Add at end:

“But that Tynwald is of the opinion that implementation of the Report and specific proposals arising therefrom should take account of a prior ballot by the Department of all registered producers.”

Mr Speaker

Court divided.
Amendment lost.
Court divided.
Motion unanimously carried.

Suspension of Standing Orders

Motion made -

That Standing Order 1.2(2) be suspended to allow business to continue until 10.00 pm.

Mr Watterson

Court divided.
Motion lost.

11. Public Accounts Committee -

Motion made -

That the Report of the Public Accounts Committee on the Tender Process Resulting in the Award of a Contract to Ice Mann Food Service Ltd be received and that the following recommendations be approved:

- (i) that Departmental tendering procedures should commence sufficiently in advance of the expiry of existing contracts to ensure that all tenderers can be given reasonable prior notice of whether or not their tender has been successful.
- (ii) that all tender documentation should include a requirement for all tenderers to declare any ongoing legal action which may have a material effect on the company.
- (iii) that all those privy to information about tenderers should be advised at the outset that no information should be released to any tenderers other than by those officers authorised to do so, who shall not release any information prior to the official notification date.

Mrs Christian

Motion carried.

The Court rose at 8.15 pm and adjourned to Wednesday 16th April 2008.

DOUGLAS
WEDNESDAY 16th APRIL 2008

12. Select Committee on the Poacher's Pocket -

Motion made -

That the Report of the Select Committee on the Poacher's Pocket be received and the following recommendations approved -

Recommendation 1 -

That the Planning Authority should advise "interested parties" when submissions are received subsequent to a planning approval which are required to meet significant planning conditions (i.e. other than very minor ones) and invite comment to be made which will then be considered by the Planning Committee. The independent Reviewer of the planning process should consider how the term "significant planning conditions" is to be defined.

Recommendation 2 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions over which there have been serious objections at earlier stages of the planning application. The independent Reviewer of the planning process should consider how the term "serious objections" is to be defined.

Recommendation 3 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may only use his powers to approve submissions to meet minor conditions of any planning application, the Planning Committee being required to approve proposals to meet major conditions. The independent Reviewer of the planning process should consider how the terms "minor conditions" and "major conditions" are to be defined.

Recommendation 4 -

That the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions relating to applications where he has already represented the Department at a previous stage of the planning application process.

Recommendation 5 -

That the independent Reviewer of the planning process examines whether a more formalised set of criteria should be drawn up to assist the Chairman of the Planning Committee in determining whether an application goes to the Director of Planning and Building Control or the Planning Committee.

Recommendation 6 -

The independent Reviewer should also examine whether interested parties should be permitted to speak at Planning Committee public meetings both at the initial hearing and when the Planning Committee is dealing with submissions to meet planning conditions.

Recommendation 7 -

In addition to Recommendations 5 and 6 above, the independent Reviewer should consider the other comments and conclusions contained in the Report as part of the review process.

Mr Speaker

Amendment moved -

Add at the end:-

“and that Tynwald, bearing in mind that the Department of Local Government & the Environment had been advised not to resist a petition of Doleance seeking to overturn the decision of the Director of Planning and Building Control to permit an increase in the level of the ground on the Poacher’s Pocket development site but, in spite of encouraging the adjoining owners to present such a petition, did when it was presented oppose it, is now of the opinion:-

- (i) that the adjoining owners should receive compensation from the Department reflecting the loss in value of their properties by reason of the increase in the level of the permitted development, subject to professional valuation, and*
- (ii) that the Department should, by the end of 2008, promote legislation providing for a further review by the Minister (or, as the case may be, the Council of Ministers) of any planning decision against which there is, under existing legislation, no further appeal or review possible otherwise than by way of proceedings in court.*

Mr Cregeen

Part (i) of amendment -

Court divided.

Part (i) lost.

Part (ii) of amendment -

Court divided.

Part (ii) lost.

Court divided.

Motion unanimously carried.

13. Government Departments Act 1987 -

Motion made -

That the Transfer of Functions (Civil Aviation) Order 2008 be approved
[SD No 120/08]

Mr Brown

Motion carried.

14. European Communities (Isle of Man) Act 1973 -

Motion made -

That European Communities (Burma/Myanmar Sanctions) (Application) Order 2008 be approved [*SD No 234 /08*]

Mr Brown

Motion carried.

15. House Purchase Assistance (Amendment) Scheme 2008 -

Motion made -

That the House Purchase Assistance (Amendment) Scheme 2008 be approved [*GC No 19/08*]

Mr Shimmin

Motion carried.

16. Local Government Act 1985 -

Motion not made.

17. Customs and Excise Act 1993 -

Motion made -

That the Export Control (Democratic Republic of Congo) (Amendment) Order 2008 (Application) Order 2008 be approved [*SD No 49/08*]

Mr Bell

Motion carried.

18. Income Tax Act 1970 -

Motion not made.

19. Legal Aid Act 1986 -

Motion made -

That the Criminal Legal Aid Order 2008 be approved [*SD No 109/08*]

Mr Bell

Motion carried.

20. Legal Aid Act 1986 -

Motion made -

That the Civil Legal Aid Order 2008 be approved [*SD No 110/08*]

Mr Bell

Motion carried.

21. Carer's Bereavement Payment Scheme 2008 -

Motion made -

That the Carer's Bereavement Payment Scheme 2008 be approved
[GC No 18/08]

Mr Teare

Motion carried.

22. Social Security Act 2000 -

Motion made -

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2008 be approved *[SD No 219/08]*

Mr Teare

Motion carried.

23. Social Security Act 2000 -

Motion made -

That the Social Security Act 1998 (Application) (Amendment) Order 2008 be approved *[SD No 220/08]*

Mr Teare

Motion carried.

24. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (Amendment) Order 2008 be approved *[SD No 221/08]*

Mr Teare

Motion carried.

25. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) (No. 2) Regulations 2008 be approved *[SD No 222/08]*

Mr Teare

Motion carried.

26. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 2) Order 2008 be approved *[SD No 223/08]*

Mr Teare

Motion carried.

27. Non-Resident Traders Act 1983 -

Motion made -

That the Non-Resident Traders (Licence Fees) Regulations 2008 be approved
[SD No 121/08]

Mr Gill

Motion carried.

28. Select Committee on the Manx Electricity Authority -

Motion made from the Chair -

That the Committee Elections at Items 28 to 35 be deferred until the vacant seats in the Legislative Council have been filled.

Mr Speaker

Court divided.

Motion lost.

Election of two Members in place of Mrs Christian and Mrs Crowe -

Mr Cannan, Mrs Christian and Mr Crowe were proposed and seconded.

After a ballot Mrs Christian and Mr Crowe were elected.

29. Public Accounts Committee -

Election of one Member in place of Mrs Christian -

Mrs Christian was proposed, seconded and elected.

30. Public Accounts Committee -

Designation of a Chairman -

Mrs Christian and Mr Watterson were proposed and seconded.

After a ballot Mrs Christian was elected.

31. Select Committee on Immigration -

Election of one Member in place of Mrs Christian -

Mrs Christian was proposed, seconded and elected.

32. Standing Committee on Scrutiny -

Election of two Members in place of Mr Lowey and Mrs Crowe -

Mr Crowe, Mr Lowey and Mr Quirk were proposed and seconded.

After a ballot Mr Crowe and Mr Lowey were elected.

33. Standing Orders Committee -

Election of two Members in place of the Lord Bishop and Mr Lowey -
Mr Crowe and Mr Lowey were proposed, seconded and elected.

34. Tynwald Honours Committee -

Election of one Member in place of Mr Lowey -
Mr Lowey and Mr Gawne were proposed and seconded.
After a ballot, Mr Lowey was elected.

35. Select Committee on the Steam Packet Company -

Election of one Member in place of Mr Turner -
Mr Turner was proposed, seconded and elected.

The Court adjourned at 3.45 pm.

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