

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 16th OCTOBER 2007
WEDNESDAY 17th OCTOBER 2007
THURSDAY 18th OCTOBER 2007

1. Laid before the Court -

European Communities (Isle of Man) Act 1973 -

European Communities (Iran Sanctions) (Application) Order 2007
[SD No 657/07]

European Communities (Lebanon Sanctions) (Application) Order 2007
[SD No 658/07]

European Communities (North Korea Sanctions) (Application) Order
2007 [SD No 659/07]

Draft European Communities (Animal By-Products Laws)
(Application) Order 2007 [draft]

Tribunals Act 2006 -

Tribunals Act 2006 (Amendment) (No. 2) Order 2007 [SD No 834/07]

Value Added Tax Act 1996 -

Value Added Tax Act 1996 (Amendment) (No. 3) Order 2007
[SD No 538/07]

Value Added Tax 1996 (Amendment) (No. 4) Order 2007
[SD No 616/07]

Value Added Tax (Supply of Services) (Amendment) Order 2007
[SD No 638/07]

Value Added Tax (Betting, Gaming and Lotteries) Order 2007
[SD No 665/07]

Customs and Excise Act 1993 -

Export and Trade Control Order 2007 (Application) Order 2007
[SD No 592/07]

Export Control (Iran and North Korea) (Application) Order 2007
[SD No 704/07]

Hydrocarbon Oil Duties Act 1986 -
Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2007
[SD No 615/07]

Brewers' Act 1874 -
Brewing (Exempt Ingredient) Order 2007 [SD No 617/07]

Betting Act 1970 -
General Betting Duty Order 2007 [SD No 618/07]

Customs and Excise Management Act 1986 -
Customs and Excise (Miscellaneous Provisions) Order 2007
[SD No 636/07]

Fees and Duties Act 1989 -
Passport Fees Order 2007 [SD No 698/07]
Deposits in the Sea (Fees) Order 2007 [SD No 759/07]

Subsistence Allowances [GC No 54/07]

Income Tax Act 1970 -
Income Tax (Non Resident) (Excluded Income) (Amendment) Order
2007 [SD No 711/07]

Financial Supervision Act 1988 -
Financial Supervision (Experienced Investor Fund) (Exemption)
(Amendment) Order 2007 [SD No 806/07]
Financial Supervision (Specialist Fund) (Exemption) Order 2007
[SD No 807/07]
Financial Supervision (Qualifying Fund) (Exemption) Order 2007
[SD No 808/07]

Economic Development Fund Scheme [GC No 55/07]

Animal Health Act 1996 -
Foot and Mouth Disease (Importation)(Temporary Prohibition) Order
2007 [SD No 663/07]
Welfare of Animals (Transport) (Isle of Man) Order 2007
[SD No 573/07]

Agricultural Marketing Act 1934 -
Agricultural Marketing Society (Prescribed Requirements) Order 2007
[SD No 714/07]
Agricultural Marketing Associations (Prescribed Requirements) Order
2007 [SD No 715/07]
Agricultural Marketing Associations (Approval of Schemes) Order
2007 [SD No 716/07]
Agricultural Marketing (Transfer of Property, etc.) Order 2007
[SD No 719/07]

- Agricultural Marketing Acts 1934 to 2006 -
 Scheme for regulating the marketing of Fat Stock under the
 Agricultural Marketing Acts 1934 to 2006 [SD No 717/07]
 Scheme for regulating the marketing of Milk under the Agricultural
 Marketing Acts 1934 to 2006 [SD No 718/07]
- Beef Quality (Headage Payment) Scheme 2007 [GC No 52/07]
- Agricultural Wages Act 1952 -
 Agricultural Wages Regulations 2007 [SD No 721/07]
- Social Security Act 2000 -
 Social Security Legislation (Application) (No. 16) Order 2007
 [SD No 801/07]
 Social Security Legislation (Application) (Amendment) (No. 2) Order
 2007 [SD No 802/07]
 Social Security Legislation (Application) (Amendment) (No. 4) Order
 2007 [SD No 804/07]
 Social Security Legislation (Application) (Amendment) (No. 5) Order
 2007 [SD No 805/07]
- Custody Act 1995 -
 Secure Care Home Custody (Amendment) Rules 2007 [SD 751/07]
 Custody (Amendment) Rules 2007 [SD No 752/07]
- Local Government Act 1985 -
 Chester Street (Off-Street Car Park) Byelaws 2007 [SD 809/07]
 Southern Swimming Pool Board (Amendment) Order 2007
 [SD No 810/07]
 Northern Swimming Pool Board (Amendment) Order 2007
 [SD No 811/07]
 Western Swimming Pool Board (Amendment) Order 2007
 [SD No 812/07]
 Local Government (Borrowing) Consent Regulations 2007
 [SD No 813/07]
- Reports -
 Government Strategic Plan 2007 - 2011 [GR No 33/07]
 Review of IRIS Master Plan - Development of a Regional Sewage
 Treatment Strategy [GR No 039/07]
- Air Navigation (No. 2) Order 1995 -
 Air Navigation (Restriction of Flying) (Emergency Evacuation) (No. 2)
 Regulations 2007 [SD No 697/07]
- Superannuation Act 1984 -
 Superannuation (Clerk of Tynwald's Department) Determination
 (No. 3) 2007 [SD 724/07]

European Communities (Isle of Man) Act 1973 -
 Port Facility Security Regulations 2007 [SD No 596/07]
 Lebanon Sanctions Regulations 2007 [SD No 661/07]
 Iran Sanctions Regulations 2007 [SD No 660/07]
 North Korea Sanctions Regulations 2007 [SD No 662/07]

Local Government Act 2006 -
 Local Government (District and Special Rate) Order 2007
 [SD No 814/07]

Dogs Act 1990 -
 Port St Mary Dog Control Byelaws 2007 [SD No 364/07]
 Castletown Dog Control Byelaws 2007 [SD No 666/07]
 Onchan Dog Control Byelaws [SD No 830/07]

Payment of Members' Expenses Act 1989 -
 Payment of Members' Expenses (Specified Bodies) (Amendment)
 (No.2) Order 2007 [SD No 819/07]

Value Added Tax Act 1996-
 Value Added Tax (Amendment) (No.5) Regulations 2007
 [SD No 539/07]
 Value Added Tax (Amendment) (No.6) Regulations 2007
 [SD No 637/07]

Hydrocarbon Oil Duties Act 1986 -
 Biofuels and Other Fuel Substitutes (Payment of Excise Duties Etc)
 (Amendment) Regulations 2007 [SD No 540/07]
 Gas (Road Fuels) Regulations 2007 [SD No 606/07]

Online Gambling Regulations Act 2001 -
 Online Gambling Duty Regulations 2007 [SD No 635/07]
 Online Gambling (Advertising) Regulations 2007 [SD No 726/07]
 Online Gambling (Prescribed Descriptions) Regulations 2007
 [SD No 727/07]
 Online Gambling (Transitional Arrangements) Regulations 2007
 [SD No 728/07]
 Online Gambling (Registration and Accounts) Regulations 2007
 [SD No 729/07]
 Online Gambling (Advertising) (Overseas) Regulations 2007
 [SD No 730/07]
 Online Gambling (System Verification) (No. 2) Regulations 2007
 [SD No 731/07]

Criminal Justice Act 2001 -
 Sex Offenders (Travel Notification Requirements) Regulations 2007
 [SD No 753/07]

Statement of Changes in Immigration Rules [SD No 534/07]

Food Hygiene Regulations 2007 [SD No 594/07]

Isle of Man Arts Council - Appointment of New Member [GC No 46/07]

Criminal Justice (Money Laundering) Code 2007 [SD No 712/07]

European Community -

EC Secondary Legislation - July 2007 [GC No 63/07]

EC Secondary Legislation - August 2007 [GC No 64/07]

EC Secondary Legislation - September 2007 [GC No 65/07]

Appointed Day Orders -

Gambling (Amendment) Act 2006 (Appointed Day) (No. 1) Order 2007 [SD No 555/07]

Companies Act 2006 (Appointed Day) (No. 2) Order 2007 [SD No 713/07]

Agricultural Marketing (Amendment) Act 2006 (Appointed Day) (No. 2) Order 2007 [SD No 720/07]

Criminal Justice, Police and Courts Act (Appointed Day) Order 2007 [SD No 723/07]

Reports -

Depositors' Compensation Scheme: Annual Report of the Scheme Manager for the year ended 31st March 2007 [GR No 037/07]

Codes of Practice on Access to Government Information

Isle of Man Water Authority Annual Report and Accounts 2006-2007

Treasury Audit Forum Annual Report 2006/2007 [GR No 036/07]

Manx Radio Limited Annual Report 2006-2007

Annual Report of the Activities of the Industrial Relations Service for 2006 [GR No 030/07]

Council of Ministers - Tynwald Policy Decisions Report 2007 [GR No 034/07]

Isle of Man Government Annual Report 2007 [GR No 014/07]

Report of the Police Complaints Commissioner for the Year Ended 31st March 2007 [GR No 025/07]

2. Bills Signed -

Education (Amendment) Bill 2007.

Personal Liability (Ministers, Members and Officers) Bill 2007.

3. Questions -

Questions 1 to 9, 11 to 25 and 27 to 28 answered orally.

Questions 10, 26 and 29 to 67 answered in writing.

Motion made -

That Standing Order 3.5(2) be suspended to permit the remaining Questions for oral answer to be taken at this sitting.

Mr Henderson

Court divided.

Motion lost.

70. Announcement of Royal Assent -

Education (Amendment) Act 2007.

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

4. Report of the Inquiry into Electoral Registration 2006 -

Statement made by the Chief Minister.

5. Proposed Independent Police Complaints Procedure -

Statement made by the Minister for Home Affairs.

6. Select Committee on the Isle of Man Steam Packet Company -

Statement made by the Chairman of the Select Committee on the Isle of Man Steam Packet Company (Mr Speaker).

7. Select Committee on Immigration -

Statement made by the Chairman of the Select Committee on Immigration (Mr Speaker).

8. Select Committee on the Manx Electricity Authority -

Statement made by the Chairman of the Select Committee on the Manx Electricity Authority (Mr Speaker).

9. Government Strategic Plan 2007 - 2011 -

Motion made -

That Tynwald receives the Government Strategic Plan 2007 - 2011 to provide the strategic direction and supporting policies of Government for the next 4 years.

Mr Brown

Court divided.
Motion carried.

26. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax Act 1996 (Amendment) (No. 3) Order 2007 be approved. [SD No 538/07]

Mr Bell

Motion carried.

27. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax 1996 (Amendment) (No. 4) Order 2007 be approved. [SD No 616/07]

Mr Bell

Motion carried.

28. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Supply of Services) (Amendment) Order 2007 be approved. *[SD No 638/07]*

Mr Bell

Motion carried.

29. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Betting, Gaming and Lotteries) Order 2007 be approved. *[SD No 665/07]*

Mr Bell

Motion carried.

30. Customs and Excise Act 1993 -

Motion made -

That the Export and Trade Control Order 2007 (Application) Order 2007 be approved. *[SD No 592/07]*

Mr Bell

Motion carried.

31. Hydrocarbon Oil Duties Act 1986 -

Motion made -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2007 be approved. *[SD No 615/07]*

Mr Bell

Motion carried.

32. Brewers' Act 1874 -

Motion made -

That the Brewing (Exempt Ingredient) Order 2007 be approved. *[SD No 617/07]*

Mr Bell

Motion carried.

33. Betting Act 1970 -

Motion made -

That the General Betting Duty Order 2007 be approved. *[SD No 618/07]*

Mr Bell

Motion carried.

34. Customs and Excise Management Act 1986 -

Motion made -

That the Customs and Excise (Miscellaneous Provisions) Order 2007 be approved. *[SD No 636/07]*

Mr Bell

Motion carried.

35. Customs and Excise Act 1993 -

Motion made -

That the Export Control (Iran and North Korea) (Application) Order 2007 be approved. *[SD No 704/07]*

Mr Bell

Motion carried.

Suspension of Standing Orders

Motion made from the Chair –

That Standing Order 1.2(2) be suspended to enable business to be taken up to item 43.

Motion carried.

36. Fees and Duties Act 1989 -

Motion made -

That the Passport Fees Order 2007 be approved. *[SD No 698/07]*

Mr Bell

Court divided.

Motion carried.

37. Fees and Duties Act 1989 -

Motion made -

That the Deposits in the Sea (Fees) Order 2007 be approved. *[SD No 759/07]*

Mr Bell

Motion carried.

38. Subsistence Allowances -

Motion made -

That the Subsistence Allowances be approved. *[GC No 54/07]*

Mr Bell

Court divided.

Motion carried.

39. Income Tax Act 1970 -

Motion made -

That the Income Tax (Non Resident) (Excluded Income) (Amendment) Order 2007 be approved. *[SD No 711/07]*

Mr Bell

Motion carried.

40-42 Financial Supervision Act 1988 -

Motions made -

40. That the Financial Supervision (Experienced Investor Fund) (Exemption) (Amendment) Order 2007 be approved. *[SD No 806/07]*

41. That the Financial Supervision (Specialist Fund) (Exemption) Order 2007 be approved. *[SD No 807/07]*

42. That the Financial Supervision (Qualifying Fund) (Exemption) Order 2007 be approved. *[SD No 808/07]*

Mr Bell

Item 40 -

Motion carried.

Item 41 -

Motion carried.

Item 42 -

Motion carried.

43. Economic Development Fund Scheme -

Motion not made.

The Court rose at 8.44 pm and adjourned to Wednesday 17th October 2007.

**DOUGLAS
WEDNESDAY 17th OCTOBER 2007**

18. Review of the IRIS Master Plan -

Motion made -

That Tynwald receives the Report by the Department of Transport and approves the recommendation that Tynwald endorses the 'Review of IRIS Master Plan - Development of a Regional Sewage Treatment Strategy' as the approach to sewage treatment for the West and North of the Isle of Man.

Mr Anderson

Court divided.

Motion unanimously carried.

10. IRIS: Sewage Treatment Plant Contract - Meary Veg - Supplementary Vote -

Motion made -

That Tynwald -

- 1) approves the Department of Transport incurring additional expenditure not exceeding £6,250,000 in order to bring to completion the settlement of the final account on the Meary Veg Sewage Treatment Plant contract;
- 2) authorises the Treasury to spend out of the Capital Transactions account during the financial year ending 31st March 2008, a sum not exceeding £6,250,000 in respect of the additional expenditure;
- 3) approves and sanctions borrowings not exceeding £6,250,000 being made by Government, such borrowings to be repaid within a period of 30 years.
Mr Anderson

Amendment made -

At the beginning of paragraph 3) insert -

“subject to the approval by separate vote in relation to each of the items numbered 13 to 20 at Table 6.2 of the Explanatory Memorandum relating to this motion, and to the extent only needed to provide for the items so approved, Tynwald”

and delete the words “not exceeding £6,250,000”.

Mr Houghton

Court divided.
Amendment lost.

Court divided.
Motion carried.

11. IRIS: Purchase of Ivy Cottages and White Hoe Cottages - Supplementary Vote -

Motion made -

That Tynwald -

- 1) approves the Department of Transport incurring additional expenditure not exceeding £2,500,000 in order to fund the purchase, relocation and other incidental costs for purchasing Ivy Cottages and White Hoe Cottages;
- 2) authorises the Treasury to spend out of the Capital Transactions Account during the financial years ending 31st March 2008 and 31st March 2009, a sum not exceeding £2,500,000 in respect of the additional expenditure;

- 3) approves and sanctions borrowings not exceeding £2,500,000 being made by Government, such borrowings to be repaid within a period of 30 years;
- 4) approves the transfer of £2,500,000 from the Land and Property Acquisition Reserve to the Capital Transactions Account during the year ending 31st March 2008;
- 5) approves the Department of Transport making a payment to each of the residents, the level of such payment being determined by the Department and approved by Treasury such payment being without prejudice to any claims or proceedings which may be ongoing or may arise in relation to the purchase of Ivy Cottages and White Hoe Cottages.

Mr Anderson

Motion carried.

12. IRIS: Transmission Main and Pumping Station - Mount Murray to Newtown -

Motion made -

That Tynwald authorises the Department of Transport to undertake works for the construction of a sewage transmission main and a replacement pumping station [Mount Murray] between Mount Murray and Newtown for a sum not exceeding £1,023,000.

Mr Anderson

Motion carried.

13. North Quay Enhancement Scheme -

Motion made -

That Tynwald approves the Department of Transport incurring expenditure not exceeding £1,127,413 in respect of Phases 2 and 3 (combined) of the North Quay Enhancement Scheme.

Mr Anderson

Court divided

Motion carried.

14. Highways: Phase 1, Governor's Bridge Highway Improvement Scheme -

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

Amendment moved -

Delete everything after "That Tynwald" and replace with-

"asks the Department of Transport to withdraw the proposal and return in six months after testing other solutions."

Mr Lowey

Amendment withdrawn by leave of the Court.

Motion withdrawn by leave of the Court.

15. Elderly Mentally Infirm (EMI) Unit (Central) -

Motion made -

That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £4,217,248 for the construction of a 32 bed EMI Unit.

Mr Teare

Motion carried.

16. House Purchase Assistance Scheme -

Motion made -

That Tynwald -

- 1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £9,180,000 to provide grant and top up loan support to First Time Buyers to purchase approved properties under the House Purchase Assistance Scheme;
- 2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2008, a sum not exceeding £4,180,000 and during the financial year ending 31st March 2009, a sum not exceeding £5,000,000;
- 3) approves and sanctions borrowings not exceeding £9,180,000 being made by Government, such borrowings to be repaid within a period of 30 years; and
- 4) approves the transfer of £4,180,000 from the Housing Reserve Fund to the Capital Transactions Account during the year ending 31st March 2008, and £5,000,000 during the year ending 31st March 2009.

Mr Shimmin

Motion carried.

17. Pre-Contract Costs for Affordable Housing Projects -

Motion made -

That Tynwald -

- 1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £300,000 for pre-contract costs associated with Affordable Housing Schemes;
- 2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2008 a sum not exceeding £300,000;
- 3) approves and sanctions borrowings not exceeding £300,000 being made by Government, such borrowings to be repaid within a period of 30 years; and

- 4) approves the transfer of £300,000 from the Housing Reserve Fund to the Capital Transaction Account during the year ending 31st March 2008.

Mr Shimmin

Motion carried.

19. Road Transport Licensing Committee - Appointment of New Member -

Motion made -

That in accordance with section 1 of the Road Transport Act 2001, it be approved that the Council of Ministers shall appoint the following person to the Road Transport Licensing Committee for the period ending 26th February 2012, being the date which is consistent with the requirement of Section 1(5) of the Act - Mrs Krystina Twizell.

Mr Brown

Motion carried.

20. Digital Switchover (Disclosure of Information) Act 2007 (an Act of the United Kingdom Parliament) -

Motion made -

That Her Majesty be requested to direct by Order in Council that the provisions of the Digital Switchover (Disclosure of Information) Act 2007 (an Act of the United Kingdom Parliament) shall extend to the Isle of Man with or without modifications.

Mr Brown

Motion carried.

21-23 European Communities (Isle of Man) Act 1973 -

Motions made -

21. That the European Communities (Iran Sanctions) (Application) Order 2007 be approved. *[SD No 657/07]*
22. That the European Communities (Lebanon Sanctions) (Application) Order 2007 be approved. *[SD No 658/07]*
23. That the European Communities (North Korea Sanctions) (Application) Order 2007 be approved. *[SD No 659/07]*

Mr Brown

Item 21 -

Motion carried.

Item 22 -

Motion carried.

Item 23 -

Motion carried.

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

Motion made -

That the draft European Communities (Animal By-Products Laws) (Application) Order 2007 be approved. *[draft]*

Amendment moved –

Delete the word “: approved” and substitute -

“considered by the Scrutiny Committee and returned with their Report to the December 2007 sitting of the Court”.

Mr Gill

Amendment withdrawn by leave of the Court.

Motion carried.

25. Tribunals Act 2006 -

Motion made -

That the Tribunals Act 2006 (Amendment) (No. 2) Order 2007 be approved. *[SD No 834/07]*

Mr Brown

Motion carried.

44. Animal Health Act 1996 -

Motion made -

That the Foot and Mouth Disease (Importation) (Temporary Prohibition) Order 2007 be approved. *[SD No 663/07]*

Mr Gawne

Motion carried.

45-50 Agricultural Marketing Acts 1934 to 2006 -

Motions made -

45. That the Agricultural Marketing Society (Prescribed Requirements) Order 2007 be approved. *[SD No. 714/07]*

46. That the Agricultural Marketing Associations (Prescribed Requirements) Order 2007 be approved. *[SD No. 715/07]*

47. That the Agricultural Marketing Associations (Approval of Schemes) Order 2007 be approved. *[SD No. 716/07]*

48. That the Scheme for regulating the marketing of Fat Stock under the Agricultural Marketing Acts 1934 to 2006 be approved. *[SD No. 717/07]*

49. That the Scheme for regulating the marketing of Milk under the Agricultural Marketing Acts 1934 to 2006 be approved. *[SD No. 718/07]*

50. That the Agricultural Marketing (Transfer of Property, etc.) Order 2007 be approved. *[SD No. 719/07]*

Mr Gawne

Item 45 -
Motion carried.
Item 46 -
Motion carried.
Item 47 -
Motion carried.
Item 48 -
Motion carried.
Item 49 -
Motion carried.
Item 50 -
Motion carried.

51. Beef Quality (Headage Payment) Scheme 2007 -

Motion made -

That the Beef Quality (Headage Payment) Scheme 2007 be approved.
[GC No 52/07]

Mr Gawne

Motion carried.

52. Agricultural Wages Act 1952 -

Motion made -

That the Agricultural Wages Regulations 2007 be approved. [SD No 721/07]
Mr Gawne

Motion carried.

53. Animal Health Act 1996 -

Motion made -

That the Welfare of Animals (Transport) (Isle of Man) Order 2007 be approved. [SD No 573/07]

Mr Gawne

Motion carried.

Supplementary Order Paper -

1. Laid before the Court -

House Purchase Assistance (Amendment) Scheme 2007 [GC No 66/07]

Online Gambling Regulations Act 2001 -

Online Gambling (Disaster Recovery) (No. 2) Regulations 2007
[SD No 725/07]

Appointed Day Order -

Agricultural Marketing (Amendment) Act 2006 (Appointed Day)
(No. 2) Order 2007 [SD No 720/07]

2. Suspension of Standing Orders -

Motion made -

That Standing Orders 2.4(1) and 10.9 be suspended and that under Standing Order 2.2(6) the following business be taken.

Mr Shimmin

Motion carried.

3. House Purchase Assistance (Amendment) Scheme -

Motion made -

The House Purchase Assistance (Amendment) Scheme 2007 be approved.
[GC No 66/07]

Mr Shimmin

Motion carried.

Suspension of Standing Orders

Motion made from the Chair –

That Standing Order 1.2(2) be suspended and the Court do sit late.

Motion carried.

54. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 16) Order 2007 be approved. [SD No 801/07]

Mr Teare

Motion carried.

55. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (Amendment) (No. 2) Order 2007 be approved. [SD No 802/07]

Mr Teare

Motion carried.

56. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (Amendment) (No. 4) Order 2007 be approved. [SD No 804/07]

Mr Teare

Motion carried.

57. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (Amendment) (No. 5) Order 2007 be approved. *[SD No 805/07]*

Mr Teare

Court divided.

Motion carried.

58. Custody Act 1995 -

Motion made -

That the Secure Care Home Custody (Amendment) Rules 2007 be approved. *[SD 751/07]*

Mr Quayle

Motion carried.

59. Custody Act 1995 -

Motion made -

That the Custody (Amendment) Rules 2007 be approved. *[SD No 752/07]*

Mr Quayle

Motion carried.

60. Local Government Act 1985 -

Motion made -

That the Chester Street (Off-Street Car Park) Byelaws 2007 be approved. *[SD No 809/07]*

Mr Shimmin

Motion carried.

61-63 Local Government Act 1985 -

Motions made -

61. That the Southern Swimming Pool Board (Amendment) Order 2007 be approved. *[SD No 810/07]*

62. That the Northern Swimming Pool Board (Amendment) Order 2007 be approved. *[SD No 811/07]*

63. That the Western Swimming Pool Board (Amendment) Order 2007 be approved. *[SD No 812/07]*

Mr Shimmin

Item 61 -

Motion carried.

Item 62 -

Motion carried.

Item 63 -

Motion carried.

64. Local Government Act 1985 -

Motion made -

That the Local Government (Borrowing) Consent 2007 be approved. [SD No 813/07]

Mr Shimmin

Motion carried.

The Court rose at 8.49 pm and adjourned to Thursday 18th October 2007.

**DOUGLAS
THURSDAY 18th OCTOBER 2007**

65. The Chronicles of Mann -

Motion made -

- (1) That Tynwald calls upon the Council of Ministers to acknowledge and recognise the national importance and significance of the 'Chronicles of Mann', being probably the most important document in Manx History, that it is a 'Manx Document' pertaining solely to the Island.
- (2) That negotiations through relevant channels and with relevant parties, if commenced should continue and be built upon with a greater urgency, and if not commenced, then be established as soon as possible with the aim, in both cases, of ultimately having the 'Chronicles' returned to the Isle of Man.

Mr Henderson

Amendment made -

Delete the words in paragraph (1) " 'Chronicles of Mann' " and substitute:

" 'Chronicles of the Kings of Mann and the Isles' "

and also delete all the words after "History" in paragraph (1).

Mr Brown

Amendment carried.

Court divided.

Amended motion unanimously carried.

66. Regional Television -

Motion made -

Tynwald is of the opinion that -

- (a) Should Border ITV merge with the Tyne-Tees ITV region, the Isle of Man should be serviced by ITV Granada, thus receiving a North West ITV service, similar to that provided by BBC Manchester, and
- (b) Any regional TV service provided by ITV or BBC should be part of the North West region, not the North East and
- (c) The Government should make appropriate representation to ITV and relevant UK Authorities in an endeavour to secure such an ITV service for the Island.

Mr Turner

Court divided.

Motion unanimously carried.

67. Depositors' Compensation -

Motion made -

That Tynwald requests the Financial Supervision Commission together with the Treasury to review and if necessary amend the Isle of Man Depositors' Compensation Scheme, the Financial Supervision Act 1988, and the Banking Business (Compensation of Depositors) Regulations.

Mr Cannan

Court divided.

Motion unanimously carried.

68. Maladministration in the planning processes in connection with the 'Poachers Pocket' development at Ballasalla -

Motion made -

That a Committee of three Members be appointed, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 as amended, to investigate all matters related to the handling of planning application 02/0712, in particular by the Department of Local Government and the Environment, and notably:

- (i) the failure of the Department to advertise various amendments to the main application, subsequently the subject of condition 19, or to advertise further applications which were made pursuant to that condition;
- (ii) the use by the Director of Planning and Building Control of delegated powers to approve major changes which it is claimed should have been the subject of a formal and advertised application determined by the Planning Committee, as required by the explicit wording of condition 19;

- (iii) the use by the Director of Planning and Building Control of delegated powers to approve major changes in relation to the development without reference to the Planning Committee, when he had previously acted in the same matter as an advocate before the Committee who reached conclusions different from those in the Director's later approvals;

and to report with recommendations by the March 2008 sitting of the Court.

Mr Cregeen

Amendment moved -

Delete all the words after "That" and substitute-

"Tynwald, concerned about aspects of the administration and operation of the Planning Directorate of the Department of Local Government and the Environment, calls for the immediate implementation of a full and independent review, by an appropriately qualified person or persons, of the planning administration, procedures and process, and to report to the Minister of the Department with recommendations as appropriate, and for the said report to be published by the Minister with any comment, and laid before Tynwald."

Mr Brown

Amendment moved -

Add at the end the words -

"and Tynwald, concerned about aspects of the administration and operation of the Planning Directorate of the Department of Local Government and the Environment, calls for the immediate implementation of a full and independent review, by an appropriately qualified person or persons, of the planning administration, procedures and process, and to report to the Minister of the Department with recommendations as appropriate, and for the said report to be published by the Minister with any comment, and laid before Tynwald."

Mr Crookall

Mr Brown's amendment -
Withdrawn by leave of the Court.

Mr Crookall's amendment -
Amendment carried.

Court divided.
Motion as amended carried.

Mr Cannan, Mr Cretney, Mr Crookall, Mr Malarkey, Mr Speaker and Mr Turner were nominated.

After a ballot Mr Cannan, Mr Speaker and Mr Turner were elected.

69. Departure of the Present Chief Constable -

Motion made -

That Tynwald welcomes the opportunity provided by the departure of the present Chief Constable for the ethos and management of policing in the Island to be reassessed.

Mr Houghton

Court divided.
Motion lost.

The Court adjourned at 4.12 pm.

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