

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 20th MAY 2008
WEDNESDAY 21st MAY 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 2008 *[SD No 316/08]*
- European Communities (Isle of Man) Act 1973 -
European Communities (Cash Controls) (Application) Order 2008
[draft]; [SD No xxx]
European Communities (Anjouan Sanctions) (Application) Order 2008
[SD No 297/08]
- Road Transport Act 2001 -
Road Transport Act 2001 (Revocation of Schedule 2) Order 2008
[SD No 225/08]
- Customs and Excise Acts 1986 -
Excise Duties Order 2008 *[SD No 198/08]*
- Customs and Excise Act 1993 -
Customs and Excise (Community Instruments) (Application) Order
2008 *[SD No 196/08]*
Statistics of Trade (Customs and Excise) (Amendment) Regulations
(Application) Order 2008 *[SD No 195/08]*
Export Control (Security and Para-Military Goods) Order 2008
(Application) Order 2008 *[SD No 224/08]*
- Value Added Tax Act 1996 -
Value Added Tax (Mutual Assistance) (Amendment) Order 2008
[SD No 44/08]
Value Added Tax 1996 (Amendment) Order 2008 *[SD No 194/08]*
Value Added Tax Act 1996 (Amendment) (No. 2) Order 2008
[SD No 216/08]

- Hydrocarbon Oil Duties Act 1986 -
 Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2008
[SD No 201/08]
- Income Tax Act 1970 -
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Distributable Profits) (Prescribed Deductions) Order 2008
[SD No 237/08]
- Income Tax Act 1995 -
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Calculation of Attributed Profits) Regulations 2008
[SD No 236/08]
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Attributed Profits) (Certificate) Order 2008
[SD No 238/08]
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Attributed Profits) (Groups) Regulations 2008
[SD No 239/08]
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Attributable Profits) (Relevant Company) Order 2008
[SD No 240/08]
 Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
 Income Tax (Attributed Profits) (De Minimis Limit) Regulations 2008
[SD No 241/08]
- Companies Act 1931 -
 Companies (Audit Exemption) (Amendment) Regulations 2008
[SD No 286/08]
- Sea Fisheries Act 1971 -
 Sea Fisheries (Douglas Bay Closed Area) Byelaws 2008 *[SD No 298/08]*
- Agri-Environment Scheme 2002 (Amendment) Scheme 2008 -
 Agri-Environment Scheme 2002 (Amendment) Scheme 2008
[GC No 21/08]
- BSE (Fees for the Testing of Fatstock) Scheme 2008 -
 BSE (Fees for the Testing of Fatstock) Scheme 2008 *[GC No 22/08]*
- Social Security Act 2000 -
 Social Security Legislation (Benefits) (Application) Order 2008
[SD No 287/08]
 Social Security Legislation (Contributions) (Application) Order 2008
[SD No 288/08]
 Social Security Legislation (Pensions) (Application) Order 2008
[SD No 289/08]
 Social Security Legislation (Benefits) (Application) (No. 2) Order 2008
[SD No 292/08]
- Pension Schemes Act 1995 -
 Pension Schemes Legislation (Application) (No. 2) Order 2008
[SD No 291/08]

Charities Registration Act 1989 -

Charities (Exemption) Regulations 2008 [*SD No 230/08*]

Reports -

First Report of the Tynwald Honours Committee 2007-2008 [*PP47/08*]

Interim Report Select Committee on Immigration May 2008 [*PP58/08*]

Independent Review of Public Servants' Pensions - Isle of Man Government - Hymans Robertson LLP

Council of Ministers' Report on issues relating to the acquisition, regeneration and preservation of the Bradda Café, Glen and Headland by Government for the benefit of Port Erin and the Nation [*GR No 016/08*]

Council of Ministers' Report on the Future of the Agricultural Wages Board for the Isle of Man [*GR No 013/08*]

Criminal Justice Act 1990 -

Criminal Justice (Money Laundering) (Amendment) Code 2008 [*SD No 296/08*]

Custody Act 1995 -

Custody (Designation of Institutions) Order 2008 [*SD No 303/08*]

Prisoner Escorts Act 2008 -

Prisoner Custody Officers (Searching of Prisoners) Rules 2008 [*SD No 299/08*]

Register of Members' Interests Rules 2003 & 2005 -

Notice by the Registrar of Members' Interests under Rule 6(1)(iv) [*PP64/08*]

Dogs Act 1990 -

Douglas Dog Control Byelaws 2008 [*SD No 156/08*]

Port Erin Dog Control Byelaws 2008 [*SD No 157/08*]

Hydrocarbon Oil Duties Act 1986 -

Hydrocarbon Oil, Biofuels and other Fuel Substitutes (Determination of Composition of a Substance and Miscellaneous Amendments) Regulations 2008 [*SD No 232/08*]

Other Fuel Substitutes (Rates of Excise Duty Etc.) (Amendment) Order 2008 [*SD No 233/08*]

Currency Act 1992 -

Currency (Olympics-Beijing to London Crown) Order 2008 [*SD No 261/08*]

Wage and Salary Agreements -

Wage and Salary Agreements 2007-08 - Treasury authorised supplementary sums to be applied from General Revenue in the year ended 31st March 2008

Appointed Day Orders -

Prisoner Escorts Act 2008 (Appointed Day) Order 2008 [*SD No 263/08*]

Representation of the People (Amendment) Act 2006 (Appointed Day) (No. 2) Order 2008 [*SD No 285/08*]

Reports -

Report of the Police Complaints Commissioner for the year ended 31st March 2008 [GR No 017/08]

Marketing Initiatives Fund Applicants from inception to 31 March 2008 [GR No 018/08]

Value for Money Committee Report for the Period 2007 [GR No 011/08]

Report of the Council of Ministers on the Future of the Agricultural Wages Board for the Isle of Man [GR No 013/08]

Bill Signed -

Income Tax (Pensions) Bill 2008.

2. Questions -

Questions 1, 17, 18, 22, 23 and 32 to 54 answered in writing.

Questions 2 to 16, 19 to 21 and 24 to 31 answered orally.

Motion made -

That Standing Order 3.5(2) be suspended to permit the remaining Question for Oral Answer to be taken at this sitting.

Mr Cregeen

Court divided.

Motion lost.

4. Nursing Homes: Need for retirement planning -

Statement made by the Minister for Health and Social Security.

5. Janet's Corner Redevelopment Castletown – Project 3 -

Motion made -

That Tynwald approves the expenditure of a sum not exceeding £7,330,000.00 for the Janet's Corner Redevelopment Project 3 comprising:-

- Demolition of 22 properties
- Construction of 52 new properties
- Infrastructure renewal works
- and pre-contract costs for Projects 4 and 5.

Mr Shimmin

Motion carried.

6. Supplementary Capital Authority -

Motion made -

That Tynwald:-

1. Authorises the Treasury to expend in respect of the year ended 31 March 2008 from the Capital Transactions Account sums not exceeding £3,452,391 in payment of the items set out in Column 6 of the Schedule hereto.
2. Approves expenditure not exceeding £400,689 incurred in respect of the items set out in Column 7 of the Schedule hereto.

SUPPLEMENTARY CAPITAL AUTHORITIES						
1	2	3	4	5	6	7
Department	Item	Project	Vote 2007-08	Actual 2007-08	Excess Vote 2007-08	Additional amount to be Authorised for Project
			£	£	£	£
DAFF	1	New Headquarters - design fees	75,000	85,170	10,170	10,170
Education	2	Ballakermeen Medway Block - Phase 3	-	4,935	4,935	-
	3	Ballakermeen Medway Block - Phase 4-5	42,200	85,402	43,202	-
	4	Bemahague Secondary School	-	4,064	4,064	4,064
	5	Classroom Extension Phase 2 - Murray's Road	-	11,868	11,868	55
	6	Classroom Extension Phase 2 - Onchan	-	2,438	2,438	-
	7	Castle Rushen High School Drainage	10,000	20,844	10,844	-
	8	Disability Access	185,000	209,424	24,424	-
	9	Fire Certification Works Phase 1	-	240,569	240,569	148,259
	10	International Business School Phase 1	325,500	343,400	17,900	-
	11	International Business School Phase 2	-	5,625	5,625	5,625
	12	Management of Hazardous Materials	-	72,504	72,504	72,504
	13	Peel Clothworkers Extension	984,026	1,289,464	305,438	-
	14	QE2 Humanities	852,300	1,309,665	457,365	-
	15	Ramsey GS Post 16/Medway - Phase 1	1,483,000	1,636,850	153,850	-
Health & Social Security	16	Mental Health Rehabilitation & Treatment Facility	50,000	82,236	32,236	32,236
Local Government & Environment	17	Civic Amenity Sites East South	-	10,947	10,947	-
	18	Civic Amenity Sites North	-	13,085	13,085	-
	19	Landfill site - Inert/Emergency/Ash Phase 1	-	34,331	34,331	-
	20	House Purchase Assistance Scheme (Housing Reserve funded)	5,180,000	5,892,455	712,455	-
Tourism & Leisure	21	Grandstand Development	150,000	291,456	141,456	-
Transport	22	Phase 6 - Departure Lounge Extension	400,000	419,278	19,278	-
	23	Control Tower	120,000	133,872	13,872	-
	24	Runway End Safety Area/Modelling	-	85,551	85,551	-
	25	Runway End Safety Area/Promontory	850,000	1,608,898	758,898	-
	26	Pumping Stations Refurbishment	-	7,776	7,776	7,776
	27	Road Island	-	76,428	76,428	-
	28	Surface Water Separation - Peel	372,005	408,136	36,131	-
	29	Transmission Main - Dalby- Peel	-	6,351	6,351	-
	30	Transmission Main - Glen Mona-Ramsey	-	11,388	11,388	-

SUPPLEMENTARY CAPITAL AUTHORITIES						
1	2	3	4	5	6	7
Department	Item	Project	Vote 2007-08 £	Actual 2007-08 £	Excess Vote 2007-08 £	Additional amount to be Authorised for Project £
Manx National Heritage	31	Transmission Main - Port Erin/Castletown	116,383	123,395	7,012	-
	32	Purchase of Property (Land & Property Acquisition Reserve)	-	120,000	120,000	120,000
			11,195,414	14,647,805	3,452,391	400,689

Notes:

1. Column 6 shows the Supplementary Capital Vote required to authorise the overspending of the Vote that occurred in the last Financial Year. Exceeding the Vote for the year does not necessarily imply that the total cost of the project approved by Tynwald has been exceeded. Exceeding the Vote for the year can arise simply because a project proceeds faster than originally estimated.
2. Column 7 shows overspending of the project, if any, against the total cost of the project previously approved by Tynwald.
3. Items 24 and 25 in respect of Runway End Safety Areas have been excluded from the total amount requiring additional Tynwald approval following the motion approved at the April 2008 sitting in the sum of £43,992,342.

Mr Bell

Motion carried.

Announcement of Royal Assent -

Income Tax (Pensions) Act 2008.

3. Isle of Man Water Authority -

Statement made by the Chairman.

7. Glenfaba Hoard of Viking Silver – Ex Gratia Payment as a Reward -

Motion made -

That Tynwald authorises the Treasury to apply from General Revenue during the year ended 31 March 2009 a sum not exceeding £275,000 being an ex gratia payment to be made as a reward to the finder of the Glenfaba Hoard of Viking Silver.

Mr Downie

Motion made -

That the debate be adjourned to the sitting of the Court in July 2008 in order that the parties involved can discuss this matter and permit Manx National Heritage to report before the matter is determined by Tynwald.

Mr Crookall

Adjournment motion carried.

8. Phase 1 of the Management of Hazardous Materials Scheme -

Motion made -

That Tynwald approves of the Department of Education incurring expenditure not exceeding £736,496 on Phase 1 of the Management of Hazardous Materials Scheme.

Mrs Craine

Motion carried.

9. Supplementary Vote – Waiting List Initiatives -

Motion made -

That Tynwald authorises the Treasury to apply from General Revenue during the year ended 31 March 2009, a sum not exceeding £2,000,000 in respect of measures to reduce waiting lists in relation to Health and Social Services.

Mr Teare

Motion carried.

10. Review of Public Service Pension Schemes -

Motion made -

That Tynwald requests the Council of Ministers to progress an action plan for a Unified Public Service Pension Scheme based on the following four overarching principles -

Principle One - That any scheme should be simple to understand and administer whilst representing value for money.

Principle Two - That public sector pension schemes should be affordable.

Principle Three - That the total remuneration package is the basis for determining the value of public sector remuneration, and pension costs should be acknowledged as part of the overall package.

Principle Four - That for the benefit of public sector employees and to safeguard funds, governance of public sector pensions would be best administered by reference to best practice which may include either statutory provision or a trust based fund;

and report back to Tynwald with recommendations by December 2008.

Mr Brown

Amendment moved -

Delete all the words after “That Tynwald” and substitute -

“appoints a committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to examine and consider the Independent Review of Public Service Pensions by Hymans Robertson and report with recommendations by the sitting in December 2008.”

Mr Karran

Court divided.

Amendment lost.

Court divided.

Motion carried.

11. Agricultural Wages Board -

Motion made -

That Tynwald receives the Council of Ministers Report on the Future of the Agricultural Wages Board for the Isle of Man and that the following recommendation be approved -

That the Agricultural Wages Board continues to exist in its current form and with its close working relationship with the Department of Agriculture, Fisheries and Forestry.

Mr Cretney

Motion carried.

12. Bradda Glen and Headlands -

Motion made -

That Tynwald approves the Department of Agriculture, Fisheries and Forestry progressing with the acquisition of Bradda Glen and Headlands for a nominal sum from Port Erin Commissioners and the Department progressing proposals to secure its future use.

Mr Gawne

Motion carried.

16. Road Transport Act 2001 - procedural

Motion made -

That, pursuant to Standing Order 2.2(3), the business at Item 16 be taken at 10.30 am on 21st May 2008.

Mr Karran

Court divided.

Motion carried.

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

Motion made -

That the Personal Liability (Ministers, Members and Officers) Act 2007 (Designated Persons) Order 2008 be approved *[SD No 316/08]*

Mr Brown

Motion carried.

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

Motion made -

That the European Communities (Cash Controls) (Application) Order 2008 [draft] be approved *[SD No xxx]*

Mr Brown

Motion carried.

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

Motion made -

That the European Communities (Anjouan Sanctions) (Application) Order 2008 be approved [*SD No 297/08*]

Mr Brown

Motion carried.

33. Sea Fisheries Act 1971 -

Motion made -

That the Sea Fisheries (Douglas Bay Closed Area) Byelaws 2008 be approved [*SD No 298/08*]

Mr Gawne

Motion carried.

34. Agri-Environment Scheme 2002 (Amendment) Scheme 2008 -

Motion made -

That the Agri-Environment Scheme 2002 (Amendment) Scheme 2008 be approved [*GC No 21/08*]

Mr Gawne

Motion carried.

35. BSE (Fees for the Testing of Fatstock) Scheme 2008 -

Motion made -

That the BSE (Fees for the Testing of Fatstock) Scheme 2008 be approved [*GC No 22/08*]

Mr Gawne

Motion carried.

36. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Benefits) (Application) Order 2008 be approved [*SD No 287/08*]

Mr Teare

Court divided.

Motion carried.

37. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Contributions) (Application) Order 2008 be approved [*SD No 288/08*]

Mr Teare

Court divided.
Motion carried.

38. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Pensions) (Application) Order 2008 be approved [*SD No 289/08*]

Mr Teare

Motion carried.

39. Social Security Act 2000 -

Motion not made.

40. Pension Schemes Act 1995 -

Motion made -

That the Pension Schemes Legislation (Application) (No. 2) Order 2008 be approved [*SD No 291/08*]

Mr Teare

Motion carried.

41. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Benefits) (Application) (No. 2) Order 2008 be approved [*SD No 292/08*]

Mr Teare

Motion carried.

The Court rose at 8.10 pm and adjourned to Wednesday 21st May 2008.

DOUGLAS
WEDNESDAY 21st MAY 2008

16. Road Transport Act 2001 -

Motion made -

That the Road Transport Act 2001 (Revocation of Schedule 2) Order 2008 be approved [*SD No 225/08*]

Mr Anderson

Motion made -

That item 16 be adjourned until the sitting of the Court in December 2008.
Mr Callister

Court divided.

Adjournment motion carried.

17. Customs and Excise Acts 1986 -

Motion made -

That the Excise Duties Order 2008 be approved [*SD No 198/08*]

Mr Bell

Motion carried.

18. Customs and Excise Act 1993 -

Motion made -

That the Customs and Excise (Community Instruments) (Application) Order 2008 be approved [*SD No 196/08*]

Mr Bell

Motion carried.

19. Customs and Excise Act 1993 -

Motion made -

That the Statistics of Trade (Customs and Excise) (Amendment) Regulations (Application) Order 2008 be approved [*SD No 195/08*]

Mr Bell

Motion carried.

20. Customs and Excise Act 1993 -

Motion made -

That the Export Control (Security and Para-Military Goods) Order 2008 (Application) Order 2008 be approved [*SD No 224/08*]

Mr Bell

Motion carried.

21. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax (Mutual Assistance) (Amendment) Order 2008 be approved *[SD No 44/08]*

Mr Bell

Motion carried.

22. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax 1996 (Amendment) Order 2008 be approved *[SD No 194/08]*

Mr Bell

Motion carried.

23. Value Added Tax Act 1996 -

Motion made -

That the Value Added Tax Act 1996 (Amendment) (No. 2) Order 2008 be approved *[SD No 216/08]*

Mr Bell

Motion carried.

24. Hydrocarbon Oil Duties Act 1986 -

Motion made -

That the Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2008 be approved *[SD No 201/08]*

Mr Bell

Motion carried.

25. Income Tax Act 1970 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Distributable Profits) (Prescribed Deductions) Order 2008 be approved *[SD No 237/08]*

Mr Bell

Motion carried.

26. Income Tax Act 1995 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Calculation of Attributed Profits) Regulations 2008 be approved
[SD No 236/08]

Mr Bell

Motion carried.

27. Income Tax Act 1995 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Attributed Profits) (Certificate) Order 2008 be approved
[SD No 238/08]

Mr Bell

Motion carried.

28. Income Tax Act 1995 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Attributed Profits) (Groups) Regulations 2008 be approved
[SD No 239/08]

Mr Bell

Motion carried.

29. Income Tax Act 1995 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Attributable Profits) (Relevant Company) Order 2008 be
approved *[SD No 240/08]*

Mr Bell

Motion carried.

30. Income Tax Act 1995 -

Motion made -

That the Income Tax (Attributed Profits) (Temporary Taxation) Order 2007
Income Tax (Attributed Profits) (De Minimis Limit) Regulations 2008 be
approved *[SD No 241/08]*

Mr Bell

Motion carried.

31. Companies Act 1931 -

Motion made -

That the Companies (Audit Exemption) (Amendment) Regulations 2008 be approved *[SD No 286/08]*

Mr Bell

Motion carried.

32. Payments of Members Expenses Act 1989 -

Motion not made.

42. Charities Registration Act 1989 -

Motion made -

That the Charities (Exemption) Regulations 2008 be approved *[SD No 230/08]*

Mr Attorney General

Court divided.

Motion carried.

43. Tynwald Honours Committee -

Motion made -

That the First Report of the Tynwald Honours Committee 2007-2008 be received, and the following recommendations be approved:

1. That Mr Harvey Briggs CP be awarded the Tynwald Honour on 7th July 2008;
2. That the name of Miss Mavis Kelly be added to the Tynwald Patriots' Roll of Honour; and
3. That all recipients of the Tynwald Honour are automatically added to the Tynwald Patriots' Roll of Honour upon their demise, and therefore the name of Mr Norman Alexander Sayle TH RI be added to the Roll forthwith.

Mr Speaker

Court divided.

Motion unanimously carried.

44. Select Committee on Immigration -

Motion made -

That the Interim Report of the Select Committee on Immigration be received and the following recommendations approved -

- (i) that the Immigration (Isle of Man) Order 2008 (UK SI 2008 No. 680) be referred to the Scrutiny Committee to consider (with particular regard to the appropriateness of any adaptations and modifications the Order makes to UK legislation) and to report to Tynwald;
- (ii) that the Standing Orders Committee of Tynwald review the remit of the Scrutiny Committee, with a view to making express provision for the Committee to consider Orders in Council extending primary legislation to the Isle of Man and to propose amendments; and
- (iii) that the secondary legislation on immigration laid before Tynwald in April 2008 (SD Nos 173/08 to 187/08) be referred to the Scrutiny Committee to consider (with particular regard to the appropriateness of any adaptations and modifications the Order makes to UK legislation) and to report to Tynwald.

Mr Speaker

Recommendation (i)
Court divided.
Motion carried.

Recommendation (ii)
Court divided.
Motion carried.

Recommendation (iii)
Court divided.
Motion carried.

45. Select Committee on the Manx Electricity Authority -

Motion made -

That the Hon Member of the Council, Mr Crowe, be discharged from service on the Select Committee of the Court on the Manx Electricity Authority.

Mr Speaker

Motion carried.

46. Select Committee on the Manx Electricity Authority -

Election of one Member in place of Mr Crowe -

Mr Callister and Mr Malarkey were proposed and seconded.

After a ballot Mr Callister was elected.

The Court adjourned at 3.41 pm.

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