

**Flood Risk Management Bill 2013**  
**Third Reading approved**

3.1. Mr Houghton to move:

*That the Flood Risk Management Bill 2013 be read a third time.*

**The Deputy Speaker:** We move now to Item 3, Bill for Third Reading, the Flood Risk Management Bill 2013. I call on Mr Houghton, Member for Douglas North.

**Mr Watterson:** Beg to move!

**Mr Houghton:** Thank you, Mr Deputy Speaker.

As describes in the clauses reading, the Flood Risk Management Bill replaces the Land Drainage Act 1934 with modern legislation to enable a wide range of measures needed to reduce the likelihood and impact of flooding on the Island's community. It makes the Water and Sewerage Authority the flood risk management authority for the Isle of Man. While recognising the continued importance of land drainage, the Bill empowers the Authority to manage risk of flooding from all sources, including storm tide surges, surface water run-off, flooding from rivers and other watercourses.

The Bill carries forward and modernises a number of provisions from the Land Drainage Act. It will enable the Authority to maintain or improve existing flood risk management works and watercourses and construct new works. It enables the Authority to designate works or watercourses that it considers to be of major importance in terms of flood risk management. The Bill empowers the Authority to make byelaws with the approval of Tynwald.

An important and entirely new provision enables the Authority to deal with any emergency flooding event on the Island and to enter into arrangements with other public bodies, including the emergency services, for them to respond to flood incidents.

The Bill will also enable the Authority to carry out flood defence works on behalf of private landowners on a rechargeable basis or, if appropriate, take over responsibility for private flood risk management works.

To ensure that the legislation is effective, the Authority will be empowered to take appropriate enforcement action, backed by criminal law and balanced by the right of appeal to a new Flood Risk Management Tribunal. Flood risk management will become a material consideration for planning purposes by imposing a requirement on the Department of Infrastructure to consider the extent to which development may create a significant risk of flooding.

Finally, the Bill amends the Sewerage Act 1999 in two important respects. Firstly, unless the development has been granted planning permission, it enables the Authority to refuse consent for a connection between a private drain and a public sewer, where this would create an additional risk of flooding. Secondly, there is an enabling provision for the Authority to introduce sewerage charges, subject to the approval of Tynwald.

As mentioned previously, an earlier version of the Flood Risk Management Bill was introduced in this place in the 2010-11 session and was subsequently withdrawn in order to address the concerns of the Manx National Farmers' Union, to be further explored and where possible addressed. A number of amendments tabled by Hon. Members in 2011 are also incorporated into this revised Bill.

Mr Deputy Speaker, I would like to thank all of the interested parties and stakeholders whose input has been invaluable in shaping this important piece of legislation, in particular, the Manx National Farmers' Union. I would also like to thank the legislative drafting team at the Attorney General's Chambers for their commitment to the development and extensive revision of this Bill. I would also like to thank my hon. colleague, Mr Henderson, who is the Deputy Chairman of the Water Authority for his support and seconding of this Bill through its stages.

Mr Deputy Speaker, I beg to move that the Flood Risk Management Bill be read for a third time, sir.

**The Deputy Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Lhiass-Loayreyder.  
I beg to second, sir, and reserve my remarks.

**The Deputy Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Deputy Speaker.

Can I just ask the hon. mover of the Bill in connection with clause 93, which brings in the ability for the

Authority to impose a charge. It states under subsection (7) that in imposing the charges the Sewerage Authority must consider the amounts it will need to perform the functions to which the charges relate. It is very much open ended and appears to suggest that the Authority has no idea of the amount of charges to be considered; but surely, they must have some preparatory work, in respect of this. If the hon. mover could give us an idea of what studies are currently being undertaken in respect of this, what sort of things... how they going to measure the cost of actually undertaking this treatment for payment by the consumer, if you like, and whether or not he has an idea of when the actual Order will come to Tynwald and will be required to be approved.

Thank you, Mr Deputy Speaker.

**The Deputy Speaker:** Mr Karran, Member for Onchan.

**Mr Karran:** Lhiass-Loayreyder, I think the point is that we all recognise that we are going to have to update the 1934 Act, as far as management is concerned. I think we have got reasonable reassurances now that there will not be a complete abuse of power by Government, given the previous proposed legislation. I think it is important to put down on record that there has been potential amendments towards that aim as far as protecting people's civil liberties, as far as the issue is concerned.

It is a difficult balance, as far as where the flood risks are going to get even more of a major problem. I have obviously concerns that I have raised within the stages of this Bill being put forward here today; but I would be happy to support the Third Reading, allowing for the assurances that we have got.

I think it is important that we do not allow a situation where we make sure that we learn from the mistakes of what has happened with the MEA fiasco, and that we do not allow a situation where we get too short-term populist, as far as the issue of what is needed to be done as far as the charges are concerned that come up in the near future, that the previous Hon. Member brought out. It is important that we do not allow the secure, sensible, long-term, sustainable policy that some of us fought long and hard in this Chamber and the other place to be destroyed through short-term populism.

So I hope the Hon. Member, the Chairman will first seek to inform this House what the plans are, as far as the Hon. Member for East Douglas is concerned, because we have all been told of what the charges are roughly going to be on every household. It is going to be proposed by the successful moving of this piece of legislation that we are going to be talking in the region of a couple of hundred pounds per household, as far as the sewerage charge is concerned and we all know that.

I think it would be good to get that out, so that we can show that we are actually turning the corner, helping the Chief Minister and becoming more responsible and starting to pay off the liabilities today, instead of trying to put them off tomorrow.

So I have no problems with this piece of legislation, allowing for the assurances that we have that we still have to work within the Strategic Plan, we still have to go for the likes of approval as far as the issue is concerned, as far as Tynwald approval is concerned, but I do think it is important that we put down a marker, like the Hon. Member for East Douglas has said about the costs that are coming over the hill, for a very badly thought-out scheme in the first place, which came about through political expediency for the Minister at the time wanting to move the location of IRIS out of a zoned area and we have left a terrible legacy.

So I hope that the Member receives the full support of this House, and I hope the Member realizes that it is important that we do have proper funding, we do not allow the mess that we have had with the MEA where some of us were just ridiculed over, that we make sure that we have proper funding. I support what needs to be done, as far as a fee is concerned, as far as sewerage is concerned. But I hope that there is some way of finding some mechanism in any future Tynwald Order to try and protect the really low-waged and low-income people, as part of that Order that comes through from this piece of legislation.

**The Deputy Speaker:** Hon. mover to reply.

**Mr Houghton:** Thank you, Mr Deputy Speaker.

I thank those two speakers who have spoken to this Third Reading.

In relation to the Hon. Member for East Douglas, Mrs Cannell, if I can just perhaps re-explain, the issue to do with charges and the relevant clause under the Sewerage Act 1999, which provides an enabling provision for a sewerage rate; this is for a sewerage charge – two completely separate issues, because obviously, if we ran under a rate in the 1999 Act, then of course that would work on rateable values which would be spread differently round the Island, as the present circumstances under rateable charging.

In the case of a sewage charge, then that could be viewed, if it was approved by Tynwald in the future, as a flat rate charge per household, connected to the sewage, which is important. There would be a separate charge for those households who are connected to septic tanks.

In respect of that enabling function, it is quite likely that there will be brought forward, at some future

time, and of course it would have to be when the legislation was enacted, etc, that a sewage charge could come forward.

But there is no rate quoted at the moment, and where the Hon. Member for Onchan, Mr Karran quotes £200 per household, I can at this point deny that. that is incorrect (**A Member:** Hear, hear.) There has been no figure given per household at this time, because of course, those costs need to be worked up and provisioned, with Treasury concurrence, etc, into future finances.

The Hon. Member, back to Onchan, says how would this be worked out? It would be worked out – the calculation would be quite easy – that the costs of the reducing budget that is going to be received by the Treasury in future years – and this is quite some years ahead that we are advised by the Treasury at this point in time – that for the consequent reduction by the Treasury in the amount that is paid in respect of its sewage budget to the Authority, that would simply be divided by the number of households and a charge accordingly brought to Tynwald for approval by that particular court.

So I hope that assists the Hon. Member for East Douglas in her queries, and of course I note all the points the Hon Member for Onchan has made and would assure him that there would be no abuse of power in this. There are far too many checks and balances in place to allow that to happen.

I beg to move, sir.

**The Deputy Speaker:** Hon. Members, the question is that the Flood Risk Management Bill 2013 be read for the third time. All those in favour, please say aye; those against no. Division called.

*A division was called for and electronic voting resulted as follows:*

**FOR**

Mr Quirk  
Mr Karran  
Mr Ronan  
Mr Crookall  
Mr Anderson  
Mr Bell  
Mr Singer  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Cregeen  
Mr Houghton  
Mr Henderson  
Mrs Beecroft  
Mr Robertshaw  
Mr Cretney  
Mr Watterson  
Mr Skelly  
Mr Gawne  
The Deputy Speaker

**AGAINST**

Mrs Cannell

**The Deputy Speaker:** With 20 votes for, 1 against, the motion carries. (*Interjections*)

**Mrs Cannell:** Just keeping my word and always have, for the last 18 years, Chief Minister.

**The Chief Minister:** Tell us how to rebalance the Budget, Brenda.

**Mrs Cannell:** My vote cannot be bought.

**The Deputy Speaker:** Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting which will take place at 10.00 a.m. on 12th March in this Chamber. I thank you for the help in dealing with the business of the House today.