

### 3.1. Road Traffic (Amendment) Bill 2014 – Clauses considered

Mr Gawne to move.

**The Speaker:** We turn now to Item 3, Bills for consideration of clauses. The first is the Road Traffic (Amendment) Bill, and I call on the mover to move clause 1, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

I would firstly like to thank those Members who raised various points during the debate at Second Reading on 4th November this year. I will respond to those matters in due course.

I would also like to take this opportunity to wish Roy Corlett, who is the Legislative Officer for the Department who has been very much behind or supportive of me in bringing forward this Bill, many happy returns for his 60th birthday. (**Several Members:** Hear, hear!)

So clause 1 gives the Act resulting from the Bill its short title.

Loayreyder, I beg to move that clause 1 stand part of the Bill.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** I put the question that clause 1 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

**Mr Gawne:** Gura mie eu, Loayreyder.

This clause provides that the Bill's provisions will come into force on such day or days as appointed by the Department of Infrastructure.

I hope this clarifies the query raised by the Hon. Member for Onchan, Mr Karran, about when the new legislation will come into force. In simple terms, the standard legislative procedures will apply.

Loayreyder, I beg to move that clause 2 stand part of the Bill.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** I put the question that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

**Mr Gawne:** This clause provides that the Act expires on the day after its promulgation or if its provisions are not in force at that time, the day following that on which all of its provisions are in operation.

Loayreyder, I beg to move that clause 3 stand part of the Bill.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

**Mr Gawne:** Gura mie eu, Loayreyder.

This clause amends the provisions relating to the granting of driving licences specified in schedule 3 of the Road Traffic Act 1985. The current driving licence is in two parts: a plastic card of the size of a credit card and a sheet of paper known as a counterpart.

The Bill will enable the Department to do away with the counterpart, and rely on the card only, although the latter will contain or will be logically associated with all the information presently contained in the counterpart, as well as that currently on the card.

The new form of licence will mirror that in use throughout the European Union. In this way, it will facilitate road travel abroad by Manx residents, whose licences will be in a format familiar to overseas police and officials.

At present, the licence consists partly of a printed card, which is then laminated to make it more durable. By contrast, the proposed licence will consist of an engraved card providing a less expensive alternative, which is both more hard-wearing and resistant to tampering.

Regarding the query raised by the Hon. Member for Malew and Santon, Mr Cregeen, relating to the new paragraph 10A(2), driver licence and vehicle information, I can advise that the purpose of this provision is to clarify who may obtain information from the Department's licensing database on application to the Department.

The new provision is not meant to allow open access to the database by anyone. It is merely clarifying the type of applicants who may be considered suitable. There is no mention of opening the database to European countries. However, as part of EUCARIS, which is the European Car and Driving Licence Information System, the Isle of Man is trying to be part of the European network to help the Manx people see fair and equitable treatment.

Mr Singer also raised a query regarding visiting America, and being asked to produce two-parts of his driving licence. I can confirm that this is okay for Europe, but with regard to people who want to produce their driving licences in countries other than Europe, I can advise as follows:

The form of the driving licence is provided by the Department to various authorities who provide information to different countries for the benefit of their security operatives or car hire desks. Once the form of the new driving licence is approved, these authorities will be advised accordingly. Therefore, no matter where you travel in the world, the correct form will be requested, even to the point of the crossover period where both types will be in circulation.

Loayreyder, I beg to move that clause 4 stand part of the Bill.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** I put the question that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

This clause amends section 25 of the Building Control Act 1991 by reinstating provisions that were inadvertently repealed during the restructure of Government Departments in 2010. These provisions will enable the Department of Infrastructure as the Highway Authority to exercise certain enforcement powers which are already exercised by DEFA and local authorities, if buildings or structures are in such a condition as to represent a danger to the public on the roads.

Loayreyder, I beg to move that clause 5 stand part of the Bill.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** Mr Quirk.

**Mr Quirk:** Mr Speaker, just asking the Minister on that, the recovery of any action taken – so if the Department or its agent secures a building, secures part of the highway, which then becomes somebody's private property, that the Department has the powers to be recompensed for its services, while the owner is doing something about it...

**The Speaker:** Mr Karran.

**Mr Karran:** Can the Shirveishagh give us how, if the local authorities are going to be in charge of this, as far as these closing orders are concerned, how do we protect people from when there are vendettas against people, (*Laughter and interjections*) as far as the inconsistency of some local authorities when they were attacking certain individuals for property – not as bad as other persons are concerned?

Would the Shirveishagh tell me whether there are any sanctions as far as his Department is concerned, in order to make sure that the local authority is doing it on a consistent and fair basis – not like the situation over a lady who is now deceased had, with a problem she had over her property?

**The Speaker:** Mr Gawne to reply.

**Mr Gawne:** Gura mie eu, Loayreyder.

I thank my seconder for his able seconding of all the clauses, but also I thank the Hon. Members for Onchan, Mr Quirk and Mr Karran.

In relation to this matter, the Department has been excluded temporarily because of the changes that took place in 2010, when we restructured Government Departments. So this is correcting an omission. The existing legislation, though, has been in place and applying to local authorities, since the Building Control Act 1991 came into force.

I would suggest that the Hon. Member for Onchan, Mr Karran, if he wants to find out how that operates – he was probably here when it was passed – he has probably got a better idea than I have. I am more than happy to look that information up for him if he wishes, but all we are doing here, we are not empowering local authorities. They already have the power to do this. All this is about, is the Department actually getting its powers back to be able to take actions and certainly my understanding of the Building Control Act 1991 is that the Department can obtain funds from property owners, where there is a clear breach or problem there.

But I will ensure that I am correct on that information when I get to the Third Reading, if that helps.

**Mr Karran:** I will raise it at Third Reading then, so we get an answer.

**Mr Gawne:** Okay. Gura mie eu.

**The Speaker:** Hon. Members, I put the question that clause 5 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes our consideration of the Road Traffic (Amendment) Bill.