

4.2. Road Traffic (Amendment) Bill 2014 – Third Reading approved

Mr Gawne to move:

That the Road Traffic (Amendment) Bill 2014 be read a third time.

The Speaker: We turn to the Road Traffic (Amendment) Bill and I call on the mover, Mr°Robertshaw.

Several Members: Mr Gawne! *(Interjections)*

Mr Gawne: Gura mie eu, Loayreyder.

I was not aware of the change of responsibility – **(The Speaker: Apologies.)** *(Interjections)* I am sure it will be announced shortly. *(Laughter)*

I would firstly like to thank those Members who raised various points during the debate at Second Reading on 4th November 2014 and also during consideration of the clauses on 25th°November 2014.

I would now like to take the opportunity to respond to a couple of queries that were raised regarding clause 5 during last week’s sitting. Clause 5, as Hon. Members will recall, relates to an amendment to section 25 of the Building Control Act 1991. This clause will reinstate provisions that were inadvertently repealed during the restructure of Government Departments in 2010 and allow the Department of Infrastructure as the Highways Authority to exercise certain enforcement powers if buildings or structures are in such a condition as to represent a danger to the public on roads.

Firstly, the Hon. Member for Onchan, Mr Quirk, raised a query about whether the local authority or a Department has power to be recompensed for any remedial works it undertakes to a building or structure. As I thought and originally commented at last week’s sitting that I thought such powers did exist, I am now pleased to confirm that the powers under sections 22 and 23 of the Building Control Act 1991 do already include provisions to allow a local authority or the Department of Environment, Food and Agriculture to recover from the owner its reasonable expenses incurred in carrying out remedial works to remove any danger.

Once this Bill becomes law the Department of Infrastructure, acting in its capacity as the Highways Authority, will also have similar powers to enable it to recover from the owner any expenses reasonably incurred in taking action to remove any danger. This would apply in circumstances where a building or structure posed a danger to users of the highway.

Secondly, the Hon. Member for Onchan, Mr Karran, raised a query about what steps the Department undertakes to try and ensure that local authorities operate a fair and consistent policy when it comes to enforcing the legislation as it relates to dangerous buildings. I am pleased to confirm that certain measures are already in place to ensure that as far as possible local authorities enforce the legislation in a non-discriminatory and consistent way. Specifically, the former Department of Local Government and the Environment issued comprehensive guidance to all local authorities early in 2010 and that guidance was designed to assist local authorities with the enforcement of this legislation.

The guidance was also intended to try and ensure that a standard and consistent approach to the enforcement of this legislation was achieved; however, it has to be recognised that it is up to local authorities, as independent legal entities, to decide what particular enforcement action should be taken. Having said that, I have been reassured that any local authority that decides to take action under this legislation would take account of all the relevant facts and seek whatever advice it felt necessary, including its own legal advice, before deciding whether to refer a case to the courts.

Having now clarified matters relating to the issues that were raised at the clauses stage, I hope that Hon. Members will now give this Bill their full support and I beg to move that the Road Traffic (Amendment) Bill be read for a third time.

Mr Houghton: I beg to second, sir.

The Speaker: I put the motion that the Road Traffic (Amendment) Bill 2014 be read for a third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.