

6. CONSIDERATION OF CLAUSES

6.1. Highways (Amendment) Bill 2015 – Consideration of clauses commenced and adjourned

Mr Gawne to move.

The Speaker: We move now to Item 6, considerations of clauses. I call on Mr Gawne, as Members will already know Mr Gawne, the Hon. Member for Rushen has indicated that he will be moving clauses up to clause 20 only and will move the remaining clauses at the next sitting of the Keys. The reason for this is a further need for a minor amendment to the Bill at clause 26, which was only identified after submission of amendments for inclusion in today's Order Paper.

I call on Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder. You took the words right out of my mouth.

If I may move clauses 1 and 2 together, these give the Bill its short title and provide for it to come into operation on one or more days appointed by the Department of Infrastructure.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: I put the question: clauses 1 and 2 do 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: Gura mie eu, Loayreyder.

This clause briefly introduces the amendments made by the rest of the clauses in part 2.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Karran.

Mr Karran: I just think the Hon. Member should just clarify the issue of the cycle tracks and the likes of them being maintained by local authorities or not. What is the policy at the present time as far as this is concerned, is there flexibility?

Mr Watterson: It is clause 4.

The Speaker: The hon. mover to reply.

Mr Gawne: Gura mie eu, Loayreyder.

I am happy to respond to the Hon. Member now, or perhaps in clause 4 to which –

The Speaker: Yes, it is clause 3 we are discussing.

Mr Gawne: I beg to move clause 3.

The Speaker: I put the question, clause 3: 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 begins by reordering in a better way the provisions of section 3 of the Act so that what is presently section 3 becomes subsection (2)(m). It then makes new provision catering for the maintenance, at the public expense, of cycle tracks in addition to cycle-paths which are already covered in the Act. The difference between a cycle track and a cycle-path is that the former is part of an all-purpose highway containing a carriageway, whereas the latter is a freestanding highway in its own right.

The clause concludes by empowering local authorities to undertake on a purely permissive basis the maintenance of bridal paths, cycle-paths, cycle tracks or footpaths that are maintainable by the Department of Infrastructure but without effecting the Department of Infrastructure's duty of maintenance. Consequently, a local authority will be able to act in a case where the Department of Infrastructure considers it expedient to do so.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Karran.

Mr Karran: What I am just concerned about is the issue of 'may'. We have for years battled, we hear the carry on about local government reform and yet we always penalised the more progressive local authorities who did things in their areas. How does the Minister feel this 'may' as far as this is concerned ... ? Will we be seeing a situation where, once again, irresponsible local authorities who do not want to look after their community actually are rewarded by Government doing these repairs and maintenance of these bridal footways?

Because at the moment one of the reasons why I think you have never got the issue of local authority reform through is because we have been actually encouraging local authorities not to take up their responsibilities in their local areas.

I would be interested to know what the mover's idea is as far as this clause is concerned.

The Speaker: I call on Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

I do thank the Hon. Member for Onchan for asking this question and raising this point because it is an important point and as the Hon. Member will be aware, as indeed all Hon. Members will be aware, we have been engaged in extensive discussions with local authorities with a view to modernising the relationship between central and local government.

What this clause allows for is that a local authority may, if it chooses, maintain one of the paths, bridleways, cycle-paths, cycle tracks, whatever they all are. It may, if it chooses to, maintain that if the Department of Infrastructure has not got the budget or does not feel that it is the right thing for it to do. That is all this allows for.

So a good local authority will undoubtedly wish to maintain its area, a less forward-thinking local authority may choose not to. But we have to face the reality that the Department does not have enough budget to maintain everything that it used to be able to maintain. If local authorities wish to maintain a particular stretch of a path, then this allows them to do that.

I beg to move.

The Speaker: I put the question, clause 4. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5, please.

Mr Gawne: Gura mie eu, Loayreyder.

As presently drafted, this clause limits itself to substituting in section 4 of the Act a new subsection 3 the purpose of which is merely to express in a better way the thrust of the subsection namely to confer powers on the Department of Infrastructure to require that a developer provides security under a road adoption agreement for the performance of his or her obligations under the agreement.

Mr Houghton has tabled a departmental amendment substituting a new clause 5 and I beg to move.

Mr Watterson: I beg to second, sir, and reserve my remarks.

The Speaker: I call on Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, the purpose of my amendment, which substitutes a new section 4 in the 1986 Act is to amplify what may be provided in a road adoption agreement being an agreement for the adoption of a private road as a highway maintainable at the public's expense.

The section is aimed at minimising or even obviating the related cost to the public purse by enabling an agreement to impose conditions on the road becoming a highway, to provide for the bearing of construction and maintenance expenses, etc. and to include ancillary, consequential or incidental provision.

Mr Speaker, I beg to move the amendment standing in my name:

Substitution of clause 5

Page, 10, leave out lines 21 to 27 and substitute—

'5 Section 4 substituted — agreements for the adoption of roads

For section 4 substitute —

«4 Agreements for the adoptions of roads

(1) The Department may enter into an agreement ("a road adoption agreement") with any person to undertake the maintenance of —

(a) a private road, or

(b) a road which is to be constructed by that person, or by the Department on behalf of that person,

which that person is willing and able to dedicate as a highway.

(2) A road adoption agreement must provide for the road to which it relates to become a highway maintainable at the public expense.

(3) A road adoption agreement may —

(a) include, or provide for the imposition of, conditions to be satisfied in connection with the road's becoming a highway,

(b) provide for the bearing of the expenses of the construction, maintenance or improvement of any highway, road, bridge or viaduct to which the agreement relates, and

(c) include provision dealing with ancillary, consequential or incidental matters, as the Department thinks fit.

(4) In order to ensure that the other party to a proposed road adoption agreement performs that party's obligations under it, the Department may require the other party to provide security in such a form and for such an amount of money as the Department may specify.».

The Speaker: Mr Cregeen.

Mr Cregeen: I beg to second.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Just asking the Member, there are a lot in certain rural areas anyway and even in our constituency of Onchan, a number of unadopted lanes, highways and so forth. I just wonder whether the Member who is moving the amendment is going to ... would this be a power that is actually enforced on the neighbours that back on to a lane which is unadopted or a road which is unadopted?

In the old Act, as far as I was concerned, it had to have full agreement of those residents that were in a particular area that they had to contribute to the road that was being asked to be adopted and therefore at least they had a say in what was going on. My concern on this one is whether this is going to be imposed on them, become a *fait accompli*.

So hopefully the Member will indicate to me that that is not the case, there will still be a due process if a person for whatever reason does not want to contribute to making up the highway, that his wishes will be granted. I may not always agree sometimes when say nine out of 10 would accept the principle and one does not, but there still should be a mechanism there.

Sometimes, and I am aware of an old Act where the Department would give an estimate for making up a particular highway or an unadopted road or lane or back lane, they used to actually say to them it would cost x amount of money, but we would then charge you so much per year, so it was not a great impact. For like you say, if a major lane or road was going to be adopted for the expansion of a development, should that then be down to the cost of those particular householders which are on that particular lane or road annexed to it? I would have thought that was one of the issues there could be that a developer should contribute to it under a planning condition.

I wonder what the Department or the mover is bringing this about for. I would love some of the lanes, we would love I am sure, even Mr Karran would love some of the silly bits of road which are unadopted in our constituency in Onchan. Some of them, people do not say they actually own them but the Department say, because they do not own them either, nobody actually takes care of them. At the end of the day if it is part of an infrastructure, in my view the DOI should take ownership of them.

The Speaker: The Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

Could I just add to that in that I have had the experience in my area where a road has been put up for adopting and some houses have a much greater proportion of their land level with that road and are asked to be paying a much greater proportion of the fee to make up their road. It should be much fairer.

The Speaker: I call on Mr Houghton to reply to the amendment.

Mr Houghton: Thank you, Mr Speaker.

I am very grateful for both enquiries on this particular amendment, neither of which have any relevance whatsoever, Mr Speaker.

This particular amendment deals with development or developers in the future as to how road bonds are put together, etc. which is explained in the amendment, and it is a [*Inaudible*] amendment that people will see.

In relation to unadopted roads, this has no bearing whatsoever. Unadopted roads are private roads, not owned by the Department and so therefore if any of those roads have a wish to become adopted in the future those people who have frontages on to those private roads would have to arrange with the Department and there is a proper adoption arrangement made for payment of frontages before a road would become adopted, so that has no relevance in this, Mr Speaker.

I beg to move.

The Speaker: I call Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

I thought there were some excellent contributions to this debate on clause 5 and I thank Mr Quirk and Mr Singer for those contributions. Obviously, as the Hon. Member, Mr Houghton, has explained this is about adoption of new roads, not old ones, and there is existing legislation, I think it is section 54, possibly 34, of the Act, which explains, I believe, reasonably clearly how older, unadopted roads can be adopted.

So I beg to move the clause.

The Speaker: Hon. Members, in relation to clause 5, we turn first to the amendment set out on page 10 of the Order Paper, in the name of Mr Houghton. Voting on the amendment, those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5 as amended do stand part of the Bill, those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 6, Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder.

Provision of an environmental nature is made, enabling the Department of Infrastructure to develop or redevelop any of its land surrounding a highway, in the event that it considers doing so will improve its surroundings.

Supplementary provision is made in clause 18, enabling the Department of Infrastructure to acquire land by agreement or compulsorily in order to mitigate the adverse effects of highways on its surroundings, but it is envisaged that this power will be rarely used.

In relation to clause 6, this new provision does not negate the need for planning approval, if development such as a new building was required to improve the surroundings. It just applies, for example, if some trees or shrubs were to be planted alongside of a road, which in other circumstances may require planning.

I beg to move the clause.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Malarkey, Hon. Member.

Mr Malarkey: Thank you, Mr Speaker.

I have one concerning word in here, Mr Speaker, and that is the compulsory purchase. My understanding of our legislation at the moment – remembering back from the Richmond Hill – that all compulsory purchase has to go through Tynwald. No Department has a right to compulsory purchase. I would like clarification: is this now giving the Department the overall right now to go out and compulsory purchase land, without it coming to Tynwald?

The Speaker: Mr Quirk, Hon. Member.

Mr Quirk: Thank you, Mr Speaker.

Actually the same issue regarding compulsory purchase and, I presume at the end of the day, arbitration on that, because it clearly gives the Department powers to negotiate. There have been bits of land negotiated in the past, but it then has become the stumbling block. I just wondered whether the mover or the Minister could give us some indication whether this is circumventing the will of Tynwald.

I would not say that we would need to do this for small acquisitions of land for visual displays, as happened in Jonny Watterson's Lane area, but I think we got quite into a trench when I was in the Department there about residents who would not give up their land for traffic improvements and were compulsory purchased. And we went into a nightmare scenario.

So, I would like to hear from the mover anyway.

The Speaker: Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Perhaps the Minister can just confirm his closing remarks, that it is not only Government Departments and Tynwald that can use compulsory purchase powers, because as far as I remember, other bodies in the Isle of Man have also got compulsory powers under legislation.

Mr Quirk: With Tynwald consent.

Mr Thomas: Yes.

Mr Malarkey: It is only with Tynwald consent.

The Speaker: Mr Gawne, to reply, please. Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

It just shows the danger of trying to be helpful, doesn't it?

What I actually said was that the next clause, (**A Member:** Clause 18.) 18, is the one that actually specifically refers to compulsory purchase. I am sure we will get to it, (*Interjection*) but this clause does not actually refer to compulsory purchase.

However, what the clause does do is allow us to provide environmental planting around road schemes to effectively make the potential harm caused by a road scheme to be mitigated. That is what the clause is about.

I will certainly cover the Hon. Member's points when we get to clause 18, assuming that we do.

I beg to move.

The Speaker: Hon. Members, I put the question that clause 6 do stand part of the Bill. Those in favour say aye; against, no. The ayes have it. The ayes have it.

Clause 7, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

The Department of Infrastructure is empowered by this clause to designate improvement lines for the widening of highways and by virtue of clause 18 – which we have not got to yet – to acquire by agreement or compulsorily any land including premises lying between an improvement line and a highway.

Again, these powers are intended to be used only sparingly in the event that the Department of Infrastructure considers that the existing contours of a highway present a material danger, a black spot, to persons using it.

It will be an offence with a maximum fine of £50,000 to erect and retain a new building or to make a permanent excavation between an improvement line and the centre line of a highway, without the Department of Infrastructure's consent.

The provisions reflect almost completely corresponding provisions that have been long and uncontroversially in force in Britain for many, many years.

I beg to move the clause.

The Speaker: Mr Houghton.

Mr Houghton: I second, sir.

The Speaker: Mr Quirk.

Mr Quirk: I will try it again, if I can, Mr Speaker.

Although the fine is £50,000, it seems a very draconian way to treat a particular person, if there was any building erected, because one thought: that Planning would not have let, through their policies, to construct a building on a highway visual line or traffic lines. In fact, when I was Chairman of Planning, anyway – I really enjoyed it, to tell you truth – the Department had an expert there giving us advice on that.

So, I just wonder why are we actually putting a clause in maybe that does not affect it in the Isle of Man?

And I am just wondering whether this has been an issue. I hope it is really not to do with the building in Foxdale.

The Speaker: Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

I can give categorical assurance, it is not do with the building in Foxdale. Well, actually, I cannot give categorical assurance, because there are lots of buildings in Foxdale. (**Mr Quirk:** Yes, yes.) But the one that I think that the Hon. Member is referring to, I can give categorical assurance, it not that one.

Mr Quirk: It is not the one that is flattened?

Mr Quirk: In relation to why we are doing this, we are doing this because we feel that we need the power in unusual circumstances, to be able to tackle buildings which are causing accident blackspots. Now, quite clearly, the planning system is very good in relation to the way it works with highways, but there may be issues that develop from time to time, perhaps that have been missed and indeed there is one ongoing planning issue, which I cannot talk about, in my constituency where something has been missed and we have ended up with a particular issue, which could well be covered by this clause. Although, I have again to say that the clause was generated long before the issue became an issue in my constituency.

So, there may be circumstances that come about. (**A Member:** My constituency!) *Our* constituency! Are you wanting to get your dinner or what? (*Laughter*)

So there may be circumstances that come about which we have not predicted, which are not covered by planning and we believe that this clause is a useful clause to have. As I say, it has been in use in the United Kingdom for *many* years without any controversial elements to it.

I beg to move the clause.

The Speaker: I put the motion that clause –

Mr Watterson: I beg to second. *(Interjection by Mr Houghton)*

Mr Gawne: We have already been there – summing up. *(Interjections)*

Mr Quirk: Steady boys. Calm down.

Mr Watterson: Sorry. I obviously need my dinner more than I thought.

The Speaker: Clause 7. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 8. Mr Gawne to move.

Mr Gawne: Gura mie eu, Loayreyder.

The principal change made by this clause is to enable the Department of Infrastructure, in the interest of highway safety to require the corners of a proposed but not an existing building to be rounded or splayed off, if it considers that the view at the corners would otherwise be obstructed.

I beg to move clause 8.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: I put the question, clause 8 do stand part of the Bill.

Mr Karran: Vainstyr Loayreyder, I just wanted to raise a point.

The Speaker: Are you speaking to clause 8, sir? **(Mr Karran: Yes, sir.)**

Mr Karran.

Mr Karran: I would just like to know what the safeguards, as far as these individual ... What safeguards are there for the individual?

I know with the case that I dealt with, where there was difficulty over planning. They were trying to embarrass the individual by producing the plan for a roundabout in an area. I am a little bit concerned, as a person who is supposed to be a libertarian, about the checks and balances on some of these proposals.

Who is going to take the cost of having to take the corner off? Will there be any costs as far as that is concerned? And will that be paid by the public purse? I am just interested to know about that issue, because I know that we have got to get moving on modern times, but I just think there seems to be some sweeping powers here that are being put in some of these clauses.

The Speaker: Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

Nobody has to be put to any expense to remove a corner of a building which has not actually been built. This is purely for buildings which are to be built, but have not yet been built.

Mr Karran: Have not been built. Oh, that is alright then.

Mr Gawne: So we are serving notice on owners who are proposing to build something, that they need to round the corners of a building, if it was going to interfere with the highway.

Mr Karran: Then there is not a problem with it.

Mr Gawne: So, with that clarification, I beg to move clause 8.

The Speaker: I put the question that clause 8 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 9.

Mr Gawne: Gura mie eu, Loayreyder.

Clarification and amplification is made of the power to install equipment in the highway for the detection of traffic or other offences. Whereas previously the power of installation was vested in the Department of Infrastructure alone, it is now also exercisable by the Chief Constable.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

I just ask the mover and his seconder, does this give powers to the Police to place speed cameras in a particular area?

The concern I would have here is how would that actually develop? Would it have to be with the consent of ... Or is this on the highway land? So, if somebody wanted to put a speed camera in my garden – I am in a cul-de-sac before you start – would the owner have to give consent then?

And I just wonder whether, regarding the information that comes from the particular installation of this thing, whose has responsibility for the downloads and so forth? Is it the Chief Constable himself and the DoI has no concerns at all?

The Speaker: Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

I think that before the Isle of Man goes down the route of introducing speed cameras, I am pretty confident that this House and indeed Tynwald Court will have a say on the matter.

Specifically referred to in the Bill, we are talking about automatic number plate recognition equipment. That is the thing that we are looking at really with this.

I beg to move clause 9.

The Speaker: I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 10, sir.

Mr Gawne: Gura mie eu, Loayreyder.

It is made an offence to erect a gate or style across a footpath or bridle-path without lawful authority.

I therefore beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Quirk.

Mr Quirk: Mr Speaker, I just wonder whether: it is a good term, that 'lawful authority'. I just wondered who the lawful authority would be?

The Speaker: Mover to reply.

Mr Gawne: Gura mie eu, Loayreyder.

As far as I understand it, the Department is the lawful authority.

I beg to move.

The Speaker: Clause 10: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 11, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

This clause addresses the matter of debris or other objects left to cause an immediate danger at the side of or over or within a highway. The Department is empowered to remove them.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Just in the light of the Peel silt fiasco, one of the issues there was that the environmental agency for Mr Ronan's Department and never mind the Police from Mr Watterson's Department there, said that they were quite happy as long as the warning signs were actually just left in the road, regarding this. I just wonder whether, just for clarity, for the future there, that if it is an offence to erect a gate – oh, sorry – to drop the debris on the highway there, I presume it is an offence no matter who drops that debris on the highway? And who actually makes that decision to prosecute?

Will, in the future, those silly signs that say ... I have forgotten what they say now. They say something like, 'Debris on the Road. Please be careful.' Will that be an avoidance for a prosecution?

The Speaker: Mover to reply, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

As I said, this clause addresses the matter of debris or other objects left to cause an immediate danger at the side of, over or within the highway. I did not mention on the highway.

I beg to move. (*Interjection*)

The Speaker: The question: clause 11 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 12.

Mr Gawne: Gura mie eu, Loayreyder.

Provision is made that has the effect of additionally prohibiting private owners of motor vehicles from misusing parking spaces to advertise the sale of their vehicles. At present, section 55, which the

clause amends, applies only to the misuse of parking spaces by commercial vehicles advertised for sale.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second, sir.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Regarding the private vehicles that are advertising in private spaces then, I just wonder who is going to do the prosecution and the monitoring of the offence? Will the fines be given back to the Department or would you have to release those fines to the courts?

The Speaker: Mr Malarkey, Hon. Member.

Mr Malarkey: Thank you, Mr Speaker.

How do you define 'misuse of a parking place'? If I have got a 'For Sale' notice in the back of my car and I park it outside my house every night and that is where I want to park it, is that misuse because I am trying to sell my vehicle on a parking place? Who is going to have the clarification on this, Mr Speaker?

The Speaker: Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

The clarification already exists in section 55A which has been used without any particular problem in relation to vehicles other than private vehicles. So I am quite sure that we will have no problem using this legislation to apply for private vehicle sales.

I beg to move.

A Member: No answer.

The Speaker: I put the question that clause 12 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it.

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

FOR

Mrs Beecroft
Mr Bell
Mr Cannan
Mr Gawne
Mr Hall
Mr Harmer
Mr Houghton
Mr Peake
Mr Quayle
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Skelly
Mr Teare
The Speaker
Mr Thomas

AGAINST

Mr Malarkey
Mr Quirk
Mr Singer

Mr Watterson

The Speaker: With 17 votes for, 3 votes against, clause 12 therefore carries.
Clause 13, please.

Mr Gawne: Gura mie eu, Loayreyder.

This clause inserts four new sections.

Section 55B empowers a local authority to approve the erection of a gate or style on a footpath or bridle-path in connection with the use of the surrounding land for agriculture or forestry.

Under section 55C a duty of maintenance is placed on an owner, backed up by reserve powers being conferred on the local authority to act and recover its expenses.

Section 55D gives express authority to local authorities with the approval of the DoI to erect flagpoles, pylons or other structures for the display of decorations.

And clause 13 protects drains, sewers on the surface of the highway. Section 55E makes it an offence, subject to certain exceptions, to mix or deposit cement mortar, etc. on highways.

I beg to move.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

I just wonder about the term of 'a gate'. Gates are usually for access and I just wondered whether, if you are giving powers to the local authority and a person takes away a hedge and then places a gate in there, to use for vehicle access, does that require planning to cross the highway, or permission?

The Speaker: Mover to reply. Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

There would not be a hedge across a highway or a footpath. So removing a hedge and putting a gate: the circumstance would never exist. *(Interjection by Mr Quirk)*

I beg to move clause 13.

The Speaker: I put the question. Clause 13: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 14, please.

Mr Gawne: Gura mie eu, Loayreyder.

Power is taken to relegate to subordinate legislation, the Roadworks Code, which applies to the opening up of highways by undertakers. And I should say to those of you who are unfamiliar *(Laughter)* with highways terms, we are not talking about building cemeteries in the roads.

In this way, any desirable amendments of the code will not need to await perhaps for several years, a suitable Bill becoming available but will be able to be effected much sooner in regulations, subject to Tynwald approval.

So what will happen will be the transposing of what is presently in Schedule 4 of the Act, subject to fine tuning, into regulations thereby facilitating the incorporation of any later desired amendments much more swiftly.

The sort of things that we are talking about is advances in technology, which occur from time to time in the way in which people dig up roads and then fill them back in again. If the code is in

primary legislation, it makes it much more difficult for us to move with the times in relation to latest thinking and technology.

I beg to move clause 14.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: I put the question that clause 14 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Members, we have reached one o'clock and I propose that we adjourn until 2.30 p.m.
Mr Gawne.

Mr Gawne: Yes, Loayreyder, I am just thinking that, as I am coming back anyway with the rest of the clauses, that I could move the remaining five clauses at that time. Will that assist Members?

The Speaker: Are you talking about clauses 15 to 20 or beyond?

Mr Gawne: Fifteen to 20, I could move those when we come back to move the other clauses.

The Speaker: The other clauses.

Mr Gawne: Yes.

The Speaker: Are you in a position to do so?

Mr Gawne: No, no.

What I am saying is we do not need to come back this afternoon. I have got to come back to move the remainder of the clauses anyway, from clause 20.

The Speaker: Oh, I see.

Mr Gawne: So, I could move those other five clauses at that time.

A Member: A future sitting.

The Speaker: If that is what you wish to do, sir, with the leave of the House. Is that agreed?

Several Members: Agreed.

The Speaker: Then, thank you. That is very helpful, Hon. Member, I am sure.