

## 5.2. Highways (Amendment) Bill 2015 – Third Reading approved

Mr Gawne to move:

*That the Highways (Amendment) Bill 2015 be read a third time.*

**The Speaker:** Highways (Amendment) Bill and I call on the mover, the Hon. Member for Rushen, Mr Gawne.

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

I wish to thank Hon. Members for the support that they have given to this Bill during its Second Reading and indeed at the clauses stage.

If I may summarise the key purposes of the Bill, they are fivefold. First, the improvement of highways or their surroundings; second, the dealing, in a broad sense, with the misuse of highways; third, the conferment of certain permissive powers on local authorities with respect to highways; fourth, the creation of an advance payments code relating to the making up of private streets; and finally, the better facilitation of highway amenities.

In essence, the provisions of this Bill, if supported, will make services easier for people to use, will simplify systems for Government and will help reduce unnecessary bureaucracy and costs.

I shall now amplify some of the responses I gave to queries raised by the House at the clauses stage. With respect to clause 9, the Hon. Member for Onchan, Mr Quirk, enquired where equipment for the detection of traffic and other offences might be installed. The answer is primarily on land forming part of the highway but, if it is proposed to use private land adjoining it, I am advised that the consent of the owner would of course be required. As to speed cameras, their installation would be authorised by the provisions of this Bill, though I am sure that Tynwald support would be sought were the introduction of speed cameras to be considered by Government.

In response to a question on clause 16 by the Hon. Member for Douglas South, Mr Malarkey, I should like to supplement my answer. I am advised that section 47 of the Summary Jurisdiction Act 1989 enables the High Bailiff to award a person 'the whole or part' of his or her costs when determining an appeal against the proposed improvement of a highway access.

The Hon. Member for Ramsey, Mr Singer, raised another query about this clause. He enquired whether works of improvement might be put out by the Department to tender. Of course, as with all roadworks generally, the answer is yes.

If I may now turn to clause 17, the Hon. Member for Michael, Mr Cannan, raised three questions. First, he sought clarification as to what is meant by conferring on a local authority power to levy 'an annual charge of a reasonable amount for its administration of a highway amenity licence.' Second, how is that charge in practice to be determined? And, third, what is the likely impact, particularly of temporary licences, in the context of the TT and other events including the use elsewhere of transportable food outlets, such as burger vans?

As far as the Hon. Member's first two questions are concerned, this clause, as with so much legislation, leaves the details of what is a reasonable charge to be determined administratively. Basically, it will cover a local authority's reasonable annual expenses in ensuring that a licensee is complying with his or her licence. I am confident that at present an authority will act responsibly. As at present – I should say – an authority will act responsibly.

As regards the third question, the likely impact will be for an authority to take into account when considering an application for a licence. In other words, each application will fall to be determined on its own merits.

In response to questions raised by the Hon. Members for Douglas East and Douglas West, Messrs Robertshaw and Thomas, I would now like to clarify my remarks on the substitution of clause 20. If an amendment or a rectification of a definitive map is proposed by the Department and if an

objection is received and not withdrawn, neither the amendment nor the rectification may be made without the leave of the High Court. Moreover, the clause, as substituted, enables the validity of a map to be questioned in proceedings for a declaration under the Human Rights Act. All in all, I am of the opinion that the clause makes adequate provision for those opposed to an amendment or rectification.

Finally, with respect to clauses 21 to 23 – which simply fine-tune the wording of the Private Street Works Code – the Hon. Member for Douglas South, Mr Malarkey, enquired as to the effect of the Code – which has been in force for many years – on existing private streets. I can confirm that, if they are not made up to the Department's satisfaction, it is empowered to undertake remedial works and claim the apportioned costs from adjoining frontages as determined in accordance with the extent to which their property abuts the streets.

All in all, I remain convinced that this Bill will make a material contribution to highway law. It simplifies and clarifies in relation to existing services, and it reduces bureaucracy and cost.

I thank Hon. Members for their support in bringing it through the House.

Gura mie mooar eu reeshtagh, Loayreyder. I beg to move that the Bill be read for a third time.

**The Speaker:** Hon. Member, Mr Houghton.

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

**Mr Watterson:** Best speech of the day, John.

**Mr Houghton:** Thank you.

**The Speaker:** Hon. Members, I put the question that the Highways (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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 o'clock on 8th December in this Chamber.

*The House adjourned at 11.25 a.m.*