

3. CONSIDERATION OF COUNCIL AMENDMENTS

3.1. Highways (Amendment) Bill 2015 – Council amendments approved

Mr Gawne to move.

The Speaker: We turn to Item 3 on the Order Paper. Consideration of Council Amendments to the Highways (Amendment) Bill and I call on the Member in charge of that Bill, the Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

During its passage through another place a small number of amendments — listed on the Order Paper — were carried, some simply correcting modest drafting errors, and others making together a substantive improvement of the Bill with respect to the rectification of rights of way.

As far as the corrections are concerned, the Hon Member, Mr Crookall, moved two amendments: the first substituting a new clause 4 to reflect more accurately the provision being amended, and the second simply substituting the correct spelling of certain highways referred to in section 92B(1) as inserted by clause 20.

As to the rest of the amendments, they follow on from consideration of clause 20 by a Select Committee appointed by Council. Moved by the Hon Member, Mr Turner, they make material improvements to the procedure for rectifying rights of way. What, in short, they do is apply to rectification the same procedure as applies to the diversion of rights of way in general. In short, the same procedure for both publicising a draft order and notifying interested parties of it will obtain; provision is made for displaying notices as near as possible on site; the same statutory procedures for considering objections will have effect; an order, if made, will be subject to Tynwald approval; and finally, the present rights to challenge a made order in the High Court will be maintained.

As regards the rectification procedure, it will be there to deal with some instances where a right of way as exercisable on the ground is — and always has been — along a different line from that shown on a definitive map.

All in all, I am satisfied that Mr Turner's amendments fully answer the concerns expressed during the passage of the Bill through this House — in particular by the Hon Members for Douglas East and Douglas West, Mr Robertshaw and Mr Thomas.

I therefore beg to move that the amendments be accepted.

The Speaker: The Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to second, reserving my remarks.

The Speaker: The Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder.

I think these amendments show what the use of the Upper House can be as far as a revising chamber is concerned. I think they add to primary legislation, and I think that this should be supported as far as the issues that it makes more clarity, also it gives a better purpose in order to make sure that people are aware of any changes that there are going to be as far as public rights of way.

It is interesting to see, actually, Vainstyr Loayreyder, how things and priorities have changed, when I think years ago there would be blood on the carpet as far as changing rights of way. And we nearly passed legislation that almost circumvented the people's situation. It may not be utopia as far

as the changing of rights of way, but it certainly is a step in the right direction and is, in my opinion, well worth its support, as it adds and does not detract as far as the primary legislation is concerned.

The Speaker: Mr Gawne to reply.

Mr Gawne: Gura mie eu, Loayreyder.

Just to thank the contributors to the debate for their support.

The Speaker: Hon. Members, I put the question that the Council Amendments to the Highways Amendment Bill be agreed with. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.