

Road Traffic and Highways (Miscellaneous Amendments) Bill 2011
Third Reading approved

6.1. Mr Gawne to move:

That the Road Traffic and Highways (Miscellaneous Amendments) Bill 2011 be read the third time and be sent to the Council.

The Speaker: Hon. Members, we turn to Item 6 on our Order Paper, Bill for Third Reading, the Road Traffic and Highways (Miscellaneous Amendments) Bill.

Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder and I wish to thank Hon. Members for the support they have given to this Bill during Second Reading and at clauses stage.

To summarise, the key purposes of the Bill are threefold. First, to deal with bad or irresponsible driving, whether it involves, for example, carelessness or danger, driving when prohibited from doing so, drink-driving or speeding. Second, it is to cater for the punishment of offenders in accordance with the Department's and, indeed, the general public's increased perception of the gravity of the offences involved. Third, to provide, in the interests of justice, a wider range of alternative verdicts, so that in any given case, lesser offences may be considered by the courts, in the event that the principal offence is not proven. The Bill also contains a miscellany of lesser amendments to road traffic and highways legislation.

During the clauses stage, I undertook to come back at Third Reading and clarify two or three matters of particular interest, expressed by Members. With respect to clause 12, the Hon. Member for Rushen, Mr Watterson, enquired whether a person would be liable for the costs of seizing and storing a motor vehicle, if he or she were found not guilty of the offence to which the seizure related. I can assure the House that, in such a case, the regulations to be made under section 47B, as inserted by this clause, will absolve the person from any such liability. Moreover, no such liability will arise, if no charges are to be preferred in consequence of a person satisfying the Police that no offence to which a seizure relates have been committed.

With regard to clause 19, the Hon. Member for Douglas North, Mr Houghton, sought clarification, which I did provide, but I am happy to provide again, that its provisions will not require persons giving unpaid instruction in the driving of a motor vehicle to be registered or licensed. I am able to give the Hon. Member that assurance.

I believe some confusion has arisen over paragraph 4A of schedule 4 to the Road Traffic Act, as inserted by paragraph (c) of this clause. Paragraph 4A, which is extremely limited in its application, deals with the service of stop notices on persons giving paid instruction when unregistered or unlicensed. When such a notice comes into effect, it will prohibit for no longer than two years such a person from giving instruction, other than to close relatives.

Finally, clause 20: Hon. Member for Rushen, Mr Gill, enquired why it is desirable to permit motor insurance business to be transacted by authorised insurance companies in the British islands or the European Union, instead of, as at present, the Island or the United Kingdom. In amplification of the reply that I gave then, I would make the additional point that a main purpose of the clause is to remove a restrictive practice, so that the public at large may shop for competitive quotations in a wider market.

All in all, I remain convinced that the Bill will, in particular, make a material contribution to road safety, besides providing for other matters that are equally in the public interest.

Loayreyder, I beg to move the motion standing in my name.

The Speaker: Mr Quirk.

Mr Quirk: I beg to second, sir.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I have to say that I am extremely disappointed that one took... Well, I know it does not matter in this Hon. House because there are different divisions, as far as in this Hon. House –

The Speaker: Hon. Member.

Mr Karran: – but if an Hon. Member actually writes a letter to a Minister about this particular piece of legislation and we find that you get it slapped on your table this morning, as I say, as far as –

Mr Gawne: You heard the response.

Mr Karran: – the piece of legislation, that happens to have asked legitimate questions. We are supposed to actually scrutinise the legislation –

Mr Gawne: And we covered them in clauses.

Mr Karran: I think, Vainstyr Loayreyder, there is not much point in actually continuing, as far as this is concerned, maybe not, but it just highlights the sad situation when a Member sends a detailed letter, which is circulated to every Member on 4th April and we are now told that it is... I get it this morning and it is circulated to every Member of this Hon. House – you will more likely get it tomorrow – it just highlights the concern –

Mr Gawne: It is there in your Inbox.

Mr Karran: – that many people outside this Hon. House, we want proper scrutiny. As far as I am concerned, there is not much point in saying anything else, as far as this Bill is concerned. My concern is that people need to just worry about being hostage to fortune, when these things are pushed through. We end up with a situation where, ever increasingly, we have bureaucrats being able to make the agenda, that are not accountable under the present political system, and that is what concerns me.

I do think that the courtesy should be given, when people write letters, that the Hon. Member should get a copy of the detailed response, as far as that, before the Third Reading of any piece of legislation, but it seems that there are totally different rule games within this House, than what it was 25 years ago.

The Speaker: Before I call Mr Houghton, in terms of process and parliamentary procedure, exchanges of letters between Members of the House and movers of legislation, is a matter for them. It is not a matter that is before the House.

Mr Watterson: It never has been.

The Speaker: Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker, just briefly, I would like to thank the hon. mover for bringing this Bill forward. I thank him for his explanation on the amendment that I put before this Hon. House, that was supported.

Also, I thank him for clarifying the point that driving instructors who remain unpaid can teach anybody at any time and his clarification of that. May I ask him if he could elaborate on what he mentioned later, which was the stop notices? What are these stop notices? Can he elaborate on that? What is the purpose for them and how do they apply to unpaid driving instructors?

The Speaker: Mover to reply. Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I thank my seconder, Mr Quirk, because I think, certainly all the Department Members have been supportive of the progress of this Bill. Perhaps because we were all relatively new to the Department, and the Bill had already been started off in different guises with different Ministers and different political members, it has taken us a little time to get the Bill into a form that we are reasonably comfortable with and I think we are now.

I suppose that is what saddens me a little bit about what the Hon. Member for Onchan had to say because, quite clearly, not only did the Department's membership craft a lot of what the Bill eventually looked like, but actually, the Minister listened very carefully to what was being said by political members and I did not move some of the clauses. I was happy to accept amendments on other clauses and I think the Bill very much reflects the will of Members of the House of Keys.

The Hon. Member for Onchan rang me last night and explained that he had not received his letter. I apologised to him at the time, I have apologised again to him, in terms of when I delivered the letter, I ensured that he got the letter as soon as possible. I dealt with all the issues, or most of the issues, that he raised at the clauses stage, which unfortunately he was not able to be at through illness, but I had dealt with them at that stage. If he was that interested, he could have read the clauses and the answers were all there.

So I am disappointed that he chose to have a go at that and I am disappointed that he chose to not acknowledge the fact that I have already apologised twice to him for the fact that the letter was delayed. I think that is unfortunate, really. I do apologise, I do think it is important that we get these letters out, (*Interjection by Mr Houghton*) but equally we have got to bear in mind that it was sent 14 days ago. There have been two

weekends in between and we have, actually, a policy in Government that requires a response within ten working days, so we have met Government's policy, so really, I think it is unfortunate that we had to go and spoil it like that.

The stop notices: I cannot add an awful lot more to what I explained, other than if someone is providing unpaid tuition, unless they are in breach of the legislation in some way, they will not have a stop notice placed on them. This is purely to get people, who are providing paid tuition, but have no qualifications and are not registered by the Department. That is the whole purpose of the stop notice.

Again, I think it is a very important Bill. I think it is a great step forward in terms of improving road safety and I beg to move.

The Speaker: Hon. Members, I put the motion that the Road Traffic and Highways (Miscellaneous Amendments) Bill be read for the third time. All those in favour, please say aye; against, no. The ayes have it.

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

FOR

Mr Quirk
Mr Crookall
Mr Anderson
Mr Quayle
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Malarkey
Mr Robertshaw
Mrs Cannell
Mr Corkish
Mr Shimmin
Mr Cretney
Mr Watterson
Mr Gawne
The Speaker

AGAINST

Mr Karran

The Speaker: With 16 votes for, 1 against, the motion is carried.