



# LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL  
Y CHOONCEIL SLATTYSSAGH

# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 29th October 2019**

*All published Official Reports can be found on the Tynwald website:*

[www.tynwald.org.im/business/hansard](http://www.tynwald.org.im/business/hansard)

*Supplementary material provided subsequent to a sitting is also published to the website as a Hansard Appendix. Reports, maps and other documents referred to in the course of debates may be consulted on application to the Tynwald Library or the Clerk of Tynwald's Office.*

**Volume 137, No. 2**

**ISSN 1742-2272**

## Present:

### The President of Tynwald (Hon. S C Rodan OBE)

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),  
The Attorney General (Mr J L M Quinn QC),  
Miss T M August-Hanson, Mr D C Cretney, Mr T M Crookall,  
Mrs K A Lord-Brennan, Mrs J P Poole-Wilson and Mrs K Sharpe  
with Mr J D C King, Clerk of the Council.

## Business transacted

Leave of absence granted .....	25
Many happy returns to Mrs Poole-Wilson MLC .....	25
<b>1. Questions for Oral Answer.....</b>	<b>25</b>
1.1. Mental Capacity Bill – Progress .....	25
1.2. Adoption Bill – Introduction before June 2020 and the Government Legislation Programme .....	26
1.3. Accommodation for vulnerable young people – Legislative response to 17th October 2019 Tynwald resolution.....	28
1.4. Animal welfare legislation – DEFA plans.....	28
<b>Order of the Day .....</b>	<b>31</b>
2. Regulation of Care (Amendment) Bill 2019 – Second Reading approved .....	31
Regulation of Care (Amendment) Bill 2019 – Clauses considered .....	32
<i>The Council adjourned at 11.07 a.m. ....</i>	<i>36</i>

# Legislative Council

*The Council met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

**The President:** Moghrey mie, good morning, Hon. Members.

**Members:** Good morning, Mr President.

5

**The President:** The Lord Bishop will lead us in prayer.

## PRAYERS

*The Lord Bishop*

## Leave of absence granted

**The President:** Hon. Members, I have given leave to Mr Henderson, and Mrs Maska who is indisposed.

## Many happy returns to Mrs Poole-Wilson MLC

**The President:** I would like to wish many happy returns to Mrs Poole-Wilson.

10

**Several Members:** Hear, hear.

# 1. Questions for Oral Answer

## ATTORNEY GENERAL

### 1.1. Mental Capacity Bill – Progress

The Hon. Member of the Council, Miss August-Hanson, to ask HM Attorney General:

*What progress has been made with the Mental Capacity Bill?*

**The President:** We turn to Questions for Oral Answer and I call on the Hon. Member of Council, Miss August-Hanson, please.

15 **Miss August-Hanson:** Thank you, Mr President. Sorry, I do not have the Order Paper in front of me so I do apologise, I am just scrolling it up now.

I thank Mr President and my Hon. Members on Council for their patience with me there.

I would like to ask Her Majesty's Attorney General what progress has been made with the Mental Capacity Bill?

20 **The President:** I call on the learned Attorney to reply.

**The Attorney General:** Thank you, Mr President.

25 I have made enquiries of the Department of Health and Social Affairs and can advise that it intends to present an application to the Legislation Sub-Committee of the Council of Ministers for it to consider recommendation to the Council of Ministers for the early introduction of this Bill. The Legislative Sub-Committee is scheduled to meet on 11th November 2019.

Thank you.

30 **The President:** Supplementary question, Miss August-Hanson.

**Miss August-Hanson:** Thank you, Mr President.

35 I would like to ask why the Mental Capacity Bill was not included in the Legislative Programme if it was expected for 2019-20, if the Attorney General perhaps might be able to enlighten us?

**The President:** Mr Attorney.

40 **The Attorney General:** Mr President, unfortunately I cannot enlighten the Hon. Members of Council. The Legislative Programme is set by the Council of Ministers and I have no input into that.

**The President:** Supplementary question.

45 **Miss August-Hanson:** Thank you, Mr President.

The Legislative Sub-Committee, I am aware that the Attorney General has a place in that room to advise. I wondered if perhaps following the reduction on the priority list of the Mental Capacity Bill from a point range of seven to a point range of two on the grading system, whether or not he might be able to explain what that grading system exactly is and how it is rated?

50 **The President:** Mr Attorney.

**The Attorney General:** Mr President, I am sorry I cannot help you with that.

It is not a rating that I had fixed, it is a matter for the Council of Ministers and its Sub-Committee.

## HEALTH AND SOCIAL CARE

### 1.2. Adoption Bill –

#### Introduction before June 2020 and the Government Legislation Programme

The Hon. Member of the Council, Miss August-Hanson, to ask a representative of the Department of Health and Social Care:

*When it was decided that the Adoption Bill should be introduced before June 2020; and why the decision is not reflected in the Government Legislation Programme [[GD No 2019/0051](#)]?*

55 **The President:** Question 2, Miss August-Hanson.

**Miss August-Hanson:** Thank you.

I would like to ask a representative on our Council of the Department of Health and Social Care when it was decided that the Adoption Bill should be introduced before June 2020; and why the decision is not reflected in the Government's Legislation Programme?

60

**The President:** Mrs Sharpe to reply.

**A representative of the Department of Health and Social Care (Mrs Sharpe):** Thank you, Mr President; and I thank the Hon. Member for her Question.

65

At a meeting of the Council of Ministers' Social Policy and Children's Committee on 30th October 2017, the development of a new Adoption Bill was agreed. The Committee also confirmed the inclusion of the Bill in the 2017-18 drafting programme, for progression through the Branches in 2018-19.

70 Regrettably, as a result of low resource in the Department's Legislative Team, which was also compounded by the demands of Brexit and other items of priority legislation, work on the Adoption Bill was suspended and the Bill consequently did not progress through the Branches in 2018-19.

Nevertheless, the Adoption Bill remained on the drafting programme and indeed the wider legislative programme. The Department did successfully secure additional resource in November 2018 and work on the Bill recommenced.

75

As I confirmed to Hon. Members in my Answer to the Question on the Adoption Bill during last week's session of the Legislative Council, drafting instructions have been finalised and the Department is now in the process of seeking approval from the Council of Ministers' Legislation Sub-Committee, for the drafting instructions to be sent to the Legislative Drafting Division of the Attorney General's Chambers.

80

Once the Bill has been drafted and the consultation is completed, with any of the potential amendments to the Bill as a result the consultation being made, the Department will seek approval from the Council of Ministers' Legislation Sub-Committee to introduce the Bill into the Branches. This is when the date of the First Reading of the Bill will be confirmed.

85

It is hoped that the Bill will be introduced into Branches by June 2020 but this is an estimation, Mr President. The Bill has not yet been drafted; we do not know how long this will take.

I refer Hon. Members to the Answer given by Her Majesty's Attorney General last week in relation to resource within the Legislative Drafting Team where the learned Attorney said he was hopeful the Bill could be drafted but that it was subject to other priorities, and all legislative and policy roles have become centralised in the Attorney General's Chambers, and it is a resource issue for the whole of the legislative programme.

90

Again, as stated in my Answer to the previous Question, the Department is also planning to consult with stakeholders as well as undertaking a full public consultation. There are a whole host of variables that can disrupt the current timetable.

95

Therefore, the Department is not currently in a position to confirm with any certainty that the Bill will be introduced before June 2020. It is, however, the Department's aim.

This is why the Bill does not appear on the published legislative programme. As the Bill proceeds, its status on the programme will be revised accordingly and regular updates can be provided to Hon. Members if they express a willingness to receive them.

100

**The President:** Supplementary question.

105 **Miss August-Hanson:** No, I would just like to thank the Hon. Council Member for her very full Answer on that.

**1.3. Accommodation for vulnerable young people –  
Legislative response to 17th October 2019 Tynwald resolution**

The Hon. Member of the Council, Miss August-Hanson, to ask a representative of the Department of Health and Social Care:

*What plans the Department has to legislate in response to the Tynwald resolution of 17th October 2019 relating to accommodation for vulnerable young people?*

**The President:** Thank you.  
Question 3, Miss August-Hanson.

110 **Miss August-Hanson:** I would like to ask our representative on Council for the Department of Health and Social Care what plans the Department has to legislate in response to the Tynwald resolution of 17th October 2019 relating to accommodation for vulnerable young people?

**The President:** Mrs Sharpe to reply.

115 **A representative of the Department of Health and Social Care (Mrs Sharpe):** Thank you, Mr President.

The Department has listened intently to the report and recommendations arising from the Select Committee on Accommodation for Vulnerable Young People.

120 The Department will now undertake a prioritisation process in terms of the legislation it is currently progressing to see how those recommendations can be addressed.

125 The Department can, however, indicate that there is already a Children and Young Persons Bill on the legislative programme, with the aim to introduce it into the Branches during the current administration to June 2021. This Bill is distinct to the Bill that had its First Reading in another place last week. It will not be an amending Bill and is proposed to address issues such as young people leaving care.

As stated, the Department will now undertake a process of review and prioritise its legislation accordingly, taking into account the recommendations of the Select Committee.

Thank you Mr President.

130 **The President:** Supplementary question?

**Miss August-Hanson:** No. Again, I would just like to thank the Mrs Sharpe for her thorough Answer.

**ENVIRONMENT, FOOD AND AGRICULTURE**

**1.4. Animal welfare legislation –  
DEFA plans**

The Hon. Member of the Council, Miss August-Hanson, to ask a representative of the Department of Environment, Food and Agriculture:

*What plans the Department has to bring forward animal welfare legislation; and when such legislation will be introduced?*

**The President:** We turn to Question 4. Again, Miss August-Hanson, please.

135

**Miss August-Hanson:** I would like to ask, Mr President, a representative of the Department of Environment, Food and Agriculture what plans the Department has to bring forward animal welfare legislation; and when such legislation will be introduced?

140

**The President:** Mr Cretney to reply.

**A representative of the Department of Environment, Food and Agriculture (Mr Cretney):**  
Thank you, Mr President.

145

Previously, in the House of Keys on 16th April 2019, the Minister for DEFA informed Members that due to Brexit-related workloads the Department had amended its policy on the progression of an Animal Welfare Bill to produce a short 'framework' Animal Welfare Bill. Such a Bill would allow for the application of UK animal welfare legislation to the Island via secondary legislation. This is clearly not ideal, but would at last put in place welfare legislation for companion animals on our Island.

150

On 16th July 2019 the Minister provided a further update to Tynwald on the progress in introducing animal welfare legislation in response to a Question from the Hon. Member for Garff, Mrs Caine. As Members will be aware, Brexit and its related workloads are still very much ongoing. I can, however, confirm that as part of the process of updating of legislation in readiness for Brexit many pieces of animal welfare legislation in relation to trade have been brought up to date.

155

The main concerns about the current welfare legislation, however, are those relating to the non-trade aspects of animal welfare, which is about companion animals. A framework Animal Welfare Bill will be needed to enable coverage of this area.

160

Noting current workloads of officers in the Department and the Attorney General's Chambers with regard to Brexit and other legislation priorities for Government such as the Climate Change Bill, I am informed there is likely to be little capacity to develop drafting instructions for a framework Animal Welfare Bill at this time. A matter I deeply regret, having been a member of the Select Committee which considered this matter a long time ago.

165

I also chaired a DEFA Committee comprising Government vets, the Police, the MSPCA and others who spent much time, at no cost to Government, considering this important matter and putting proposals to the Department.

170

Taking account of the current situation, the Minister has asked Department officers to prepare drafting instructions for a framework Animal Health Bill for consideration by the Department by its February 2020 meeting at the latest. Subject to the Department being content with the drafting instructions, the Minister will then ask the Council of Ministers to direct the Attorney General's Chambers to prepare a framework Animal Welfare Bill as a priority, given the known deficiencies in current animal welfare legislation and the significant public and political interest in this issue.

175

A framework Bill, while relatively quick to draft, would still need to be consulted upon then progressed through the Branches and receive Royal Assent. Subject to no other urgent matters arising and on the basis that: drafting instructions would be prepared, agreed by the Department and submitted to Chambers by March 2020; Chambers would likely produce a draft Bill for agreement by the Department by the end of April 2020; a six-week public consultation could be agreed by the Department and Council and undertaken between May and June 2020; the draft Bill progressing through the Branches between October and December 2020; and Royal Assent taking the usual three months and being granted by March 2021 – it is reasonable to

180

anticipate that it would be April 2021 at the earliest before any secondary legislation could be made as a consequence of such a Bill.

185 If resources allow, the secondary legislation could be drafted while the Bill is being considered for Royal Assent, although the drafting of such secondary legislation would have to commence by no later than January 2021 in order to be ready, noting the likely need for a public consultation on the secondary legislation for when the primary legislation comes into operation.

190 This is a far from satisfactory situation but I am sure Hon. Members who will share my concerns recognise the burdens placed in particular on DEFA, due to circumstances outside of its control.

**The President:** Supplementary question.

**Miss August-Hanson:** Thank you, Mr President.

195 I understand how strongly my colleague on Council, Mr Cretney feels about this, having been on that said Committee.

I wonder if perhaps he might be able to just enlighten us a little bit regarding what followed – the 12 recommendations and the Petition that was presented in July 2014 by the Port Erin lady, Rosaleen Harrison. Ms Harrison was obviously of the opinion that a serious lack of legislation was there to protect neglected and abused animals, and the Department itself said, as the Committee was formed, that it was about to legislate, and the Committee essentially said that perhaps it should hurry up and do so. This was 2014/2015.

200 So what happened in that time?

205 **The President:** Hon. Member to reply. Mr Cretney.

**Mr Cretney:** I was not a Member of the Department of Environment, Food and Agriculture at that time. I was on the Select Committee and I remember talking to lots of people and coming forward with our recommendations.

210 I also remember the Department said that they had legislation that was almost ready. I do not know what happened.

**The President:** Hon. Member.

215 **Miss August-Hanson:** Thank you, Mr President.

Did the Department indicate that it was a comparable piece of legislation to the UK Animal Welfare Act 2006?

**The President:** Mr Cretney.

220 **Mr Cretney:** Are you asking did the Department say at that time? (**Miss August-Hanson:** Yes.) I do not believe they said it. I think what we were looking for, and I would still prefer, is a Bill which is best matched to the Isle of Man expectations.

225 However, we are where we are in terms of this situation which has been placed upon us because of circumstances outside of our control; and the pragmatic approach, as it could be considered by some, was to follow the route which is now proposed.

**The President:** Thank you.  
Finally, Miss August-Hanson.

230 **Miss August-Hanson:** Thank you, Mr President.



I wondered if perhaps the Department might be aware that a new Bill has passed in Holyrood in Scotland this month which sees serious offenders jailed for a maximum of five years; and whether or not the Department has been following this legislative change in Scotland?

235

**The President:** Mr Cretney.

**Mr Cretney:** Yes. When we were carrying out our work – and the people I mentioned earlier, the people who volunteered to work with us in terms of preparation of legislation for the Isle of Man, that is the MSPCA, Government vets, the Police who deal with animal welfare issues, and others – we met as a Committee, with a number of people from outside organisations as well, other animal welfare charities, for example, on the Island ... We had a firm eye on what was going on elsewhere, not only in the UK but also further afield, to try and make sure that what we did come up with was the best measure that we could do.

245

**The President:** Thank you.  
Final supplementary.

**Miss August-Hanson:** Thank you, Mr President, I appreciate that.

250

I wondered if perhaps Mr Cretney might be able to give us some indication as to whether or not, as it is going to be secondary legislation, there would be any form of consultation with stakeholders on that piece of legislation regardless of how far away perhaps we might see it?

**Mr Cretney:** Yes, the intention is that there would be – and it is right that there should be consultation with stakeholders and others. It is an important matter. It is *long* overdue. I am extremely disappointed we are in the position we are at the moment. I have on a number of occasions raised this within the Department but I have had to accept that the Brexit debacle has taken precedence.

255

260

**The President:** Thank you very much.

## Order of the Day

### 2. Regulation of Care (Amendment) Bill 2019 – Second Reading approved

Mrs Sharpe to move:

*That the Regulation of Care (Amendment) Bill 2019 be read a second time.*

**The President:** We turn now to Item 2, Regulation of Care (Amendment) Bill, Second Reading and I call on Mrs Sharpe, please.

**Mrs Sharpe:** Thank you, Mr President.

265

Hon. Members, I am pleased to move the Second Reading of the Regulation of Care (Amendment) Bill 2019.

I would like to first begin by thanking Hon. Members for the consideration given to the Bill at the First Reading.

270 The Bill seeks to correct an unintended anomaly in the Regulation of Care Act 2013. As the  
Act currently stands the requirement to register with the Department of Health and Social Care  
applies to independent medical agencies and nurses' agencies. This includes businesses which  
supply or introduce medical practitioners, nurses or midwives to work solely for the  
Department.

275 As stated in the First Reading, it was never the intention of the then Department of Social  
Care to require these types of agencies to register with it. Section 3 of the Act is clear on this  
point: the purpose of the Act is to regulate care services and it was not designed to capture the  
regulation of healthcare services provided for under the National Health Service Act 2001.

280 To ask such agencies to register would be a considerable risk to the Department's ability to  
continue to provide essential health and care services, it risks those agencies choosing to cease  
the supply or introduction of staff in order to avoid the registration process, and of course the  
associated fee.

Hon. Members, this Bill will ensure that agencies supplying or introducing doctors, nurses or  
midwives to work solely for the Department will be exempt from registering with the  
Department and thereby continuing the supply of essential health and care workers.

285 Mr President, I beg to move that the Regulation of Care (Amendment) Bill 2019 be read for  
the second time.

**Mr Crookall:** I beg to second, Mr President.

290 **The President:** Thank you, Mr Crookall.

I put the motion that the Regulation of Care (Amendment) Bill be read for the second time.  
Those in favour, say aye; against, no. The ayes have it.

#### **Regulation of Care (Amendment) Bill 2019 – Clauses considered**

**The President:** We turn now to the clauses.

Clause 1, Mrs Sharpe.

295

**Mrs Sharpe:** Thank you, Mr President.

With your permission, I would like to move all clauses in this Bill together, if possible?

300 **The President:** And vote on separately? Is that agreed? (**Members:** Agreed.) Thank you.  
Mrs Sharpe.

**Mrs Sharpe:** Clause 1 gives the Act resulting from the Bill its short title.

Clause 2 provides for the amendments to the Regulation of Care Act 2013. Specifically,  
clause 2(2) amends section 28(2) of the Act at subparagraphs (c) and (d).

305 Presently section 28(1) of the Act provides, for the purposes of the Act, a definition of an  
'Independent Medical Agency' being, and I quote:

... a business that consists of, or includes, the provision of services by medical practitioners.

Section 28(2) goes on to provide exemptions for those businesses that would otherwise be  
caught by this definition and to provide the Department of Health and Social Care with a  
regulation-making power to prescribe businesses *not* to be Independent Medical Agencies.

310 Essentially, the amendments proposed by clause 2(2) are to section 28(2)(c) which is being  
split into subparagraphs (i) and (ii) to clarify, on the face of the Act, that businesses which supply

or introduce medical practitioners solely to work for the Department are exempted from the definition of an independent medical agency.

315 Clause 2(3) also amends section 29 of the Act which defines a Nurses' Agency. At present section 29(1) provides, for the purposes of the Act, a definition as to what constitutes a nurses' agency being, and again I quote:

... an employment agency or employment business under section 12(1) of the Employment Agencies Act 1975 that consists of, or includes, providing or supplying nurses or registered midwives.

Section 29(2) then goes on to provide the Department with the *vires* to make regulations enabling it to prescribe agencies that would otherwise be caught by the definition *not* to be nurses' agencies.

320 The principal amendment to the definition of nurses' agencies is to again, on the face of the Act, provide for the exclusion from the definition those businesses supplying or introducing nurses or registered midwives to work solely for the Department. In addition, the Department is also taking the opportunity to clarify what constitutes a nurses' agency under section 29(1) by removing the cross-reference to the Employment Agencies Act 1975 and stating simply that a  
325 nurses' agency is an employment agency or employment business being, in either case, a business that consists of, or includes, supplying or introducing nurses or registered midwives.

Clause 2(4) amends the definition of 'medical practitioner' in the Schedule to the Act, removing the reference to:

... a fully registered person under the Medical Act 1985

330 – an Act which has been repealed by the Health Care Professionals Act 2014, to substitute it with 'registered medical practitioner'.

'Registered' is defined in the Interpretation Act 2015 which, at section 28, states:

The definitions in paragraphs 1 and 1A of the Schedule apply to all Manx legislation.

'Registered' in the Schedule to the Interpretation Act 2015 reads:

... 'registered', followed by a reference to a medical practitioner, chiropractor, osteopath, nurse, midwife or other health professional regulated by the Health Care Professionals Act 2014, means a person of that description registered in the manner prescribed by that Act;

Therefore, 'fully registered person under the Medical Act 1985' has been changed to 'a registered medical practitioner'.

335 Clause 2(5) deals with the addition of an apostrophe in nurses' agency and nurses' agencies.

Clause 3 amends section 13(1)(a) of the Employment Agencies Act 1975. Presently, section 13(1)(a) confirms that the Employment Agencies Act 1975 does not apply to, and I quote:

... any agency for the supply of nurses as defined in section 11(1) of the Nurses and Midwives Act 1947;

340 Pursuant to section 168 (Repeal of Acts) of the Regulation of Care Act 2013 the Nurses and Midwives Act 1947 was repealed in its entirety. Thus reference to the Nurses and Midwives Act 1947 has been substituted with reference instead to a nurses' agency under the Regulation of Care Act 2013.

I therefore beg to move that clauses 1 to 3 do stand part of the Bill.

**The President:** Mr Crookall.

345

**Mr Crookall:** I beg to second, Mr President.

**The President:** Your opportunity now to debate the clauses in detail.

**Mrs Poole-Wilson:** Thank you, Mr President.

350 Just a question, really, on the implications of the change that is caught by section 2(2) in the Bill. My understanding of the effect of this is now to mean that medical practitioners who were introduced solely to work for the DHSC will not need to be registered. I wondered whether therefore there is any regulation still required to prescribe businesses which should not be an independent medical agency.

355 So does the amendment to say that if you are provided solely to work for the DHSC, deal entirely with the problem? Or will there still be a practical issue where some agencies will need to be caught by (2)(d) and set out in regulations as prescribed not to be an independent medical agency? And if there are, what types of businesses would they be; or are there any specific businesses caught?

360

**The President:** Thank you.  
Mrs Sharpe.

**Mrs Sharpe:** Thank you to the Hon. Member for raising this question.

365 In answer the question, agencies which are supplying staff solely to the DHSC must still register with the DHSC, with Registration and Inspections. And I suspect this is under the NHS Act. But to be absolutely certain I could with your permission, Mr President, ask our legislative team whether they know precisely which Act this would be.

370 **The President:** Now, if the mover does wish to ask an officer to come forward, if they would come forward please? (*Interjections*)

Okay, if you could just take the microphone, please. Thank you.

If I could ask you to identify yourself, please; and then I will invite Mrs Sharpe to clarify the information that she wishes.

375

**Mrs Kewley:** My name is Sarah Kewley; I am a legislation officer at the Attorney General's Chambers.

**The President:** Thank you.  
Mrs Sharpe.

380

**Mrs Sharpe:** Thank you, Mr President.

Can you please confirm to me if possible, Mrs Kewley, what piece of legislation would it be which would capture agencies wishing to supply staff solely to the DHSC?

385

**Mrs Kewley:** The Health Care Professionals Act 2014 covers medical practitioners working on the Isle of Man in whatever field and it would be this Act, as far as I am aware, that would cover these situations.

390

**Mrs Sharpe:** Thank you.

**The President:** Thank you, Mrs Sharpe.

**Mrs Sharpe:** Can I ask, Mr President, if the Hon. Member would repeat the second part of her question?

395

**The President:** Yes.

**Mrs Poole-Wilson:** Thank you. And thank you for that clarification on where medical practitioners would still register.

400 The question is that under the Regulation of Care Act as amended now by this Bill, there is provision still for independent medical agencies to be businesses prescribed *not* to be, suggesting that there would be regulations brought forward perhaps listing businesses that are prescribed not to fall within the definition of independent medical agency. My question really is practically are their businesses, are there regulations currently? And are there businesses for  
405 which we would need to prescribe that they should be excluded from this definition?

**The President:** Mrs Sharpe.

**Mrs Sharpe:** Thank you, Mr President.

410 I did ask that question myself to the Department and I was satisfied that there are currently not any businesses which are prescribed not to be businesses or agencies – to be precise, independent medical agencies under this Act.

But I can, if the Hon. Member would like, double check with our legislative team to see if they disagree.

415

**The President:** Yes, Mrs Sharpe.

**Mrs Sharpe:** Mrs Kewley, do you have any further information? I am quite assured by the Department that, as yet, there have been no other agencies which have been excluded.

420

**Mrs Kewley:** I have with me Catriona Bradley, the head of the Registration and Inspection Department and there are not currently any businesses of this description, and there are no plans to bring in any regulations of any sort at the moment. But the *vires* is there in the event that we did need to do so.

425

**Mrs Sharpe:** Thank you.

**The President:** Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Thank you, Mr President; and thank you for that explanation.

430

I suppose just one further supplemental question then is: having provided for the *vires* to be there, and I recognise the *vires* was already within the underlying Act described as an establishment rather than a business and that has been changed. But I just wondered whether there is any thought about what situation could arise where we need to prescribe regulations to exempt certain businesses?

435

If there is any information on that it would be helpful, please.

**The President:** Mrs Sharpe.

**Mrs Sharpe:** Thank you, Mr President.

440

I do not know, is the answer. But I could ask that hypothetical question to the Department and get an answer to the Hon. Member if she so desires.

**Mrs Poole-Wilson:** Well it would be helpful, please.

445

**The President:** Does any other Hon. Member wish to contribute to the clauses stage? Mrs Sharpe, you have the right of reply if you wish.

**Mrs Sharpe:** Thank you, Mr President.

450 I would just like to thank Hon. Members for their understanding.  
I know that this is slightly out of the ordinary to start a Bill in Legislative Council and the Department is very appreciative of Hon. Members allowing this to happen on this occasion.  
Thank you.

455 **The President:** Hon. Members, I put the question that clause 1 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

That clause 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

460 And finally that clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members, that concludes the formal business this morning. The Council will now stand adjourned until our next sitting, 5th November.

*The Council adjourned at 11.07 a.m.*