



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 30th October 2012

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

Business Transacted

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The House adjourned at 10.46 a.m.

House of Keys

The House met at 10.00 a.m.

[THE SPEAKER *in the Chair*]

5 **The Speaker:** Good morning, Hon. Members. Moghrey mie.

Members: Good morning, Mr Speaker.

10 **The Speaker:** Can I ask the Chaplain to lead us in our prayers.

PRAYERS

The Chaplain of the House of Keys

15

Leave of absence granted

20 **The Speaker:** Hon. Members, I have given leave of absence to Mr Skelly for the whole of this sitting and to Mr Watterson for part of the sitting.

Welcome to Mr T Scott, MSP for Shetland and Councillor M Bell, Convener of Shetland Islands Council

25

30 **The Speaker:** Hon. Members, it is indeed a pleasure to welcome this morning two distinguished visitors from the Shetland Islands: Mr Tavish Scott who is the Member of the Scottish Parliament for Shetland; and Councillor Malcolm Bell, who is the Convener of Shetland Islands Council. You are indeed welcome to the Isle of Man, and to the House of Keys in particular.

Members: Hear, hear.

35

Oral Questions 21-22 of 23rd October sitting Correction re bus drivers' pay

40 **The Speaker:** Hon. Members, as we turn to Item 1 on the Order Paper, Questions for Oral Answer, I first of all would like to call on the Hon. Member for Malew and Santon, Mr Cregeen, who wishes to advise the House of a correction to an Answer given to the House at the last sitting. Mr Cregeen.

45 **The Minister for Community, Culture and Leisure (Mr Cregeen):** Thank you, Mr Speaker. For clarity, in the House of Keys on Tuesday 23rd October, I mistakenly referred to £37,000 instead of £27,000 as the basic pay for a bus driver. I am sorry for any confusion.

50

Questions for Oral Answer

CHIEF MINISTER

55

Disability Discrimination Act Statement on progress

1.1 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chief Minister:

60

If he will make a statement on progress with implementing and enforcing the Disability Discrimination Act?

The Speaker: Thank you, Minister.

65

We turn now to Question 1 and I call on the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I ask the Question standing in my name.

70

The Speaker: I call on the Chief Minister, Mr Bell, to reply.

75

The Chief Minister (Mr Bell): Mr Speaker, in the third quarter of 2011, the Department of Social Care commissioned an impact assessment on the implementation of the Disability Discrimination Act by Sight and Sound Technology. In summary, Sight and Sound found that much has already been done to implement the Disability Discrimination Act on the Island, particularly by Government and larger businesses and further progress can be made by using a phased approach to implementation.

80

The most significant shift is one of attitude and approach with investment in the environment, infrastructure and specialist equipment being made over a period of years. Government itself has a key role to play in facilitating this attitude, working in partnership with the third sector, by providing access to support and information and by the design of the phased implementation plan. Among the developments already implemented, Government Departments have conducted disability access audits and utilised Disability Discrimination Act budgets to improve access to Government buildings and improve environment in Government provided services.

85

Some examples of this include a fully-accessible school, improved access to Government's resource centres for older people and the provision of a low-deck buses. There are many other examples across Government of this sort of progress.

90

All new buildings on the Isle of Man have incorporated best practice with regard to access. In addition, many hospitality organisations have taken measures, such as the provision of disabled toilets, or accessible hotel rooms to improve access. The Tynwald Advisory Committee on Disability has visited many sites to inspect disabled facilities and offer advice. Over the last two years they have visited the Prison, hotels, the Gaiety Theatre, Bus Vannin, the Airport, Learning Disability Services and medical stores.

95

The result of this assessment was submitted to the Council of Ministers for their consideration and agreement on 20th September 2012.

100

After consideration, Council approved a phased approach to implement the Act, based on (1) a multi-agency forum, including the business community and third sector being developed to establish a shared view of what was reasonable in the context of the Act; (2) a 'Happy to Help' scheme being implemented to assist organisations to comply with the Disability Discrimination Act; (3) further development of an Access Service and the partnership between the Department of Social Care and Crossroads Care.

Council also agreed that the Department of Social Care would submit an annual report to the Council of Ministers, outlining progress in relation to the implementation of this Act.

105

With regard to enforcing the Disability Discrimination Act, the primary approach needs to be through encouragement, support and advice to gain willing and successful compliance. It is about attitude change. However, regulations will need to be formulated and it will be a cross-Government responsibility to enforce these.

The Speaker: Supplementary question, Mrs Beecroft.

110

Mrs Beecroft: Thank you, Mr Speaker.

I thank the Chief Minister for his comprehensive response and I am really pleased to hear about all the work that is going on. Could he give us any indication of a timescale for when the legislation is going to be implemented?

115 **The Speaker:** Chief Minister.

The Chief Minister: I cannot give that...

120 **The Speaker:** Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

125 Does the Chief Minister not agree that, in fact, we as a parliament, many years ago agreed that we would bring through this Disability Discrimination Act, in fact, it is a policy of Government; it is a policy of Tynwald Court? Why the delay? Having accepted what the Chief Minister is saying that there is still a lot of talking going on, does he not agree with me, that now is time for action? No more talking, but to get on with it!

The Speaker: Minister.

130 **The Chief Minister:** There is a time for talking; there is also a time for listening, Mr Speaker. *(Laughter)* The Hon. Member obviously did not hear what I have just told her.

Mrs Cannell: Yes, I have.

135 **The Chief Minister:** If she had been listening, she would have realised that substantial work has already been carried out right across Government and the private sector. The Hon. Member has also been a Member of this Hon. Chamber for many years and has had this question answered on a number of occasions, explaining the progress that has been made and the difficulties in bringing it in.

140 It is physically impractical, if not impossible, for a 'Big Bang' approach to this, where everything is implemented on a single day. It has to be phased in over a number of years. There is the physical problem of the changes required to apply this and also the financial. It is estimated at the moment that somewhere close to £6 million would be needed for Government to fully implement this on day one and the private sector, something over £40 million.

145 So it is a big involvement, but there is major progress being made, as I have just outlined, Mr Speaker, and this has been independently audited by a body from off Island.

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

150 **Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that, because the previous administrations broke their promises, we are having the situation where this administration is breaking its promise that was with the majority of you being part of the previous administration? What many people outside this Hon. House look at this and see that once again, when it comes to social legislation, there is plenty of *traa dy liooar* but when it comes to other aspects of other parts of the community, it can be done tomorrow.

The Speaker: Chief Minister.

160 **A Member:** £40 million in the private sector.

The Chief Minister: The Hon. Member is so predictable, Mr Speaker.

165 Substantial improvements have been made and progress has been made towards implementation of this Bill. The Hon. Member knows perfectly well what is... and no-one has reneged on promises. The situation has been explained to the Hon. Member on many occasions over the last few years, that it is just physically impractical to bring everything in on a certain day. We have to phase the approach and the implementation of this Bill.

170 This is what is happening, there is no reneging on promises. The Council of Ministers has given full support to the Department of Social Care to develop its strategy and is fully committed to the implementation of this. It has, though, to be recognised that it needs to be phased in and cannot be achieved overnight.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

175 Has the Chief Minister looked at the Equal Opportunities Act 2010 that was brought in in the UK? Is he satisfied that, given the fact that we have had six years gone by before we have implemented this legislation, it is actually fit for purpose? Is it going to recognise the changes in attitudes in those six years that we have been waiting?

180 **The Speaker:** Chief Minister.

The Chief Minister: The attitude is exactly what I have just referred to.

The Speaker: Final supplementary, Mrs Cannell.

185 **Mrs Cannell:** Thank you, Mr Speaker.

190 Does the Chief Minister also recall that, other than being a Member in this Hon. House for a considerable length of time, I was also a member on the Tynwald Committee for Disabilities, which wholeheartedly supports bringing forward legislation to stop discrimination of those that have disabilities? In order to be positive, can the Chief Minister... he said earlier on, that Council of Ministers agreed that Social Care would bring forward an annual report. Can he advise the House, when we can expect that annual report and will it be circulated widely?

The Speaker: Chief Minister.

195 **The Chief Minister:** The report will be produced annually, Mr Speaker.

200 **Statement on Government's priorities**
Agreement by members of Council of Ministers

1.2 The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

205 *To what extent the October 2012 Statement on Government's priorities corresponded to General Election manifesto priorities and policies of members of the Council of Ministers; and when and how the content of the Statement on Government's priorities was agreed by the Council of Ministers?*

210 **The Speaker:** Question 2, the Hon. Member for Onchan, Mr Hall.

Mr Hall: Thank you, Mr Speaker.
I beg leave to ask the Question standing in my name.

215 **The Speaker:** Again, I call the Chief Minister to reply.

220 **The Chief Minister (Mr Bell):** Mr Speaker, the process of developing our Agenda for Change has been detailed and inclusive and has provided the opportunity for robust discussion between all members of the Council of Ministers, who have had many chances to ensure their views have been heard. The Council of Ministers has held several workshops over a period of weeks, sitting together with chief officers, reviewing and refining the detail, which would eventually inform our Agenda for Change.

225 During these workshops we debated and agreed the Government's priorities, which were captured and form both the basis of my October Statement to Tynwald and also our Agenda for Change document, which I hope to present to Tynwald shortly.

230 It must be remembered that my Statement was never intended to be an all-inclusive summary of all Government's priorities and actions, but a highlight of the themes and key priorities, providing an indication of this Government's direction of travel. As I explained in my October Statement, I intend to provide Tynwald with the opportunity to debate each policy area over the coming months.

The Speaker: Mr Hall.

Mr Hall: Thank you, Mr Speaker.

235 I welcome the recent Statement from the Chief Minister, insofar as we have something at least to work on, although it does, as with a lot of things, if you look closely enough, have some gaps and holes in it. With the benefit of hindsight does the Chief Minister regret not circulating this Statement to Hon. Members, in order to allow them to be able to analyse it before the Tynwald sitting?

240 Would he not agree that it was not particularly helpful and how could the Statement have been approved, when it had not been completed until so late the night before?

Moving on, would he not give a commitment that any similar future statements will be given to Hon. Members in advance to allow reasonable analysis?

The Speaker: Chief Minister.

245 **The Chief Minister:** Once again, Mr Speaker, I would remind the Hon. Member, if he had listened to what I said during the Statement, there will be ample time for discussion, both in Tynwald Chamber and in policy discussion sessions for Tynwald Members away from that Chamber. So all Members will have the opportunity to have input into it.

250 I do not regret not issuing it beforehand. It was my Statement to Tynwald and I had the Statement circulated immediately at the end of my speech to Tynwald and Members were fully informed about what the priorities are.

The Speaker: A supplementary, Mr Karran.

255 **Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that whilst we raised that issue in another place, as far the lateness of the Statement being circulated, does it not highlight the fact that ordinary Members outside of the Council of Ministers have no timescale in order to look at that Statement in detail because it is done the night before; that it just underlines the problem that we have in this Hon. House and another place, the lack of parliamentary scrutiny, because the information is not there for Hon. Members to see it in time to assess its value? Would he not agree that statements like this should be placed in future with at least seven days' notice to Hon. Members?

265 **The Speaker:** Chief Minister.

The Chief Minister: Mr Speaker, we hear the same old story about parliamentary scrutiny.

270 I can only repeat, yet again, that the contents of this Statement were simply a headline list of priorities that Government is setting for the next 12 months. There will be a more detailed document coming forward shortly. There will an opportunity to debate in Tynwald the document itself, I think, and certainly the specific elements of it. There will be plenty of time in sessions away from the Tynwald Chamber to scrutinise and to have input into. I do not know what more I can do.

275 **The Speaker:** Further supplementary, Mr Karran.

280 **Mr Karran:** Can the Ard-shirveishagh not agree that the fact is he made great play on this Statement as far as the media and the general public are concerned? Does he not feel once again that the situation is that the parliament is not actually scrutinising the executive's actions when it only gets an on the hoof, on the day, the most important Statement of the parliamentary session?

The Speaker: I think it is the same question in another form. Chief Minister.

285 **The Chief Minister:** It is the same question in another form, Mr Speaker and I have answered it.

The Speaker: I will take a last supplementary from Mr Hall.

Mr Hall: Thank you, Mr Speaker.

290 Does the Chief Minister not believe that, given more than 20% of the life of this House has already passed, it seems he and the Council of Ministers have been somewhat slow out of the blocks on delivering any programme or priorities of Government?

295 I note that the Northern Ireland executive produced a comprehensive 58-page national programme for government, following their elections in May 2011 to the Assembly, which detailed 82 specific commitments to cover their life – this just a few weeks after the election. So does the Chief Minister think that we can learn from such an example, and does he believe that such a step could be realised in the Isle of Man?

The Speaker: Minister.

300 **The Chief Minister:** As a new Member to this Hon. Chamber, Mr Speaker, perhaps the Hon. Member has not appreciated that Northern Ireland has party politics and therefore there is an already established agenda (*Interjection Mr Karran*) in Northern Ireland which can be implemented very quickly.

305 The Isle of Man, as he will learn in time, operates on the basis of consensus. That has exactly informed the Statement which we have released now.

I would also emphasise, once again, that a huge amount of work has gone on in all Departments in developing new priorities, reviewing old ones and setting the course for the next four years. I think it is absolutely the right way forward and I thank all Members who have taken the time to actually engage in that process.

310

TREASURY

315

Pinewood Shepperton board Treasury representation

1.3 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

320 *Whether the 9.89% shareholding in Pinewood Shepperton guarantees the Treasury representation on the board of Pinewood Shepperton?*

The Speaker: Question 3, Hon. Member for Douglas South, Mrs Beecroft.

325 **Mrs Beecroft:** Thank you, Mr Speaker.
I ask the Question standing in my name,

The Speaker: I call on the Minister for the Treasury, Mr Teare to reply.

330 **The Minister for the Treasury (Mr Teare):** Thank you, Mr Speaker.

The 9.89% shareholding in Pinewood Shepperton does not guarantee the Treasury representation on the Board of Pinewood Shepperton. The appointment of directors rests with the board of Pinewood Shepperton.

335 **The Speaker:** Supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

340 Would the Minister not agree that he gave the impression that the original shareholding guaranteed us such a position via Mr Christian? Could he explain why the situation has changed, why Peel Holdings reneged on their original deal and why he has accepted this deal now, if we do not have sufficient representation to protect our interests?

The Speaker: Minister to reply.

345 **The Minister:** I am confident, Mr Speaker, that in my presentation to Tynwald Court in June, I made it abundantly clear that we have no automatic right of representation on the board of Pinewood Shepperton plc. So there has been no change, no change whatsoever, and I take exception with her comment that Peel Holdings has reneged. (**Several Members:** Hear, hear.) They have been absolutely honourable, straightforward and there have been no problems at all. So I would ask her to retract that statement.

350

Several Members: Hear, hear.

The Speaker: Mrs Beecroft.

355

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister not recognise that I made that statement in respect of what he said, that Peel Holdings had changed their minds?

360

The Chief Minister: That is not reneging.

A Member: That is different.

Mrs Beecroft: What is the difference?

365

The Speaker: Minister to reply.

The Minister: A point of order, Mr Speaker.

370

They have not reneged. Change... as part of the negotiating process, we moved forward to a mutually acceptable conclusion which we have achieved here and might I say, a highly successful conclusion from our point of view, a win-win situation and they have *not* reneged.

The Speaker: Mr Karran.

375

Mr Karran: Vainstyr Loayryeder, would this not once again highlight promises made in the parliamentary assembly of this House, and promises broken as far as what was given as far as that is concerned?

The Chief Minister: Absolute nonsense!

380

Mr Karran: Does the Shirveishagh Tashtee not agree that the fact is he has changed the whole concept of what originally we were told, with no detail as far as the proposal, and now we find we do not have an automatic right for the massive amount of public money that has been put into this development?

385

The Speaker: We are widening out the material here, Hon. Members, and I will not have it, but Minister to reply.

The Minister: Thank you for your guidance, Mr Speaker.

390

We have not changed the whole concept. The whole concept was that Pinewood Shepperton, through a subsidiary company, would in effect manage the Media Development Fund and that Isle of Man Government would take a shareholding in Pinewood Shepperton plc. There is no difference. The basic broad concept is still there.

395

The Speaker: I will take a final supplementary, Mrs Beecroft.

The Minister: So promises made –

The Speaker: I beg your pardon, Minister.

400

The Minister: ‘Promises made and promises broken’ is totally incorrect. (*Interjection Mr Karran*)

The Speaker: Finally, Mrs Beecroft.

405

Mrs Beecroft: Thank you, Mr Speaker. (*Interjection Mr Karran*)

The Chief Minister: They believe what they are told by you!

410

Mrs Beecroft: Could the Treasury Minister then explain how our current shareholding in Pinewood Shepperton affects the Pinewood Film Advisors, which is now I understand, and I could be incorrect, looking after our Media Development Fund?

The Speaker: Minister.

415 **The Minister:** Pinewood Film Advisors are the Investment Managers for the Media Development Fund. There has been no change in that proposal, which was originally placed before another place in June.

420

**Pinewood Shepperton board
Selection of Mr Christian as director**

1.4 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

425 *What process Treasury adopted in the selection of Mr Christian to represent the Treasury as a board director of Pinewood Shepperton?*

The Speaker: Question 4, Mrs Beecroft.

430

Mrs Beecroft: Thank you, Mr Speaker.
I ask the Question standing in my name.

The Speaker: Again, Mr Teare, Treasury Minister.

435

The Minister for the Treasury (Mr Teare): Mr Speaker, if I could respectfully refer the Hon. Member back to my previous Answer, Treasury did *not* select Mr Christian to join the board of Pinewood Shepperton plc. This decision was made by the existing board members.

440

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

Mr Singer: Thank you, Mr Speaker.

445 Would the Hon. Treasury Minister agree that Mr Christian is by far the most qualified and experienced person to represent the Treasury anyway as a board director at Shepperton, because the Isle of Man film industry would not have progressed over the last 10 to 15 years so successfully without his work and input, thus enhancing our reputation; that he is a person who has the respect and confidence of UK filmmakers, particularly in the independent sector; that, in fact, he has entry to any studio in the UK and Hollywood, which all now know where the Isle of Man is; and therefore, does he not agree that Mr Christian will be able to promote the case for the Isle of Man at Pinewood from a position of knowledge, experience and dealing with the film industry worldwide?

450

A Member: Hear, hear.

The Speaker: Mr Teare.

455

The Minister: I thank the hon. gentleman for his comments.

460 Indeed, Mr Christian is very well qualified and has gained considerable experience over 15 years and this is acknowledged by the decision by Pinewood Shepperton plc to ask him to join the Board. It also enables Pinewood Shepperton, as I have said in another place, to extend their operations into the independent film market and it broadens the offering of Pinewood and also helps the Isle of Man to develop its film industry in partnership with a well-known and prestigious name.

465

The Speaker: A final supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

470 Would the Treasury Minister acknowledge that he said that the Media Development Fund was going over to Pinewood Shepperton and that core staff at CineManx were going as well to give continuity? Now if we have no input into what Mr Christian says, now he is a board director, surely his first obligation is to that board and not to the Manx taxpayer – his first *legal* obligation?

The Speaker: Mr Teare.

475 **The Minister:** I have made it clear in another place, I would say *ad nauseam*, Mr Speaker, that a director's responsibility is to the board only.

If I could just refresh the Hon. Member's memory: in a legal case, *Salomon v A Salomon & Co. Ltd*, in 1897, which went to the Court of Appeal, the principle of a legal personality for a limited company was confirmed, established and upheld in that Court. So we have to draw the line between a director and the shareholders. The director's responsibility is towards the company.

480

**Pinewood Shepperton board
Government consent to remove a director**

485

1.5 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

490 *Whether Mr Christian can be dismissed from his position with Pinewood Shepperton or removed from the board of directors without the consent of the Isle of Man Government or Treasury?*

The Speaker: Question 5, Mrs Beecroft.

495 **Mrs Beecroft:** Thank you, Mr Speaker.
I ask the Question standing in my name.

The Speaker: Minister to reply.

500 **The Minister for the Treasury (Mr Teare):** Mr Speaker, the board of Pinewood Shepperton plc is responsible for any changes to directorships. Neither the Isle of Man Government nor the Treasury have any role in these decisions, sir.

The Speaker: Supplementary, Mrs Beecroft.

505 **Mrs Beecroft:** Thank you, Mr Speaker.
Could the Minister then clarify that we have got absolutely no control over what is happening? Given the large amount of money, some £37 million, that is being sent over there, what comfort can he take?

510 **The Speaker:** Minister.

The Minister: Mr Speaker, we have to nail these lies and rumours that are issuing –

515 **Mr Karran:** What lies?

Mrs Beecroft: Lies?

Mr Karran: What lies?

520 **The Minister:** If you give me a moment, Hon. Member, I will spell it out to you in chapter and verse.

The Hon. Member who has just resumed her seat said £37 million has been sent over to Pinewood Shepperton. That is a lie and I ask her to retract it now on the basis that –

525 **The Speaker:** Hon. Member, please resume your seat.

I cannot permit unparliamentary language (**Mrs Cannell:** Hear, hear.) and I ask you to withdraw that particular word you have used.

530 **The Minister:** I do so, Hon. Mr Speaker, but if I could just point out, that money has not been sent over to Pinewood Shepperton. An investment has been made in Pinewood Shepperton shares of £12.2 million. On top of that the Media Development Fund is managed by Pinewood Shepperton and it has been made abundantly clear that that money has not been passed over to Pinewood Shepperton, that we are responsible for the final decision when an investment is made in a film or not. The money rests with Treasury.

535 So, get back to the original statement, the money has *not* been paid over to Pinewood Shepperton, as the Hon. Member alleged. So I would say that that allegation was totally unfounded, sir.

540 **Several Members:** Hear, hear.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

545 Will the Treasury Minister accept that I have been very quiet throughout all of the questions and deliberations in respect of the investment of public money in this area? But will he also accept from me today that the reason why he is being hit with so many questions and there is so much misinformation, as he is suggesting, is because the Council of Ministers, the Government, has failed to give us the details, as Hon. Members, of what really is going on here and has failed to give the public the detail?

550 Will the Minister also accept that the longer that situation prevails, the harder hit he is going to become in this place and another, along with the Chief Minister, because Members, will he accept, will not sit back and let millions of pounds of public money be put into an investment, unless they are wholly satisfied that they have all the detail to know that it is a good thing for the Isle of Man and that it will do well?

555 **A Member:** Questions!

Mrs Cannell: Will the Minister further agree that merely hearing he and the Chief Minister say it is a good deal is not enough? We need more.

560 **The Speaker:** I would ask Hon. Members not to dress up their supplementary questions as speeches.

Minister for the Treasury to reply.

565 **The Minister:** Thank you, Mr Speaker, for your caution on brevity.

I feel that we have given details to Hon. Members in considerable depth, both during the debate in another place in June and also there were briefings given to Tynwald Members. There was also an ability for Tynwald Members to come and discuss the proposition with myself and the Chief Minister, either independently or together, and we have spent a considerable amount of time explaining the detail.

570 I do not believe that we have failed to explain the details in any depth. Far from it, sir.

The Speaker: Chief Minister, supplementary question.

575 **The Chief Minister:** Yes, just a small point building up on that, Mr Speaker. Could the Hon. Minister just remind Hon. Members that a full and very frank debate took place in another place (**A Member:** Hear, hear.) on this issue, which explained in great detail the workings of the proposal, and that proposal was voted in favour, and strongly in favour, by Members of Tynwald at that time. It has had a full, frank, public exposure and it has been fully supported by Members of Tynwald. It is not something that Treasury itself is forcing through.

580 **The Speaker:** Mr Teare.

The Minister: I thank the Hon. Chief Minister for his comments, but it was fully debated and the debate was further advised by an Oxford Economics report, and additionally to that there was a policy document –

Mr Karran: And you paid for it.

590 **The Minister:** – debated as well. So, I feel that it was very open and transparent. In fact, some Hon. Members were suggesting to Treasury that Treasury use its *vires* under the Treasury Act 2001 to make the investment without referring to another place, and I made the decision that we would go to Tynwald and get formal Tynwald approval.

595 **Mrs Cannell:** Yes, get the protection of Tynwald – very wisely.

The Chief Minister: You voted for it.

The Speaker: Final supplementary, Mr Henderson.

600 **Mr Henderson:** Thank you, Vainstyr Loayreyder.

Would the Treasury Minister agree that, in the whole of this matter, Treasury could not be more transparent if they tried, and if they were any further transparent the commerciality of the whole situation would break down, and that the placing of these mischievous and scurrilous comments that we have heard this morning in fact is doing little, but only to damage the Island's reputation on something that might actually turn out to be quite good for us?

605 **Mrs Cannell:** Might? We need more than might.

610 **The Speaker:** Minister to reply.

The Minister: I feel that the Hon. Member who has just resumed his seat is quite correct. (**Mr Karran:** Treasury Member.) We have been open, we have been transparent, we have dealt with all the issues that have come up; there was a wide-ranging debate in another place. He is perfectly correct: we are attempting to generate business opportunities for the Island, and the constant criticism and, in fact, misinformation – deliberate misinformation, in some places – does nothing to help our efforts to broaden the Island's economy.

620 **Pinewood Shepperton**
Dividend policy

1.6 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

625 *What the dividend policy is of Pinewood Shepperton; and when it last declared a dividend?*

The Speaker: We have already strayed from what is on the Order Paper on Question 5. I am going to Question 6. Mrs Beecroft, please.

630 **Mrs Beecroft:** Thank you, Mr Speaker.
I ask the Question standing in my name.

The Speaker: Minister for the Treasury.

635 **The Minister for the Treasury (Mr Teare):** Thank you, Mr Speaker.

The dividend policy of Pinewood Shepperton is progressive and the last dividend paid was a final dividend of 2.5p per share for 2010, which was paid on 10th June 2011 and accounted for in 2011.

640 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Mr Speaker, can the Treasury Minister inform the House whether the dividend policy will be changing, now it is an AIM-listed company? Does that make any difference and is he satisfied that we have sufficient wherewithal, as a minority shareholder to have any influence on that policy, of whether dividends are paid, regardless of how much profit is made?

645 **The Speaker:** Minister to reply.

The Minister: The Hon. Member will be well aware that there is no difference between the dividend policy of an AIM listed company as declared and a Main Market listed company – that is of very little relevance in this instance. Shareholders have to vote on a company's dividend at the annual general meeting – all shareholders can do that, whether they have a majority shareholding or a very small shareholding. That is the duty of the shareholders to vote and give their opinion to the directors at the meeting whether the dividend is appropriate or not.

655 But in the placing which was made some three months ago by Pinewood Shepperton, they did once again reiterate that they would have a progressive dividend policy.

INFRASTRUCTURE

**Planning applications
Policy re officers' communications**

660

1.7 The Hon. Member for Michael (Mr Cannan) to ask the Minister for Infrastructure:

665 *What guidance is given to his officers in respect of verbal or written communication that is requested or provided by or to parties engaged in planning applications?*

The Speaker: We turn to Question 7. Hon. Member for Michael, Mr Cannan.

670 **Mr Cannan:** Thank you, Mr Speaker.
I ask the Question standing in my name.

The Speaker: I call on the Minister for Infrastructure, Hon. Member for Douglas South, Mr Cretney.

675 **The Minister for Infrastructure (Mr Cretney):** Mr Speaker, the Hon. Member for Michael's Question seeks confirmation of what I ask or expect of officers in relation to communication with any parties on the subject of planning applications.

680 I am pleased to confirm what I not only expect, but what I also understand to be the case, is that officers freely and willingly aid and advise applicants and other parties in their understanding of the application process at all stages, including situations where applications have recently been refused. In recent months, officers have sought to devote more resources to pre-application dialogue, following the recent changes to the Permitted Development rights for householders.

685 Planning officers give pre-application advice to all parties upon request from a potential applicant. They advise: on the need for planning approval or not, as the case may be; what the relevant Government policies are; how the application would be assessed in terms of the relevant policies; and what constraints on the site, including whether the site lies within a conservation area, whether the area is liable to flooding and other statutory designations. They also provide details of suggested contacts in other Government Departments, and what information needs to be submitted along with the application.

690 Officers in the Planning and Building Control Directorate work closely with officers in the Highway Division and also with officers in DEFA and the Department of Social Care and, where appropriate, a joint response is provided.

695 Applicants should, however, be aware that the planning officer's role is to advise on development schemes. It is not their role to prepare the application on the applicant's behalf. Applicants are advised to consider employing appropriate professional and technical expertise in preparing their schemes. Planning officers will attend site visits, where they feel this will aid discussions, but they are also conscious that it is sometimes more beneficial and efficient to discuss a proposal in an office, where plans and data are more readily available or when a number of different officers need to be involved.

700 All pre-application advice given at the current time is free of charge, whereas in other jurisdictions, local authorities charge a substantial fee for this service. The current approach of being helpful and actively encouraging pre-application advice is seen to be a means to encourage applicants to explore their ideas, resolve issues and add value and improvement to submissions, where the option is open to us to do so. The earlier an applicant seeks advice, the more chance that officers have of influencing the proposal, so that it meets policy and stands a better chance of approval.

705 Theoretically, the ability to provide pre-application advice will depend on their being adequate resources available. In reality, officers see it as part of the process and time given earlier in the process will help avoid wasted time and money at a later date, by both Government officers and applicants. There are sometimes instances where there are staff shortages or other workload commitments, where officers have indicated that they are happy to advise but that it may take a little while to provide a response. I would ask developers and members of the public to be understanding in this respect.

710 Of course many applications are submitted where no advice has previously been sought. In some instances, there may be some or all elements of the proposal that are unacceptable or inappropriate. In such circumstances, officers will be professional in their approach and seek amendments to an application, if they feel such an amendment would overcome a reason for

720 refusal, but only relatively minor events can be made during the process of an application, once submitted. If an application needs to be substantially amended, the application ought to be resubmitted so that the necessary consultations and advertising can begin afresh.

As Hon. Members may be aware, officers aim to deal with an application within eight weeks and it is not appropriate to return to the design stage whilst the application is live within the system. This only provides for uncertainty for members of the public and can be a potential for legal challenge.

725 Applicants must appreciate that pre-application advice can only guide an applicant as to what policies and what considerations will be taken into account. Where possible, officers give a view as to whether an application may or may not be likely to be acceptable. However, this advice should be accepted with caution. An applicant cannot rely on such advice as pre-judging either the decision of the Planning Committee, Council of Ministers or my final decision as Minister, which will take into account all representation and consultation responses received.

730 Professional advice is given impartially by officers to objectors and applicants alike, in line with the relevant professional standards, for example, the Royal Town Planning Institute's Code of Professional Conduct.

735 In addition to the advice provided by officers, a series of advice notes has recently been approved by the Department Member for Planning, Mr Quayle, Member of the House of Keys, which are intended to help explain the planning process and how to be involved within it. These advice notes are not intended to replace the individual advice of officers, but to aid further clarity on the planning system. Copies are available on the Department's website and I will arrange to have these circulated to Hon. Members by e-mail later today.

740 **The Speaker:** Mr Cannan, a supplementary.

Mr Cannan: Thank you, Mr Speaker, and I thank the Minister for his Answer, which was as clear as current planning law.

745 Will the Minister agree with me that it is not within the remit of his officers to challenge the findings of planning inspectors in support of third-party planning applications? Neither should his officers seek to prejudge the merits or otherwise of a planning application and his officers must strictly advise on matters of policy, standards and fact alone, and not get drawn into long-winded arguments to help and assist applicants in terms of getting their application through?

750 **The Speaker:** Minister to reply.

755 **The Minister:** When land is designated for a purpose, if there was a clear presumption in favour of development, Mr Speaker, as such I would have thought that it would be the right thing to do for officers to aid and assist in that process, in order that the Island gets the right thing on the right site.

The Speaker: Mr Cannan.

760 **Mr Cannan:** Thank you.

Will the Minister agree with me that planning is a very sensitive issue and that his officers must act carefully and with consideration, when giving advice on planning matters?

765 **The Speaker:** Minister.

The Minister: Yes, I am happy to confirm that I agree with that statement.

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

770 **Mr Quirk:** Thank you, Mr Speaker.

Could I ask the Minister, when he says his officers take into account other Departments, when there, is a conflict in policy between your Department and, say, the Department of Social Care, which policy is prominent?

775 **The Speaker:** Minister.

The Minister: I wonder about when such incidents would arise. Perhaps in terms of local authority housing or something? I am not exactly sure when that situation may arise.

780 However, as in all things, in terms of ‘joined-up Government’, there would be a discussion. If there still remained a disagreement, then that would be resolved at the Council of Ministers.

The Speaker: Thank you, Hon. Members. That brings us to the end of Questions for Oral Answer.

785 There are 18 Questions for Written Answer and the replies will be distributed.

Questions for Written Answer

790

CHIEF MINISTER

Review into Scope and Structure of Government Cost of engaging review team

795

2.1 The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

How much it cost to engage the Structure and Scope Review team in 2006 and 2012?

800

Answer: The direct costs (total fees and expenses) relating to the engagement of the team which reported on the Scope of Government in the Isle of Man in 2006 and 2012, were as follows:

	£
2006	83,713.36
2012	10,369.76

805

Attorney General’s Chambers Staff salaries

810

2.2 The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

815 *If he will provide a breakdown on the salaries paid to staff in the Chambers of the Attorney General?*

Answer: A breakdown in respect of salaries paid, within generic bands, is set out below:

Band Within Which Pay Falls	No. of Staff	
	Managerial, Administrative, Secretarial & Support Staff	Legal Staff
£ 0 – £ 24,999	8	–
£25,000 – £ 49,999	7	–
£50,000 – £ 74,999	1	15
£75,000 – £ 99,999	–	4
£100,000 – £124,999	–	4
£125,000 – £149,999	–	–
£150,000 – £174,999	–	1

820

Note: This table: (i) for the purpose of completeness includes reference to:
(a) all members of the staff of Chambers, who are civil servants; and
(b) H M Attorney General, who is a Crown appointee;
(ii) is compiled on the basis of current basic pay, as at October 2012.

825

TREASURY

830 **Media Development Fund**
Films made under CinemaNX management

2.3 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

835 *If he will list the films made when the Media Development Fund was under the management of CinemaNX with the:*

- (a) name of the film;
- (b) original budget;
- (c) actual cost;
- 840 (d) names of the co-funding parties to each film if any and their actual contribution to the budget recoupment;
- (e) net gain or loss; and
- (f) breakdown of the recoupment figure in respect of each film?

845 **Answer:** In response to parts (a) to (c) of the Hon. Member’s Question, below is a list of the films produced under the management of CinemaNX and the amount of investment by the Treasury:

	USD	EUR	GBP
Wild Target			2,825,847
Bunch of Amateurs			2,912,000
Me and Orson Welles	4,400,000		9,550,000
The Cottage			2,583
Mutant Chronicles			415,022
Heartless			1,415,000
The Disappearance of Alice Creed			850,000
Albatross			1,925,000
Chico and Rita		4,425,000	
TT3D			2,761,409
The Decoy Bride			2,199,718
Charge!	113,543,		
The Shadow Line			1,600,000
Ashes			1,490,270
Honour			1,413,000
Welcome to England			173,273
Belle			3,403,561
The Knot			300,000
Dom Hemmingway			1,000,000

850 Every film is governed by an investment finance agreement and where it is co-financed, there will be an inter-party agreement. Invariably, these agreements contain provisions that allow details of budget, investment and recoupment to remain confidential. As such, confidentiality has to be adhered to.

855 However, the need for confidentiality is not designed to thwart accountability or transparency, but instead exists to protect the commercial interests of the film and the parties invested. If I may give an example, buyers will often attempt to set prices they will pay for individual territories based on a film’s budget, rather than its merits; therefore, exact budget figures are rarely put into the market place. Another example of why it is prudent to respect commercial confidentiality relates to perception of buyers relative to a film’s sales to date. Buyers will often seek to make lower offers if they perceive that the seller has to engage in a forced or ‘fire’ sale. Therefore, the recoupment on individual titles is often best kept commercially confidential.

860 As to profit or loss, there are two fundamental issues. Firstly, the film cycle is a lengthy one. Therefore, if we take the two films that are currently in production – *Belle* and *Dom Hemmingway* – all of the investment has been made and no revenue will arise until the film goes into the market place. This process may take a year, and very often longer.

865 Secondly, investment in film is long term with our agreements usually giving us rights to revenue for at least 25 years. Therefore it becomes very difficult to be prescriptive about profit or loss. We do, however, like most other film investors, take a slate approach, whereby investments are considered in aggregate rather than individually. Again, we are simply following a traditional

870 format that already exists in the industry and which allows us to report on an audited MDF
statement annually. Such fund statements are placed before Tynwald Court annually.

Whether or not the Hon. Member agrees with the above approach, it is inevitable that if
Government is going to enter into commercial arrangements, as it must, then a degree of
commercial confidentiality will govern such activity.

875

**Peel Holdings
Meetings with Treasury Minister**

880 2.4 The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

*How many times his predecessors met with Mr Whittaker and Peel Holdings during the past
four years; and if he will list the dates, attendees, venue and matters discussed at each
meeting?*

885

Answer: During the last four years my predecessors met with Mr Whittaker and Peel Holdings
on four occasions. The first meeting was on 5th March 2009 in Manchester when Hon. A R Bell
and a Government official were present.

890 On 28th April 2009 the then Chief Minister, Hon. A Brown, Hon. D Cretney as Minister for
the Department of Trade and Industry and three Government officials met Mr Whittaker at
Billown.

On 27th September 2010, Hon. A Craine met Mr Whittaker at Billown.

The subjects discussed centred on the film industry, although other matters of a general
economic nature were touched upon.

895

**Third sector provision
Allocation in forthcoming Budget**

900

2.5 The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

*To what extent he expects to change the absolute amount, and the proportion, of Government
expenditure allocated to third sector provision and organisations in (a) the forthcoming
Budget and (b) in coming years; what discussions there have been between Departments and
the third sector in respect of reduction of funding in his forthcoming Budget; and whether
Treasury has any framework or model to assess the relative efficiency of third sector versus
Government provision, and to assess what the real impact will be of any changes in grants or
contracts?*

910

Answer: Treasury and Council of Ministers are currently in the process of reviewing three-
year budget allocations with the purpose of understanding implications in a number of areas.
Ultimately though, the allocation of Departmental budgets will be the responsibility of the
Ministers concerned and I am therefore not aware of the impact this may have on third sector
organisations, either in 2013-14 or in the longer term.

915

Similarly, I am not party to discussions between Departments and individual third sector
bodies, which may or may not have taken place.

Finally, there is no one-size-fits-all model for determining the relative efficiency of third sector
provision against direct Government provision, as this depends substantially on the nature and
method of service delivery in individual circumstances. In respect of the real impact, I can reassure
the Hon. Member that in the review of budget allocations, Council of Ministers and Treasury are
seeking to understand and mitigate the impact of budget changes on vulnerable groups in keeping
with the stated commitment of Government to protect the vulnerable whilst rebalancing the
budget.

925

Pinewood Shepperton
Meetings held re share purchase decision

930

2.6 The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

Further to his Written Answer in respect of Question 22 at October 2012 Tynwald, how many times (a) he; (b) his officers have (i) met; and (ii) corresponded with

935

(i) PricewaterhouseCoopers;

(ii) Maitland; and

(iii) Olswang;

and if he will list the dates, attendees, venue, cost to the public purse and minutes of each meeting?

940

Answer: (a)(i) I have attended one meeting with PricewaterhouseCoopers on 18th July 2012 in the presence of the Financial Controller to discuss the findings of their report to the Treasury. The meeting took place in the Treasury and lasted approximately one hour. I do not intend to publish the notes taken at this meeting, as they are confidential and market sensitive.

945

The overall cost of the report provided by PricewaterhouseCoopers was £11,200 (plus VAT).

I have not corresponded with PricewaterhouseCoopers in respect of this matter in any other way.

(ii) I have not attended any meetings with Maitland. I have not corresponded with Maitland in any other way.

950

(iii) I have not attended any meetings with Olswang. I have not corresponded with Olswang in any other way.

(b) Extensive contact with PricewaterhouseCoopers, Maitland and Olswang has taken place since June 2012. It has primarily been via email and telephone and it would be an exhaustive exercise and an inappropriate use of time and resources to extrapolate accurate data on every correspondence.

955

INFRASTRUCTURE

960

Local authorities
Breakdown of payments

2.7 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

965

How much was spent on (i) revenue provision for capital financing; (ii) wages, benefits and pension fund contributions for all local authority management and staff; and (iii) allowances and other benefits to Commissioners and Councillors and what proportion each represents of rates which were collected, broken down by each of the Island's 24 local authorities, for financial year 2011-12?

970

Answer: The information requested by the Hon. Member for Onchan can be obtained from each local authority's 2011-2012 set of audited accounts. To date, the Department has received only a few completed audited accounts for the year ending 31st March 2012 from the Public Auditors, and expects to receive a significant proportion over the coming couple of months.

975

Extracts of the Authorities accounts (i.e. income and expenditure account, and balance sheet) will be provided for all Members via the Department's annual report entitled 'Report of the Public Auditors on the Accounts of Local Authorities, Burial Authorities, Elderly Persons' Housing Committees and Joint Boards', which is required to be laid before the February/March 2013 sitting of Tynwald. The Department is responsible for laying local authority audited accounts before Tynwald each year under section 16(a) of the Audit Act 2006.

980

As such, the Hon. Member will obtain a more detailed and complete view of the information he is looking for, upon circulation of the Department's Report in February/March 2013, by which time a significant number of accounts will have been received. Furthermore, a copy of the full sets of accounts listed in the report will be provided to the Tynwald Library in February/March 2013, where they can be perused by the Hon. Member, should he wish to do so.

985

**Isle of Man Steam Packet Company Ltd
Meetings to discuss User Agreement**

990

2.8 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

995 *What is on the agenda for the meeting between the Department and the Steam Packet Company scheduled for 5th November 2012; what was, and will be, on the agendas of the tripartite meetings which include the owner of Heysham and Liverpool ports; what authority, if any, Government has to vary in any way the Steam Packet User Agreement, or its interpretation, without Tynwald assent; and in respect of the User Agreement, whether his Department will come back to Tynwald for a decision in each of the following instances; (a) exercise an option to extend it; (b) assignment of it, or use of any other mechanism to substitute one or other of the parties; and (c) alteration of the harbour arrangements at either end of the Island's ferry routes?*

1000

1005 **Answer:** The liaison meeting scheduled for 5th November 2012 is one of the biannual liaison meetings involving the Department and the board of the Isle of Man Steam Packet Company. A draft agenda is presently under discussion between the Department and the Company. It will be placed on the Department's website as soon as practicable.

1010 With respect to 'tripartite' meetings, there has only been one such meeting between senior officers of the Department, the Isle of Man Steam Packet Company and Peel Ports. This was held in Douglas on 21st June 2012 and was arranged by the Department. There was no agenda for the meeting except that its purpose was to explore and better understand the current operations of all parties and likely developments in Heysham and Liverpool and how they may affect the operations of the Steam Packet Company and services to the Island. In particular, the potential to improve the Steam Packet's current Pier Head facilities at Liverpool and also for their ships to operate from a potential new in-river berth were discussed. Although there are no plans to hold any further tripartite meetings, all agreed that they should be arranged as and when required.

1015

1020 With respect to the User Agreement, it is a contract between the Isle of Man Steam Packet Company and the Department and as such can only be varied with the agreement of both parties. Before entering into the Agreement in 1995, and when it was amended in 2004, the Department proceeded with approval from Tynwald. Tynwald approval would be sought in advance of any material amendments to the Agreement being completed. As the Agreement has been in force since September 1995 there are currently few matters upon which interpretation is required. Those matters, which do occasionally arise, may occur at various levels and are dealt with by experienced and knowledgeable officers with or without specialist advice, e.g. legal advice, as necessary. The need to seek Tynwald approval for an interpretation that is of a material nature (if any) is a matter that the Department would consider on a case-by-case basis.

1025

1030 With respect to specific Tynwald approvals as mentioned above, Tynwald approval will be sought should a further extension of the period of its operation be sought. Under the terms of the User Agreement the Agreement is between the Department and the Company and may not be assigned at law or in equity without the prior written consent of the other party. Again, with such a fundamental change to the User Agreement, the Department would expect to obtain Tynwald approval. Provided that the alteration of harbour arrangements in the UK and Ireland is within the port ranges specified by the Agreement and of the standard required, the Company is free to make those changes without approval from the Department. If the changes were such that the new ports to be used were outside of the port ranges specified in the Agreement, the Agreement would either be determined or it would need to be formally amended and, as mentioned above, the Department would expect to seek an appropriate Tynwald approval before agreeing to such a material change.

1035

1040

**Local authorities
Land and buildings registration**

1045 2.9 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

Which local authorities have not registered their land and buildings with the Land Registry, and why not; whether absence of registration would be an impediment to any restructuring of local authorities; and how much he estimates it would cost, and how long it would take, for

1050 *each local authority to establish what real property it owns so that it could be transferred to another legal entity?*

Answer: With regard to the first part of the Hon Member's Question, I can advise that I answered a similar Question at the House of Keys sitting on the 27th March 2012 concerning the registration of land with the Land Registry.

1055 Whilst the Question put to me in March concerned the registration of land and property in Onchan, Douglas, and Braddan, my answer is still relevant for all other local authority owned land and buildings in that the Department does not hold detailed information on any local authority land or property (apart from those transactions which require Department approval under section 25 of the Local Government Act 1985, i.e. acquisition and disposal of land). This information is held
1060 specifically by local authorities and requires substantial research to be carried out into each transaction and, as such, the Hon. Member would best be advised to contact the local authorities separately.

Additionally, it must be noted that land registration only became compulsory in stages (see details below) and therefore some transactions may or may not have been registered.

- 1065
- Bride, Andreas, Jurby and Ballaugh on 1st May 2002
 - Maughold, Lezayre, Michael, German, Patrick on 1st May 2003
 - Lonan, Marown, Santon, Malew, Arbory and Rushen on 1st September 2005
 - Onchan and Braddan on 1st December 2009

1070 With regard to the Hon. Member's query concerning the absence of registration, the answer is that this would be unlikely to cause an impediment, although this would depend on the direction of any possible restructuring. However, it must be clarified that the Department's review is ongoing with regard to the possible modernisation of the structure of Local Government and as of yet, no outcome has been determined.

1075 With regard to the second part of the Hon. Member for Onchan's Question, local authorities are required to keep asset registers as part of their compliance with audit regulations and this register should include details of land and buildings owned by the authority.

1080

**Local authorities
Financial status**

2.10 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1085 *What the approximate value is of—*
(a) capital financing or borrowing for each of (i) housing; and (ii) other rate borne borrowing, and what proportion of the debt is (A) an Isle of Man Bank loan; and (B) repayable in more than five years;
(b) Pension Fund liability;
1090 *(c) general revenue balance;*
(d) revaluation reserve;
(e) local authority dwellings;
(f) land and buildings;
(g) other operational assets; and
1095 *(h) non-operational assets*
as at 31st March 2012, broken down by each of the Island's local authorities?

Answer: The information requested in part (a) of the Question requires a substantial search to be carried out reviewing all local authority borrowings over a considerable period of time, which cannot be done quickly. The Department of Infrastructure, in conjunction with Treasury, requires further time to be able to obtain and collate this information. It is the Department's intention to provide all Members of the House of Keys with this information as soon as it is able to do so.

1100 The information to parts (c), (d), (f), (g) and (h) of the Question can be obtained from each local authority's 2011-2012 set of accounts. As stated in answer to Written Question 7, the
1105 Department is currently in the audit period for the 2011-12 accounts, with a number of accounts nearing completion, and are expected to be signed off by the public auditors and local authorities over the next couple of months. Again, as advised in my answer to Written Question 7, extracts of these accounts (i.e. income and expenditure account and balance sheet) will be set out in the Department's report entitled 'Report of the Public Auditors on the Accounts of Local Authorities,

1110 Burial Authorities, Elderly Persons' Housing Committees and Joint Boards', which will be laid before the February/March 2013 sitting of Tynwald and will assist in answering the various parts of the Hon. Member's Question. The Department will be happy to revisit the request for information from the Hon. Member for Onchan once the audit process has been completed.

1115 In relation to part (b) of the Question, the Treasurer to the Isle of Man Local Government Superannuation Scheme has provided the following update on the funding position as at the last formal funding valuation:

1120 'The most recent actuarial valuation carried out under the Isle of Man Local Government Superannuation Scheme Regulations 2003 was as at 31st March 2010. The next valuation is due as at the 31st March 2013.

The last valuation revealed that the Fund's assets, which at 31st March 2010 were valued at £36.6 million, were sufficient to meet 74% of the liabilities which were valued at £49.4 million (i.e. the present value of promised retirement benefits) accrued up to that date. The resulting deficit at the 2010 valuation was £12.8 million. Employer contributions have been approved to attempt to address the deficit over 20 years.'

1125 Further information, if required, is publicly available on Douglas Borough Council's website.

With regard to part (e) of the Question, the Department does not hold information on the value of local authority dwellings; however, can confirm that the number of public sector housing stock is as follows for each authority:

Public Sector Stock	2011-12
Braddan	185
Castletown	258
DSC	1188
Douglas BC	2271
Onchan	394
Peel	321
Port Erin	190
Port St Mary	122
Ramsey	558
Arbory	2
Rushen	4
Malew	8
Castletown and Malew	42
Cooil Roi	34
Douglas BC	95
Marashen Crescent	137
Onchan	100
Peel and Western	91
Ramsey and Northern	144
TOTAL General	5501
TOTAL Sheltered	643
TOTAL	6144

1130

**Household waste
Weight carried per vehicle**

1135

2.11 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1140 *What weight of household waste was carried and offloaded by each refuse vehicle at every turnaround as a comparison to the maximum allowable gross weight of waste that is permitted to be carried by each vehicle in each of the past six months; and how this compares to the same period in 2010 and 2011, broken down by each local authority?*

1145 **Answer:** Fifty-three vehicles tip waste at the Energy from Waste Plant (EfW) on behalf of the local authorities; however, for the purposes of answering this Question, we have assumed that the Hon. Member is primarily asking about waste collection in refuse vehicles from people's homes (i.e. domestic waste). For this type of waste, there are currently 26 refuse collection vehicles collecting and delivering household waste to the EfW. The local authorities (and in some cases their sub-contractors) use a wide range of refuse vehicles from several manufacturers. The

1150 vehicles vary in condition, age, size and carrying capacity and for indicative purposes 9.2 tonnes could be used for a typical load carrying capacity.

The collection and tipping data runs to 300 pages and therefore it is not attached, but is available on request.

1155 It can be seen on the table below that for the period April to September 2010, 2011 and 2012, average weight delivered to the EfW has remained steady.

During these periods approximately 2,300 individual trips were made to the EfW averaging 19 loads per day to the plant (based on 123 collection days during the period). In 2012 the average tonnage tipped per day per vehicle is 7.2 tonnes. These weights contain approximately 12% commercial waste, which is collected as part of the round.

1160 In 2012 the average delivery time is 11.42 a.m. with 68% of tipping occurring before 1.00 p.m.

WOMU Customer /Local Authority	Average Delivery Weight (Tonnes) Refuse Collection Vehicles		
	2010	2011	2012
Arbory	9.3	9.0	9.4
Castletown	7.1	8.4	8.5
Douglas	6.8	6.6	6.7
German	6.8	6.2	6.2
Laxey	6.6	6.4	6.4
Lonan	7.8	7.9	8.5
Malew	7.0	6.8	6.1
Marown	5.1	5.1	5.0
Maughold	7.8	7.6	7.7
Northern Parishes	7.8	7.7	7.7
Onchan	6.9	6.8	7.3
Patrick	8.2	8.2	8.1
Peel	10.0	8.9	9.3
Port Erin	7.2	7.7	8.0
Port St Mary	6.8	6.6	6.7
Ramsey	8.2	8.8	8.6
Rushen	9.3	9.2	9.4
Santon	5	4.9	4.8
Average	7.2	7.1	7.2

1165 **Dilapidated properties
Numbers; ownership; local authorities' powers**

2.12 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1170 *How many dilapidated properties there are in each local authority area; what percentage are unoccupied; what percentage are owned by (i) landlords; (ii) owner-occupiers; (iii) housing authorities; and (iv) estates of deceased persons; which bodies already have power and resources to encourage or force their repair and improvement; how the local authorities have used their powers and resources to force repairs or improvements to be made and what assessment, if any, has been made of their effectiveness in using them; and what support to local agencies he has considered?*

1180 **Answer:** The information requested in this Question is comprehensive and requires research to be undertaken by all the local authorities. A number of authorities have requested that further time be given to enable them to provide all the information required on the percentage of dilapidated properties in their respective areas. The Department's Local Government Unit is currently liaising with all local authorities and will circulate this information to all Members as soon as practicable.

1185 To answer the latter parts of the Hon. Member's Question, there are two Acts of Tynwald that provide powers for all local authorities to take action in matters referred to as 'unsightliness'. The first is the Local Government (Miscellaneous Provisions) Act 1984 (section 14), which permits local authorities to take action by service of a notice when open land, gardens etc are in such a condition as to be injurious to the amenity of the district.

1190 The second is the Building Control Act 1991. Under section 24 of this Act, if a local authority is satisfied that a building or structure is by reason of its ruinous, dilapidated or neglected condition detrimental to the amenities of the neighbourhood, then they may serve a notice on the owner requiring the completion of stipulated works. It appears there is sometimes a reluctance by

local authorities to exercise these powers and my Department, together with DEFA, will be considering if any further powers are required to tackle this situation which can cause concern to neighbours and others whose amenity can be detrimentally affected.

1195 As a consequence of the Building Control (Amendment) Act 2011, local authorities are now able to require the demolition of certain buildings instead of requiring repairs by notice. This amendment and the pro forma notices were issued to all local authorities on 1st May 2012.

1200 Support has and still continues to be provided to local authorities when requested. For instance, a standard 'package' of model letters and formal notices were devised by the former Department of Local Government and the Environment and were issued to all of the relevant bodies in 2010, with verbal advice given where necessary. In addition to this, all local authorities were also provided with a one-day training course following issue of the written guidance. Staff from DEFA's Environmental/Public Health Unit still investigate such buildings/structures where the allegation is that they are in a dangerous condition (with the exception of those in Douglas where staff from Douglas Borough Council perform these duties). The Environmental/Public Health Unit also remains willing to assist local authorities and provide a second opinion related to all other matters, upon request.

1205 Assessments are not undertaken in terms of how effective local authorities are in using their powers as DEFA's Environmental/Public Health Unit have no means of 'policing' the enforcement of such issues by local authorities as, by definition, local authorities now only involve this Unit to request a second opinion.

HEALTH

1215

Noble's Hospital

Healthcare Commission Report recommendations

1220 2.13 The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

Which of the 72 recommendations made by the Healthcare Commission in its report on healthcare provided by Noble's Hospital, dated July 2006 have not been fully implemented; and in each case, what the reasons are?

1225 **Answer:** With regard to those recommendations attributed to Noble's Hospital, all of the recommendations have been either fully implemented or are ongoing due to the nature of the recommendation. Many of the recommendations are now undergoing further review to ensure we have the most effective and accessible service for patients, an example of this being the endoscopy service.

1230

SOCIAL CARE

1235

Children with special needs and autism

Discussions with Minister for Education re developing support

2.14 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Social Care:

1240 *What (a) discussions; and (b) correspondence he has had with the Ministers for Education in the past 12 months in relation to developing support for children with special needs and autism in schools and if he will make a statement?*

1245 **Answer:** It is the Department of Education and Children's (DEC) responsibility to determine the educational and support needs of children with special needs and autism and for children who are in the care of the Department of Social Care (DSC). The two Departments will work together to ensure that the specific needs of these vulnerable children are met.

1250 Whilst there have been no specific discussions or correspondence between myself and the Ministers for Education and Children, nor am I sure that this would be the appropriate measure for either Departments to express their singular or joint commitment to this important subject. I have asked Mr Ronan MHK to look into services provided to both children and adults with autism to

ensure we are meeting the increasing demands for services in this area.

1255 However, officers in both Departments work together closely and have been involved in various joint projects in the past 12 months to develop support for children with special needs and autism.

The aim is to provide a co-ordinated range of services to assess and meet the individual needs of children and their families who are struggling in some way. In ensuring that these needs are met through earlier intervention it is anticipated that we can create more family stability, improve the long-term outcomes for the child thus reducing the need for higher-level services in the future.

1260 Examples:

- 1265 • Jointly commissioned support for children on the autistic spectrum. The aim of this was to provide support to the young person, family, school and other environments (e.g. respite), to enable the young person to learn skills and strategies to enable him/her to better engage with his/her educational placement and so gain greater benefit from it.
- There has been a recent series of meetings between officers in the two Departments to explore future models for children with disabilities across the age range. We are in the process of carrying out a disability review, which it is hoped will be finalised in the next couple of months.
- 1270 • Prior to the opening of the new facility at the Isle of Man College, a two-year interim project has been in place between the two Departments to provide for students in the 16-18 age range who have profound difficulties.
- In addition DEC and DSC adult disabilities staff have liaised regularly to develop post-18 provision planning. The aim of this is to identify future need and improve transition.
- 1275 • Our Young People's Rights Champion has met with the SEN Adviser from Education to look at promoting and developing pupil voice to inform future services for children with disabilities.

1280 Until very recently Child and Adolescent Mental Health Services (CAMHS) was a part of this Department. Examples of working between CAMHS and DEC:

- Joint working with regard to the development of multi agency diagnosis pathways for children with autistic spectrum conditions.
- 1285 • The development and introduction of a pathway for children who are ill. This is for young people between the ages of 11 and 16 who have a diagnosis of a life restricting or a life threatening illness that requires treatment leading to a long-term or continued and prolonged absence from school. School absences could also be as a consequence of psychological or mental health difficulties. The panel consists of two members of staff from DEC and one from CAMHS.

1290

HEALTH

Waiting lists

1295

Waiting period for adult patients

2.15 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

1300 *How many adult patients have been waiting for six months or longer for a procedure; how many were waiting for six months or longer when he took office as Minister?*

Answer: Thank you for your Question regarding the waiting times for surgery for adults waiting six months or longer prior to my taking up my position with the Department of Health.

1305 Table 2.15A shows the position at the end of February 2010 and also at the end of September 2012.

As you would expect, there are increases and decreases throughout the specialties. Noticeable decreases are in the wait for ENT surgery, which we have worked hard to reduce the wait where possible.

Table 2.15A

Total Inpatients waiting six months or longer for procedure				
Division	As at end of Feb 2010	As at end of Sep 2012	Increase (Decrease)	% Difference
<u>Surgical Division</u>				
General Surgery	53	65	12	23
Urology	162	118	(44)	(27)
Breast Surgery	9	8	(1)	(11)
Colorectal Surgery	23	22	(1)	(4)
Upper Gastrointestinal Surgery	15	7	(8)	(53)
Vascular Surgery	1	12	11	1,100
ENT	373	165	(208)	(56)
Ophthalmology	22	14	(8)	(36)
Oral Surgery	11	22	11	100
Pain Management	0	12	12	
Orthopaedic Surgery	49	210	161	329
Total Surgical	718	655	(63)	(9)
<u>Women / Children's Division</u>				
Gynaecology	20	0	(20)	(100)
Total Women/Children's	20	0	(20)	(100)
<u>Medical Division</u>				
General Medicine	9	20	11	122
Total Medical	9	20	11	122
Total Inpatients	747	675	(72)	(10)

1310

The increase in orthopaedic surgery is attributable to the improvement and development of more complex surgery on the Island. For many years complex joint replacement surgery was undertaken in the UK; therefore whilst patients still waited to have their surgery they did not appear within our waiting list numbers. This applies not only to hip and knee surgery but also to shoulder surgery and foot and ankle surgery.

1315

The current challenge we have is that GPs are referring the majority of patients requiring joint replacements to one Consultant Orthopaedic Surgeon. This therefore lengthens the waiting list and distorts the problem. We encourage patients and GPs to refer to any Consultant and therefore the Consultant with the shortest waiting list will see and treat the patient.

1320

We regularly compare our data against UK Trusts to monitor the performance of our staff against the 'norm'.

Within the first eight months of this year, we have already completed as many joint replacements as a UK Trust would do within a complete year for a population of our size.

1325

One of the many challenges we have concerning those waiting over six months for surgery is the number of times patients cancel their surgery. The staff are looking at how we should restrict this flexibility for the future to ensure patients use the operating time given to them.

To ensure we fill all our operating time and achieve the high throughput we have of joint replacements, we spend a vast amount of administration time in making sure we always have a 'reserve' patient. This is a system which should only be used in extreme circumstances and not taken as normal process.

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Abiraterone NHS availability

2.16 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

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Whether the drug Abiraterone is available on the NHS for treating patients with terminal prostate cancer?

Answer: Abiraterone for use in some forms of prostate cancer has been approved by the UK National Institute for Health and Clinical Excellence (NICE) in June of this year (2012).

1345 English NHS Trusts have a statutory duty to comply with NICE recommendations within three months of the publication date of recommendations and so I would expect that the Cheshire and Merseyside Cancer Network (NHS PCT) will be starting to use Abiraterone as per NICE recommendations. Once Cheshire and Merseyside NHS adds a drug to its routinely funded lists then the Department undertakes to fund the same treatment protocol and so I anticipate the routine use, following NICE criteria, of this treatment for Isle of Man patients. If, for some reason, the
1350 Cheshire and Merseyside cancer network do not add Abiraterone to their routinely funded list, then I would support the Department's Clinical Recommendations Committee in considering each case as an individual funding request. I would anticipate approval for local funding because NICE has recommended its use.

1355

**Health service delivery
Measuring impact of budgetary cuts**

1360 2.17 The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

What indicators he intends to put in place to measure the impact on service delivery of any budgetary cuts made as part of the overall budgetary process?

1365 **Answer:** I can confirm that the Department has not made any cuts to frontline services so far and I anticipate none in the immediate future as with the support of Treasury, CoMin and Tynwald frontline health services have been protected.

This does not mean that the Department is complacent and not continually looking at ways to improve our service. The Department has been active in improving performance, efficiency and effectiveness through a number of initiatives over the past few years to ensure that our services are delivered within our budget allocation.
1370

If, however, cuts are necessary in future, I would expect to monitor the effects through our existing performance monitoring framework – for example, via audits of adherence to clinical standards, deviation from guidelines and best practice, critical incidents/PRISMS, waiting numbers and waiting times, complaints, staff retention and sickness, and listening to our staff.
1375

STANDING COMMITTEE OF TYNWALD ON EMOLUMENTS

1380

**Tynwald Membership Pension Scheme
Current liability**

1385 2.18 The Hon. Member for Onchan (Mr Hall) to ask the Chairman of the Standing Committee of Tynwald on Emoluments:

What the estimated current liability of the Tynwald Membership Pension Scheme was in respect of past service (a) as at 31st March 2012; (b) as at 31st March 2011; what, if any, is the value of any reserve which is dedicated to cover any emerging liability; how much was paid in pensions in the year ending 31st March 2012; how many pensions in payment are in each of the following bands (i) less than £10,000 per annum; (ii) £10,000 to £20,000 per annum; (iii) £20,000 to £30,000 per annum; (iv) £30,000 to £40,000 per annum; (v) £40,000 to £50,000 per annum; and (vi) more than £50,000 per annum; and how many Members have already accrued pensions which will be payable in each of the following bands (i) less than £10,000 per annum; (ii) £10,000 to £20,000 per annum; (iii) £20,000 to £30,000 per annum; (iv) £30,000 to £40,000 per annum; (v) £40,000 to £50,000 per annum; and (vi) more than £50,000 per annum?
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Answer: According to the 2012 statement prepared by the UK Government Actuary's Department at the request of the Isle of Man Treasury and published on the Treasury's website, the estimated liability of the Tynwald Membership Pension Scheme in respect of past service (a) as at 31st March 2012 was £12 million; and (b) as at 31st March 2011 was £17 million.
1400

There is no reserve dedicated to Tynwald pensions beyond the general provision of the Public Service Employee Pension Reserve.

1405 According to the Detailed Government Accounts for 2012 [GD 0014/12], expenditure on Tynwald pensions in 2011-12 was £770,582.

1410 The following table details at column 1 the number of pensioners in receipt of an annual pension from the Tynwald Scheme as at 31st March 2012; and at column 2 the number of current Tynwald Members who have accrued pensions in the relevant bands up to 31st October 2012. The sum of column 2 is 33 because the Attorney General and the Lord Bishop are not included in Tynwald pensions.

	Band	Column 1 (pensioners)	Column 2 (current Tynwald Members)
i.	Less than £10,000 per annum	22	16
ii.	£10,000 to £20,000 per annum	9	7
iii.	£20,000 to £30,000 per annum	7	5
iv.	£30,000 to £40,000 per annum	7	3
v.	£40,000 to £50,000 per annum	1	2
vi.	More than £50,000 per annum	0	0
	Total	46	33

1415

Orders of the Day

BILL FOR THIRD READING

1420

Income Tax Bill 2012 Third Reading approved

3.1 Mr Henderson to move:

1425

That the Income Tax Bill 2012 be read the third time.

The Speaker: We now turn to Item 3 on our Order Paper, Bill for Third Reading, Income Tax Bill, and I call on the Hon. Member for Douglas North, Mr Henderson.

1430

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

This Bill confirms six Temporary Taxation Orders, repeals a number of spent Income Tax Acts and provisions of Acts and makes various amendments to the Income Tax Act 1970 and one amendment to the Income Tax Act 1989.

Clause 1 provides the short title of the Act.

1435

Clause 2 confirms the six Temporary Taxation Orders. These address the repeal of the Attribution Regime for Individuals, four measures introduced as part of the 2012 Budget, and the amendment of the Assessor's information-gathering powers.

Clause 3 repeals a number of spent Income Tax Acts and provisions of Income Tax Acts in an exercise to remove dead wood from the Income Tax parts of the Island's statute book.

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Clauses 4 and 5 amend the Temporary Taxation Order provisions and move them from the Income Tax Act 1995 into the Income Tax Act 1970.

Clauses 6 to 15 form part 5 of the Bill and address amendments to the Income Tax Act 1970.

Clause 6 confirms the purpose of this part of the Bill, while clauses 7 and 9 replace a number of out-of-date references.

1445

Clause 8 repeals a now redundant section concerning clause 4 National Insurance contributions.

Clauses 10 and 11 amend the Assessor's powers to gain information. Clause 10 addresses the situation in which the whereabouts of a taxpayer under investigation is not known, while clause 11 concerns information requested under the terms of an international tax agreement.

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Clauses 12 and 13 amend two statutory information gateways between Government Departments to bring them into line with a number of other gateways.

Clause 14 inserts a cross-heading for the introduction of the Temporary Taxation Order provisions.

Clause 15 inserts schedule 3 containing savings and transitional provisions.

1455 Clause 16 amends the Income Tax Act 1989 to replace an out-of-date reference.

Clause 17, the final clause, provides for the Act to expire on the day following its promulgation.

Sir, I beg to move the Third Reading.

1460 **The Speaker:** Mr Teare.

Mr Teare: I beg to second the Third Reading of this Bill and reserve my remarks, sir.

1465 **The Speaker:** Hon. Members, I put before the House the motion that the Income Tax Bill 2012 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. May I remind you of our presentation taking place at lunchtime in the Barrool Suite by our distinguished Shetland Island visitors.

1470 The House will now stand adjourned until the next sitting, to take place at 10 o'clock on 6th November in this Chamber.

The House adjourned at 10.46 a.m.