



HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL
Y CHIARE AS FEED

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 6th November 2012

*All published Official Reports can be found on the Tynwald website
[www.tynwald.org.im/Official Papers/Hansards/](http://www.tynwald.org.im/Official%20Papers/Hansards/)Please select a year:*

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. Supplementary material subsequently made available following Questions for Oral Answer is published separately on the Tynwald website, [www.tynwald.org.im/Official Papers/Hansards/Hansard Appendix](http://www.tynwald.org.im/Official%20Papers/Hansards/Hansard%20Appendix)

Volume 130, No. 3

ISSN 1742-2264

Present:

The Speaker (Hon. S C Rodan) (Garff);
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); 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, Mr L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

Business Transacted

	<i>Page</i>
Leave of absence granted	
Questions for Oral Answer	
1.1. Media Development Fund – Balance following Pinewood share purchase	79
1.2. Media Development Fund – Fees for management and investment advice	80
1.3. Isle of Man Film – Role in film industry	83
1.4. Sudden Oak Death – Closure of plantations	83
1.5. Ash Die Back – Threat to Island trees; legislation	85
1.6. Dementia sufferers – Public awareness; care at home	88
1.7. CCTV – Review of usage	89
1.8. Sarah’s Law – Timeframe for procedures	92
1.9. Electricity consumption – Proportion imported	93
Questions for Written Answer	
2.1. Island’s finances – Provision of details to UK	96
2.2. British Superbikes event – Attendance details and cost analysis	97
2.3. Low Carbon Motor Festival; Charge film showings – Attendance details and cost analysis	97
2.4. North One event – Attendance details and cost analysis	98
2.5. Dainese 2012 press launch – Attendance details and cost analysis	99
2.6. TT 2012 organisation and planning meeting – Attendance details and cost analysis	99
2.7. Intelligent Communities Forum Summit – Attendance details and cost analysis	100
2.8. Ship visit familiarisation tour – Attendance details and cost analysis	101
2.9. North One TV meeting – Attendance details and cost analysis	101
2.10. USA cleantech events – Attendance details and cost analysis	102
2.11. North One Sport and Subaru event – Attendance details and cost analysis	104
2.12. British Superbikes event – Attendance details and cost analysis	104
2.13. NEC Bike Show – Attendance details and cost analysis	105
2.14. Special educational needs – Policy; code of practice	106
Orders of the Day	
3.1. Cash in Postal Packets Bill 2012 – Clauses considered	107
3.2. Sunbeds Bill 2012 – Clauses considered	115
3.3. Financial Services (Miscellaneous Amendments) Bill 2012 – Item deferred to next sitting	119
3.4. Licensing (Amendment) Bill 2012 – Clauses considered	120

The House adjourned at 11.53 a.m.

House of Keys

The House met at 10.00 a.m.

[THE SPEAKER *in the Chair*]

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

Members: Good morning, Mr Speaker.

5 **The Speaker:** The Chaplain will lead us in prayer.

PRAYERS

10 *The Chaplain of the House of Keys*

Leave of absence granted

15 **The Speaker:** Hon. Members, I have given leave of absence to the Chief Minister and to the Hon. Member for Michael, Mr Cannan, for all of the sitting, and to the Hon. Member for Ayre, Mr Teare, from 11.30 onwards.

20 Questions for Oral Answer

TREASURY

25 **Media Development Fund**
Balance following Pinewood share purchase

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

30 *Whether the balance of the Media Development Fund has been returned to Treasury following the purchase of Pinewood shares and added to General Reserves?*

35 **The Speaker:** We now turn to Item 1 on the Order Paper, Questions for Oral Answer. I call on the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: I ask the Question standing in my name.

The Speaker: Hon. Member for Ayre, the Treasury Minister, to reply.

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

I trust that the Hon. Member understands, from the numerous discussions on this matter, that the Media Development Fund moneys are completely separate from the moneys used to purchase shares in Pinewood Shepperton plc. With this in mind, I cannot answer the Question as it is phrased.

45 I can, however, confirm, as I did last week, that Pinewood Film Advisors are now the managers of the Media Development Fund, and as such they are responsible for investments made from that Fund.

50 **The Speaker:** Mrs Beecroft.

50 **Mrs Beecroft:** Thank you, Mr Speaker.

Would the Treasury Minister confirm that, in the presentation to Tynwald Members, he said that the current balance of the Media Development Fund was £33 million approximately, and that £25 million was going to be passed over to new investment managers and the balance was going to be returned to general reserves? That is what I am trying to ask about.

55

The Speaker: Treasury Minister.

The Minister: With respect to the Hon. Member, then, perhaps it would have been better if the original Question had been so framed, sir.

60

Having said that, there were £25 million, which has gone over to the Media Development Fund. The balance... We did have outstanding commitments, and we are still working on what is the final figure which will be paid into the general reserves.

65

The Speaker: A further supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

The Treasury Minister just confirmed that it is Pinewood Film Advisors who is going to be the investment managers for the Media Development Fund. Could the Treasury Minister confirm that this is in accordance with the motion that Tynwald approved for the use of that money?

70

The Speaker: Minister.

The Minister: The contract was given to the Pinewood Group and Pinewood Film Advisors are part of the Pinewood Group.

75

The Speaker: Supplementary.

Mrs Beecroft: Than you, Mr Speaker.

Would the Minister not agree that the motion said Pinewood Shepperton plc were going to be the investment managers, not a subsidiary of that Group, and could the Minister further confirm when Pinewood Film Advisors was actually formed?

80

The Speaker: Minister.

85

The Minister: Pinewood Film Advisors... I am not sure of the exact date of incorporation, but it has been fairly recently. I feel that it is still part of Pinewood Shepperton Group and we have undertakings from Pinewood Shepperton to that effect. So it links back into Pinewood Shepperton plc, which was exactly what the original motion said.

90

The Speaker: A further supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

Could the Treasury Minister then confirm whether Pinewood Film Advisors has completed the compliance necessary with the FSA?

95

The Speaker: Minister.

The Minister: With respect, sir, I dealt with that in an answer to a supplementary question last week.

100

**Media Development Fund
Fees for management and investment advice**

105

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

Which companies are (a) managing; and (b) advising on investment of the Media Development Fund; and what their fees for doing so are?

110

110 **The Speaker:** Question 2, Hon. Member, Mrs Beecroft.

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

115 **The Speaker:** Minister for the Treasury.

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

All the information in respect of this Question has been available in the public domain for some months now, and I apologise to those Hon. Members who are already well aware for repeating it once again.

120 However, I can confirm that Pinewood Film Advisors are responsible for managing and advising on the Media Development Fund and that their fees for undertaking this engagement were set out in the strategy document presented to Hon. Members at the June sitting of Tynwald.

125 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

130 Would the Minister not agree that while he says that Members have been briefed and given all the information, things keep changing, that new companies keep cropping up that we have never even heard of before?

The Speaker: Minister.

135 **The Minister:** The terms and conditions were quite clearly set out in section 4 of the document. Mr Speaker, it seems to me, from the tenor of these Questions, that the Hon. Member, during the debate in June, voted on a motion, when it would appear that she did not even read the document which sets out the proposals in any depth.

The Speaker: Mrs Beecroft.

140 **Mrs Beecroft:** Thank you, Mr Speaker.

I think the Treasury Minister would agree with me that, from what I said in the June debate, it was quite obvious I had read the documents in depth. (**Mr Karran:** Hear, hear.)

145 Would the Treasury Minister not agree with me that his continual lack of clarity, lack of response, is what is causing my continual Questions?

The Speaker: Minister.

150 **The Minister:** There are none as deaf as those who will not listen, Mr Speaker. I did say last week we are repeating the same facts and figures *ad nauseam*. We have gone over the information. The Hon. Member has had the opportunity from myself and my colleagues in Treasury to go through these figures to help her to understand them. That offer was taken up originally, it has not been taken up since, and I would ask her to reconsider it, sir.

155 **The Speaker:** Mr Karran.

160 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that it is important that the fact is that the clear clarification as far as facts, which have changed since the original debate... If we were directors of a company outside this Hon. House, we would be actually liable because of the fact that we have not got the clear information as far as that issue. Does he actually think that Tynwald should be treated like a mushroom as far as these issues are concerned, or does he feel that we want a new age as far as governance on this Island?

165 **The Speaker:** The Hon. Member must speak with respect about Tynwald and Members of Tynwald, and that phrase you used is not appropriate, sir.
Minister.

The Minister: Thank you, sir. Thank you for your guidance.

170 I would, with respect, draw the Hon. Member's attention to GD0029/12, Strategy for the Future of the Film Industry, section 4. It quite clearly sets out all the terms there. There has been

no change to them, so I cannot really see how we could be more open and transparent than that. That is what it is; that is what we have got.

175 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

180 Would the Treasury Minister agree with me that the real problem here is the fact that the Treasury and himself have provided so much detailed information that it has actually set himself and the Department up for Questions by being totally open and honest and transparent, and that, in fact, would he further agree, any Question that has been asked of him, he has gone over the mile, Vainstyr Loayreyder, in providing additional information for Hon. Members and the public?

185 Could he further confirm that everything that has been undertaken so far has been under full scrutiny by many agencies and is fully compliant with everything, and that the Tynwald resolution allowed the flexibility to operate, in which the Treasury have, in compliance with all rules and regulations?

The Speaker: Minister.

190 **The Minister:** I thank the Hon. Member for his question. We have been very open, very transparent. In fact, there was, as I said, a detailed document presented to Hon. Members. Hon. Members were briefed on this. There was a formal extensive debate and there was a genuine offer made, which quite a few Members took up, to come and see me or my colleagues and to go through it, through the proposals in depth and privately, to really assuage and deal with any concerns that they might have had.

195 So I think really we have been exceptionally fair. We have devoted a considerable amount of time to this, and that commitment still continues. We have met the terms and conditions which were in the original document presented to another place, sir.

200 **The Speaker:** Mr Karran.

205 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh assure this House... Whilst thanking him for his stated position as far as the particular document is concerned, it is not like we have seen the previous documents when the Hon. Member for South Douglas has asked about information, then being told that she has had the information, then told that she cannot have the information. I hope that we are not going to find that scenario again as far as this Hon. House and Hon. Members are being treated.

The Speaker: Minister.

210 **The Minister:** I think that the Hon. Member who has just resumed his seat would agree with me that this is a template for the delivery of factual information and we stand by what is in that Report. We have delivered what was in that Report.

215 **The Speaker:** A last supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

220 Would the Minister agree with me that I did thank him for his offer to go to his offices for a private meeting to ask my questions, and I did indeed ask them? But would the Minister not agree with me that I actually was not satisfied with the responses that I got there, particularly as I was not allowed to see certain things that may have given me the confidence in this in the first place?

The Speaker: Minister.

225 **The Minister:** The information which has been given to Hon. Members has been open and transparent, and I feel that we have moved heaven and earth to comply with all the wishes of Hon. Tynwald Members here. Unfortunately, we have been criticised, in a way, as the Hon. Member for Douglas North said, for delivering a considerable volume of information, which I have to admit can be a bit intimidating. So, in that respect, if an apology is due, I do apologise, but we were trying to deliver all the relevant information and I feel that we have done that, sir.

230

**Isle of Man Film
Role in film industry**

235 1.3. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

What role Isle of Man Film now plays in the film industry?

240 **The Speaker:** We turn to Question 3. Mrs Beecroft.

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

245 **The Speaker:** Again, Minister for the Treasury, please.

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

250 The role of Isle of Man Film has not changed. Their mandate is to continue to work with the Government's film investment entity to ensure quality production takes place on the Island and that such production is successfully executed to the highest standards with minimum negative impact, utilising as much local labour services and facilities as appropriate and/or possible. Isle of Man Film actively promotes the Island's film and media industry at home and abroad and markets the Isle of Man as a centre of excellence for film production and finance, both nationally and internationally.

255 Thank you, Mr Speaker.

The Speaker: Mrs Beecroft, a supplementary.

Mrs Beecroft: Yes, thank you, Mr Speaker.

260 Could the Minister clarify whether there are any further funds available to be allocated to the film industry if something else crops up that Isle of Man Film would like you to look at, or are we complete in that sector now with the huge investment that has gone to Pinewood?

265 **The Minister:** I think there is a bit of confusion here. Isle of Man Film is, in effect, a facilitator. It helps films to be produced in the Isle of Man. It raises the awareness of the Isle of Man as a film location. It is not an investor *per se*.

The Speaker: Mrs Beecroft.

270 **Mrs Beecroft:** Thank you, Mr Speaker.

Could the Minister confirm what budget Isle of Man Film has to raise the image of the Isle of Man and to promote it?

The Speaker: Minister.

275 **The Minister:** Isle of Man Film is part of the Department of Economic Development and the budget is contained within that. I understand that they have two full-time employees.

280 **ENVIRONMENT, FOOD AND AGRICULTURE**

**Sudden Oak Death
Closure of plantations**

285 1.4. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Environment, Food and Agriculture:

290 *If he will make a statement on Sudden Oak Death affecting the Island's tree population and closures of various sections of plantations to the public; and when it is likely that the closed areas will be reopened?*

The Speaker: We turn to Question 4. Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

295 Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: I call on the Minister for Environment, Food and Agriculture, Mr Gawne.

The Minister for Environment, Food and Agriculture (Mr Gawne): Gura mie eu, Loayreyder.

300 I would like to begin by thanking the Hon. Member for Douglas North for raising both this and the next Question on two fairly important environmental topics.

305 Sudden Oak Death, more commonly known these days by its Latin name of *phytophthora ramorum*, (*Interjections*) continues to affect larch within the Department's plantations. Aerial surveys are undertaken twice a year and further infected trees have been identified as a consequence of the aerial survey undertaken in September this year. All the trees newly identified with the infection were in an area previously infected by the disease, specifically Ballaugh plantation. The good news is that no new infected areas have been identified.

310 The Department's felling of infected trees is continuing with an anticipated 8,750 m³ of timber to be felled by March 2013. Areas where harvesting operations of identified areas are taking place within the infected plantations will remain closed for the short term, although the public rights of way that were initially closed have been open for several months. It is hoped, once harvesting is finished, that the plantations will again be open to the public, probably in spring of next year. It will most likely be necessary to keep in place some restrictions, such as dogs to be kept on leads and various bio-security measures for approved events.

315 Gura mie eu.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

320 I thank the Shirveishagh for his positive Answer to this important environmental issue.

Can he confirm that his Department is handling the management approach to this disease with an aggressive stance and that it will continue so, due to the nature of the disease and the threat to the Island's tree population?

325 Also, when he mentions hopefully most of the areas may be open by next spring for the general public, albeit with some limitations, can he just confirm that that is his hope and that is something that people who use the uplands and the forestry areas will have something to look forward to?

The Speaker: Minister to reply.

330 **The Minister:** Gura mie eu, Loayreyder.

335 Certainly we are pursuing this matter with a great deal of vigour. Whether you would describe the management as being aggressive or not, I am not so sure, but I do certainly take the point that this is a very serious issue. If it got out of control, it could result in not only all the larch trees disappearing, but potentially heather and blaeberrys and a wide range of other native upland plants will be affected and potentially disappear as a result of this disease if we do not tackle it and tackle it hard in this first instance. So, for that reason, the interests of the public, in terms of walking through our beautiful glens, plantations and uplands, are of less importance to the Department than actually tackling this disease and actually getting it sorted as quickly as possible.

340 That said, as soon as we can open up the areas we certainly will do.

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

345 **Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh just clarify which are the infected areas? If people are bringing in plants from the United Kingdom or from Europe, as far as this sudden disease is concerned, what sort of advice should he be giving to the general public about importing plants into the Island? Maybe he should be giving us that advice so that we know that we do not actually increase the danger of this disease coming to the Island.

350 **The Speaker:** Hon. Member to reply.

The Minister: Gura mie eu, Loayreyder.

Again, I thank the Hon. Member for his question. To a certain extent, this is potentially answering the next Question as well, in that the Department will be issuing in the very near future some guidance not only on this particular problem, but also on other problems that we are facing.

355 I think what is inevitable, or is absolutely clear, is that we do appear to be having considerably more very serious diseases of trees, and with the three current serious diseases that we know about – Dutch Elm Disease, Ash Die Back and *phytophthora ramorum* – we could potentially lose well over 75% of our trees if we do not tackle these diseases. The Isle of Man would look a very bare and desolate place if that happened, so it is really important that we do tackle this, and certainly
360 the Department will be issuing much clearer guidance to members of the public in the very near future.

365

**Ash Die Back
Threat to Island trees; legislation**

1.5. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Environment, Food and Agriculture:

370

If he will make a statement on the threat of Ash Die Back to the Island's trees; and if he will consider legislation to mitigate any possible effects of this disease, or to keep it off the Island?

375

The Speaker: Question 5, Mr Henderson, please.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

380

The Speaker: Again, I call the Minister, Mr Gawne.

The Minister for Environment, Food and Agriculture (Mr Gawne): Gura mie eu, Loayreyder.

385

Again, I thank the Hon. Member for Douglas North for asking this Question because this is potentially a very serious issue. Something like a quarter of the trees in the Isle of Man are ash trees and the new strain of Ash Die Back is extremely serious, so the threat to the Isle of Man's ash trees is real and significant and the Department is taking the threat of Ash Die Back extremely seriously.

390

Plant importers were requested to observe a voluntary ban on the importation of ash to the Isle of Man two weeks ago, and yesterday I signed legislation to impose a moratorium on the importation of ash and ash products for the foreseeable future. This will be submitted to the December Tynwald, but has already come into force.

The Speaker: Mr Henderson.

395

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

400

I thank the Shirveishagh for, again, his positive Answer on this serious environmental issue. Noting the virulence of this new strain of disease could have the potential to wipe out much of the Island's tree stock and change our natural habitat and landscape forever, would he consider monitoring the moratorium he is putting in place, with a view to enhancing the strands of that, so that the prevention of any importation of ash tree or ash-related product, or anything else that may be deemed a threat to the Island's tree stock, should be prohibited?

405

Further, Vainstyr Loayreyder, would he also talk to other Departments – I am sure it may happen; if he could clarify – and especially the planning section in regard to when plans go forward for development, that for any planting in mitigation that often goes with these plans there is a condition placed that it must be local grown species that are used, rather than any importation?

The Speaker: Minister.

410

The Minister: Gura mie eu, Loayreyder.

Yes, when the Hon. Member has the opportunity to see the legislation, which as I say will be going before December Tynwald, I hope that he will be reassured with what we have put in place. We have to be reasonable to all parties. We cannot just impose bans when there is no evidence to

415 support them, but in this particular case, if we get this wrong there could be a really serious impact on the trees on the Isle of Man, so the Department is minded to overregulate in the first instance and then perhaps pull back if we need to.

420 But certainly we have in place now a ban on the importation of ash trees and ash products, and anyone who is an importer of these products, if they wish to speak to the Department they will get greater clarity as to exactly how that is going to be implemented, added to which we will be issuing a clearer public statement in the very near future, explaining what the implications of this and indeed the other tree diseases could be if we cannot get them controlled in reasonable time, and explaining to the public how we can actually tackle these problems, how they can assist and how we can maintain our fantastic populations of ash trees, larches and a variety of other trees.

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

Mr Quirk: Thank you, Mr Speaker.

Can I ask the Minister what his Department is doing to encourage the growth of local disease-free stock?

430 **The Speaker:** Minister.

The Minister: Gura mie eu, Loayreyder.

We are not doing an awful lot at the moment to do that, and perhaps this is something that we will... well, I think inevitably we are going to have to look at.

435 The Department used to have quite an extensive tree nursery. Unfortunately, due to cost pressures, it was decided that we should cut back on that (*Interjection*) and we do not now have a very significant tree nursery at all. It may be that we will have to look at that again, but obviously there are significant costs associated with that and the Department is anticipating its budget going in the opposite direction to increasing in the next year or two, so it is unlikely we will have a lot of money to do that.

440 That said, it is important that... If people want to have trees, they are going to have to get them from somewhere, and if they are not going to be able to import them, perhaps there is a business opportunity available for somebody.

445 **The Speaker:** Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

450 Can the Minister explain, given the serious nature of quite a few diseases that our Island faces – whether it be Sudden Oak Death, Ash Die Back, Dutch Elm Disease, even the disease, the varroa, in the bees in the UK – why his Department does not already have the legislation in place to impose a ban on the importation the minute there is an outbreak in the UK? Are we shutting the door after the horse has bolted? It has been shown that the UK was slow in banning the importation from Europe, and now they are facing this problem.

455 **The Speaker:** Minister.

The Minister: Gura mie eu, Loayreyder.

460 I have just explained that we have in place legislation banning the importation of ash trees, so I am not entirely sure what the Hon. Member is talking about, added to which he mentions varroa. We also have in place a ban on the importation of bees, so perhaps if he wishes to clarify exactly what he means, I could answer the question.

The Speaker: Mr Henderson.

465 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

470 I thank the Minister again for his positive answers in addressing this serious situation. Could he confirm that his Department does, in fact, promote local species tree growing by way of the Small Woods Scheme and the Native Oak Production Scheme that is going on – and special reference to Andrew Millichap there and the other organisation that is assisting with growing local species. If he could just clarify that the Department does support those.

Further, would he confirm, Vainstyr Loayreyder, given the serious nature of it, basically what we are talking about here is the foot-and-mouth disease for trees? Would he give an undertaking that all nurseries on the Island, garden centres and other such like will be noticed, and that even

475 the Steam Packet, to keep an eye out for imports being sneaked in, would be beneficial to the situation?

The Speaker: Reply, sir.

480 **The Minister:** Gura mie eu.

Yes, we certainly have, in the past, supported the small woodland support groups that exist, although the Small Woods Scheme that the Hon. Member refers to often has involved the importation of trees for planting in these small woods schemes, which could be of a concern to us, so we are certainly busily checking out those schemes at the moment to make sure, or do our best at least to identify if we have any of this problem at the moment.

485 As far as the other aspect of the Hon. Member's question, yes indeed, it is serious. It is up there with foot-and-mouth, in terms of its seriousness for trees. Not that foot-and-mouth is a tree problem, but you know what I mean.

490 So yes, we are going to be going round being much more vigorous in terms of prosecuting under our legislation and making sure that everyone is fully aware of their requirements under the law.

The Speaker: Mrs Cannell.

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

To be helpful, would the Minister acknowledge that, in fact, the tree nursery is currently growing (*Laughter*) its own trees from local seed which has been gathered over the years and that we are building up quite a supply, sufficient to provide our Trees for Life initiative – this is where the children go out each year, they nurture the tree over the winter and then they plant in March – that in future years we will, in fact, be able to provide them with our own homegrown trees, but that if we are to go to a commercial level by being able to provide others with this type of facility, then indeed we would need an increase in finance? It may well be worth, would the Minister agree with me, a cost analysis being done and further support from Treasury, because it may save us quite a bit of heartache in the future?

505 Further, would he also confirm that, in fact, the garden centres have been pretty co-operative since the voluntary ban went out and that they were all written to and they have responded in a positive way, so that it is fingers crossed we will not get this dreadful disease?

The Speaker: Reply, sir.

510 **The Minister:** Gura mie, Loayreyder.

You will be surprised to note that I agree with everything that the Hon. Member for Douglas East has to say on this topic.

515 **The Speaker:** A final supplementary, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Can the Minister advise, in relation to the import of ash to the Island, where it comes from, approximately how much is imported on an annual basis, and for what purpose?

520 **The Speaker:** Minister.

The Minister: Gura mie eu, Loayreyder.

525 No, I cannot – that is quite a specific question – but I am quite sure that someone out there, if the Hon. Member really needs that answer, would be able to provide that to him.

Mr Houghton: Doesn't your Department know?

530 **The Minister:** My Department is not a Department that does building and construction, so perhaps the question needs to be directed (*Interjection by Mr Houghton*) at the Department that does know something about building and construction.

Mrs Cannell: Of which you were a Member.

535 **The Minister:** We certainly know about trees and the importation of trees. Ash trees being brought into the Isle of Man are being brought in, obviously, for amenity planting. That is the bit that we are aware of.

As far as the other elements of the importation of ash products, all I can tell you is that we are going to make sure that these ash products are not imported if they offer a risk of bringing this cholera to the Isle of Man.

540

A Member: Hear, hear.

545

HEALTH

Dementia sufferers Public awareness; care at home

550 1.6. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health:

What his Department is doing to raise public awareness and assist carers within a home setting for those suffering from dementia problems?

555

The Speaker: Question 6. Mr Henderson, please.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

560

The Speaker: The Minister for Health, Mr Anderson.

The Minister for Health (Mr Anderson): Thank you, Mr Speaker and I would like to thank the hon. questioner for raising this important subject today.

565 I think it is important to point out the Department helps to deliver a range of services to people with dementia and their carers in collaboration with the Department of Social Care and my response is based on examples of such partnerships working together. There is ready access to quality information via the third sector and the work they do in raising awareness. Information produced by the various bodies, not just those involved in dementia, is made available in primary care patient-facing areas.

570 From a specialist provision point of view the Department's Older Person Mental Health Services (OPMHS) multi-disciplinary team provides specialist assessment, investigation, diagnosis, treatments and support to people with dementia and their family carers in their homes, as well as providing a vital role in raising awareness of dementia by providing education, advice and support, not only to carers and family members, but also other health and social care professionals, voluntary sector and the general public.

575

In addition to specialist mental health assessments, the physical and social needs of people with dementia and their carers are assessed and referral or signposting to other statutory and voluntary agencies implemented, where appropriate. Examples of this is to primary care, homecare, respite care, daycare or the Alzheimer's Society. OPMHS provides support, seven days a week with the majority of intervention taking place in the patient's own home. Support for people with dementia and their carers is co-ordinated by the Department of Social Care, Hospital and Committee work teams, Dementia Homecare team and the Elderly Mentally Infirm residential and care units.

580

In addition to offering one-to-one support for carers of people with dementia, the OPMHS facilitates access to carers' groups in Douglas, Ramsey and Port Erin through dedicated support groups and dementia cafes, otherwise known as Decaf, held in three locations on a monthly basis across the Island and run jointly by staff from the Departments of Health and Social Care, including mental health nurses, occupational therapists and social workers and their carers themselves.

585

590

Decaf is also supported on a voluntary basis by people directly affected by memory problems, including carers, relatives and friends. It is anticipated that this model of partnership working will continue to grow in importance and contribute to meeting the challenges of an ageing population as diversely as possible.

595 In January 2013, a dementia conference is planned for the Department of Health Staff
Development team, which will be held at the Villa Marina and open to all health and social care
professionals – and the general public for the latter part of the day. Speakers will include leading
UK dementia specialists, as well as a person with dementia. The conference is organised jointly by
staff from OPMHS and representatives from the DSC.

600 From a wider perspective, the Department has a dedicated mental health promotions specialist
post. This individual works with statutory services, the third sector, the service user network, carer
groups, local media and the general public to promote awareness of mental health issues, including
dementia. This individual is playing a key role in the development of the Mental Health Service
component of the Government website. All GPs, healthcare professionals and allied healthcare
605 professionals are a source of advice and support and are all aware of the dementia and the
assistance available by other national and local awareness campaigns and through continued
professional development.

The Department of Social Care provides several services specifically designed to support
people with dementia and their carers at home for as long as possible. This includes the provision
of two EMI day centres based at Southlands Resource Centre and Thie Meanagh, while the third
610 will be at the Reayrt Skal in Ramsey. The DSC also provides four respite beds, one in Southlands,
three in EMI services, which will be increased by two at the opening of the Reayrt Skyal, one
respite bed in the Sweetbriar Unit at Glenside. Respite is available for overnight and weekends as
well as longer periods of two to three weeks.

615 As well as offering respite daycare services, EMI units with the DSC also offer a Good
Neighbour Scheme. This service allows carers or relatives time to attend appointments, go
shopping, attend social functions etc. In addition the DSC's Dementia Homecare Service provides
homecare support for people with dementia and their carers in their own home, covering a range of
daily living activities.

620 In conclusion, whilst the Departments of Health and Social Care provide a range of services,
there are a number of factors which determine whether an individual is successfully supported in
the community. We cannot understate the essential role that carers, families and the wider
community have in working with the Departments in maintaining people with dementia in their
homes.

625 **The Speaker:** Supplementary question Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder and I thank the Shirveishagh for his very
comprehensive and positive answer into what his Department is doing with regard to promoting
public awareness.

630 I would ask, what he has stated is the sort of indirect benefits of the hard work that his
Department is doing behind the scenes: would he be prepared to just examine, as we go forward,
the raising of public awareness into the catastrophic effects that this problem can have on a
family?

635 The other problem is to de-stigmatise and de-label folk who are unfortunate enough to suffer
from dementia problems and that it is something that we all have to pro-actively assist with as a
community.

The Speaker: Minister to reply.

640 **The Minister:** I very much agree with the Hon. Member, raising the public awareness of this
issue of dementia; it is very important and signposting to those that have had problems in their
family situations. I think the forthcoming conference will give us the opportunity to further raise
the profile and de-stigmatise this condition.

645

HOME AFFAIRS

CCTV

650 **Review of usage**

1.7. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

655 *If he will review the increased use of CCTV to protect the public from car vandalism and other opportunistic street crime?*

The Speaker: Question 7.

660 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: I call on the Minister for Home Affairs, Mr Watterson.

665 **The Minister for Home Affairs (Mr Watterson):** Mr Speaker, I refer to my Answer to the Hon. Member for North Douglas of earlier this year, asking me to make a statement on the deployment of CCTV, to which I replied that I consider the effective, proportionate and controlled use of CCTV systems to be an effective tool in the prevention of crime and anti-social behaviour, the detection of crime and in reducing the fear of crime.

670 I would say to the Hon. Member that it is a function of local authorities, rather than the Department of Home Affairs, to install CCTV in local areas. However, perhaps of equal if not greater importance within residential areas is the need to maintain appropriate street lighting as an effective deterrent. The belief that CCTV alone can counter what are wider anti-social issues is unrealistic. At best, CCTV can work alongside other measures to generate some changes, but it is no easy panacea.

675 I also believe we have to be careful not to install CCTV in residential areas on a reactionary basis in relation to one-off incidents of multiple vandalism. We must remember the majority of residential areas have extremely low levels of crime and are only impacted by crime very rarely. There are therefore questions about whether the financial and civil liberties costs outweigh the benefits.

680 I therefore do not believe a review as to whether there is a need to increase the use of CCTV is necessary at this time.

The Speaker: Mr Henderson.

685 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I thank the Shirveishagh for redirecting me to a previous Answer from some many months ago. I am very grateful to him for that.

690 However, Vainstyr Loayreyder, would he not agree with me that he has publicly agreed the value of the high-quality CCTV systems in the detection of crime and providing the evidence that the Police need at times to gain convictions, from especially opportunistic crime and assaults and so on in the late hours or early hours of the morning, especially on weekends?

695 Would he further agree that, in fact, many of the public, far from feeling that they are having their civil liberties taken away from them, actually feel safer and would welcome the fact that there might be some evidence captured of a whole street of cars being scratched and damaged at 2.00 a.m. on a Saturday morning?

Would he further, as a final to this, Vainstyr Loayreyder... that unfortunately, although we have low crime in the Isle of Man, the instances of this one-off vandalism are not one-off and it happens on a regularly occurring situation, and the fact is when it is done is posing the difficulty?

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

The Minister: Thank you, Mr Speaker.

705 In terms of the costs and the benefit, yes, I think we have outlined there are benefits to CCTV if it is in the right place, if it is done in accordance with the code of practice that the Police have operated since 2004 and expanded on since. That is an assessment for local authorities to make in choosing whether to invest in CCTV around the Isle of Man and installing it.

710 Coming back to his point, I would say that hotspots of crime do benefit, so especially those areas where there is a greater concentration of licensed premises, and the points that the Hon. Member makes around reducing or detecting cases of assault that are connected with that do benefit from it. There is a balance to be struck, and of course, even if it is a minority of people who feel that their civil liberties are affected, I think unfortunately that is something that we do have to take into account. That is something that does temper the enthusiasm for CCTV.

715 Certainly with regard to vandalism, vandalism I appreciate is something of a problem around the Isle of Man, but it tends not to be the same place all the time that would benefit from the sheer weight of investment that CCTV requires.

But again that is not a decision for me to make; that is a decision for the local authorities in the individual areas to make as to whether the investment in the CCTV technology is worth the benefits that it will bring to the community.

720 **The Speaker:** Mrs Beecroft, a supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

725 Could the Minister clarify, as far as the code of practice is concerned, when was the last time it was actually reviewed? I could be wrong, but I seem to recall him saying that this is going to be looked at, particularly actually who was allowed to use the CCTVs, who was allowed to view them, etc from a civil liberties point of view.

The Speaker: Minister.

730 **The Minister:** Certainly, yes, it was looked at as a response to a Question that was raised originally by Mr Henderson when I conducted a review of CCTV not long after coming into office, so that was the last time it was looked at at my level. I am conscious that it is reviewed regularly by the Police as well.

735 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

740 Would the Shirveishagh agree with me that it is up to his Department to lead the charge on this particular initiative? I agree with him not to be spending the... maybe making large-scale investments, but to be encouraging local authorities in the appropriate use of and furtherance of high-quality CCTV systems to assist in these circumstances, and that it does help. Would he agree we see the evidence of it every night on the UK national news, for instance?

745 Also, would he agree with me that the one or two minority voices who consistently try to hamper the process of public order with screaming of civil liberties are that – just a few, just a minority of one or two – and the fact is that quite often residential areas would welcome the positioning, in an appropriate manner, of CCTV to assist the community?

The Speaker: Minister to reply.

750 **The Minister:** I see it as my role within the Department of Home Affairs to offer the technical support and code of practice, the assistance of the Police in terms of the use of CCTV.

755 In terms of the benefits that are seen nightly on the UK news, that is because it is in the UK and that is because they have a far higher crime rate than we do, and I come back to my earlier rants when I say that the level of crime that we have on the Isle of Man I do not think justifies wholesale use of CCTV throughout the whole of the Island, as I sometimes wonder if that is what the Hon. Member wants, (*Interjection by Mr Henderson*) but I do see the merits of targeted use of CCTV in hotspots (*Interjection by Mr Henderson*) where it is necessary. That has been a consistent position that I have had. It was, I think, what I said the last time I answered this Question to the Hon. Member. I am saying it again now and it is a decision for local authorities as to whether they want to use more CCTV in their local areas.

The Speaker: Mr Karran.

765 **Mr Karran:** Vainstyr Loayreyder, the Shirveishagh son Cooishyn Sthie has answered part of my question, but does the Shirveishagh –

The Minister: What question?

770 **Mr Karran:** On what I am going to ask in a minute. The situation is obviously... Surely the Shirveishagh is right to get the Member who represents Douglas to get on to his local authority. Is it not a fact that the local authority has got quite a large increase in its reserves in this year alone, and maybe that is the right way that he should go about this, allowing for the fact of the cuts that have been put already?

775 **Mr Henderson:** I already have, Hon. Member.

The Speaker: Minister.

780 **The Minister:** Yes. I thank the Hon. Member for his question, and yes, I think it is... Because it is the local authorities that put CCTV in, it is up to them to make that decision as to whether the costs and benefits stack up, Mr Speaker.

785 **Sarah's Law**
Timeframe for procedures

1.8. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

790 *When the recommendations culminating from the recent consultation into adopting certain principles of Sarah's Law into Isle of Man procedures will become operational?*

The Speaker: Question 8, Mr Henderson again, please.

795 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: Minister for Home Affairs, Mr Watterson.

800 **The Minister for Home Affairs (Mr Watterson):** Mr Speaker, I am grateful to the Hon. Member for raising this matter and I am pleased to report that considerable progress has already been made in implementing the recommendations to which he refers. Specifically, the Multi-Agency Public Protection Arrangements, which exist to manage risk posed by offenders to the local community, were revised and updated earlier this year. The new arrangements require that in all such MAPPAs – that is Multi-Agency Public Protection Arrangements – reviews, a decision
805 regarding disclosure of information in respect of a child sex offender will be considered and the reasons for the decision taken on disclosure will be recorded.

In addition the draft MAPPAs guidance was reviewed by the Safeguarding Children Board operational chairs to ensure consideration was made at all meetings under the revised MAPPAs arrangements, as to whether a child lives with, or may be in regular contact with the individual
810 concerned to ensure appropriate risk assessment can take place.

Hon. Members will appreciate this is a complex and sensitive area, but every effort will be made to demonstrate a spirit of openness and disclosure decisions. Plans to publish these arrangements are currently being drawn up. A new Sex Offender Bill is being drafted to ensure
815 that Manx legislation requires sex offenders subject to reporting restrictions in another jurisdiction to report to the authorities on the Island when they travel here. The Vetting and Barring Scheme in operation in my Department is now the same as that operated in the UK, which gives my Department access to much more comprehensive data on offending histories than in the past.

In addition to progressing these strands of work, my Department has also liaised closely with other Departments through the Social Policy and Children's Committee and the Safeguarding
820 Children Board to share the issues raised by the working group. The recommendations presented were endorsed by the Social Policy and Children's Committee. We are working closely with other Departments of Government to develop a community-based approach to this aspect of safeguarding and we will be attempting to raise the awareness of children and their families about the issue of sexual abuse.

825 Clearly, this highly sensitive matter will require a careful approach, but we see awareness raising as crucial in preventing the type of abuse which has featured prominently in the UK media in recent weeks. It is essential that, if a successful awareness-raising campaign is launched, then the appropriate authorities are able to respond to victims.

830 The Safeguarding Children Board has, in its work programme, development of a sexual abuse strategy which will ensure appropriate training of professionals working with children and young people, and relevant guidance is in place to support this crucial area of work.

In concluding, I would like to thank all members of the Child Protection Working Group, particularly members of the public and Victim Support who participated so constructively (**A Member:** Hear, hear.) in producing the recommendations that were presented to me. I am aware

835 of public interest in this topic and I intend to issue regular updates on progress in protecting children in the Isle of Man. This is and will remain one of my highest priorities.

The Speaker: Mr Henderson.

840 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I thank the Shirveishagh for his extremely positive Answer on this important matter and the work that has gone on, and the fact that this Hon. Member has been asking Questions on the subject for many years now. (*Interjection*)

845 Could the Shirveishagh give us any timescale as to as and when he sees these recommendations being rolled out? Or a guesstimate would be most helpful.

The Speaker: Minister.

850 **The Minister:** Certainly, Mr Speaker, my intention is obviously to roll this out as quickly as possible. My fallback position is I would like to have this done by the end of the year, but obviously as quickly as possible would be ideal.

The Speaker: Mrs Cannell.

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

Can I ask the Hon. Minister, when he refers to a new Sex Offenders Bill coming forward, whether it will be written-in provision to make the training of those that will be working with children and young people, in terms of pointing out all of the problems and the things they ought to be looking for will be enshrined in legislation, or is it just going to be a voluntary training type facility that is set up?

860

The Speaker: Minister.

865 **The Minister:** I think in terms of the professionals that are involved in this area of work, their professional requirements would require their training to be up to date on this matter. I do not necessarily see that the imposing of it through legislation would be absolutely necessary, as I say, as professionals you are required to keep your professional development up to date. If that is felt necessary it is something I will be happy to look into when the Bill advances through consultation stage.

870

INFRASTRUCTURE

875

Electricity consumption Proportion imported

1.9. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Infrastructure:

880 *Whether 90% of electricity consumed in the last six months was imported?*

The Speaker: Question 9, Hon. Member for Onchan, Mr Karran.

885 **Mr Karran:** Vainstyr Loayreyder, I ask the Question standing in my name.

The Speaker: I call the Minister for Infrastructure, Mr Cretney, to reply.

890 **The Minister for Infrastructure (Mr Cretney):** Mr Speaker, in answer to the Hon. Member's Question, I can advise that approximately 85% of electricity consumed in the last six months to the end of October 2012 was imported. However during the outage period from 1st May to 21st October, this figure was 90%. All operational equipment requires prudent and regular maintenance at defined intervals and the CCGT generation plant at Pulrose is no exception to this.

895 The MEA plans its operation in order to ensure that its major maintenance programmes are undertaken during the summer. This is when Island demand is at its lowest. Purely from a power capacity perspective, this demand can be safely accommodated by importing power through the

UK to Isle of Man power interconnector cable. A major part of the required maintenance work involved the steam turbine and it was known that this would take up to five months to complete. Generation from the gas turbines was still possible during this period, but this is much less efficient when the steam turbine is not available.

900 Fortunately, forward United Kingdom electricity market conditions in the summer of 2012 meant that electricity could be purchased and imported through the interconnector cable at approximately the same cost as standard generation from the CCGT plant. On-Island generation during the period May to October was therefore largely restricted to the Energy from Waste and hydro plants, which produced approximately 8% of the total electricity demand. 90% of the total
905 demand was imported from the UK with the remaining 2% being generated from the gas turbines and diesel stations. Occasional running of the gas turbines was required, as plant was recommissioned.

It is therefore true that the MEA imported 90% of the Island's electricity for most of the summer 2012, but this was performed with little impact on the Authority's total energy cost. It has
910 allowed the MEA to undertake considerable maintenance works this year, reducing the maintenance work that will be required in 2013.

Pulrose plant has returned to normal service in time to meet winter levels of electricity demand. It is scheduled to operate in preference to import, as it is the most cost-effective, large-scale means of power production for the Island. It is now ready to continue to meet our needs, as
915 well as to maximise the opportunities to increase export profits as the United Kingdom introduces enhanced carbon taxes starting in April 2013.

The Speaker: Mr Karran, supplementary.

920 **Mr Karran:** Thanking the Shirveishagh for his reply to my Question, but could the Shirveishagh possibly explain that with the equipment being the General Electric LM 2500, which is supposed to be the most reliable gas turbine and is supposed to have the reliability to 98.3% – this is equivalent to at most two months, as far as the shutdown – why they had to take such a
925 length of time as far as the maintenance is concerned?

The Speaker: Minister.

The Minister: No, I cannot, but I am sure I could get a response from the MEA to that
930 supplementary question.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

935 Could I ask the Minister, he said the Island has had power from the EfW and I think he mentioned the water system too at Tholt y Will? I do not know whether the Minister has the information, but was the EfW on, say, full power, or quarter, half, or whatever? I just wanted to see if it was a maximum burn.

The Speaker: Minister, I do not expect you to have that information –
940

Mr Anderson: Oh, yes he has! (*Laughter*)

The Minister: The information that has been provided for me from the MEA is 8% of the energy that is produced in the Island this summer has been via the Energy from Waste and the hydroelectric plant at Sulby. That is the extent of the information provided for me this time, but I
945 could come back with any further details.

The Speaker: Mr Karran.

950 **Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh just check, allowing for the fact of the reliability of these gas turbines, is there a reason why we are having such problems with it, anything to do with the installation, possibly, of the Pulrose gas turbines not being installed correctly? Allowing for the fact that we spent something in the region of £130 million on the Power Station at Pulrose for something that should have cost us just over £40 million, does he not
955 feel we need to know why there was such a length of time, as far as the time they needed for the gas turbines?

The Speaker: Minister.

960 **The Minister:** In response to the latter part of the question, I have already indicated that I will come back to the Hon. Member with that information.

In response to the former part, my understanding... That is the first time I have heard a suggestion that the equipment may have been installed incorrectly in some way. That is the first time I have heard such a suggestion. In fact, the information I have had up until now has been that it has been of great benefit in terms of the ability to export from the Isle of Man (**A Member:** That's right.) and, as such, bring in additional much-welcome income to the Isle of Man as a result of the investment in the power station.

965 But I will, of course, take up the point the Hon. Member makes.

The Speaker: Mrs Beecroft.

970

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister agree that six months' planned maintenance is an inordinate amount of time, and whilst he is looking at whether the installation was done correctly, could he look to see if the previous maintenance has been, or is this a build-up of maintenance that has not been done? Would the Minister not agree that the six-month planned maintenance, which Members were not aware of at all, would it not be courteous to maybe let Members know, rather than allow them to read it in the media? (*Interjections by Mr Karran and Mr Henderson*)

975

The Speaker: Reply, sir.

980

The Minister: I will pass on the Hon. Member's comments to the Manx Electricity Authority and the points she makes in terms of the length of time that this has taken. I have already indicated that I will ask whether that was considered to be appropriate or not.

985

The Speaker: A final supplementary, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, is the Minister to be made aware that the gas turbine at Pulrose power station and its efficiency is without question? Can he also be made aware that this planned maintenance on the gas turbine was a root-and-branch proper maintenance planned programme which has brought the integrity of the equipment at Pulrose back up to full standard?

990

Will he also be made aware that the equipment originally was properly installed? There is no question about the standard and complexity of the plant that was put in place a number of years ago, which provides the most fitting form of generation to the Island and of course is one of three, in total, provisions of electricity to the Island, the other being the cable and the other being, of course, oil generation... diesel generation – I do apologise – which is the most inefficient of all?

995

So when the Manx Electricity Authority put the provision of this work in place –

The Speaker: Could you bring your question to a close? You are making an awful long speech.

1000

Mr Houghton: I do apologise –

The Speaker: Just the question, please.

1005

Mr Houghton: – but I am just trying to answer some of the questions to assist the Minister and assist the understanding of this Hon. House that the proper planned maintenance of this equipment was done in the most efficient manner possible. It was all long planned, put in order, and has been 100% successful, Mr Speaker. Would the Minister confirm that? (*Interjection*)

1010

The Minister: I thank the Hon. Member for his helpful intervention. As Hon. Members in here will know, he is a member of the Manx Electricity Board and as such, has access to the information which he has been able to indicate to Hon. Members.

1015

I think, in my response originally, I did indicate that I felt that this had been done in a proper planned way. What had happened during the discussion in this Hon. House this morning, is that some doubt had been raised by Hon. Members and I was simply offering to go back to the MEA to seek further clarification on the points that were raised.

The Speaker: Mr Karran, do you have a final point?

1020 **Mr Karran:** Would the Shirveishagh clarify, the point is, would he not agree, I am told it is supposed to have a 98.3% efficiency rate as far as these gas turbines, but they have been in nine years, they should have taken no more than two months, as far as any accrued maintenance is concerned, and we are told it was six months? Does he not agree that this issue needs to be investigated?

1025 **The Speaker:** I think you have answered that.

The Minister: Mr Speaker, the Hon. Member has now read out several times from the piece of paper in front of him with some technical information. I have indicated in response to the Hon. Member each time. I wish that I had been aware in advance of his concerns in this regard, but I was not. To have them placed on the floor, of such a technical nature, does not really assist in the short term, but I am very happy to go back to the Manx Electricity Authority to seek the responses to the points that the Hon. Member and his colleague, the Member for South Douglas have raised.

1035 **The Speaker:** I just make the point that Hon. Members must be reasonable in their supplementary questions. There is only so much technical information a Minister can be expected to have at his fingertips and re-asking the same question will not deliver it any quicker.

We move now to Questions for Written Answer. There are 14 and the replies will be distributed.

1040

Questions for Written Answer

1045

TREASURY

Island's finances Provision of details to UK

1050

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

What financial information is provided on a regular basis to the UK by (a) Treasury; (b) Customs and Excise; and (c) any other government body?

1055

Answer: (a) The Treasury supplies:

- Accounts of the duties collected in the Isle of Man
- Accounts of IOM local collection of shared revenues
- Financial information on National Insurance Contributions paid
- Financial information required under the EU Savings Tax Directive in relation to UK tax residents

1060

In addition, on a five-yearly basis the Treasury provides financial information on National Insurance Contribution amounts to the UK Government.

1065

(b) The Customs and Excise Division of the Treasury supplies:

- Monthly accounts of IOM local collection of shared revenues

1070

(c) Other Government bodies supply:

- Information on State Aid (DEFA)
- Amounts of expenditure on social security benefits and pensions, analysed by benefit type (DSC)
- Amounts paid in social security benefits and pensions which, under reciprocal arrangements, the UK Government is liable to fund (DSC)
- Anonymised Isle of Man public sector pension scheme membership details to the Government Actuary's Department for actuarial review purposes (PSPA)

1075

Note: The Treasury defined the parameters of the Question as follows:

- ‘financial information’ means formal documents outlining recent or expected Government financial performance and includes financial figures and measurements
- ‘regular basis’ means on a frequency between monthly and annually
- ‘UK’ means any department of the UK government
- ‘government body’ means Isle of Man Government Departments, Offices and Statutory Boards

1085

ECONOMIC DEVELOPMENT

British Superbikes event

Attendance details and cost analysis

1090

2.2. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

- 1095 *Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*
- (i) *what the analysis is of costs amounting to the total payment of £985 recorded on 15th July 2011 in respect of attendance at British Superbikes to attend a meeting with SMR Hospitality, responsible for the VIP Hospitality Suite at the TT and MGP;*
 - (ii) *who attended the event;*
 - (iii) *what the purpose of the event was;*
 - 1100 (iv) *how many days the persons stayed;*
 - (v) *what the estimated cost of this event was and where it is shown in the Department’s estimated budget; and*
 - (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

1105

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost of attendance at the British Superbikes meeting was £357.94 and not £985.

1110

- (i) The total above included two flights to Liverpool at £130.98 per person plus hire car charge of £95.98.
- (ii) The attendees were the TT and Motorsport Development Manager and TT and Motorsport Development Executive Officer.
- 1115 (iii) The purpose of the visit was to meet with the Department’s hospitality contractors for a de-brief after the TT 2011 event and to progress plans for MGP Festival 2011.
- (iv) The visit was for one day only.
- (v) The budget and costs for this visit is recorded in the DED Motorsport budget.
- 1120 (vi) The provision of quality corporate and VIP hospitality facilities has increased the profile and quality of the TT and MGP. In addition income generated in 2011 was £220,000 gross.

1125

Low Carbon Motor Festival; Charge film showings

Attendance details and cost analysis

2.3. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

- 1130 *Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*
- (i) *what the analysis is of costs amounting to the total payment of £11,550 recorded on 17th July 2011 in respect of attendance at cleantech promotion Low Carbon Motor Festival and Charge film showings;*
 - (ii) *who attended the event;*
 - 1135 (iii) *what the purpose of the event was;*
 - (iv) *for how many days duration;*

(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*
1140 (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately and the Department apologises for the errors. The correct total estimated cost of attendance at the Low Carbon Motor Festival and *Charge* film showings to promote the cleantech sector was £4,100 and not £11,550.

(i) The total above comprised £2,800 to host an event in London attended by over 60 investors, professional advisors, businesses in the cleantech sector and journalists, £750 for an editorial in the *Cleantech Investor* magazine and £550 travel expenses for three officers to attend the event.

(ii) The event was attended by the Chief Executive, Senior Manager for Energy Policy and an Advisor for Emerging Technologies from the Department of Economic Development.

(iii) The Department hosted the cleantech networking event in London to gain leverage from the previous Government investment in TT zero in order to promote the Isle of Man cleantech sector and the many benefits of establishing a business on the Island. Furthermore, riders of electric motorbikes that had previously competed in TT zero also attended and displayed their electric bikes at the event.

(iv) The trip lasted for two days (one night's accommodation).

(v) The estimate for the visit was £3,870, which excluded the additional cost of the editorial in the *Cleantech Investor* magazine. The funding came from the Energy and Cleantech revenue budget which is available for initiatives designed to attract new business to the Island.

(vi) The attendees at the event now have a better understanding of the many benefits that the Island can offer businesses in the cleantech sector and this information can be used at an appropriate point in companies' business cycles to influence investment decisions in favour of the Isle of Man.

**North One event
Attendance details and cost analysis**

2.4. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –

(i) *what the analysis is of costs amounting to the total payment of £5,143.73 recorded on 3rd November 2011 in respect of attendance at North One, plus various other meetings;*

(ii) *who attended the event;*

(iii) *what the purpose of the event was;*

(iv) *how many days the persons stayed;*

(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

(vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost was £375 and not £5,143.73.

(i) The total above included a flight at £324.17, plus incidental costs of £50.

(ii) The Chief Executive of the Department of Economic Development attended.

(iii) The purpose of the visit to North One was to discuss the performance of the TT TV contract and plans for live TT coverage. The visit was coupled with a meeting with Michael Charlton, Executive Director, International Business Development.

(iv) The visit was for one day only.

(v) The budget and costs for this visit is recorded in the DED Motorsport budget.

1200 (vi) TT TV coverage gave the TT races exposure to a global TV audience of over 16 million people in 2011 and is instrumental in building the TT Festival and brand in addition to increasing the value of commercial sponsorship for the event. Michael Charlton is responsible for developing new business leads and opportunities for the benefit of the Island.

1205

**Dainese 2012 press launch
Attendance details and cost analysis**

1210 2.5. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –

1215 (i) *what the analysis is of costs amounting to the total payment of £5,182.24 recorded on 20th March 2012 in respect of attendance at the Dainese 2012 Press Launch;*

(ii) *who attended the event;*

(iii) *what the purpose of the event was;*

(iv) *how many days the persons stayed;*

1220 (v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

(vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost was £330 and not £5,182.24.

1225 (i) The total above included a flight at £250, plus one day car hire at £80.

(ii) The event was attended by the TT and Motorsport Development Manager.

1230 (iii) The purpose of the visit was to maintain contact with Dainese who were in the last year of their sponsorship contract.

(iv) The trip was for one day only.

(v) The costs are reflected in the Motorsport 2011 budget.

1235 (vi) Dainese are a significant sponsor of the TT and the sponsorship contract was extended for an additional two years.

**TT 2012 organisation and planning meeting
Attendance details and cost analysis**

1240

2.6. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

1245 *Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*

(i) *what the analysis is of costs amounting to the total payment of £12,600 recorded on 6th May 2012 in respect of attendance to progress the organisation and planning of TT 2012;*

(ii) *who attended the event;*

1250 (iii) *what the purpose of the event was;*

(iv) *how many days the persons stayed;*

(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

1255 (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately.

1260 The Department apologises for the errors. The correct total estimated cost was £500 and not £12,600.

(i) The total cost above included three flights for the TT and Motorsport Development Officer and two TT Rider Liaison Officers. In addition there was overnight accommodation of £100 and two days car hire at £100.

1265 (ii) The TT and Motorsport Development Officer and two TT Rider Liaison Officers.

(iii) The purpose of the visit was to attend meetings with a number of race teams and to make contact with riders who already compete or may wish to compete at the TT. These are normal preparations for the TT event and are an essential part of ensuring that we have the best teams and riders competing. Oulton Park is a cost-effective venue as most teams are present at the meeting as the circuit is geographically nearest to the Isle of Man.

1270 (iv) The budget and costs for this visit is recorded in the DED Motorsport budget.

(vi) This is part of normal preparatory work for the TT. Oulton Park is a cost-effective venue as most teams are present at the meeting as the circuit is geographically nearest to the Isle of Man.

1275

**Intelligent Communities Forum Summit
Attendance details and cost analysis**

1280 2.7. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –

1285 (i) *what the analysis is of costs amounting to the total payment of £12,700 recorded on 5th June 2012 in respect of attendance at the Intelligent Communities Forum Summit;*

(ii) *who attended the event;*

(iii) *what the purpose of the event was;*

(iv) *how many days the persons stayed;*

(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

1290 (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

1295 **Answer:** Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost of attendance at the Intelligent Communities Forum Summit was £1,700 and not £12,700.

(i) The total above included £1,170 for return flights from Manchester to New York and £520 for three nights' accommodation at the Madison Hotel New York.

1300 (ii) The event was attended by the Head of Business Systems, Information Systems Division.

1305 (iii) The Intelligent Communities Forum Summit is an international gathering of chief administrative officers, chief information officers and economic development officers from cities, states and regions around the world. It is a unique opportunity to learn from the world's most dynamic communities how to use information and communications technology to build prosperous, inclusive and sustainable communities. The Summit features keynote speeches, interactive discussions and community case studies. The Isle of Man has previously been judged by the ICF to be one of the Smart21, and a semi-finalist for its Intelligent Community of the Year. Attendance at the 2012 event gave the Island the opportunity to network with influential decision makers and to raise the Island's profile as a centre of excellence for e-business and ICT.

1310 (iv) As noted above the trip lasted for four days, three nights.

(v) The estimate for the visit was £2,000. The funding came from the e-business development revenue budget which is available for initiatives designed to attract new business to the Island.

1315 (vi) The delegates at the event now have a better understanding of the benefits that the Island can offer and this information can be used at an appropriate point in companies' business cycles to influence investment decisions in favour of the Isle of Man.

The Co-founder and Director of the ICF has been a long-standing supporter and promoter of the Isle of Man and participation by a DED officer at the event will have served to reinforce this relationship to further benefit the Island. The Co-founder and Director is actively involved in the e-business, ICT and space sectors.

1320 The Head of Business Systems brought back examples of best practice which can be considered for use on the Island to help improve customer service and efficiency and reduce costs.

1325 **Ship visit familiarisation tour**
Attendance details and cost analysis

2.8. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

1330

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –
(i) what the analysis is of costs amounting to the total payment of £3,920 recorded on 7th August 2012 in respect of a ship visit for familiarisation tour;

1335

(ii) who attended the event;
(iii) what the purpose of the event was;
(iv) how many days the persons stayed;
(v) what the estimated cost was of this event and where it is shown in the Department's estimated budget; and

1340

(vi) what tangible benefit was gained by attending this event in respect of new business for the Island?

1345

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The actual cost of the payment was £364.28, not the £3,920 shown in the Question.

1350

(i) This was the cost of two return flights to Liverpool from the Island. There were no additional costs for the trip (the correct original estimated cost was £150, but due to the ferry being cancelled the option to fly was taken instead).

1355

(ii) The event was attended by a Legislation Officer and Administrative Officer of the Ship Registry.

(iii) It has long been the Ship Registry's policy to send new staff to Isle of Man registered vessels if the opportunity is available in order to familiarise them with ships. The Legislation Officer is a recent recruit who is drafting maritime legislation and the Administrative Officer is due to move into a role to provide assistance to the Survey and Enforcement section of the Registry. As a locally-owned bulk carrier was attending Liverpool the option was taken for both Officers to attend the vessel to gain familiarisation in order to assist in their daily work.

1360

(iv) The attendance was a single day.
(v) This was a training opportunity and as such funded from the Ship Registry's Training Budget.

1365

(vi) There is no direct tangible benefit in respect of new business for the Island related to this ship visit; however, as an International Ship Register the Isle of Man has an obligation to ensure that it is sufficiently resourced with sufficiently trained staff to ensure it can meet the Island's obligations under the International Maritime Conventions. This ensures that the Island can continue to stay in the top 10% of Ship Registers and continue to grow. This consistent positioning in the top 10% brings maritime business and each vessel registered brings direct economic benefit to the Isle of Man.

1370

This opportunity was provided through a local ship owner who has relocated both himself and his business to the Island on the basis of the service of the Ship Registry. This ship owner has become a great advocate for the Island and particularly the Register and helped it establish a new client base, bringing new business and economic benefit.

1375

North One TV meeting
Attendance details and cost analysis

2.9. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

1380

- In respect of the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*
- 1385 (i) *what the analysis is of costs amounting to the total payment of £1,050 recorded on 10th May 2011 in respect of attendance at the North One TV Meeting, also, on 16th May 2011 a payment of £269.75 was recorded in respect of North One Sport, TT Sponsorship Arrangements;*
- (ii) *who attended the event;*
- (iii) *what the purpose of the event was;*
- (iv) *how many days the persons stayed;*
- 1390 (v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*
- (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

1395 **Answer:** Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost for 11th May 2011 (not 10th May 2011 as per the Question) was £269.75 and not £1,050. For 16th May 2011 the amount was £493.00 and not £269.75.

1400 (i) The total above for 11th May 2011 included one flight at £219.75 plus other expenses of £50.

The total above for 16th May 2011 included two flights at £229 per person plus other expenses at £70.

1405 (ii) On 11th May 2011 the attendees were Colin Kniveton (already in London on other Departmental business) and DED's Financial Director.

For 16th May 2011 the attendees were the TT and Motorsport Development Manager and TT and Motorsport Development Executive Officer.

(iii) The purpose of the meeting on 11th May 2011 was to discuss the performance of the TT TV contract, as part of the normal management arrangements for a significant DED contract.

1410 On 16th May 2011 Officers visited North One to make final preparations for sponsorship activation at the TT.

(iv) Both visits were for one day each.

(v) The costs of the 11th May and 16th May visits were reflected in the 2011 Motorsport budgets.

1415 (vi) North One are a major partner for the TT and regular contract and liaison meetings form a vital part in ensuring the contract in place works effectively and that appropriate planning is in place.

1420

**USA cleantech events
Attendance details and cost analysis**

1425 2.10. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –

1430 (i) *what the analysis is of costs amounting to the total payments recorded on 17th September 2012;*

(a) *£4,000: USA cleantech events*

(b) *£4,000: USA cleantech events*

(c) *£4,000: USA cleantech events; and*

(d) *on 27th September 2012, £1,370: cleantech events*

1435 (ii) *who attended the event;*

(iii) *what the purpose of the event was;*

(iv) *how many days the persons stayed;*

(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

1440 (vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

Answer: Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately and the Department apologises for the errors. The correct total estimated cost of attendance at the cleantech event on 17th September 2012 was £17,510 and not £12,000 and correct total estimated cost of attendance at the cleantech event on 27th September 2012 was £400 and not £1,370.

(i) The total cost for (a) – (c) was £17,510. This included £5,570 to host cleantech events in Boston and San Francisco, USA, which were attended by over 120 investors, professional advisors, businesses in the cleantech sector and journalists, £5,940 for PR services to liaise with over 90 journalists in the USA, £3,190 for economy airfares for three officers and £2,630 for six nights' accommodation for three persons.

The total cost for (d) was £400 travel costs (airfare and accommodation) for one officer to attend the Investing in Fuel Cells Conference and the 2012 Investor AllStars Awards in London.

(ii) The events on 17th September 2012 was attended by the political Member with responsibility for cleantech, the DED Senior Manager for Energy Policy from the DED and an Advisor for Emerging Technologies.

The event on 27th September 2012 was attended by the Senior Manager for Energy Policy.

(iii) The cleantech events on 17th September 2012 were hosted by the Department to gain leverage from the previous Government investment in TT zero in order to promote the Isle of Man cleantech sector and the many benefits of establishing European headquarters on the Island and exporting goods to Europe. Each event included presentations by IOM Government representatives and screening of the TT Zero movie, *Charge* to audiences of investors, professional advisors, businesses and journalists in the cleantech sector. The screenings were followed by panel Q&A sessions with the panel consisting of representatives from the IOM Government, the private sector, TT zero teams and co-hosts. In addition, several USA teams that had previously competed in TT zero displayed their bikes at the events.

Furthermore, these cleantech events were an opportunity to promote Isle of Man businesses. The Founder Director of newly formed Isle of Man based Komatti Ltd attended the events in the USA and was represented on the panel for the Q&A sessions. Sponsors for the road show, including local businesses Caledonian Trust (IOM) Ltd and Laurence Keenan Advocates, received promotion in the media. The cleantech event on 27th September 2012 was an opportunity for the Senior Manager for Energy Policy to network with institutional investors, venture capitalists and other private investors in the cleantech sector.

(iv) The trip for cleantech events on 17th September 2012 lasted for eight days (seven nights' accommodation).

The trip for cleantech event on 27th September 2012 lasted for two days (one night's accommodation).

(v) The estimate for the visit to cleantech events on 17th September was £12,000 excluding public relations services. This was funded from the Energy and Cleantech revenue budget for initiatives designed to attract new business to the Island. Sponsorship of £3,000 was obtained from the private sector to partially offset the cost of the cleantech road show.

The estimate for the visit to cleantech event on 27th September was £400, which was funded from the Energy and Cleantech revenue budget.

(vi) The attendees at the events now have a better understanding of the many benefits that the Island can offer businesses in the cleantech sector and this information can be used at an appropriate point in companies' business cycles to influence investment decisions in favour of the Isle of Man.

The objectives and outcomes of the road show in the USA were as follows:

(1) To raise awareness of the Island's key cleantech propositions amongst investors, professional advisors, businesses and journalists.

Successful Cleantech networking events were held in Boston and San Francisco peninsula in the USA. A database of greater than 120 leads was generated from the visit.

(2) To develop commercial leads with US businesses.

Further information on IOM Trust Funds was requested following the event. Several business leads have been generated that will be developed.

(3) To generate positive media coverage of the Island's Cleantech successes and propositions.

There was significant media interest with eight journalists attending the Cleantech road show and 10 media articles being released.

(4) To identify key intermediaries to work with in the future who are well connected and who are likely to be able to generate leads going forward.

DED has started to build a close relationship with the Chief Executive of Cambridge Innovation Center, home to over 450 start-up companies with investment of greater than £1.7 billion. The Department has also started to build a close relationship with the Chief Executive of Foster City Chamber of Commerce that is a key to the business community in the San Francisco Bay peninsula.

1505 (5) To attract future competitors and increase interest in TT zero.
Moto-Electra attended the event in Boston and has expressed an interest in competing at TT zero 2013.

1510

**North One Sport and Subaru event
Attendance details and cost analysis**

1515

2.11. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

1520 *Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*
(i) *what the analysis is of costs amounting to the total payment of £13,320 recorded on 17th September 2012 in respect of meeting with North One Sport and Subaru;*
(ii) *who attended the event;*
(iii) *what the purpose of the event was;*
(iv) *how many days the persons stayed;*
1525 (v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*
(vi) *what tangible benefit was gained by attending this event in respect of new business for the Island?*

1530 **Answer:** Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost was £235 and not £13,320.

1535 (i) The total cost above included a flight at £235.
(ii) The trip was undertaken by the TT and Motorsport Development Manager.
(iii) The purpose of the visit was to meet with North One and a Subaru representative to discuss a number of issues relating to the Subaru TT sponsorship.
(iv) The trip was for one day.
1540 (v) The costs were reflected in the 2011 Motorsport budgets.
(vi) TT sponsorship raises the quality and profile of the event and also generates income. Sponsorship arrangements require ongoing management of both the sponsor and the Department's representative who seeks to secure sponsorship agreements. The TT and Motorsport Development Manager was present to ensure that the interests of the TT and the Department were represented.

1545

**British Superbikes event
Attendance details and cost analysis**

1550

2.12. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

1555 *Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –*
(i) *what the analysis is of costs amounting to the total payment of £12,492 recorded on 2nd May 2011 in respect of attendance at the British Superbikes meeting with Padgett's Racing, Relentless Suzuki plus others re TT2011;*
(ii) *who attended the event;*
(iii) *what the purpose of the event was;*
1560 (iv) *how many days the persons stayed;*
(v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*
(vi) *Island?*

1565 **Answer:** Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost was £270.85 and not £12,492.

1570 (i) The costs above included a flight at £122.96, car hire £43.89, one night's accommodation £69.00 and other expenses £35 (mileage/ car parking).

(ii) The trip was undertaken by the TT and Motorsport Development Manager.

(iii) The purpose of the visit was to meet with race teams at Oulton Park to make final arrangements for their participation in TT 2011 and is part of the normal liaison with key participants on the build up to the event.

1575 (iv) The trip was for one day/night.

(v) The costs were reflected in the 2011 Motorsport budgets.

(vi) This is part of normal preparatory work for the TT. Oulton Park is a cost-effective venue as most teams are present at the meeting as the circuit is geographically nearest to the Isle of Man.

1580

**NEC Bike Show
Attendance details and cost analysis**

1585 2.13. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Economic Development:

Pursuant to the Written Answer to Question 25 at the October 2012 sitting of Tynwald –

1590 (i) *what the analysis is of costs amounting to the total payment of £2,986 recorded on 18th November 2011 in respect of attendance at the NEC Bike Show;*

(ii) who attended the event

(iii) what the purpose of the event was;

(iv) how many days the persons stayed;

1595 (v) *what the estimated cost was of this event and where it is shown in the Department's estimated budget; and*

(vi) what tangible benefit was gained by attending this event in respect of new business for the Island?

1600 **Answer:** Please note: Following a review of the information previously provided by the DED at the October 2012 sitting of Tynwald in respect of Question 25, it was found that there were some errors in the summary provided. A revised summary is to be provided to Tynwald separately. The Department apologises for the errors. The correct total estimated cost was £762 and not £2,986.00.

1605 (i) The cost above included two flights at £126 each and accommodation at £505.00. In addition the TT and Motorsport Development Officer also subsequently attended at a further cost of £305 (flight £85 and accommodation £225).

(ii) The event was attended by the TT and Motorsport Development Manager, Motorsport Development Executive Officer and TT and Motorsport Development Officer.

1610 (iii) The purpose of the visit was to attend then NEC Bike Show, the biggest motorcycle promotional event in the UK where the TT has established a significant presence, including a dedicated TT day.

1615 (iv) Attendees were TT and Motorsport Development Executive Officer (total of five days and three overnight stays), the TT and Motorsport Development Manager (total of six days and four overnight stays) and TT and Motorsport Development Officer (three days and two overnight stays).

(v) The costs were reflected in the 2011 Motorsport budgets.

(vi) The NEC Bike show gives DED the opportunity to promote the TT with potential visitors, sponsors and the motorcycle industry and to take bookings from those who wish to attend the following year's event.

1620

EDUCATION AND CHILDREN

**Special educational needs
Policy; code of practice**

1625

2.14. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Education and Children:

1630

(1) Whether the Department of Education and Children has (a) a Special Educational Needs Code of Practice and (b) a Special Educational Needs Policy;

(2) whether the Department of Education and Children operates a Graduated Response system and if so what documentation and policies are in place in relation to such a system;

(3) what equivalent to a Parent Partnership the Department of Education and Children operates to ensure that all parents of students with Special Educational Needs can obtain the information and advice they need; and

1635

(4) In each year since the requirement(s) came into force –

(a) whether any multidisciplinary assessments under the Education (Special Educational Needs) Regulations 2004 have been conducted and, if so, how many; and

1640

(b) whether any reports under Section 19 of the 2001 Education Act on a child's Special Educational Needs have been prepared as detailed in Schedule 4 of the 2001 Education Act and the Education (Special Educational Needs) Regulations 2004 and if so, how many; and

(c) if none; why in the years since the Act and Regulations came into operation Section 19 and Schedule 4 of the 2001 Education Act and the Education (Special Educational Needs) Regulations 2004 have not been used?

1645

Answer: (1) The Department of Education and Children has a Special Educational Needs Policy which was last revised in 2002 and which is currently being rewritten. At the present time this is the substantive document. Once the new policy has been developed and to further inform its development, it will be put out to public consultation. The Policy as it stands does not require a code of practice as was established in England. However, there is the equivalent which is enacted through the Graduated Response. This involves assessment which is tailored to on-Island needs.

1650

(2) There is a Graduated Response system and all schools have guidelines including assessment forms and interventions to respond to the respective levels of Special Educational Needs for young people. As in England this is tailored to meet the various areas of need:

1655

- Cognition and learning
- Communication and interaction
- Behavioural, emotional and social development
- Sensory and/or physical.

Also, for those with complex (often co morbid) difficulties, needs may well span two or more areas. For these pupils there is a similar but a distinctive range of assessments.

1660

All schools have, and have had training on, the Special Educational Needs Assessment Toolkit which allows staff to identify and place children according to their level of Special Educational Needs. These are known as: School Action, School Action Plus, Higher-Level Need. There is also detailed guidance on intervention resources including links to other agencies.

1665

(3) The DEC equivalent to the Parent Partnership is the Isle of Man Parenting Network. This multi-agency network offers a guide to all the services and support available to parents on the Island across all sectors. The handbook is available to download at <https://www2.sch.im/groups/supportforparents/> and through all agencies linked to children. In addition to this, schools are able to give parents advice and they can also be referred to the Special Needs Adviser or the Educational Psychologists for further help. Parents are given the opportunity to be fully involved in reviews of their child's progress. Where relevant, other agencies attend or supply information to these reviews.

1670

(4) All children with Special Educational Needs or suspected Special Educational Needs are assessed by Department staff in schools and by other specialist staff such as Educational Psychologists. At both school and Departmental level, advice is sought from a range of other professionals in Health and Social Care. Staff in these Departments are fully involved in assessments as necessary and in determining programmes and support mechanisms for children with Special Educational Needs as necessary. For children with complex needs, assessments include as appropriate, multi-agency assessments; sensory, speech and language, physiotherapy and paediatric. All young children with Special Educational Needs or suspected Special Educational Needs are able to attend the Pre-school Assessment Centre which, although hosted by DEC, is multi-agency. Children are most often referred by the Department of Health staff or Social

1680

Care staff. These children are subject to multi-agency assessment. This then informs the choice of school or the school placement.

1685 (4)(a) As can be interpreted from the above description, multi-disciplinary assessments take place as a matter of course. Due to schools being closed for half term during the time available for the preparation of this Answer, it is not possible to give an accurate number of these. However, there have been five hundred and ninety nine (599) since 2004 and one hundred and eight (108) in the three years prior to that at pre-school alone. Last year there were 53 pupils in schools who had assessment and review from different agencies. These have not been listed or named as Schedule 4
1690 assessments.

Since 2004, when the Regulations came into effect, there has been one challenge to a decision not to make an assessment that has not been resolved. This is ongoing but does not relate to a child of school age and therefore falls outside these Regulations.

1695 (4)(b) As described above detailed, often multi-agency assessments, are made as a matter of course. These are made most usually at the insistence of the Department and sometimes at the request of parents.

1700 (4)(c) The system, which has evolved over many years, is significantly different to that in the UK where special schools of various types exist to provide for children with some type of Special Educational Needs. The Manx system of providing a continuum of support in all its High Schools and a range of support within Primary Schools has allowed a system to develop where children can access support as their need intensifies or diminishes. The extent and sophistication of this was not fully envisaged in 2001.

1705

Orders of the Day

BILLS FOR CONSIDERATION OF CLAUSES

1710

Cash in Postal Packets Bill 2012 Clauses considered

3.1. Mr Teare to move.

1715

The Speaker: Item 3, Bill for Consideration of Clauses, and the first of those is the Cash in Postal Packets Bill, which we will take now and proceed as far as time allows on the part of the mover.

I call on Mr Teare.

1720

Mr Teare: Thank you very much for your co-operation, sir. I really do appreciate it.

With your help, sir, I would propose to take clauses 1 to 3 as a block but vote on them independently, because they are relatively straightforward, I would suggest.

Clause 1: this clause provides the short title of the Act as being the Cash in Postal Packets Act 2012.

1725

Clause 2: this clause deals with the commencement of the resulting Act.

Subsection (1) provides that the resulting Act will be brought into operation by an Appointed Day Order or Orders, as required.

Subsection (2) provides that Orders may contain such transitional or saving provision as might be required to facilitate the implementation of the Act.

1730

Clause 3 provides for the resulting Act to automatically expire on the day after its promulgation or, if not, all of its provisions are in operation then on the day after the last provision is in operation. As the Bill is not designed to stand as an Act in its own right, but instead amends a number of existing Acts, its usefulness would have ended when those amendments have been made and are operative.

1735

Subsection (1) deals with the expiry.

Subsection (2) makes clear that any such expiry does not, however, affect the continuing operation of the amendments the Bill has made.

Mr Speaker, I beg to move that clauses 1, 2 and 3 do stand part of this Bill.

1740

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

1745 **The Speaker:** I put the question that clauses 1, 2 and 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 4, please.

1750 **Mr Teare:** Thank you, Mr Speaker,
This clause provides that the following clauses 5 to 9 shall amend the Customs and Excise Management Act 1986. Clauses 5 to 9 make the necessary amendments to that Act to provide for the extension of the cash declaration requirements to large amounts of cash sent into or out of the Island in postal packets.

1755 Mr Speaker, I beg to move that clause 4 do stand part of the Bill.

The Speaker: Mr Henderson.

1760 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 4 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 5.

1765 **Mr Teare:** Thank you, Mr Speaker.

This clause amends section 76A of the Customs and Excise Management Act 1986, which is concerned with the interpretation of terms used in Part VA of the Act. Part VA was inserted by schedule 5 to the Proceeds of Crime Act 2008 to provide for a definitive system for the declaration of large sums of cash being brought into or taken out of the Island.

1770 Subsection (1) provides for section 76A to be amended in accordance with the following subsections.

Subsection (2) amends the definition of 'declaration' so it is to include those which may be required from either the sender or addressee of a postal packet.

1775 Subsection (3) amends the definitions of both 'import' and 'export' so as to include within both the import or export into or from the Island of cash in postal packets.

Subsection (4) adds a definition of 'postal packet' with it having the same meaning as in section 58(1) of the Post Office Act 1993.

Subsection (5) inserts the definition of 'sender' of a postal packet.

1780 Mr Speaker, I beg to move that clause 5 do stand part of the Bill.

The Speaker: Mr Henderson.

1785 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the motion that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 6.

1790 **Mr Teare:** Thank you, Mr Speaker.

This clause amends section 76B of the Customs and Excise Act 1986, replacing subsection (1) and amending the marginal note. This clause applies to anyone importing or exporting goods into or from the Island and is not primarily concerned with postal imports or exports. The replaced subsection (1) is concerned with the requirement to make a disclosure to a customs officer if any goods they are importing or exporting consist of or include cash over the prescribed amount.

1795 Subsection (1) of this clause substitutes the new subsection (1) for that currently in section 76B. The revised wording makes clear that the onus is on the importer/exporter of the cash to disclose to an officer the presence of said cash, whereas previously the subsection allowed for an officer to ask *them* to disclose if there was any such cash present. This only applies, of course, where there is cash in excess of the prescribed amount, currently €10,000.

1800 Subsection (2) changes the marginal heading for section 76B from 'Disclosure of cash' to 'Persons exporting or importing goods', which better represents its content and effect.

Mr Speaker, I beg to move that clause 6 do stand part of the Bill.

1805 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

1810 **The Speaker:** I put the motion that clause 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 7.

1815 **Mr Teare:** This clause inserts three new sections into part VA of the Customs and Excise Management Act 1986, all of which are directly concerned with postal movements which contain cash.

New section 76CA is concerned with the sending and receiving of cash in postal packets and sets out the requirement to make a declaration to Customs and Excise if they contain cash above the prescribed amount.

1820 New section 76CB deals with situations where a customs officer has reasonable suspicion that a postal packet contains cash in excess of the prescribed amount.

1825 New section 76CC provides that where the Treasury by Order prescribes the form and manner any declaration is to be made, that Order can also make detailed provisions in relation to any matter considered necessary or expedient to give effect to the requirement to make a declaration, or in a situation where an officer has discovered undeclared cash in excess of the prescribed amount.

Subsection (1) of the new section 76CA provides that the section applies where a postal packet contains cash in excess of the prescribed amount, currently €10,000.

1830 Subsection (2) provides that it is the sender who is required to make a declaration for cash sent from the Island.

Subsection (3) makes provision that the addressee in the Island is the person required to make a declaration for cash entering the Island.

Subsection (4) allows for the Treasury to prescribe the form and manner of any declaration required under the above.

1835 In new section 76CB, subsection (1) provides that the following subsection (2) shall apply where an officer reasonably suspects that a postal packet contains cash above the prescribed amount.

1840 Subsection (2) allows an officer to request the Post Office to detain and open the suspect packet and, this having been done, the officer may then examine its contents. However, until and unless any cash is seized, the packet and all of its contents remain in the custody and control of the Post Office.

Subsection (3) introduces the following subsections (4) to (6) to apply where a postal packet has been detained, opened and examined and has been found to contain cash in excess of the prescribed amount and for which no declaration has been received.

1845 Subsection (4) allows the Post Office to retain the cash involved but requires it to forward the postal packet and the remainder of any contents to the addressee.

Subsection (5) requires the addressee to make a declaration in the case of a packet sent to the Island.

1850 Subsection (6) requires a declaration from the sender when the packet is being sent from the Island.

Subsection (7) requires the Treasury to prescribe by order the form and manner for the making of the declarations required under subsections (5) and (6).

1855 Subsection (8) provides that any packet that is detained, opened and examined that is found not to contain cash in excess of the prescribed amount or for which a declaration has been received, must be sent on to the addressee. However, this does not affect the power to seize any cash where a false or untrue declaration is involved, where any evidence required in support of a declaration is insufficient, but where there are reasonable grounds to suspect that the cash is connected to unlawful conduct and may therefore be seized under the Proceeds of Crime Act.

1860 Subsection (9) allows that section 76CB does not preclude the application of any statutory provision that might appear contrary to section 76CB.

New section 76CC provides that an order made to prescribe the form and manner of declaration required under section 76CA or 76CB may contain such detailed provision as the Treasury considers necessary.

1865 Mr Speaker, I beg to move that clause 7 do stand part of the Bill.

The Speaker: Mr Henderson.

1870 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 8, please.

1875 **Mr Teare:** Thank you, Mr Speaker.

Clause 76H of the Customs and Excise Management Act 1986 is concerned with the written notice of seizure a customs officer must provide if any cash is seized, using powers found in Part VA of the Act.

1880 Clause 8 inserts a new subsection (2A) to deal with situations where cash found in a postal packet is seized.

Subsection (1) provides for the amendment of section 76H by the following subsections.

Subsection (2) inserts at the start of subsection (2) the words, 'Subject to subsection (2A),'.

Subsection (3) inserts the new subsection (2A).

1885 A new subsection (2A) provides that in the case of cash contained in a postal packet, a note of seizure must be sent to the sender of the packet, if known, and the addressee.

Mr Speaker, I beg to move that clause 8 do stand part of this Bill.

The Speaker: Mr Henderson.

1890 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second and reserve my remarks.

The Speaker: I put the question that clause 8 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

1895 Clause 9, please.

Mr Teare: Thank you, Mr Speaker.

1900 This clause inserts a new section 76I into the Customs and Excise Management Act 1986. The new section removes any excuse for not making a declaration for cash entering or leaving the Island which is based on: (a) doing so might incriminate them or their spouse or civil partner; or (b) to do so might involve a breach of legal professional privilege or other legal privilege.

1905 However, the new section also provides that any statement made in order to comply with Part VA shall not be admissible as evidence against that person or their spouse or civil partner in proceedings for any offence other than perjury. Hence the person may freely declare, disclose or answer questions concerning any cash entering or leaving the Island without fear of self incrimination, incriminating a spouse or civil partner or breaching any legal privilege they feel that they are bound by.

This new section applies to all situations requiring a declaration or disclosure concerning cash entering or leaving the Island and not just that sent in the post.

1910 Subsection (1) provides that a person is not excused from complying with a requirement under Part VA on the grounds that: (a) doing so might incriminate them or their spouse or civil partner; or (b) the answer to a question might be the subject of legal professional privilege or other legal privilege.

1915 Subsection (2) provides that any statement or admission made to comply with a requirement under Part VA is not admissible in evidence against the person or their spouses or civil partner for any offence except perjury.

Subsection (3) clarifies that subsection (2) does not limit the use of section 76G which deals with seizure of cash or the exercise of any other power under any statutory provisions.

Mr Speaker, I beg to move that clause 9 do stand part of the Bill.

1920 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

1925 **The Speaker:** I put the question that clauses 9 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 10.

1930 **Mr Teare:** Thank you, Mr Speaker.
This clause provides that the following clauses 11 and 12 shall amend the Post Office Act 1993.

Clause 11 amends section 15 of the Act, a change which has been found necessary during consideration of other matters and are necessary to be able to keep customs law relating to postal traffic up to date, relevant and able to deal with the developments stemming from EC customs law.

1935 Clause 12 amends section 49 of the Act in connection with the amendments made by this Bill to the Customs and Excise Management Act 1986 and the Proceeds of Crime Act 2008.

Mr Speaker, I beg to move that clause 10 do stand part of the Bill.

1940 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

1945 **The Speaker:** I put the question that clause 10 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 11.

1950 **Mr Teare:** Thank you, Mr Speaker.
Section 15 of the Post Office Act 1993 is intended to allow the application to postal traffic of Customs law as it would apply otherwise to goods imported, exported or removed into or from the Island. This clause amends section 15 to ensure that reference to statutory provisions in Customs law that apply to postal traffic includes reference to relevant Community instruments and that thus any such instruments can be regarded as Customs law for the purposes of that section.

1955 Subsection (1) provides that section 15 of the 1993 Act is to be amended in accordance with the following two subsections.

Subsection (2) replaces the word 'enactments' in subsection 15(2)(e) with the word 'provisions' to ensure that paragraph is in line with the terms of the new subsections (7) and (8).

Subsection (3) adds the new subsections (7) and (8).

1960 The new subsection (7) provides that the term 'statutory provisions', as used in section 15, includes any Community instrument that applies to the Island and any that has been applied as part of a law of the Island under section 2A of the European Communities (Isle of Man) Act 1973.

The new subsection (8) provides that the term 'Community instrument' has the same meaning as in section 1(1) of that 1973 Act.

1965 Mr Speaker, I beg to move that clause 11 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

1970 **The Speaker:** I put the question that clause 11 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 12.

1975 **Mr Teare:** Thank you, Mr Speaker.
This clause amends section 49 of the Post Office Act 1993 to modify the terms of inviolability of the mail, provided by that section, so as to allow application of the powers and procedures involved, following amendment of the Customs and Excise Management Act 1986 and the Proceeds of Crime Act 2008 by this Bill.

1980 Whilst, in general terms, section 49 provides that any packet in the post, anything that contains such a packet and any mailbag has immunity from examination, seizure or detention. This protection is subject to the limitations set out in the section.

1985 In clause 12, subsection (1) provides that section 49(3) is amended in accordance with the following four subsections. The amended subsection details those times when the general immunity provided by 49(1) does not apply to postal traffic.

Subsection (2) deletes the word 'or' at the end of section 49(3)(a). This serves no practical purpose and which should have been removed when the section was last amended in 2001.

1990 Subsection (3) inserts new paragraphs (aa) and (ab) after 49(3)(a). New paragraph (aa) refers to part VA of the Customs and Excise Management Act 1986 and the cash contained in postal packets. New paragraph (ab) refers to chapter 3 of part 1 of the Proceeds of Crime Act 2008, in relation to cash contained in postal packets.

Subsection (4) inserts the word 'or' at the end of section 49(3)(b). Subsection (5) inserts the word 'to' at the start of 49(3)(c). Both of these also correct minor errors dating from changes made in 2001.

1995 Mr Speaker, I beg to move that clause 12 stand part of the Bill.

The Speaker: Mr Henderson.

2000 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 12 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2005 Clause 13.

Mr Teare: Thank you, Mr Speaker.

2010 This clause provides for the following clauses 14 to 19 to amend the Proceeds of Crime Act 2008, the chief purpose of which is to extend the powers of civil recovery of cash connected to unlawful conduct to that sent by post. At the same time, the opportunity has been taken to align the definition of cash in the Act with that used in part VA of the Customs and Excise Management Act 1986, in connection with declarations of imports and exports of cash.

Mr Speaker, I beg to move that clause 13 do stand part of the Bill.

2015 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

2020 **The Speaker:** I put the question that clause 13 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 14.

Mr Teare: Thank you, Mr Speaker.

2025 This clause amends section 43 of the Proceeds of Crime Act 2008, which deals with searches undertaken for cash which is recoverable property, or intended for use in unlawful conduct.

The amendments add to the definition of 'cash' provisions dealing with counterfeit or forged versions and so aligns the definition with that already used for declarations of cash and found in section 76A of the Customs and Excise Management Act 1986.

2030 Subsection (1) provides for the following two subsections to amend section 43.

Subsection (2) adds at the end of section 43(6)(e) a new paragraph (f) which provides that cash includes any counterfeit or forged form of those things listed.

In section 43(6)(a) to (e) or of anything prescribed by an order made by the Department of Home Affairs under 43(7).

2035 Subsection (3) adds a new subsection (7A) which provides that if any counterfeit or forged cash is involved, it shall be deemed to have the same value it would have, if it had been genuine.

Mr Speaker, I beg to move that clause 14 do stand part of this Bill.

The Speaker: Mr Henderson.

2040 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 14 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2045 Clause 15, sir.

Mr Teare: This clause inserts a new section 43A into the Proceeds of Crime Act 2008. This new section is concerned with permitting searches of postal packets under certain circumstances and how such searches are to be carried out.

2050 In new section 43A, subsection (1) provides that where a police or customs officer reasonably suspects that a postal packet contains cash which is recoverable property or intended for use in unlawful conduct and is not less than the minimum amount, which is currently £1,000, the officer may request that the Post Office detain and open the packet, and then the officer may examine its contents.

2055 Subsection (2) is concerned with situations where a packet is opened but no cash liable to seizure is discovered. In such cases, the Post Office must reseal the package and send it on to the addressee.

2060 Subsection (3) deals with situations where cash which is liable to seizure is found. In these cases, the cash continues to be detained but the packet and the rest of any of its contents are forwarded to the addressee. It is at this stage that the cash may be seized by the police or customs officer.

Subsection (4) provides that, in this section, 'postal packet' has the same meaning as in the Post Office Act 1993.

2065 Subsection (5) provides that the new section does not affect the operation of any other statutory provision with which it might otherwise appear to conflict.

Mr Speaker, I beg to move that clause 15 do stand part of the Bill.

The Speaker: Mr Henderson.

2070 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 15 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2075 Clause 16.

Mr Teare: This clause amends section 44 of the Proceeds of Crime Act 2008, which deals with prior approval for searches for cash carried out under the Act. The clause inserts in subsection (1) a reference to new section 43A.

2080 The effect of this is to make searches of postal packets under section 43A subject to the same requirements as other searches for cash, i.e. with prior approval of the High Bailiff, a Justice of the Peace, or if approval from either of these is not practical, a senior officer. In this context, a senior officer would be a police inspector or above, or a customs officer of at least higher executive officer grade. If no cash is found during the search or any cash seized is then returned within the initial 48-hour period allowed in the Act a written report must be made to either the Chief Constable or the collector of Customs and Excise, if judicial approval had not been sought. This report must detail why it had not been practical to seek such prior approval and why the officer concerned believed that they could use the powers conferred by section 43 or 43A.

2090 Mr Speaker, I beg to move that clause 16 do stand part of the Bill.

The Speaker: Mr Henderson.

2095 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second and reserve my remarks.

The Speaker: I put the question that clause 16 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17.

2100 **Mr Teare:** Thank you, Mr Speaker.

This clause amends section 45 of the Proceeds of Crime Act 2008, which is concerned with the code of practice for searches for cash. Section 45 is amended so as to require the Department of Home Affairs, after consultation with the Isle of Man Post Office, to make a code of practice in respect of the powers contained in the new section 43A and bring the code into operation by order.

2105 Subsection (1) provides for section 45 to be amended in accordance with the following four subsections.

Subsection (2) inserts a new subsection (1A), requiring the Department of Home Affairs to

make the requisite code of practice following consultation with the Post Office and bring it into operation by Order.

2110 Subsection (3) replaces reference to 'the code' in subsection 45(3) with 'a code', as there will or may be more than one.

Subsection (4) similarly amends 45(4).

Subsection (5) amends the heading in the marginal note so as to refer to 'codes of practice' instead of 'code of practice'.

2115 Mr Speaker, I beg to move that clause 17 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

2120 I beg to second and reserve my remarks.

The Speaker: I put the question that clause 17 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 18.

2125

Mr Teare: This clause amends section 49 of the Proceeds of Crime Act 2008, which is concerned with the release of detained cash. Cash which has been detained by the Police or Customs and Excise, whether during the initial 48-hour period permitted under the Act or in any subsequent period authorised by the High Bailiff, may be released on direction of the High Bailiff if the conditions for continuing detention are not met. This would be upon application by the person from whom the cash had been seized.

2130

This clause amends section 49 and extends the ability to make such an application to the sender of a postal packet or the addressee. Some or all of the cash may also be released by the Police or Customs and Excise if its continued detention can no longer be justified.

2135

Subsection (1) provides that section 49 is amended in accordance with the following two subsections.

Subsection (2) amends section 49(3) to insert reference to the sender or addressee of a postal packet where cash contained in such a packet is concerned.

2140

Subsection (3) adds a new subsection (5) to section 49 to define 'sender' as being the person whose communication is in the postal packet.

Mr Speaker, I beg to move that clause 18 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

2145

I beg to second and reserve my remarks.

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

2150

Mr Singer: Could I briefly ask the Hon. Minister, if cash is seized, the reason that it has been brought in illegally, where will that cash go to? Will it be to the Seized Assets Fund?

The Speaker: Minister.

2155

Mr Teare: If it is seized under the Proceeds of Crime Act, then yes, it would be the Seized Assets Fund, certainly.

The Speaker: The question that clauses 18 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2160

Finally, clause 19, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

2165

This clause amends section 54 of the Proceeds of Crime Act 2008, which is concerned with compensation provided where no forfeiture order is made in respect of cash which has been detained. No compensation is available for cash detained or returned within the initial 48-hour period allowed.

For cash detained but returned within the initial 48-hour period... sorry, Mr Speaker.

No compensation is available for cash detained but returned within the initial 48-hour period

2170 allowed under the Act and any cash detained after this is held in an interest bearing account, although this can be delayed if forensic examination of cash is necessary.

Clause 19 amends section 54 so as to enable the sender or addressee of a postal packet to apply to the High Bailiff for compensation in relation to cash contained in a packet that was detained for which no forfeiture order was subsequently made.

2175 Subsection (1) provides for section 54 to be amended in accordance with the following two subsections.

Subsection (2) replaces subsection 54(1) with this substitute making provision for applications from that sender or addressee of a postal packet that contained cash that had been seized.

Subsection (3) adds a new subsection 54(8) which defines the sender of a postal packet as being the person whose communication is in that packet.

2180 Mr Speaker, I beg to move that clause 19 do stand part of the Bill.

The Speaker: Mr Henderson.

2185 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I beg to second and reserve my remarks.

The Speaker: Mr Karran.

2190 **Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh just explain why we should be giving ourselves immunity as far as if there was a legitimate loss by an individual by actions taken by the state and they actually are left out of pocket? It is rather a worrying situation if they are innocent and they find themselves in a situation.

2195 I cannot see, Vainstyr Loayreyder, many cases nowadays where people would be sending cash through the post – maybe to somebody who is on holiday, or whatever – but if it was the case and there was a delay and you ended up having to get one of these payday loan schemes, it does seem a little bit unjust that we are giving immunity to our own actions of the state over the individual, and I just wondered whether the Shirveishagh Tashtee has a view on that.

2200 **The Speaker:** Minister.

Mr Teare: I think that the checks and balances – especially contained within clause 19, which amends section 54 – do give a fair respect of the rights of the individual.

2205 I would mention that the initial detention period is 48 hours, and then after that it would have to be approved by the judiciary. Additionally, if it is true that the application or the seizure has been inappropriate, then there are provisions for compensation to be paid, but I think also here we are talking about more substantial sums of cash. We are not talking about the odd Christmas or birthday present. These are bigger sums which may well be associated with crime, because my hon. friend is quite correct, there are other means of sending cash rather than in the post, and that would be more open and transparent, to send it through the bank account, or indeed the Post Office, rather than putting cash in an envelope.

2210 **The Speaker:** I put the question that clause 19 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2215 Thank you, Hon. Members. That brings us to the end of the clauses stage of the Cash in Postal Packets Bill. Thank you, Mr Teare.

2220 **Sunbeds Bill 2012**
Clauses considered

3.2. Mrs Cannell to move.

2225 **The Speaker:** We turn now to the Sunbeds Bill 2012, and I call on the mover, Mrs Cannell, to move clause 1, please.

Mrs Cannell: Thank you, Mr Speaker.

2230 Clause 1 gives the Act resulting from this Bill, its short title. I move that clause 1 stand part of the Bill.

2230 **The Speaker:** Mr Houghton.

Mr Houghton: I beg to second.

2235 **The Speaker:** I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 2.

2240 **Mrs Cannell:** Clause 2 provides that the Act will come into force on a particular day or days provided for in an order. The Appointed Day Order may contain provisions which are incidental, transitional or transitory, where appropriate.
I beg that clause 2 stand part of the Bill.

The Speaker: Mr Gawne.

2245 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 3.

2250 **Mrs Cannell:** Mr Speaker, clause 3 sets out the different definition of terms used in the Bill. I move that clause 3 stand part of the Bill.

The Speaker: Mr Gawne.

2255 **Mr Gawne:** I beg to second and reserve my remarks.

2260 **The Speaker:** I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 4.

2265 **Mrs Cannell:** Mr Speaker, clause 4 makes it an offence for an operator of a sunbed salon to allow a person under the age of 18 years to use a sunbed on their premises. Defences are provided for, if the operator can show that he or she believed that person was over 18 years of age. The onus is on the operator to take reasonable steps to establish the age of the person using the sunbed.
I move that clause 4 stand part of the Bill.

The Speaker: Mr Gawne.

2270 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 5.

2275 **Mrs Cannell:** Mr Speaker, clause 5 requires persons who sell or hire sunbeds to take reasonable steps to ensure that a person who intends to buy or hire a sunbed are 18 years of age or over. An operator of premises which sell or hire sunbeds will be considered as having taken reasonable steps, if they were shown specified documents and those documents would have convinced a reasonable person that the user was 18 years and over.
I move that clause 5 stand part of the Bill.

2280 **The Speaker:** Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2285 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 5 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 6.

2290

2295 **Mrs Cannell:** Clause 6 makes provision in respect of the remote sale or hire of a sunbed. In instances where the premises where the order for a sunbed is taken are not the same as the premises from which the sunbed is dispatched for delivery, the sale or hire of that sunbed is treated as taking place on the premises where the order was taken. If however, the order was taken outwith the Island and the premises from which the sunbed is dispatched, is in the Island, then the sale or hire is treated as having taken place on the premises from which the sunbed is dispatched.

I move that clause 6 stand part of the Bill.

2300 **The Speaker:** Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2305 **The Speaker:** I put the question that clause 6 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7 please.

Mrs Cannell: Mr Speaker, clause 7 makes it an offence for an operator of sunbed premises to allow persons to use the sunbed without supervision.

2310 I move that clause 7 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2315 **The Speaker:** I put the question that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

2320 **Mrs Cannell:** Mr Speaker, clause 8 enables the Department, following consultation with the Department of Health to make provision for the maximum wattage of sunbeds through regulation. These regulations may concern individual fluorescent lighting tubes, or all of the tubes in a sunbed.

I move that clause 8 stand part of the Bill.

2325 **The Speaker:** Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2330 **The Speaker:** I put the question that clause 8 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 9 please.

2335 **Mrs Cannell:** Clause 9 empowers the Department of Health to make specific regulations in relation to the use of sunbeds for medical purposes.

I move that clause 9 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2340

The Speaker: I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 10.

2345 **Mrs Cannell:** Mr Speaker, clause 10 requires operators of sunbed premises to provide prescribed information to a person each time that person proposes to use a sunbed.

I move that clause 10 stand part of the Bill.

2350 **The Speaker:** Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 10 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 11.

2355

Mrs Cannell: Mr Speaker, clause 11 requires operators of sunbed premises to display a prescribed information notice in a position where it is readily visible and readable to persons proposing to use a sunbed on those premises.

I move that clause 11 stand part of the Bill.

2360

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2365

The Speaker: I put the question that clause 11 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 12, please.

2370

Mrs Cannell: Mr Speaker, clause 12 empowers authorised officers to enter premises in order to ascertain if an offence is being committed. An authorised officer is required to produce documentation showing his or her authority to enter those premises. Provision is made for an authorised officer to inspect or take copies of any records, where necessary, in the exercise of their powers.

I move that clause 12 stand part of the Bill.

2375

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2380

The Speaker: I put the question that clause 12 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 13.

2385

Mrs Cannell: Mr Speaker, clause 13 makes provision for an authorised officer to seek a warrant to enter private dwellings to investigate an offence.

I move that clause 13 stand part of the Bill.

The Speaker: Mr Gawne.

2390

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 13 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 14.

2395

Mrs Cannell: Clause 14 makes it mandatory, where there is reason to believe that an offence is being committed, for any person on the premises to give the name and address of the operator of those premises if it is necessary to make it clear that failure to do so may be an offence under the Bill.

I move that clause 14 stand part of the Bill.

2400

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2405

The Speaker: I put the question that clause 14 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 15, please.

2410

Mrs Cannell: Mr Speaker, clause 15 makes provision, where an offence has been committed, for a fixed penalty notice to be given to the operator of sunbed premises. This clause stipulates what must be contained in a fixed-penalty notice and how much that fixed-penalty notice will be

2415 in specific instances. A set time of 28 days is provided, in which a fixed penalty is to be paid, though this may be extended if the Department considers it appropriate to do so. This clause also provides for circumstances in which a fixed penalty may be given and the form which it takes.

I move that clause 15 stand part of the Bill.

The Speaker: Mr Gawne.

2420 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 15 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2425 Clause 16

Mrs Cannell: Clause 16 provides that the Department may withdraw a fixed penalty notice, following representations by, or on behalf of the recipient and provision is also made for the repayment of any penalty paid, where this occurs.

2430 I move that clause 16 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2435 **The Speaker:** I put the question that clause 16 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17.

2440 **Mrs Cannell:** Mr Speaker, clause 17 provides for a maximum fine of up to £2,500 where an offence goes to trial.

I move that clause 17 stand part of the Bill.

The Speaker: Mr Gawne.

2445 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 17 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2450 Finally, clause 18, Mrs Cannell.

Mrs Cannell: Thank you Mr Speaker.

Clause 18 is a very important clause because it requires that any regulations made under the Bill are to be approved by Tynwald before coming into operation.

2455 I move that clause 18 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

2460 **The Speaker:** I put the question that clause 18 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 clauses stage of the Sunbeds Bill.

2465

Financial Services (Miscellaneous Amendments) Bill 2012
Item deferred to next sitting

2470 **The Speaker:** The Financial Services (Miscellaneous Amendments) Bill will be held over until the next sitting.

Licensing (Amendment) Bill 2012
Clauses considered

2475

3.4. Mr Singer to move.

2480 **The Speaker:** Therefore, we turn to the Licensing (Amendment) Bill and I call on the mover, Mr Singer, to move clause 1.

Mr Singer: Thank you, Mr Speaker.
With your permission may I move clauses 1 and 2 together?

2485

The Speaker: You may.

Mr Singer: Clause 1 makes provision for the resulting Act's short title.
Clause 2 provides for the resulting Act to expire on the day after its promulgation and this is now a standard provision in new Acts.

2490

Mr Speaker, I move clauses 1 and 2 stand part of the Bill.

Mr Watterson: I beg to second and reserve my remarks.

2495 **The Speaker:** The question that clauses 1 and 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 3.

Mr Singer: Thank you, Mr Speaker.
Clause 3(a) makes a minor clerical amendment inserting the word 'or'.
2500 Clause 3(b) substitutes section 74(2)(b) of the 1995 Act now allowing a police officer to dispose of liquor seized from a person under 18 in a manner he considers appropriate.
I move that clause 3 stand part of the Bill.

2505

Mr Watterson: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 4, Mr Singer.

2510

Mr Singer: Thank you, Mr Speaker.

Clause 4(1): this clause substitutes section 76 of the Licensing Act 1995, drinking in public places. The 1995 Act specifies where offences take place in a 'designated place'. This now substitutes that with 'public place', and in subsection (8) of the definitions of 'public place' this is defined as any highway, any place, at the particular time to which the public has access on payment or otherwise as of right or implied permission.

2515

'Public place' does not mean a place within the curtilage of any on-licence or club premises or premises at which liquor is or has been sold within the previous 15 minutes and been authorised by an occasional licence.

2520 Subsection (2) limits the circumstances under which a police officer may give a warning not to consume alcohol in a public place. The person must be acting in a specific manner or using indecent or obscene language before the warning can be given. The method of showing what is a designated place has been removed as this provision applies to any public space.

Clause 4(2) repeals section 15 of the Licensing (Amendment) Act 2001, which is consequential on agreeing this clause 4.

2525

I therefore move, Mr Speaker, that clause 4 stand part of the Bill.

The Speaker: Mr Watterson.

2530

Mr Watterson: I beg to second and reserve my remarks, sir.

The Speaker: No one wishes to speak?
I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That brings us to the conclusion of the clauses stage of the Licensing (Amendment) Bill and it

2535 concludes the business of the House today.

The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 13th November in this Chamber.

The House adjourned at 11.53 a.m.