



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS DAALTYN

HANSARD

Douglas, Tuesday, 12th February 2013

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Present:

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

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The House adjourned at 11.58 a.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

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

5 **Members:** Good morning, Mr Speaker.

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

10 **The Speaker:** Hon. Members, I have given leave of absence today to Mr Watterson, who is off Island on business in relation to the Commonwealth Parliamentary Association.

15 Questions for Oral Answer

TREASURY

20 **Louis Group (IOM) Ltd**
Cover under Depositors' Compensation Scheme

1. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for the Treasury:

25 *Whether the Louis Group Isle of Man operation was registered with the Financial Supervision Commission as a deposit-taker; and whether deposits will be covered under the Depositors' Compensation Scheme for any losses as a result of the winding-up order?*

30 **The Speaker:** We now turn to Item 1 on the Order Paper, Questions for Oral Answer. I call on the Hon. Member for Douglas North, Mr Houghton.

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

35 **The Speaker:** I call on the Minister for the Treasury, the Hon. Member for Ayre, Mr Teare.

The Minister for the Treasury (Mr Teare): Thank you, Mr Speaker.
No company in the Louis Group of companies was licensed by the Financial Supervision Commission as a bank or deposit-taker. There will therefore be no claim on the Depositors' Compensation Scheme as a result of the recent windings-up ordered by the High Court.

40 One company in the Louis Group, Louis Group (IOM) Ltd, was licensed by the Commission for trust and company service provider business and for investment activity. That company is now also being wound up.

45 It is important to clarify at the outset that none of the investment products, including the Louis Group structured fund and the Louis Group structured loan note, into which investors placed their money, were licensed by the Financial Supervision Commission or were subject to the Commission's ongoing supervision.

In November 1999, Tynwald unanimously approved the Financial Supervision (Experienced Investor Fund) (Exemption) Order 1999 which introduced a new form of restricted collective investment scheme, which was commonly known as an experienced investor fund (EIF). The EIF was introduced in order to provide an unregulated framework for mutual fund vehicles, suitable for investors with a high level of investment experience. Consequently, the EIF is only aimed at investors whom the manager or fund administrator of the EIF is satisfied qualify as experienced investors.

55 The Order included provisions to ensure that investors were fully informed regarding the nature of the investment and understood the risks associated with an investment in that fund.

Thank you, Mr Speaker.

60 **The Speaker:** Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

65 Can the Minister agree with me that the members of the public find it very hard to believe that depositors who take money into high street banks are almost interrogated by the militia and his Financial Supervision Commission have not properly regulated an arm of investment in the Isle of Man that is taking deposits? How can that be so, sir?

The Speaker: Minister.

70 **The Minister:** There are two items here. The first is that the allegation is that the Financial Supervision Commission was asleep on the watch. I can say, Hon. Members, that that is definitely not correct. The FSC acted in a timely and professional manner in dealing with this.

75 Also, we feel that there are various issues which are surrounding this. I do not want to go into it, because this could well finish up before the courts. It is a court ordered liquidation, as we said, now and the liquidators will be asked to make a full report to the courts. This will draw out any evidence that there might be of any wrongdoing.

The Speaker: Mr Houghton.

80 **Mr Houghton:** Thank you, Mr Speaker.

Using the Minister's words, that the FSC may have been asleep on the watch, can he explain just how much involvement the FSC had before this company or the set of companies, the Louis Group or went out of business? How much did the FSC know about it and what action had they taken previously to this?

85 **The Speaker:** Hon. Member, I think we must be cognisant of the Minister's reply (**A Member:** Hear, hear.) in respect of possible ongoing court action. I would caution the Hon. Member and I think we will move on to Question 2, and I call on Mr Henderson or

90 **Mr Karran:** Vainstyr Loayreyder, point of order.

I think the Hon. Member needs to clarify the point that the Minister did not say that the FSC was caught asleep on the watch. I think it is important for *Hansard* that point needs to be clarified or

95 **The Minister:** Thank you.

Mr Karran: or if there is to be a court case.

100 **The Speaker:** Minister, I will give you the opportunity, if you wish, bearing in mind what has been said.

The Minister: Thank you for giving me the opportunity to clarify that.

I would make it abundantly clear that, from everything that I have seen, I am reassured and I would reassure Hon. Members that the FSC acted entirely appropriately and timely in connection with this matter.

105

**Louis Group
FSC and Treasury action taken**

1.2. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for the Treasury:

110

What action has been taken by the Financial Supervision Commission and the Treasury in relation to the Louis Group Isle of Man; and when problems with this group and associated companies first became apparent?

115

The Speaker: Question 2, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

120

Could the Shirveishgh, firstly, just clarify the direction where we are going with the Questions this morning, inasmuch as the Hon. Members for North Douglas, both myself and colleague, are not at this stage calling into question anything about the FSC, other than what they have actually done. It is an information question, Vainstyr Loayreyder, so nobody is accusing anyone at the minute and we are conscious of possible later *sub judice*...

Nonetheless if I could ask the Question standing in my name.

125

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

I have already outlined the background to the Louis Group of companies and the nature of the funds involved within my Answer to the previous Question. I will now concentrate on how the current position arose and the actions taken by the Financial Supervision Commission.

130

In recent years, it was becoming increasingly clear that the commercial property market, into which Louis Group investments were primarily placed, was deteriorating, such that it placed an increasing strain on the rental borrowing and sales performance of the underlying portfolios. Liquidity became extremely tight.

135

In July 2009, the Financial Supervision Commission acted to prevent further investment notes being issued by one of the funds ó the structured loan notes ó and maturing notes from being renewed. From then on, the Commission acted to ensure that more information on the state of the investments was made available to investors by the companies concerned, so that investors could make more informed decisions and also insisted that the accounts of many of the syndicate property companies were brought up to date.

140

Following the issue of one of the fundø accounts in February 2011, the Commission made further enquiries, after reading the content of the auditorsø report that accompanied them. It was ultimately arising from those enquiries that the Commission petitioned the court for the appointment of inspectors, which took place in May 2012.

145

After submission by the inspectors of their report to the court in September 2012, the Commission subsequently petitioned the court for the winding-up of certain Louis Group companies. The winding-up orders for six companies were subsequently ordered by the court on 21st January 2013.

150

I understand that the joint liquidators have now written to creditors, informing them that the first creditorsø meeting will be held at noon on 18th February 2013 at the Broadway Cinema, at the Villa Marina. I am aware that a number of complaints have been made by investors, both to the Financial Supervision Commission and through the Office of Fair Trading to the Financial Services Ombudsman Scheme.

155

As has been previously stated, the funds in question were unregulated and as such should only have been made available to investors who are regarded as more sophisticated or experienced and therefore able to understand the risks attached. It is therefore vital that such investments are promoted correctly by the issuer or independent financial advisers. Whilst the Financial Supervision Commission has no powers to investigate complaints of mis óselling directly or make awards, it will be thoroughly investigating any complaints made against licensed independent financial advisers who have been licensed in the Isle of Man, and acting on the finding as appropriate.

160

I am of course unable to comment on individual cases of complaint to the Office of Fair Trading under the Financial Services Ombudsman Scheme, but I am aware that a number have been received and are currently under review or have been resolved.

Thank you, Mr Speaker.

165

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I thank the Shirveishagh for his positive Answer and the detail of information supplied, Vainstyr Loayreyder.

170 But just to clarify, if I might, the company or companies that we are talking about that have been taking investor funds were not registered with the FSC or regulated by them.

Could he also clarify that if an investor wanted to participate in the EIF initiatives by this company, they could approach the company direct themselves or go through an independent financial adviser?

175 **The Speaker:** Minister.

The Minister: Thank you, and I thank the Hon. Member who has resumed his seat for giving me the opportunity to clarify that. It is appreciated.

180 I confirm again that the scheme was not regulated by the FSC, as an experienced investor fund, and those investors who would be investing in that type of scheme would be expected to have a certain level of experience and sophistication to enable them to understand the risks of the underlying investments.

185 For those investors who approached the company direct, their recourse would be against the company. Those who were advised by IFAs to place an investment with the Louis Group would have recourse through the Financial Services Ombudsman Scheme, in respect of the advice that they had been given.

The Speaker: Hon. Member, Mrs Beecroft.

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

Just a point of clarification, if the Treasury Minister would: where it is a question of going through an IFA to purchase these unregulated investments, does the FSC control the IFAs? Does it check to make sure that they are compliant, that they have pointed out to investors that it is for the more experienced market?

195 **The Speaker:** Reply, sir.

The Minister: There are two sides to this. The activities of the IFAs are regulated by the FSC. The FSC does undertake regulatory visits to IFAs and other licensed institutions, and does sample files on occasion, to make sure that they are complying with the licence conditions.

200 But in terms of actually when advice has not been given as it should have been, then a complaint is made to the Office of Fair Trading, which then would refer the matter to the Financial Services Ombudsman. The Financial Services Ombudsman, at the time that this scheme was being promoted, had a maximum sum that they could award against an IFA of £100,000. That has
205 subsequently been increased to £150,000 per case.

The Speaker: Mr Henderson.

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

I just want to ask the Shirveishagh, in the instance of the experienced investor funds, why the FSC would not have a regulatory oversight of this, or some sort of supervisory aspect. What is the difference with this and, as my hon. colleague next to me indicated earlier, a deposit-taking bank, as it were?

215 **The Speaker:** Minister.

The Minister: A deposit-taking bank has a licence to accept deposits, which is granted by the FSC, and that forms part of the FSC's remit. Another part of the remit is to look at and regulate investment schemes. There are various types of investment schemes, as we have discussed this
220 morning. There is the experienced investor fund scheme, which is designed for sophisticated investors who can make their own decisions, make up their own minds as to whether a particular investment scheme is suitable for them. Then there are what I might call the retail investment schemes, which are open to the wider market, and it is the retail investment scheme which the FSC
225 takes a close interest in.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

230 Just on a general point, can the Minister declare whether he is satisfied that individuals or companies can set up experienced investor fund schemes without supervision from his supervisory body in the Isle of Man? Is he satisfied or is he not?

The Speaker: Minister.

235 **The Minister:** This is some way after the event now and the ability to set up these schemes has now, some time ago, been rescinded.

The Speaker: Hon. Member for Michael.

240 **Mr Cannan:** Can I ask the Treasury Minister how many other of these experienced investor fund schemes or unregulated schemes are currently in operation on the Isle of Man, to the best of his knowledge?

245 **The Speaker:** Minister.

The Minister: I do not have that information with me, but I can certainly make it available.

The Speaker: Mrs Beecroft.

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

255 Just following on from my previous question and the Minister's answer, could he just further clarify that where an IFA is looked at by the FSC on the Isle of Man, what is the case for IFAs in other jurisdictions or branches or whatever of the IFAs who are here? How can we check on those other jurisdictions, how they are selling it?

260 **The Minister:** The Hon. Member has made a very good point. The remit of the Isle of Man Financial Ombudsman relates to advice which is given to customers in the Isle of Man. So if anybody receives advice from an IFA in another jurisdiction, say the UK, that would fall within the remit of their regulatory body, which as I understand it, would be the FSA.

Mrs Beecroft: Or a branch of theirs, if it is a branch?

265 **The Minister:** It depends where the advice was given, so if the advice was given in the UK, then it will fall within the remit of the FSA in the UK.

The Speaker: Mr Cannan? No?
Mr Houghton.

270 **Mr Houghton:** Thank you, Mr Speaker.

275 My final supplementary question to the Minister would be this: in answer to a previous supplementary, when he said such schemes as this have been rescinded as far as the non-regulation aspect is concerned, when were they rescinded and why was that not applied to current schemes on the Isle of Man?

280 **The Minister:** I think it would help Hon. Members, if I went through the chronology of this. The original scheme was approved in November 1999, as I said in my original reply, and in June 2003, there was an amendment to the scheme, which replaced the minimum subscription. That was the minimum investment that an investor could make in the fund.

285 Then in October 2007, an amendment was brought forward to provide that no new EIF could be formed and there was a change in the structure for existing funds to introduce new regulatory requirements.

Then in June 2011, there was brought forward the collective investment schemes experienced investment fund, and this stopped closed EIFs from accepting new investors or new subscriptions from existing investors and it also prohibited ongoing promotion and applications.

SOCIAL CARE

290

**Isle of Man Adoption Service
Consultation over future plans**

295

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

What consultation has taken place with the Department, the Isle of Man Adoption Service and the Isle of Man Children's Centre about the future for the Adoption Service; and what the timescale and plan are for any changes?

300

The Speaker: We turn to Question 3. Hon. Member for Onchan, Mr Quirk.

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

305

The Speaker: I call the Minister for Social Care, Mr Robertshaw.

310

The Minister for Social Care (Mr Robertshaw): Thank you, Mr Speaker.

My Department has a contract with the Manx Churches Adoption and Welfare Society, trading as the Isle of Man Adoption Service to provide adoption services on the Department's behalf. The contract runs from 1st January 2011 through to 31st December 2015.

315

The Adoption Society itself has indicated it wishes to merge with the Children's Centre and, in accordance with the contract terms, has sought my Department's consent to assign the contract to the Children's Centre. My Department has sought to ensure it is fulfilling its duties before granting that consent, but in discussion with the Isle of Man Adoption Society and with the Children's Centre.

320

In addition, the Children's Centre will need to be approved as an adoption provider, prior to consent being given. I will seek an order granting this approval by Hon. Members in another place in the March 2013 sitting. Subject to this approval, it is anticipated that the transfer will be completed by the end of April 2013.

The Speaker: We turn to Question 4. Mr Quirk?

325

Mr Quirk: Thank you, Mr Speaker.

Could I ask the Minister, could he give us an indication of what consultation has taken place with key stakeholders for the future structure of this service and the impact and changes it will bring?

330

The Speaker: Mr Robertshaw.

The Minister: Thank you, Mr Speaker.

Yes, I am very happy to do so. Both the Adoption Service and the Children's Centre are tried, tested and trusted service providers for my Department and there is a constant process of dialogue between both parties and ourselves and obviously we have been engaged in the process, during the desire of the two to merge.

335

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

340

Could I also ask the Minister, has his Department considered any conflicts of interest regarding the Isle of Man Children's Centre?

Could I also ask the Minister regarding the contract, which he has indicated runs until December 2015. Could I take an assurance from him that all those in the financial packages there to remunerate staff for this undertaking that it will be run by your Department?

345

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

350 There is not any conflict of interest. I would draw the Hon. Member's attention to a consultation report on the Transforming Government Review that was submitted to my Department on this very matter some time back. It reads:

355 -At present the Isle of Man contracts with two separate agencies for fostering and adoption services. These are more usually delivered by single agencies. By bringing the two agencies together and combining delivery, service will be more co-ordinated, with lower overheads.

So we are pleased to see the momentum in this direction.

With regard to the financial packages, we are erring out of our competency here, because that is a matter between the two providers and not Government.

360 **The Speaker:** Mr Quirk, final supplementary.

365 **Mr Quirk:** Can the Minister then confirm that all the board members of the Isle of Man Children's Centre and the Adoption Society are happy, are content and willing to progress the particular amalgamation?

The Speaker: Minister.

370 **The Minister:** Mr Speaker, I have answered this question in the sense that I have said that the enthusiasm for this project in the first instance came from the Adoption Society itself and has been welcomed by the Children's Centre. I think that is enough, really.

375 HEALTH

Healthcare for immigrants Criteria for access

380 1.4. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Health:

What the criteria are for access to healthcare on the Isle of Man for immigrants from (a) EU; and (b) non-EU countries?

385 **The Speaker:** Question 4, Hon. Member for Middle, Mr Quayle.

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

390 **The Speaker:** I call on the Minister for Health, Mr Anderson, to reply.

The Minister for Health (Mr Anderson): Thank you, Mr Speaker.

395 In answering the Hon. Member's Question, I will assume he is referring to immigrants who are ordinarily resident in the Isle of Man, defined as living lawfully in the Isle of Man voluntarily and for settled purposes, as part of the regular order of their life for the time being, whether they have an identifiable purpose for the residency here and whether that purpose has a sufficient degree of continuity to be properly described as 'settled' in which case their entitlement to NHS services is the same as all other residents of the Isle of Man, regardless of which country they have arrived from.

400 In relation to overseas visitors to the Isle of Man, i.e. those not ordinarily resident, the NHS Services (Overseas) Regulations 2011 place an obligation on the Department to make and recover charges for hospital treatment provided, whilst also setting out limited exceptions, where services are provided without charge, such as treatment in the accident and emergency department. While such regulations do not apply in a primary care setting, the contractual relations with GPs defines visitors as 'temporary residents' if they intend to stay on the Isle of Man more than 24 hours but
405 less than three months. Temporary residents from overseas are not entitled to NHS services from a GP.

The Speaker: Mr Quayle, supplementary.

410 **Mr Quayle:** Thank you, Mr Speaker.

Is the Minister aware that an immigrant can come to the Isle of Man and not have a Work Permit, which satisfies the criteria that his Department works on, but could still access free medical cover on the Isle of Man? Is he aware that the doctorsø surgeriesí it only takes you to have a local address on the Isle of Man and you can go and register in a doctorsø surgery and avail yourself of full health benefits on the Isle of Man, without contributing anything to the Islandø economy? I do get the point that you can come to the Isle of Man, but with our Work Permit rules, as long as you have a Work Permit, so is he aware that this abuse can happen?

415
420 Given that his Department is the second biggest spending Department, would the Minister agree to introduce a procedure that stops EU immigrants from accessing healthcare free of charge on the Island, if they do not have a Work Permit?

The Speaker: Minister.

425 **The Minister:** Thank you, Mr Speaker ó quite a lot of supplementary questions there. Obviously, it is quite a complex area.

Can I assure the Hon. Member that we are not aware there are many people abusing the system that we have. However, I am aware that there are slightly grey areas in people accessing NHS services. However, they need more than just a Work Permit to show evidence that they are living here as a continued resident, to get onto a GP list. There are several factors taken into consideration, before they are allowed to access a GP surgery and there have been and there is evidence of people that have been turned away from accessing GP surgeries, because they have not been able to give the evidence that we have required. Our staff are very good at spotting cases where residence is not clear and flagging them up for investigation.

430
435 I would agree with the Hon. Member, it is an area that needs further investigation and my understanding is there are already meetings ongoing with External Relations to make sure the detail of this is clearer to all concerned. I think that will help us all as lay people as well.

The Speaker: Mr Quayle, further supplementary.

440 **Mr Quayle:** Thank you.

Would the Minister support the introduction of an efficient residency Act to block the abuse of our health service? I can confirm that, having spoken to medical professionals again in Nobleø and in private doctorsø surgeries, as long as an address is given to them, they will register anybody on the Isle of Man for their practice.

445 **The Speaker:** Minister.

The Minister: I am not able to give that qualification, because I do not know the implications of what the Hon. Member is proposing. I would assume that the working group that is looking into this area will be able to give us clear direction on whether that is appropriate or not.

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

455 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that the fact is you can come to the Isle of Man under the present situation without having to have a Work Permit? Would the Shirveishagh son Slaynt also not agree the issue is of the fact that as far as GPs are concerned, so long as they have an address in the Island, they will be entitled to medical care?

460 Would the Minister not agree that it is about time he made representations as to whether we are going to get off the fence over the residency Bill, allowing for the fact that, if there are people coming to the Island with health problems, it is important that they are treated at the present time, to make sure that there are certain complaints that, having health services on the Island, we have eradicated, where it is important that they do need medical checkups and back-up as far the issue is concerned? The issue has to be not about the access to medical care, but residency as far as this Island is concerned.

465 **The Speaker:** Minister.

The Minister: I am not qualified to answer detail on the residency Act and bringing that in. However, the Hon. Member does make one very good point ó if I can remember what it is ó yes, it was do with visiting people having access to relevant services where it might have

implications for the health of the rest of the residents of the Island and that is taken care of within the regulations that we have.

475 **The Speaker:** There are further supplementaries, but I do not want this turning into general discussion about the residency Act. The Question is quite specific in relation to access to healthcare.

Mrs Cannell.

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

Would the Minister agree to circulate to the two Hon. Members who are questioning this matter this morning a copy of the actual application form that is provided to new people when they go and seek registration with a GP, to perhaps satisfy themselves that things are checked?

485 Would he also agree that during those situations when a person seeks registration, other than filling out the application form, they need an urgent appointment to see a general practitioner, it is usually granted at that stage?

The Speaker: Reply, sir.

490 **The Minister:** I would not go any further in detail, than what I did in my original Answer. However, I will look into the availability of these application forms and if I do circulate them, they will be to all Members.

The Speaker: Hon. Member for Rushen, Mr Skelly.

495 **Mr Skelly:** Gura mie eu, Loayreyder.

Does the Minister agree this issue has wider implications that will impact on other areas of Government, in particular, the Department of Social Care and does he believe a cross-Government working group should be established to review this important matter?

500 **The Speaker:** Minister.

The Minister: I thank the Hon. Member for his question, Mr Speaker. I believe that the working group that is looking at this, does involve people from across Government, but I will make sure that somebody from his Department is also included within that discussion group.

505

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

510 Is the Minister aware that, in some other countries, part of the criteria for getting a work permit is that you have to have a medical, which you have to pay for privately, before you can be granted a work permit? Is this something that he would consider?

The Speaker: Minister.

515 **The Minister:** It is not something that we have considered and I would look at the evidence to see if that was necessary.

520

EDUCATION AND CHILDREN

Education for immigrant children Criteria for access

525 1.5. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Education and Children:

What the criteria are to access education facilities on the Island for children aged between 5 and 16 years from (a) EU; and (b) non-EU countries?

530 **The Speaker:** We turn now to Question 5, and again, Hon. Member for Middle, please, Mr Quayle.

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

The Speaker: I call on the Minister for Education and Children, Mr Crookall.

540 **The Minister for Education and Children (Mr Crookall):** Thank you, Mr Speaker.
In answer to part (a), the Education Act 2001, part 1, section 1(a) and (b) places a duty on the Department to promote the education of persons, and in particular persons under the age of 18 years, resident in the Island and for that purpose to provide efficient and comprehensive educational services in the Island. Before a child from an EU country is registered at school, checks are carried out to confirm their status by requirement to produce evidence of their residential status.

545 In answer to part (b), the Education Act does not differentiate between EU and non-EU children. A non-EU child will be subject to the same pre-registration check to establish if they are resident in the Island.

550 **The Speaker:** Mr Quayle, supplementary.

Mr Quayle: Thank you, Mr Speaker. I thank the Minister for his Answer.
Given the cost of £5,445 for a primary school place or £6,631 for a secondary place, does the Minister think that it is prudent that he should put in place a procedure that, when a school is enrolling a student, it should ascertain if the pupil and their family have the right to be on the Island in the first place, in the form of either a Work Permit or the legal requirements needed, other than checking the address, which again, happens with the health service? Would a right of residency certificate help his Department, which is the case in, for example, the Czech Republic or Slovakia?

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

The Minister: Thank you, Mr Speaker.
The checks carried out include evidence of an address on the Island with supporting documents. A review of the parents' as well as the child's passport to confirm their status is included in these checks. In the case of a non-EU parent's children, the visa will be reviewed to ensure that it entitles them to be in the Isle of Man.

570 In addition to the duty placed on the Department by the 2001 Act, we also have to consider our responsibilities under the European Convention on Human Rights, protocol 1, article 2, which provides the right not to be denied an education. The United Nations Convention on the Right of the Child, article 28, requires states' parties to recognise the right of the children to education.

Mr Speaker, that said, I also take on board what the Member has been saying in conjunction with the last Question, and I believe these two can worked together, sir, with the working party.

575 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh son Ynsee not agree that it is wrong to give the impression that these people are illegally here?

580 Would he also not agree that the fact is that under our terms of our Protocol 3 we have to not discriminate any differently between a British subject, a Romanian subject or any other EU member, so the fact is that there are no illegal individuals here?

585 Would he also not agree that the issue that the Hon. Member should be looking at, like the previous issue, is about whether we want to bring in the residency Bill, whether we want to go even further, as far as the issue of immigration is concerned, allowing for the changes that are coming about as far as our economy is concerned?

The Speaker: Mr Crookall.

590 **The Minister:** Thank you, Mr Speaker.
Without getting involved in the residency Bill, I am happy to agree with what the formerí the Member who has just resumed his seat has said. I would also ask the question of Mr Quayle, if he has any evidence of what he is suggesting, if he would bring it to either myself or, of the former Question, Mr Anderson.

595 **The Speaker:** Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Would the Education Minister agree with me that in fact the biggest problem his Department has is the teaching of English to these youngsters, where English is not their first language when they first come to the Isle of Man, and that that requires a lot of additional education on a one-to-one basis, to bring that young person up to a standard where they can be included in the general class; and that perhaps what he ought to be looking at is a contribution from these parents to the teaching of their children of English as a consequence of it not being their first language?

600

605 **The Speaker:** Mr Crookall, Minister.

The Minister: Thank you, Mr Speaker.

I would agree with what the supplementary questioner has just asked with regard to EAL or those who do not have English as their first language.

As regards the contribution, that is a completely different matter altogether, and I am happy to talk to the Member about it in another place.

610

Mrs Cannell: You are charging our youngsters. (*Interjection*) Why not charge others?

615 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Ynsee not agree that it is most important that we have an *inclusive* society, (**Mr Cretney:** Hear, hear.) (**The Minister:** Absolutely.) not an exclusive society?

Would he not agree that it is no good using the excuses of people coming to the Island from other places, if we have not got a good health service or education service? It is about funding and organisation.

620

Would he not agree that actually it is a priority that we make sure that these children – if we bring them into this Island, these children need to understand English as a first language? Allowing for the fact of my promotion of the Manx language for decades, the fact is that that is most important.

625

Finally, would the Shirveishagh son Ynsee not agree also that in the areas where the facility for pre-school education was most important, where English is the second language, mainly in the Hon. Membersø for East Douglas constituency, there was no pre-school facility? At least there is a limited access of facilities now!

630

Mrs Cannell: That has got nothing to do with ó

Mr Shimmin: Question! (*Interjections*)

635 **The Speaker:** Hon. Member, the last part was *way* beyond ó (**Several Members:** Hear, hear!) (*Interjections*) You are not required to answer that, Minister, but the first part you may consider.

The Minister: Thank you, Mr Speaker.

In which case, I am very happy to agree with the Hon. Member who has just resumed his seat, with regard to inclusive and not exclusive, sir.

640

The Speaker: Mr Quayle, final supplementary.

645 **Mr Quayle:** Thank you, Mr Speaker.

Would the Minister not agree with me that all people who come to the Isle of Man to work and contribute to the Islandø economy have the right to education facilities, but my questioning is of people who come to the Isle of Man who are contributing nothing and have come in under the radar, but there is a loophole that allows them to do this? This is the point I am trying to get over.

For the record, there are 17 different first languages recognised at Ballakermeen School and it costs £630 a year to provide language help for a student who cannot speak English.

650

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

655 There is not an awful lot I can say to that, except if the Hon. Member has got any evidence, I would be delighted to take it on board, sir, and discuss it with him.

660 **The Speaker:** Hon. Members, that brings us to the end of Questions for Oral Answer. There is one Question for Written Answer: the reply will be distributed.

Question for Written Answer

665

SOCIAL CARE

Isle of Man Adoption Service takeover DSC preparation with Children's Centre

670

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

675 *Whether his Department has done due diligence, risk assessments and basic consultation with the Isle of Man Children's Centre to prepare for its taking over the Isle of Man Adoption Service?*

680 **Answer:** The Department's current contract for the provision of adoption services is with the Manx Churches' Adoption and Welfare Society trading as the Isle of Man Adoption Service. When the Department was informed of the proposed plans for the Children's Centre to take over this service, it started work on ensuring the services would continue to be provided on the same basis.

The Department, as part of the process of fulfilling its duties with regard to the adoption services contract, carried out full due diligence checks on the Isle of Man Children's Centre, even though the Children's Centre is already a well known, trusted and respected provider of services under contract to the Department.

685 A risk assessment on the transfer has been carried out and the Department is satisfied that the transfer will not affect future provision of adoption services.

Orders of the Day

690

BILL FOR SECOND READING

Flood Risk Management Bill 2013 Second Reading approved

695

3.1. Mr Houghton to move:

That the Flood Risk Management Bill 2013 be read a second time.

700

The Speaker: We turn to Item 3, Bill for Second Reading, the Flood Risk Management Bill, and I call on the mover, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

705

I am pleased to be able to move the Second Reading of the Flood Risk Management Bill, which is promoted by the Water and Sewerage Authority.

710

There are few places on earth where people need to be concerned about flooding. Flooding is a particularly important issue for the social wellbeing and economic prosperity of our Island community. We all live and work near water. Many of the Island's towns and villages, critical infrastructure and agricultural land are vulnerable to flooding from surface water, sewers, rivers and the sea. Changes in our climate, such as more frequent and intense rainstorms and sea-level rises will increase the likelihood of floods occurring in the future. The desire to build in areas at risk of flooding and changes to existing drainage systems can also add to increased flood risk. Flooding cannot be prevented. However, the risk can be managed through a wide range of measures to reduce either the likelihood of flooding, or the impacts of flooding, when it occurs.

715

The current flooding legislation on the Island is the 1934 Land Drainage Act. However, as its title suggests, the focus of the existing legislation is the drainage of land, which of course continues to be vitally important for our quality of life. Many of the principles within the 1934 Act are carried forward into the Flood Risk Management Bill. However, the Land Drainage Act is archaic and limited in scope. The Island's ability to deal with flooding problems relies heavily on civil law, which is practically unenforceable, as we have experienced during the prolonged rainfall over the past year. New legislation is urgently needed to ensure that drainage systems are managed in a way that does not cause problems for others and to provide a sound legal framework for implementation of the full range of measures needed to reduce the likelihood and impact of flooding in the most cost-effective ways.

725

The proposed Bill will establish the Water and Sewerage Authority as the flood risk management authority for the Isle of Man. The Bill provides the Authority with discretionary powers to manage the risk from all sources of flooding, including storm tide surges, surface runoff, rivers, other watercourses and sewers, as well as the sea. The Bill is intended to replace the existing land drainage legislation on the Island. The only alternative to this Bill would have been to continue with the existing land drainage legislation, which, as I say, is antiquated, limited in scope and practically impossible to enforce.

730

The Bill that is now before the Keys is a substantially redrafted version of the Flood Risk Management Bill, that was introduced in the 2010-11 session. However, the original Bill was withdrawn at the consideration of clauses stage in this House in March 2011, in order for the genuine concerns of the Manx National Farmers' Union to be explored and wherever possible addressed. The revised Flood Risk Management Bill repeals and replaces the Land Drainage Act 1934 and introduces a number of new provisions. The Bill is divided into 11 parts and I will explain the Bill, one part at a time and include information on the new provisions that have been introduced as a consequence of the discussions with the Farmers' Union.

735

740

Part 1 contains the opening provisions, it introduces the short title of the Act and provides for its commencement. It contains definitions of the terms used in the Bill and introduces modern terminology, for example, flood risk management, abbreviated throughout the Bill as FRM.

745

Part 2 describes the flood risk management functions of the Authority. It makes the Water and Sewerage Authority responsible for all flood risk management matters on the Island. The Authority will exercise its functions by a combination of measures, including surveys to identify those areas that are at particular risk of flooding, publishing strategies and plans for carrying out appropriate flood-protection works and provision of flood warning arrangements. When exercising

its functions, the Authority will be required to consider cultivation, archeological and wildlife aspects.

750 Part 3 deals with general provisions relating to flood risk management works and watercourses. It will enable the Authority by order to designate flood risk management works or watercourses that it considers to be of major importance in terms of flood risk management. Such designated works and watercourses will be the sole responsibility of the Authority for flood risk management
755 purposes. However, ordinarily, the land in question will remain in the ownership of the landowners concerned, who will continue to be able to use it in the normal way, for example, the grazing of animals, but following designation of the land, the Authority's consent will be needed for certain activities that may otherwise cause or contribute to an additional risk of flooding, although that will not apply in emergency situations. Moreover, consent will not generally be
760 required for the carrying out of necessary maintenance works on a watercourse. This was a particular concern of the National Farmers' Union in relation to the 2011 Bill, but their concern has now been addressed.

Part 3 deals also with the applications to the Authority for its consent under the Bill. The Authority will not be permitted to withhold its consent unreasonably. A provision to that effect has
765 been introduced into this Bill. Again, this has been done in order to address a concern that the Farmers' Union had in relation to the 2011 Bill. In the event of the Authority refusing to grant consent, or imposing conditions with which the applicant is dissatisfied, there will be a right of appeal to the Flood Risk Management Tribunal.

Hon. Members will note that the penalty imposed by clause 21 and clause 19 also, which deals with undertaking activities without the Authority's consent, is a fine only. I would explain that the
770 Manx National Farmers' Union had expressed their deep concern, in relation to the equivalent provisions in the 2011 Bill, which had imposed a possible period of up to two years in custody.

We have, however, retained this option for the most serious offences under the Bill, such as wilfully damaging designated flood risk management works. I believe this now strikes the right
775 balance. Although the Authority will be able to charge an administrative fee for dealing with applications for its consent, any prescribed fees will be laid before Tynwald.

Part 4, Mr Speaker, deals with the Authority's powers in respect of flood risk management works and watercourses. This part will enable the Authority to maintain or improve existing flood risk management works and watercourses, or to construct new ones where it considers that to be
780 necessary. However, this will normally only apply to designated flood risk management works and watercourses. In contrast, the Authority's works, powers, in relation to all other non-designated works and watercourses are more limited. For example, in order to deal with a serious flood risk, the Authority will have appropriate powers of entry on land for connected purposes. The Authority will be required, in appropriate cases, to pay compensation to the landowners concerned, who suffer damage as a consequence of the exercise of the Authority's works and entry powers. The
785 Authority will also be able to deal with any emergency flooding event that will arise on the Island. It will be able to enter into prior arrangements with other public bodies, including emergency services for the discharge by them of some of the Authority's functions in appropriate circumstances.

Finally, the provisions contained in part 4 will enable the Authority to take appropriate enforcement action under the Bill. These provisions have been extended to encompass a situation where the condition of watercourse is impeding important land drainage improvements. This was a
790 specific concern that the Manx National Farmers' Union had in relation to the 2011 Bill. This has now been addressed. Failure to comply with a remedial action notice served by the Authority under these provisions is made a criminal offence. Here again, the penalty has been limited to a fine only, in view of the concerns that were expressed by the Farmers' Union in relation to the equivalent provisions in the 2011 Bill.
795

In addition, the Authority will be able to undertake the required work itself and to recover the costs involved from the person responsible. However, there will be a right of appeal against a remedial action notice to the Flood Risk Management Tribunal.

800 Part 5 deals with some other powers that are conferred on the Authority. It will enable the Authority in appropriate cases to seek a warrant, where, for example, it has been refused entry onto land in order to carry out flood protection works. It will also enable the Authority to carry out flood prevention works on behalf of private landowners on a rechargeable basis, for example, to protect houses from the risk of flooding. Alternatively, the Authority will be able to take over
805 responsibility on appropriate terms for private flood risk management works where the Authority considers that such works should come under its direct control. If necessary, the Authority will be able to apply to the High Court for an injunction to ensure compliance with the requirements of the Bill, for example, against a persistent offender. A private individual will likewise be able to apply

810 for an injunction against another person who is, for example, failing to comply with *his* flood risk management obligations. I will explain that the right for an individual to seek an injunction was added at the specific request of the FarmersøUnion.

Finally, it empowers the Authority to make byelaws in order to deal with certain detailed issues under the Bill. Such byelaws will require the approval of Tynwald. The power to make byelaws, however, already reflects the current position under the Land Drainage Act 1934.

815 Mr Speaker, part 6 deals with landownersø drainage arrangements on other lands. I would point out that part 6 of the Bill, comprising 11 clauses, was inserted into the revised version of the Bill at the specific request of the National FarmersøUnion, who wished to see the equivalent provisions in the current Land Drainage Act retained. These provisions will enable a landowner to lay drains through neighbouring land in order to, for example, develop or improve his own land. He will require the agreement of the neighbour and may be required to pay compensation. However, in the event of the neighbour refusing to agree to the proposed arrangements, then the landowner will have direct recourse to the flood risk management tribunal, who will decide the matter.

820 Mr Speaker, part 7 deals with appeals under the Bill. This part establishes a new tribunal to be known as the Flood Risk Management Tribunal, which will operate in accordance with the Tribunals Act 2006. As I have mentioned earlier, the Bill provides for the rights of appeal in certain circumstances and those appeals will be dealt with by that tribunal. Decisions of the tribunal will be binding on the parties, subject only to any further appeal to the High Court on a point of law.

830 Part 8 deals with general offences. This part creates certain criminal offences under the Bill, for example, obstructing the carrying out of works by the Authority. It also imposes appropriate penalties on those who commit such offences, as I have previously explained. The more serious offences, for example, wilfully interfering with apparatus installed by the Authority, may be subject to custody of up to two years, while the less serious offences will be subject to a fine.

835 Mr Speaker, part 9 deals with a few other miscellaneous provisions. This part will require the Authority to obtain the prior consent of statutory undertakers, or the Department of Infrastructure, in relation to harbours to the carrying out of any works by the Authority under that Bill that may affect the operations of such bodies. However, consent is not to be unreasonably withheld and in any event, will not be required in cases of emergency.

840 It also imposes a requirement on the Department of Infrastructure, when it considers applications for planning permission to consider the extent to which the development may create a significant risk of flooding. If so, it will be open to the Department to either refuse planning permission for the development or to impose appropriate conditions, for example, requiring the developer to construct suitable flood risk protection works before the project can proceed.

845 Mr Speaker, part 10 contains savings and transitional arrangements. In particular, this part deals with the question of the appeal rules that are to apply for the purposes of part 7 of the Bill.

850 Part 11 sets out the various repeals and amendments and it also amends the Wildlife Act 1990 to the effect that, except in cases of emergency, the Authority will require the prior consent of the Department of Environment, Food and Agriculture before the Authority can exercise its functions under the Bill, in circumstances that may have implications for wildlife, including wild birds and plants. Where the consent of the Department is needed, such consent is not, however, to be unreasonably withheld. A similar amendment is also made to the Tree Preservation Act 1993.

855 Finally, this part amends the Sewerage Act 1999 in two important principles: firstly, in order to enable the Sewerage Authority ó meaning, of course, the Isle of Man Water and Sewerage Authority ó to refuse its consent to the making of a connection between a private drain and a public sewer, where the Authority considers that the capacity of the sewage system is insufficient, creating an additional risk of flooding. However, the Authority will not be able to refuse consent, where the connection with the public sewage system is necessary, in order to facilitate a development in respect of which planning permission has been granted by the Department of Infrastructure.

860 Secondly, there is an enabling provision for the Authority to introduce sewerage charges, when it considers that to be appropriate. However, I would emphasise that, before it can introduce sewerage charges, the Authority will need to make an order, which will require the formal approval of Tynwald. At this stage, however, there are no plans to introduce such a charge.

865 Mr Speaker, having outlined the broad principles of the Bill and explained the reasons why it is considered necessary to introduce such legislation, I hope that Hon. Members are now able to give it their full support and I beg to move.

The Speaker: Mr Cretney.

870 **Mr Cretney:** Thank you, Mr Speaker.

I rise to second the Flood Risk Management Bill Second Reading and I believe that the Hon. Member has been very helpful in his detailed explanation of the 11 sections. This is a very important Bill, as far as I am concerned and all of us will have witnessed in the last 12 or 18 months exceptional periods of wet weather, which have caused practical difficulties to many around the Island. (Mr Anderson: Hear, hear.) I do believe that this legislation will assist in real life examples, in terms of improving that situation, which I do believe we may well expect will be the case into the future, in terms of extended periods of such weather.

I am very happy to second the Bill and wish the Hon. Member good luck with the rest of it.

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

Mr Quirk: Thank you, Mr Speaker.

I also welcome the introduction of this particular Bill and the comprehensive consultation that has been taken prior to the Member becoming Chairman. The one minor issue I do have regarding the Flood Risk Management Bill really is, when it affects the Department of Infrastructure, when the Department of Infrastructure has surface water drainage systems, or drains in the road which are causing difficulty to members of the public, mostly in urban areas. I wonder if there are to be disputes, or the Member could give us some helpful information regarding if those disputes will be ironed out at an early stage or is there a mechanism there for tribunals under his control?

890 **The Speaker:** Hon. Member, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker.

895 Can I thank the Hon. Member for his explanation and also for the invitation to the presentation on Monday, 18th February. Maybe he would like to tell us, will the Water and Sewerage Authority be supplying drinks for that occasion?

900 Also, maybe he would like to go into detail and tell us, he referred a few times to the flood risk management tribunal, who will make up that tribunal and how will they be appointed and can he assure us that all the landowners concerns have been fully addressed in his comments? He also made reference in his remarks to wild birds and plants: what about birds that are not wild? Maybe he could find out about that as well.

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

905 **Mr Singer:** Thank you, Mr Speaker.

I would like to support the Bill, but there is one specific area, which I want to refer to. The mover will be aware of the previous debate in another place, where planning permission in my constituency came under the spotlight, because the planning given by DoI was in conflict with the advice given in regard to building in flood plains and areas identified as likely to flood. In this case, the Bullen Report gave that comment and was quite specific and was the subject of a petition to Tynwald.

915 Can the hon. mover give an assurance that DoI are required absolutely to follow the advice of the Water Authority in relation to areas designated as flood plains and areas at high risk of flooding? I am concerned when I look at clause 68, which deals with this matter and the section that applies to the Department of Infrastructure, 68(3):

∴if that Department considers the flood risk is significant∅

920 ∅ and that would be, obviously on the advice of the Water Authority ∅

∴it may refuse planning permission or grant planning approval subject to conditions under section 10 of the planning Act.∅

925 My concern here is that we are not going to change the situation that has been now, but for whatever reason the Department may feel that building should take place in this area and will ignore the comment and that then puts ∅ if it is houses there ∅ therefore, the people who buy the houses at risk of losing money. I think if the Member could comment on my comment that the word ∴may∅ is not adequate and should be much stronger.

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

Mrs Cannell: Thank you, Mr Speaker.

935 A similar concern to the previous speaker, Mr Singer in respect of this, having been the Chair of the Authority during the time of the terrible flooding that the Isle of Man experienced and, of course, the bursting of banks and things like that in Sulby.

940 Again, looking at clause 68, it does not seem to be robust enough, because it is giving a bit of a let out and I just wonder whether or not the Member moving the Bill might consider an amendment, perhaps, to beef that up a little bit, because when you look at the actual explanatory notes as well and it talks about clause 93, it reads:

945 ~~To permit the Sewerage Authority to refuse its consent to the making of a connection between a private drain and a public sewer, where the Authority considers that the capacity of the sewerage system is insufficient thereby posing an additional risk of flooding. This is in addition to its existing right for the Authority to refuse consent to such a connection where it considers that the mode of construction of the drain is unsatisfactory.~~

Okay, they have an existing power, but it is not good enough at the moment. This is why, of course, the extra additional power has been put in here. The explanatory memorandum goes on to say:

950 ~~However, the Authority will not be able to refuse consent where the connection with the public sewerage system is necessary in order to facilitate a development in respect of which planning permission has been granted by the Department of Infrastructure.~~

955 It seems to me, Mr Speaker, that there needs to be it is a permissive 68, it is a ~~may~~ or ~~may not~~ and it needs to be toughened up, or it needs to include a process where both the Authority and the relevant Department come together at an early stage, in terms of a planning proposal in what is regarded as a flood risk area and come to some sort of heads of agreement prior to even accepting a planning application, possibly. So I think that needs to be beefed up.

960 The other question I would ask of the Hon. Member: in terms of the appeals and the tribunals and the right to complain etc, that is going to have a cost and what we have had previously, when considering Bills before the House of Keys, is an idea of the cost of bringing this law in. It would be very useful to know what it is going to cost, because the legislation is proposing an additional layer of bureaucracy, in terms of the setting up of tribunals, so that will have a cost.

965 The other thing I would like the Hon. Member, perhaps, to let us know what the Department is thinking is in terms of this sewerage charge, which is being suggested in clause 11, sewerage charges. Of course, at the end of that, it says:

970 ~~In imposing the charges, the Sewerage Authority must consider the amounts it will need to perform the functions to which the charges relate.~~

which suggests to me that they are bringing in a provision in law to enable them to be able to charge for things that we currently do not pay for and that the sewage treatment plant deals with, which has been highly contentious previously when another place has debated a concept of it.

975 So if the Member can let us know what the thinking is behind this and reassure us that any such order applying a sewerage charge would in fact need Tynwald approval and would be subject to a debate in another place and not merely rubber stamped, where we have got a situation where it would be laid before Tynwald without debate and the negative resolution would apply. In other words, it would lie there, unless a Member picked it up at that sitting or a subsequent sitting and called for it to be rejected.

980 I am sorry I have got a number of queries there. It would have been useful, had the Hon. Member been able to arrange for the presentation, possibly prior to Second Reading, but we are debating the principle of the legislation, so if he could answer, I would be most grateful.

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

Mr Karran: Vainstyr Loayreyder, my concerns are We have to face up to the reality that we need a new Flood Risk Management Bill. It is just making sure it does not turn into some sort of Trojan horse, that it does a lot of things, that it gives powers without the ability of a citizen to hold the Authority to account.

990 We talk throughout the Bill about unreasonableness. I think it is important that maybe we could get some sort of definition on a legal basis of what do they think will become the unreasonableness, as far as this Bill is concerned, when having the sweeping powers that this Bill actually gives to people.

995 I think it is important that we look at the issues when we talk in clauses 17 to 19 about the development within a 9.1-metre corridor, as far as the main river is concerned. If you take the likes of where I live, if there is a problem with flooding where I live, the whole of Douglas has drowned! (*Laughter*) I am more likely within a nine-metre corridor as far as a river is concerned, within my own constituency. (*Interjection*) But the point is the power does specifically say, Vainstyr Loayreyder, that it is at what level and the level of this corridor on the Groudle River, going through the Groudle Glen would be totally different to the Sulby River, as far as the corridor is concerned. I think these are important points.

1000 Also, as I said with clauses 20 to 22, when it talks about this unreasonableness to withhold consent, I think it is important that we are in a changing climate as far as the Island is concerned. The recent experience, I was quite amazed how horrendous it was a couple of Fridays ago, in areas that I would not have thought it was possible to get flooding, such as the likes of up at St Mark's and places like that, trying to get through. I think it is important when we talk about new courses in new developments, it is important that we make sure that the developers and the people who are making the money will have the power to put that into the process, as far as that, which deals with the issues in clauses 23 to 25.

1010 I think the issue of clause 28, I have no problem with, where there is a legitimate reason for the Water and Sewerage Authority needing access onto lands to performing its function, but I do think it is important that we just have some sort of clarification that it is not just on an *ad hoc* basis. We look at the acquiring of land: I think it is important also that, when we look at clause 39 as far as the situation of being able to acquire interests in land or rights over land to create new interests or rights, we do make sure we do have the safeguards within giving power to the state, that it can be made sure that ordinary individuals do not feel hostage to it.

1015 I think the other issue, as far as the byelaws are concerned, the byelaws should remain in the situation as far as approval is concerned of Tynwald and there should be no devolution, as far as being put there where it has to be picked up through the function of having to take it to a following sitting, as far as that issue is concerned.

1020 I am concerned about the Flood Risk Management Tribunal. My concern is that I feel some sympathy for the Council of Ministers, who created this tribunal system of appointing these people and it does not seem to work very successfully. I just think that maybe we need to be discussing, when we are talking about part 7 of the Bill, whether there should be some sort of electoral college for the Flood Risk Management Tribunal, so that it is not just picked by the Tribunals Commission at the present time. If we are to give big powers, we must make sure that those powers are representative and are dissipated so that all sections of the community can have some chance of sorting that out.

1025 I have concerns about the giving of false information. I think there is not a problem with the principle of that, but if it is a criminal offence for citizens in the Isle of Man to give false information, then the offence should also equally be on the staffs so that, if they are doing anything that is giving false information, they have the same liabilities under the criminal system as far as the individual citizen is concerned.

1030 I totally agree with the input from the Member for Ramsey, Mr Singer. The issue as far as the Ramsey affair is an appalling situation and highlights the problems we have had as far as the whole planning procedure, where we could end up with people getting planning permission in such bizarre and extreme circumstances. It brings into question whether some big businesses have managed to get above the whole due process, as far as the planning and the law of the Isle of Man is concerned.

1035 The other thing I am a bit concerned about is the clause to do with the sewerage charges. If there were no plans to bring it in, I do not know why we are bringing in clause 93. The reality is we are in extremely difficult times. The fun and games of having no accountability, as far as spending is concerned and I think we should have some sort of clear declaration by the mover, if we are bringing in a rate or a charge for sewerage, then we need to know and we need to get that out into the public domain, so that our citizens who are finding hard times can adjust to know that information. I think it is wrong for people in this House to try and play ó I had better not say the 'dumb blonde' as some get very upset around here! but the reality is everybody in this House knows that there is going to be a sewerage charge, otherwise, we are going to end up with the situation that that well-thought out business plan that was brought about over the water re infrastructure will go down the tubes, (*Laughter*) and go down the tubes big style, as far as the fact that it will be paid off, not like the reincarnation that we are going to have to all have several times over to pay off the MEA debt.

1040 The other situation that I have that I think is important, when you have your presentation, is that we need to make sure that in this legislation we ringfence the different functions, as far as the

1055 Water and Sewerage Authority is concerned. We must not allow a situation with a cross-
subsidisation of the water rate paying for the flood, or paying for the sewerage and I think it is
important that maybe in the reply, we do have a clear understanding that, hopefully, the policies
that were brought about many years ago, as far as the financial planning as far as the water debt is
concerned, the water sinking fund, will be protected.

1060 So they are just a few points that I would like to ask, because I do not mind giving power to the
Water and Sewerage Authority, I do not mind giving power to Government bodies, but I also want
some accountability. I want some level playing fields, so that we cannot end up with situations
where we bring in sweeping powers and we go back to the old days, where when we want to stop
people we do not like, we can blight their interests. I think that is important we have that balance,
1065 so as far as I am concerned, I am happy to support the Second Reading of this Bill. It will be
interesting to see the presentation that is coming later on next week, as far as the issue is
concerned.

I will be moving amendments on several issues which I have asked the AG's department to
draw up, but they are too busy at the present time and, to be fair, we have another fortnight before
1070 the clauses will take place, Vainstyr Loayreyder.

The Speaker: I call on the mover to reply, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

1075 I think it has been a very good debate. It has drawn out a number of points that I do hope I will
be able to wear satisfy Members before the vote on this Bill this morning. Those that I have not or
am unable to or wish to add to, of course I will be pleased to do that both at the presentation next
Monday, and also before I move clauses stage, if we get Second Reading for this today.

1080 Firstly, Mr Speaker, I do thank the Hon. Member for South Douglas, the Minister for DoI, for
his full support, Mr Speaker. Basically, even though the Department of Infrastructure of course,
are not the promoters of the Bill, quite obviously the Water and Sewerage Authority as the
authority with the responsibilities of flood risk management in the future will be working hand in
glove with the Department of Infrastructure; it cannot do otherwise. The Water and Sewerage
Authority, other than a few small diggers for digging trenches for water pipes, etc have not got the
1085 infrastructure for large works that would be required by the Department of Infrastructure or the
calling on the Department of Infrastructure to use.

As was made clear by the Hon. Member for Onchan Mr Karran on this matter as to cross-
contamination of budgets and so on, there is a budget that has been handed over to the Water and
Sewerage Authority to deal with this and, of course, I dare say most of that budget itself will be
1090 passed back to the Department of Infrastructure wherever possible to do the works, because the
Department of Infrastructure have the equipment and we do not. That will be a sign of
Government working together in that particular regard.

But on the principle of that, where the Department of Infrastructure have the equipment, but
the Water and Sewerage Authority have the say-so under the Bill, I feel that that is a very healthy
1095 move, whereby the Water and Sewerage Authority have the ability to do all the background works
and then of course use its powers under the Bill in the appropriate cases to then call upon the
Department of Infrastructure in appropriate occasions to work together to do all this, rather than it
is just one closeted organisation, the Department of Infrastructure, who themselves have a massive
call on their infrastructure, their diggers and pipe and as I say, course-clearing abilities, that is
1100 required to be done under the Bill, when, of course, it will not fall upon the farmers to actually do.
So I do see that as a healthy move and I thank the Hon. Member for seconding.

I thank the Hon. Member for Onchan, Mr Quirk, for welcoming the Bill and I will be making
some reference to some of the suggestions that he made that have been adopted in the clauses
stage. Where he mentions under minor issues, how this would be affected under the DoI, to a
1105 certain extent I feel I have explained it in dealing with the issues and the contributions made by Mr
Cretney, insofar as we will be working together. We must work together with the Department of
Infrastructure, because the Department of Infrastructure are the first people to get to these serious
issues and have the power and the equipment in order to do that in consultation and working with
the Water and Sewerage Authority, who are charged under the Act.

1110 He makes very valuable comments under surface water drainage in urban areas and I know he
has been doing an awful lot of that in his constituency, a lot of which I have been to see myself.
There are problems all over the place, up on Birch Hill with water that is actually coming off the
roads, not the fields, which is an Infrastructure matter which is being dealt with and I am being
kept up to speed with that, as indeed is the Member for Onchan.

1115 He goes on about disputes and how they could be dealt with at an early stage and I can only say that, at early stage issues that arise, matters will not really change on the smaller, minor issues, as the Member points out, they will not change much as they do now, because if you have got something that obviously could be dealt with, on a temporary basis, like I say, using sandbags and then on a more permanent basis doing what they have done as far as the Department of
1120 Infrastructure is concerned is straighteningí is altering slightly the alignment of roads or kerbing, in order to direct water into gullies, rather than into someone's garden, I cannot see a difference, because that is actually working now. I am sure the Member for Onchan actually supports that way of going about.

1125 The whole issue of contention of this Bill is to deal with issues, long-term issues, of serious flooding, foreseeing them and then dealing with emergency cases as well, but basically foreseeing the issues that we really already know about ó and by gosh, do we not know about these issues of flooding now! It is happening all over with highlands coming down onto lowlands and causing the obvious. So it is very relevant that the responsibility is fairly and squarely placed on the shoulders of one lead organisation and that is the main issue of the Bill here.

1130 Of course, Hon. Members are clearly aware from the introduction, my introductory speech and those of you who were here in the last session, when the Member for Peel attempted to bring the Bill forward. Of course it foundered requiring further consultation, but the Bill requires to be brought in and enacted, as best as possible, with the say-so and working with everyone and including, most importantly, the farmers, because it is farming land that is affecting flooding, not
1135 necessarily of their blame, but of water coming from the uplands onto their land and then onto lower land, so it is a joint-working prerogative that must be maintained. That is what the Bill sets out to do.

Finally, the Member for Onchan points out, as did the other Member for Onchan, Mr Karran, on the issues to do with the tribunal and this is the tribunal under the Tribunals Act 2006, as I
1140 mentioned in my opening speech. How much control would I have on that tribunal? The answer is zero. I would have zero control under any tribunal that is run by the tribunals or under the Tribunals Act and this will be a further tribunal that would be appointed. That tribunal would be appointed under the Appointments Commission.

1145 So this deals with the issue the Hon. Member, Mr Karran, had as far as tribunals are concerned. They are formed as clearly as possible without any interference of Government and an Appointments Committee appoints the members of, the people sitting on, the tribunals. The tribunals themselves only sit when there is an issue that comes before them, so in a number of tribunals currently, throughout Government, a lot of tribunals have never sat to consider anything, because they have never been called upon to do so. So I feel that the tribunals have a very fair
1150 balance and transparent way of going forward and the infrastructure of tribunals is in place under the Tribunals Act. I hope that helps to answer the Hon. Member, Mr Karran's questions, with Mr Quirk.

1155 That is the point where any landowner or whosoever has an issue against the wishes of the Authority in the future can go to appeal and appeal too. I feel that is right and proper and it is right and proper that the whole Tribunals Act was set up in the first place, in order for fairness and transparency at that time.

I do hope that that has answered that, because it is vitally important that, of course, in cases where you are wishing, or the Authority wishes to go on land and wishes works to be undertaken on that land, that it is done in a fair and even-handed manner at all times. That is what we are
1160 about today, nothing short of that.

I thank the Hon. Member, Mr Anderson, he asked would drinks be available at the forthcoming presentation. I am not sure because I do not know if we can afford any. **(Members: Ooh!)** He mentioned about the tribunal and I hope my explanation of the tribunal has answered his questions there. He mentioned also about wildlife, birds and plants and so on, what about birds, not wild
1165 birds? Well, I do not think they will be affected under this particular Bill, unless he knows different. If he does, if he would raise that with me after, I will see if I can provide him with some answers.

The Hon. Member, Mr Singer, makes a very important point. The principal, fundamental point of this Bill is what the Hon. Member for Ramsey said in the terrible experience his constituent had in Ramsey. Indeed, not just Ramsey, but 12 years or more ago, there was that terrible flooding that
1170 happened in Carrick Park and Millrace in Sulby, the same thing, severe flooding and it was all really down to neglect. The river was way above its intended height, so was not able to hold the actual surging of water that was coming down the Sulby River and so on.

1175 Without the use of this, without the use of the power of the Bill, if you see what I mean ó because the Bill has not, obviously, been enacted ó there is a flood zone in Sulby now, dealing

1180 with that matter and of course, the walls at the side of people's houses have been built higher and the river bed has been reduced quite considerably. I have been there myself and I was one of those who assisted the then Member for the constituency, Mr Quine, for Ayre, in going through that area and seeing for myself the total devastation that happened in Carrick Park and Millrace on that weekend. I saw it for myself and I tend to think that is probably what spawned the working up of a responsible body and indeed this Bill in the short term.

1185 It has been under construction for many years, it has had one bite at the cherry in coming before this House already, went back for further consultation to get it right, because right it has to be. So I do feel that Millrace and of course a select committee looked into all that and actually brought about the birth of coming forward with a responsible body, which has been now laid on the shoulders of the Water and Sewerage Authority under the flood risk management regime.

1190 So I do hope that answers, generally speaking, the point the Hon. Member makes in Ramsey and he nods his head in *disagreement*. He was asking also whether the Department of Infrastructure are required to be directed in certain cases and issues to do with planning and the strengthening of clause 68(3) where he still sees this matter as a risk. Back to the dark days, if I may say, on this, where there was really scant or no consideration given to this.

1195 The Hon. Member for Ramsey will see that, in the Bill, there is clear direction for the planning authority in DoI to make cases of new estates and other appropriate occasions in planning to consult with the Water and Sewerage Authority and take note of the Water and Sewerage Authority's concerns, and if there is any work that needs to be put in, before houses are built, or any development is made, before those times, there may have to be flood risk management works put in place first.

1200 So I do hope that does assist the Hon. Member, Mr Singer, and if he has any further queries, I am always there to assist to answer them, but it has been a greatly changed scenario since then and also with the implementation of the Bill and that will then firm things up in the right direction.

1205 As for his situation with clause 68(3), which was also picked up by the Hon. Member for East Douglas, Mrs Cannell, where she wants to firm up the word 'may' in that particular clause and have it strengthened, I will listen to her point that she brings forward any suggested amendment to this. We just have to see that, rather than, as we all know in legislation, when you turn the word 'may' to 'must' that is inappropriate in a number of occasions. So the word 'may' and we are down to a fundamental point in legislation and the issue of 'may' and 'must' or 'shall' has to be very carefully looked at. So if the Member does bring anything forward in this, I would need to just look at that and balance that off with the practicalities that that could say in that particular clause, otherwise, if the Hon. Member, as indeed, any other Member, wishes to bring anything further to strengthen the Bill, I am quite open to see that, because improvements to the Bill, like in many Bills and amended Bills that follow the enactment of Bills etc, can always be improved upon. But we just must be careful about the wording in certain clauses, and I would just leave that open to the Hon. Member in that particular area.

1215 She was mentioning also that there should be heads of agreement before works would be allowed to commence and as I was explaining to the points made by the Hon. Member for Ramsey, Mr Singer on his points, that would happen, in the future that will most certainly happen with, in those cases that require it, flood risk works being undertaken first, before the development, but it would depend on the occasion and the situation and I cannot say any more than that.

1220 She also asked about the costs and this is a very difficult one and the costs of the Bill, the costs of the works and so on. She makes an excellent point and it is very difficult for me to be able to answer that. First dealing with where she mentioned that the cost of the tribunals, whatever the cost would be for that tribunal and which only sits whenever the need is to sit, which is once a year, twice a year, once every five years, never at all and I would say the cost of operating a tribunal would be reasonably minimal. Hon. Members are aware of the costs are under the Members' expenses scheme to go to Tynwald for updating on occasions, that these payments are made under the Members' Expenses Regulations, which do not amount to an awful lot in costs, so I do not see a lot of costs there.

1230 What I think she is also really strongly alluding to, is the costs of course, of flood risk management in different areas, and of course, the Authority, more than anyone else, the Department of Infrastructure with our assistance or anyone else are not going to be able to turn large water courses, the movement of large water courses or the working and operation on those, I do not see that that is something that is going to be done overnight. So, on the costing of large works, as against small works that will help, I do not see how I can bring an answer on the costs. Large works would have to be budgeted for and then taken forward, as far as that is concerned, so

I do really have a problem in answering the Hon. Member's question on costs, because of the wide range of work and area, that this Bill actually covers.

1240 She and the Hon. Member for Onchan, Mr Karran, touched on sewerage charges. Yes, this Bill here does introduce aní (Mr Anderson: Ability.) the Bill, the clauses Bill, produces an enabling clause for the ability to bring forward sewerage charges by order, and that order means via a Tynwald Order that would go to Tynwald for voting upon, not laid before Tynwald. It is set out clearly and that is the clear intention of the Water and Sewerage Authority to bring forward in the future, if it is so pressurised under the constraints of the Treasury, where it will not have sufficient funds to operate from what it receives from Treasury.

1245 So that is all about how well the budgeting works in the future and so on. But as I noted in my answers to the Hon. Member, Mr Karran, on sewage charges, I do see them coming forward, not tomorrow, not the day after, but sometime in the future, if we are so constrained by the receipt of budget from the Treasury. Hon. Members, how long is a piece of string? This is an enabling clause, it will be brought forward as an order for Tynwald to approve and that is when the debate would happen in the future, if at all in the future.

1250 On to Mr Karran: I know I have answered a number of questions related to Mr Karran, so I will just cover the ones that I have not covered. He said he hoped this was not a Trojan horse. No, indeed it is not. He dealt with the word 'unreasonableness' and this is an issue, when you are dealing with unreasonableness, one is aware of this. It usually takes a court or a tribunal to decide that in the relative context of the case that someone is bringing forward, but because the Water and Sewerage Authority is answerable to this Hon. House through its Chairman, through its board, through the operations of the sponsoring Department, the Department of Infrastructure, through the Council of Ministers and then ultimately through Tynwald Court, I think that anything that would be so unreasonable, as to be outright negligent, I think would be quashed long before anything came to that case, so in case of 'unreasonableness' I think I would ask Hon. Members to disregard.

1255 He mentions also about the 9.1-metre corridor in the water course and so on. Obviously, that is the working area of the water course and that flows into this Act from the previous Act in 1934. What it is, it is basically re-stating what was already in the previous Act in the cases of the water courses on its maximum width, depending on working areas and the ability to be able to maintain those working areas and so on. They simply now put it into meterage rather than the old feet and yards, as you would imagine. It is simply something that has been brought forward; it makes sense and of course it has to make sense to have in tributaries or water courses that do require that width ó many do not ó but for that area to be kept clear for clearing the rivers, just like happened in the Millrace/Carrick Park issue with the Sulby River. That whole river there had to be dug out. So it is just laying that and bringing it forward from the previous Act.

1270 He mentioned a number of clauses dealing with the acquisition of land and he wanted to know that these would be brought in on an *ad hoc* basis and were there safeguards. Yes, there absolutely are safeguards and, of course with recourse in the case of acts of criminal damage to any flood risk management works, in order to damage them, to flood people out ó God forbid that happening ó but that has to be a criminal offence.

1275 Any of the other offences under the Bill would then either be dealt with and punishable under law in the criminal courts, depending on what that was, or issues where there were problems with discussions and negotiations with farmers and the Water Authority, the sponsoring body, those safeguards are in place, where we have got the actual tribunal to turn to. So I hope that assists the Hon. Member.

1280 I do apologise for the time it has taken, but it is legislation, it is something that interests us and it is something that affects us and I feel I must answer (A Member: Hear, hear.) just as best as possible.

1285 Yes, he mentioned finally about the cross-subsidy, the Hon. Member for Onchan, of water rates paying for flooding. I have already mentioned this, that there is a budget in order to deal with flood risk management, already transferred to it by the Treasury for those particular works.

1290 I do hope that has indeed assisted all Members with their queries and I would be very grateful for the support of all Hon. Members.

I beg to move.

The Speaker: Hon. Members, I put the question that the Flood Risk Management Bill be read for the second time. Those in favour, please say aye; against, no.

1295 *A division was called for and electronic voting resulted as follows:*

FOR

Mr Quirk
Mr Hall
Mr Karran
Mr Ronan
Mr Crookall
Mr Anderson
Mr Bell
Mr Singer
Mr Quayle
Mr Teare
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mrs Beecroft
Mr Robertshaw
Mr Shimmin
Mr Corkish
Mr Cretney
Mr Skelly
Mr Gawne
The Speaker

AGAINST

Mrs Cannell

The Speaker: The motion carries, 22 votes for, 1 vote against.

1300

BILL FOR THIRD READING

Fisheries (Amendment) Bill 2012

Third Reading approved

1305

4.1. Mr Gawne to move:

1310

That the Fisheries (Amendment) Bill 2012 be read the third time.

The Speaker: We therefore move to Item 4, Bill for Third Reading, the Fisheries (Amendment) Bill. I call on the mover, Mr Gawne.

1315

Mr Gawne: Gura mie eu, Loayreyder.

The Fisheries (Amendment) Bill 2012, if supported by the branches, introduces amendments to the Fisheries Act 2012 to address issues identified in respect of compliance with the European Convention on Human Rights.

I beg to move that the Bill is read for a third time.

1320

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you.

I beg to second and reserve my remarks.

1325

The Speaker: If no-one wishes to speak, I put the question then that the Fisheries (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

MESSAGE FROM THE LEGISLATIVE COUNCIL

1330

Sunbeds Bill
Conference sought by Legislative Council
Three Keys delegates appointed

1335

5. On 5th February 2013 the Council debated the Sunbeds Bill and the message from the House of Keys of 29th January 2013 that it disagrees with the Council's amendments to omit clauses 15 and 16; the Council disagrees with the Keys and seeks a conference.

1340

The Council has appointed Mr Butt, Mr Lowey and Mr Turner as members of their delegation.

The Speaker: Now to Item 5, Message from the Legislative Council in relation to the Sunbeds Bill, as set out in the Order Paper. I call on the mover of the Bill, the Hon. Member, Mrs Cannell.

1345

Mrs Cannell: Thank you, Mr Speaker.

Members will recall all of the Readings that were taken in the House of Keys in respect of this piece of legislation. Just recently, of course, we considered amendments made by the Legislative Council, one of which we approved and the other which we rejected. Under the process of scrutiny, it went back to the Legislative Council. They continue disagree with us.

1350

What they are disagreeing with is that we have approved the ability with clauses 15 and 16 in the legislation to give the officers the ability to apply a fixed penalty notice. This is for minor infringements in terms of not displaying a poster inside or not displaying advice to a user, etc. We are unsure what the thinking of the Legislative Council, but clearly, there is a misunderstanding, and perhaps a misappreciation of what is intended here.

1355

They have asked that we seek a conference. I have consulted with the Minister: the Minister is quite happy; I am quite happy. If what we need to do is to establish a delegation from the House of Keys in order to meet and have a conference with the Legislative Council to get this legislation moving, so be it. That is what I would recommend to the House.

1360

Mr Crookall: Hear, hear.

The Speaker: In that case, Hon. Membersí Yes, Mr Gawne.

1365

Mr Gawne: I would just wish to second that suggestion. I think it makes a lot of sense to discuss with Legislative Council. From what I have read of the *Hansard*, Legislative Council has completely misunderstood the purpose of what we are trying to do here, so the sooner we can disabuse them of their misunderstanding, the better.

1370

The Speaker: Hon. Members, the question before the House is that a deputation of three Members be formed for a conference with Legislative Council. Is that agreed? (**Members:** Agreed.)

We therefore move to a vote, and may I have nominations?
Mr Quirk.

1375

Mr Quirk: Mr Speaker, I would like to propose Mr Watterson.

Mr Cregeen: I second Mr Watterson.

Mr Singer: I move Mrs Cannell.

1380

Mr Houghton: I second Mrs Cannell.

Mr Anderson: I move Mrs Beecroft.

1385

Mr Quirk: I second, sir.

Mrs Cannell: Mr Speaker, I would like to propose the Hon. Member for Rushen, Mr Gawne.

Mr Crookall: I second, Mr Speaker.

1390 **Mr Singer and another Member:** Nominations closed.

The Speaker: Is it agreed that nominations be closed? (**Several Members:** Agreed.)

1395 We have four nominations: we therefore put them to the vote. The nominations are, in alphabetical order: Mrs Beecroft; Mrs Cannell; Mr Gawne; and Mr Watterson. (*Interjections and laughter*)

There were technical difficulties with the electronic voting system.

1400 **The Speaker:** Apologies for the technical error. (*Interjections and laughter*)

In that case we shall have a paper ballot, if I can ask the Messengers to distribute ballot papers. We need two tellers: I call on Mr Cannan to be a teller; and I call on Mr Corkish to be a teller.

You vote for three persons. Any vote other than three will be counted invalid ballot. Three persons: the candidates are Mrs Beecroft; Mrs Cannell; Mr Gawne; and Mr Watterson.

1405 *A ballot took place.*

The Speaker: Hon. Members, the result of the ballot is: Mrs Beecroft received 16 votes; Mrs Cannell received 21 votes; Mr Gawne received 11 votes; Mr Watterson received 18 votes. Therefore I declare Mrs Beecroft, Mrs Cannell and Mr Watterson elected as members of the Keys delegation.

1410 Hon. Members, just before I conclude the business of the House, I have been asked to remind you of a meeting at 1.30 in the Barrule Suite, a presentation to be given on the Peel Road Maintenance Scheme.

1415 Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, to take place at 10.30 on 19th February in Tynwald Court.

The House adjourned at 11.58 a.m.