



HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL
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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 22nd October 2013

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Present:

The Deputy Speaker (Mr L I Singer) (Ramsey);
The Chief Minister (Hon. A R Bell) (Ramsey);
Hon. D M Anderson (Glenfaba);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Mr 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 C Thomas (Douglas West);
Mr R A Ronan (Castletown); Hon. G D Cregeen (Malew and Santon);
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

Business transacted

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<i>The House adjourned at 11.45 a.m.</i>	<i>50</i>

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House of Keys

The House met at 10.00 a.m.

[MR SINGER *in the Chair*]

The Deputy Speaker (Mr Singer): Moghrey mie, Hon. Members.

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

The Deputy Speaker: I shall ask the Chaplain to lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Deputy Speaker: Hon. Members, Mr Speaker has been given leave of absence to attend the sitting of the British-Irish Parliamentary Assembly in London.

Tribute to Brian Barton, former MHK

10 **The Deputy Speaker:** I am sorry to announce the death of Brian Barton, MHK for Middle between 1986 and 1988.

He was a Member of the Legislative Council from 1988 to 1998, and I am sure the House will wish me to record our condolences to his family. (**Several Members:** Hear, hear.)

15 Brian was born on 9th January 1928 in Cheshire. He was educated at Altrincham Grammar School and Manchester College of Commerce. He worked in Barclays Bank and in the Royal Air Force. Subsequently, he was an executive with Marks & Spencer and the manager of the Isle of Man Census.

20 During the period of his service as a Member of Tynwald, Brian had a wide range of duties. He was a member of the Department of Highways, Ports and Properties, with special responsibility for the Airport and Harbours. He was Chairman of the Dockwork Management Committee, a member of the Aerodrome Owners' Association Committee, the member for the DHSS with special responsibilities for Social Security, a member of the Hospital Administration Committee, a member of Home Affairs and a member of the Water Authority.

25 He was a member and latterly Chairman of the Ecclesiastical Committee. He served on the Overseas Aid Committee of the Executive Council, serving as its Chairman for 10 years between 1988 and 1998. His contribution to the community also included being Chairman of the Needs and Resources Commission of the Diocese of Sodor and Mann, Chairman of the organising committee of the Isle of Man Olympics in 1985 and its President from 1986 to 1996. He was a

30 trustee of the Friends of the Gaiety and sat on the board of the management of Ellan Vannin Homes.

His life was one of service to the Isle of Man. He will be sorely missed by all who knew him.

So, Hon. Members, in memory of former Tynwald Member, Brian Barton, who passed away last Sunday, and to show our respect and appreciation of the work he undertook on behalf of the people of the Isle of Man, can I ask you please to be upstanding for a few moments.

Members stood in silence.

35 **The Deputy Speaker:** Thank you, Hon. Members.

And for your information, Brian's funeral will be at St George's Church, next Tuesday at 1.00 p.m.

Questions for Oral Answer

CHIEF MINISTER

1.1. Onshore wind turbines – Council of Ministers' policy

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

What the Council of Ministers' policy is on onshore wind turbines?

The Deputy Speaker: We now turn to Item 1, Questions for Oral Answer, Question 1, and I call on the Hon. Member for Michael, Mr Cannan.

40

Mr Cannan: Thank you, Mr Speaker.

I ask the Question standing in my name.

The Deputy Speaker: I think he is the one with the beard! I am the Deputy Speaker.

45

Mrs Cannell: Deputy Speaker.

Mr Cannan: I ask the Question standing in my name.

50

The Deputy Speaker: Chief Minister.

The Chief Minister (Mr Bell): Mr Deputy Speaker, the Hon. Member will recall the Council of Ministers' commitment in Agenda for Change to identify sustainable ways to reduce the financial and environmental cost of energy in the medium-to-long term. The Environment and Infrastructure policy debate which took place in another place in May 2013, along with the accompanying reports, informed Members that Government will develop a national energy strategy which will balance the competing aims of needs of supply, security, sustainability and affordability.

55

In principle, there would be no opposition to a privately funded onshore wind project, providing that it receives appropriate permission through the planning process, and importantly incurs no cost to Government, the MEA or electricity consumers on the Island.

60

The Deputy Speaker: Mr Cannan.

Mr Cannan: Thank you, Mr Deputy Speaker.

65 Can I ask the Chief Minister, therefore, if he is now saying there is no opposition to onshore windfarms from the Council of Ministers, can I ask him, what percentage of the Isle of Man's demand does he expect will be supplied by onshore wind in the coming years?

The Chief Minister: Mr Deputy Speaker, the Department of Economic Development is in the process of drawing up a long-term energy strategy, and we will be able to get to a better idea of those figures at that point.

The Deputy Speaker: Mr Cannan.

75 **Mr Cannan:** Thank you very much.

Does the Chief Minister not find it surprising that he and the Council of Ministers were not given the opportunity to decide and formulate a proper policy in respect of onshore wind and is he embarrassed that we now effectively have to make that policy up on the hoof?

80 **The Chief Minister:** That is a strange interpretation of the events which have happened, Mr Deputy Speaker. This is a proposal which has been put forward by the private sector. It has not in any way been considered by the Council of Ministers or indeed formally, as I understand it, any Department of Government. We have a responsibility to talk to most potential investors in the Island who come to us. Some of those schemes will be deemed viable and will proceed, others will not. This is no different to any other proposal, Mr Deputy Speaker and we will see its conclusion eventually.

The Deputy Speaker: Mr Thomas, supplementary.

90 **Mr Thomas:** Thank you, Deputy Speaker.

One general question for the Chief Minister, in the light of the questions from the Hon. Member for Middle – (**Several Members:** Michael.) Michael, sorry – does the Chief Minister now regret that the national energy strategy would only be completed by 2015 and perhaps it can be accelerated?

95 One specific question: can the Chief Minister advise whether it is the Council of Ministers' intention that the Minister for Economic Development will be able to play his trump card during planning for onshore wind turbines – for instance, by using the draft planning and economy policy statement, which I believe is to be finalised in the coming months?

100 **The Deputy Speaker:** Chief Minister.

The Chief Minister: Mr Deputy Speaker, I think we are all jumping the gun on this at the moment. All we have had initially is an approach from a private sector investor who would like us to consider a specific proposal that we are all aware of. We are running way down the road beyond where we need to be at the moment in response this and I am sure the Minister for Economic Development, in following Questions, will clarify the situation further.

The Deputy Speaker: Mrs Cannell, supplementary.

110 **Mrs Cannell:** Thank you, Mr Deputy Speaker.

Would the Chief Minister agree with me that in fact, it is Tynwald policy to support renewable energy, including wind energy, and has been since 1997-98?

The Deputy Speaker: Chief Minister.

115

The Chief Minister: Mr Deputy Speaker, the Hon. Member is correct. We have had a number of discussions on energy over the years and wind power is obviously one which has been at the forefront of discussion.

120

As I have already said, the Department of Economic Development is reviewing that policy now, to come up with a new energy policy, which undoubtedly will consider the role of wind power and we will have a further opportunity to debate the issue further down the road.

The Deputy Speaker: Supplementary, Mr Hall.

125

Mr Hall: Thank you, Mr Deputy Speaker.

The Chief Minister mentioned the energy strategy, but would he give assurances that, incorporated in this, he will be considering wave and also tidal energy? Would he not agree that this could well be a much better option for the Isle of Man, given that we have got miles of coastline, and it is a I think a preferable option?

130

The Deputy Speaker: Chief Minister to reply.

135

The Chief Minister: I am repeating myself, Mr Deputy Speaker. The Minister for Economic Development and his Department are working up a broad energy strategy for the Isle of Man. An energy strategy covers all aspects of any energy production and the areas that the Hon. Member refers to will undoubtedly be included in it.

The Deputy Speaker: Final supplementary, Mr Cannan.

140

Mr Cannan: Does the Chief Minister not agree with me, though, that before jumping into committing to five wind turbines of such size and scale on the Isle of Man, and then presumably setting the precedent for other such wind turbines of such size and scale on the Isle of Man to appear, that really what we need to have in place is a proper thought process and proper policies that identify exactly how much power we wish to gain from these wind turbines, what pricing structure needs to be in place, what subsidies need to be in place from landowners and companies to establish these turbines, and therefore to have rushed this exercise out into the public domain, before any thought process was given to this, was both premature and has actually made both the Council of Ministers, those representatives representing the local community and some Members of Tynwald in general look slightly foolish?

150

The Deputy Speaker: Chief Minister.

The Chief Minister: That is complete and utter rubbish, Mr Deputy Speaker.

155

Council has not been rushed into any decision at all. The Hon. Member clearly has not listened to the Answer. He knows full well what the situation is, because he has met the proposed developers, he knows what the background is. This is a private sector proposal which has come to the Departments of Economic Development and Infrastructure. It is in a very early stage of discussion. No decisions have been made or are likely to be made. Indeed, no firm proposition has been put forward yet.

160

We are a long, long way from Council being asked to consider the details of this proposal. I think it is very unfortunate that the developer or the investor themselves have decided to go public on it prematurely, before preliminary discussions in Government have been completed. That is what has muddied the waters, but it is certainly nothing to do with the Council of Ministers. We will consider all proposals that come our way for economic development.

165 As I said earlier, Mr Deputy Speaker, some will be supported, some will not. This has not even got to that point, yet.

TREASURY

1.2. Bus operations – Annual deficit

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for the Treasury:

What the annual deficit is for bus operations; and for what social purpose this deficit is incurred?

The Deputy Speaker: We turn to Question 2, and I call on the Hon. Member for Douglas West, Mr Thomas.

170 **Mr Thomas:** Thank you, Mr Deputy Speaker.
I beg leave to ask the Question standing in my name.

The Deputy Speaker: Minister for the Treasury.

175 **The Minister for the Treasury (Mr Teare):** Thank you, Mr Deputy Speaker.
The accounts of the Public Transport Directorate of the Department of Community, Culture and Leisure do not show the different operations separately – those operations being buses and the Steam, Electric and Snaefell Railways. Management and overhead costs are shared across the facilities.

180 Public transport in total cost £14.1 million in 2012-13 and generated £4.5 million of income, leading to a deficit of £9.6 million.

The Department of Community, Culture and Leisure has informed me that the deficit of bus operations in 2013-14 will be approximately £5.6 million.

185 In respect of the second part of the Question, the Department of Community, Culture and Leisure determines the spending priorities across all of its activities, and the purpose for which any expenditure is incurred. The total amount of funding available to the Department is, of course, approved by the vote of another place during the Budget debate.

The Deputy Speaker: Supplementary...

190 **Mr Thomas:** Thank you very much, Mr Deputy Speaker.

Treasury Minister, thank you for providing slightly more clarity, at least in the first part, although not in the second part of the Question – and despite your voice.

195 Do we still need to have a policy debate about the £5.6 million? Is the deficiency payment for free school transport for all secondary schoolchildren – even those who could walk to school? I believe it was a decision a decade ago to provide this, which means the bus company leases big buses and that is part of the reason we have this deficit.

200 Alternatively, should smaller vehicles be leased and community services designed to contribute to reducing parking and traffic congestion in Douglas and elsewhere? Or are buses provided to allow the elderly, unwell and disabled to get to hospital and care services, or just even to remain part of their communities, not left isolated? I received a 200-person petition during the summer from people like that and their neighbours who wanted a bus service for that purpose.

205 In conclusion, does the Treasury Minister concur with the Hon. Member for Michael, who asked in July Tynwald:

'... if we are getting to a stage with the buses where we just cannot simply provide any sort of reasonable service at all, isn't it time now to look at alternative means of service delivery?'

If so, who is developing these options, if it is not in your Department or in DCCL?

The Deputy Speaker: Treasury Minister, there are several questions there.

210 **The Minister:** Dealing with the last question first, who determines priorities: the Minister is the Department. The decisions rest with the Minister. Treasury, whilst it will have input and give guidance and its opinion, the final decision etc rests with the Department. The Treasury does not like micro-management.

215 In respect of operational matters, I would suggest that this is a matter which should be really addressed to the Department itself. I am not really avoiding the issue, but Treasury does not have the depth of knowledge to deal with that.

220 The first item he asked was why are some children not encouraged to walk to school, and that is a very good point. It would certainly help their health as well. I am somewhat amazed that there are children from West Douglas, for example, who are getting a bus up to Bemahague new school. When I was a lad – and that is a long time ago, (**A Member:** Hear, hear!) the photographs of that are now all sepia, Mr Deputy Speaker! – you had to qualify for free school transport. You had to live more than three miles away from the school. I had to walk over two miles to catch the bus in the first place. It did not do me any harm, but nevertheless, that was the reality of the time then.

225 **The Deputy Speaker:** Supplementary, Mr Cregeen.

The Minister for Community, Culture and Leisure (Mr Cregeen): Thank you, Mr Deputy Speaker.

230 Will the Treasury Minister not concur that the buses are actually purchased and they are not leased; and that a consultation document is being currently put together for future use of public transport?

235 **The Deputy Speaker:** Treasury Minister.

The Minister for the Treasury: I thank the Hon. Member, Minister of the Department, for his clarification and really, in many respects, the Question would have been better directed to him, sir.

240 **Mr Gawne:** Hear, hear.

The Deputy Speaker: Final supplementary, Mr Thomas.

245 **Mr Thomas:** Thank you for that clarification from the DCCL, Mr Speaker.

One question for the Treasury Minister: does it makes sense for taxpayer funds to be used to pay for big buses running empty or for fraudulent use of free bus passes? If so, has DCCL completed procurement to the Minister's satisfaction for the new bus ticketing system, which we were told in the Hon. Court in July was going to allow the bus operator to obtain better data for better buses and a better bus service, as well as reducing fraudulent use of free bus passes?

250 Also, can the Treasury Minister, as a member of CoMin, advise when the bendy bus report will be published, as surely its findings and recommendations, like those in the parking study and

parking policy development options documents, which I interrogated the Hon. Member for Douglas South –

Mr Cretney: You did interrogate me.

255

Mr Thomas: Surely those recommendations are important in helping our community and this parliament to make decisions of how Treasury (*Interjections*) (**The Chief Minister:** Question.) contributes taxpayer funds to subsidise bus operations.

260

The Deputy Speaker: Several final supplementaries there. (*Interjections and laughter*)

The Minister: Thank you very much Mr Deputy Speaker.

The report on bendy buses, I expect that to be published in the near future.

265 The first part of his question: there is really part of the overall mix here. There are social pressures and the... Also, we have to think about social exclusion, especially for those people who live in the outlying areas. They need to go and do their shopping. The bus service in some of the rural areas is far from ideal, but I do realise that there are very substantial financial pressures facing the Department and it is difficult for the Department to deliver a service which everybody would feel is fair.

270

But as I say, for social inclusion reasons, I think we do need to keep at least keep a service to the community. What form that will take will be a decision for the Department.

SOCIAL CARE

1.3. Care in the home – Short care programmes

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

Whether his Department operates a short care programme for those individuals who require care or assistance in their home; and, if so, whether this is set to increase?

The Deputy Speaker: We turn to Question 3, and I call on the Hon. Member for Douglas North, Mr Henderson.

275

Mr Henderson: Gura mie eu, Lhiass-loayreyder.

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

The Deputy Speaker: I call on the Minister for Social Care.

280

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

I would like first to address the second part of the Question. My Department currently provides two such schemes: Community Care Team and Hospital to Home Scheme. Both are for short-term rehabilitative care programmes to help people to regain or retain their independence in their own home. Both schemes are primarily provided for older people, but are not exclusively
285 for older people.

Both the Community Care Team and the Hospital to Home Scheme have proven to be very successful with nearly a 100% record of enabling people to return or remain in their own homes.

290

Within the next six months, it is my Department's intention to launch the Re-enablement Team. This will build on the success of the Community Care Team and the Hospital to Home Scheme, but will increase capacity by nearly 100%.

With regard to the short-term care programme, which is the first part of the Question, I think this perhaps comes from a recent Leonard Cheshire report into home care in the United Kingdom, commenting on the inadequacy of the 15-minute visits for home care commissioned by local authorities in the UK, with no time given for travel between patients. My Department does not follow this process (**Mr Henderson:** Hear, hear.) and has no intention of replicating it.

Service users receive an assessment of their needs and time is allocated accordingly. In practice, time is allocated in periods of care no shorter than 30 minutes. However, for those self-funding their own care, they are charged in units of 15 minutes, and if a task is accomplished in that time, there is therefore a financial benefit to them in not paying for time not required.

We pay staff on the hours they work, which includes being paid for the time they need to travel between patients.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Mr Henderson, supplementary.

Mr Henderson: Gura mie eu, Lhiass-loayreyder.

I thank the Shirveishagh for his strong positive response there, reassuring our community that this will *not* be the case in the Isle of Man.

I would like him to just reaffirm that in very clear language, if he could.

Could he also answer Lhiass-loayreyder, if at any point in the future... is his Department looking at contracting out any form of this care to the private sector? If that was the case, will there be caveats put into any such contract, so that we will not see this short care programming that we see at the minute in the UK?

The Deputy Speaker: Minister.

The Minister: Thank you, Mr Deputy Speaker.

I am pleased to reaffirm and confirm that we will *not* be following the UK practice, nor will we be in any way determined to include travel time. That will be separate.

The only reason that we measure the units of time in 15 minutes is, for example, if somebody requires service for three quarters of an hour, it would be wrong for us to charge for an hour.

Again, I repeat the point that if somebody is paying for the care themselves, it is important that, if there is, in certain circumstances, the need to deliver a very short service, we do not overcharge that individual.

I can also confirm that in the event in the future, any possible outsourcing of the service to a third sector provider will absolutely include such requirement.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Mr Quirk, supplementary.

Mr Quirk: Thank you, Mr Deputy Speaker.

Can I ask the Minister, is there an actual regional strategy for people to have carers to come from different regions? Will there people based in Ramsey, Peel or in the south, so that the travelling time will be taken to a minimum?

The Minister: Mr Deputy Speaker, we obviously try to keep the service as efficient as possible, because if we have got long travel times, it increases our costs, although it does not reduce the amount of service to the individual.

That process in terms of regionality is being developed, and I would be happy to detail our intentions in writing to the Hon. Member, if it is his wish for me to do so.

Thank you.

**1.4. Local authority housing, Castletown –
Statement on current work**

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

If he will make a statement on local authority housing in Castletown; and (a) who is doing the work; and (b) whether the work is on schedule?

The Deputy Speaker: We turn now to Question 4 and I call on the Hon. Member for Onchan,
345 Mr Quirk.

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

350 **The Deputy Speaker:** Minister.

The Minister for Social Care (Mr Robertshaw): Thank you, Mr Deputy Speaker.
Could I ask the Hon. Member for clarification of his Question, because what he has actually
said is that he is asking me to make a statement on local authority housing in Castletown and
355 how much work is going on with regard to that. Well, I think, does he actually mean Department
of Social Care, HPAS and the local authority housing in Janet's Corner? (**Mr Quirk:** Yes.)

Thank you, Mr Deputy Speaker.

The project is being undertaken under contract with Parkinson Ltd and is nearing completion,
although overall the current works are behind programme, on the basis of the contractor's latest
360 estimate for completion. The contractual completion date should have been 24th July 2013.

Project 4/5 consists of 73 new housing units, of which 39 have been completed and handed
over. Parkinson Ltd believe that the majority of the remaining properties will be available for
handover next month, although one block of four houses may be a few weeks later and go into
December.

365 Of the remaining 34 houses to be completed, 18 are to be sold to first-time buyers from the
first-time buyer register.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Supplementary, Mr Quirk.

370 **Mr Quirk:** Thank you, Mr Deputy Speaker.

Could I ask the Minister, what is the current contact with the contractor, Parkinson's? What
form that contract takes.

Could I also ask, is there a penalty clause in the particular contract and will that be operated?

375 Has the Department or Government lost a revenue or potential revenue because of the
contractor failing to complete on time and schedule?

The Deputy Speaker: Minister.

380 **The Minister:** It is a standard contract, Mr Deputy Speaker, and there are built into the
contract penalty clauses, which should be applied based on a multiple of the number of houses
not finished by the completion date, but that can be ameliorated, for example by the fact that
Parkinson's have delivered a number of the houses ahead of contract.

Thank you, Mr Deputy Speaker.

385 **The Deputy Speaker:** Mr Karran.

390 **Mr Karran:** Lhiass-loayreyder, could the Minister just clarify the point that the concerns that have been raised by sub-contractors as far as this contract is concerned, that the fact that the 5% retention...? What assurances will be made that the money will be passed on to the sub-contractors, who are generally at the bottom of the feeding pool as far as the building industry is concerned, in view of the importance that Government should not be given a soiled name for not being responsible for this contract, that it does go to the right people?

395 **The Deputy Speaker:** Minister.

The Minister: Mr Deputy Speaker, I would caution the Hon. Member in his use of language. I, for obvious reasons, have retained a particular and close interest in this contact. Yes, of course there are retentions with regard to subcontractors, because that is part of the mechanism which ensures the work is delivered to a high standard and I am satisfied that there is a good and solid standard being delivered, albeit that it is somewhat delayed.

400 I have quite regularly heard that subcontractors have complained – I hope not about retentions, because that is simply a matter of the quality of their work, but about delays in payment – but I am currently assured that with regard to certain exceptional retentions, the sub-contractors are paid at a reasonable rate.

405 Thank you, Mr Deputy Speaker.

The Deputy Speaker: Mr Quirk.

410 **Mr Quirk:** Thank you, Mr Deputy Speaker.

Could I ask the Minister regarding retentions then, could he give this House a categorical assurance that those retention moneys will be awarded to subcontractors, to nominated subcontractors or suppliers, and will he look into that, because he is the Minister of the Department?

415

The Deputy Speaker: Minister.

The Minister: Thank you, Mr Deputy Speaker.

I am glad that my position has been confirmed by the Hon. Member for Onchan. *(Laughter)*
420 No, I will not. Retentions are a matter for the contractor and my officers to deal with in accordance with regulations, and if a job has not been completed to satisfaction, retention will not be paid. That is self-evident.

Thank you, Mr Deputy Speaker.

425 **The Deputy Speaker:** Final supplementary, Mr Karran.

Mr Karran: Lhiass-loayreyder, would the Shirveishagh not agree that nobody in here wants money being paid to anybody, unless they are entitled to it. **(Mr Quirk: Yes.)**

430 Would the Minister not agree, as a former joiner, as far as the building industry is concerned, that one of the concerns that a lot of these people have is the way that Government contracts... You have a responsibility to make sure that your main contractor honours its contracts to others as part of that deal **(Mr Quirk: Insolvent.)** and will he not agree that trying to make flippant... of such an important issue as far as the sub-contractors getting what they are entitled to – nobody wants people to get what they are not entitled to – will he make sure that he gets on to his officers to make sure that they are not abusing power so these people do not get what they are entitled to, and we will all be happy?

435

The Deputy Speaker: Minister.

440 **The Minister:** Mr Deputy Speaker, we are getting a bit carried away here.

I think rather than these flippant generalities, let's get down to specifics. If the Hon. Members – either Members from Onchan – have specific concerns, I am more than happy to welcome them to my Department and to go through in detail their concerns. My door is always open – always happy to do so, Mr Deputy Speaker.

445

Mr Karran: Tell the people who have been on to us about it! (*Interjection by the Deputy Speaker*)

1.5. Janet's Corner, Castletown – Government support for Parkinson Ltd

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

If he will make a statement on Government support for Parkinson's to enable completion of works on Janet's Corner; and, in particular, whether any money retained by the Government has been paid in advance to Parkinson's?

The Deputy Speaker: We will move on to Question 5, and I call on Mr Karran.

450 **Mr Karran:** Lhiass-loayreyder, I ask the Question standing in my name.

The Deputy Speaker: Minister.

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

455 Parkinson Ltd have been working on the latest part of the estate renewal works at Janet's Corner since August 2010. The works have involved phased demolition of existing redundant properties and construction of 73 new houses and apartments, along with associated site works.

To date, the contractor has worked with the Department to complete and hand over just over half of these properties. This is not a contractual requirement. Parkinson's could have handed all but the first 10 of the properties over at the end of the project. However, through
460 collaboration between Parkinson's and the Department, we have been able to receive rental income on the properties earlier and this has allowed tenants to occupy the new properties sooner than otherwise would have been possible.

The development has not been straightforward, and I am sure all Hon. Members are aware of
465 that. It has been beset by adverse weather conditions over the past three years, along with an unexpected discovery of asbestos-containing material buried under some of the older housing blocks that had to be demolished. Despite all these difficulties, the contractor did maintain reasonable progress until the summer of last year, when there was a noticeable slippage in the programme, particularly due to delays in delivery of materials for the work.

Parkinson's Ltd advised in October 2012 that it was experiencing some cash flow problems and submitted a request to the Department to provide early release of moneys retained under the contract – retention moneys deducted from previous valuations of work completed – to assist in overcoming what was perceived as a short-term financing problem. Following
470 discussions with the Treasury, the Department agreed to release some retention moneys in early November 2012. Normally half these moneys would be retained until practical completion, and half until completion of defects, 12 months after practical completion.

The Department considered the risk to completion stage of further defects arising and concluded that there should still remain adequate protection through the balance of retention

480 moneys held and by the provision of the performance guarantee bond for the project and this was supported by Treasury.

This release of funds did result in an immediate improvement in progress on site. I would therefore advise Hon. Members that whilst this payment was made in advance of the time normally applied on capital projects, this was only early release of retained moneys to which the contractor would ultimately be entitled to, following satisfactory completion under the terms of the contract.

485 Thank you , Mr Deputy Speaker.

The Deputy Speaker: Mr Karran, supplementary.

490 **Mr Karran:** Lhiass-loayreyder, would the Shirveishagh have concerns under the tendering process of this contract, if he was not a member of the Council of Ministers, but was as a former director of a company outside this Hon. House? Would he be as satisfied as far as the whole procedures as far as this is concerned?

495 Would the Minister not agree that many outside see this as just another contra deal to help one of the companies which has already had sufficient money in the past, as far as another affair?

The Deputy Speaker: Minister to reply.

500 **The Minister:** Strange question, but I will give my best attempt at answering it.

Any Member, anybody involved in this, will have been concerned at certain times about progress, but let me just say one or two things that are relevant. This is a good and high-quality project. It is over 90% complete. We are now on the last leg of a long, long journey, and I am very, very pleased with the overall outcome.

505 I also want to say something else about the principal involved in this building company, and I would like to describe it almost as trying to bring a ship home through an extraordinarily difficult storm, beset by a whole range of problems, not at the behest or result of any actions taken by the principals themselves. I actually think they have done a remarkable job to get this project through to now we are almost on completion and I would like to offer my personal congratulations to the principal for that, because I think he has done an outstanding job.

510 Thank you, Mr Deputy Speaker.

The Deputy Speaker: Quite a lot of people have indicated they wish to speak, so be as brief as possible.

515 Mr Quirk.

Mr Quirk: Thank you, Deputy Speaker.

520 Heeding that warning there, and it is in so many parts, could I ask the Minister regarding the housing condition survey that was originally done: you say that there were unforeseen circumstances. Can I ask who did the particular survey, prior to the construction of the whole site?

525 Could I also ask the Minister regarding it was a phased development – could I ask the Minister, if he has not got the information, could he provide it to this Hon. House – the retention money for the phases that were done and completed. And when the request was to have early release of the money for retention, was that in conjunction with Treasury? Did Treasury give their approval? Did you approach Treasury or your Department approach Treasury or was it *vice versa*?

530 **The Minister:** Taking the last part first, Mr Deputy Speaker, there were concerns both in Treasury and my Department and effectively the decision was a joint one, and I believe the right one. (**Mr Houghton:** You say.)

As far as the asbestos survey was concerned, there were more than necessary funds for the inspection allocated within the standard contract. It was profoundly unfortunate that subsequently the discovery of such a significant amount of asbestos occurred.

535 Thank you, Mr Deputy Speaker.

The Deputy Speaker: Supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Deputy Speaker.

540 Could the Minister confirm that before the advance of the retention moneys which were paid early, did you or Treasury establish whether it was Parkinson's themselves that actually had the financial difficulties or whether it was to assist the parent company or a mixture of both?

The Deputy Speaker: Minister.

545

The Minister: I am veering into areas I think are outwith the question. Simply to say –

The Deputy Speaker: There is no need to answer, if you do not...

550 **The Minister:** Simply to say that I repeat my view that Parkinson's have done an excellent job in very difficult circumstances.

The Deputy Speaker: Mr Ronan.

555 **Mr Ronan:** Thank you, Mr Deputy Speaker.

Would the Minister agree with me that the work on Janet's Corner on the social and first-time buyers' properties have transformed the area and given the tenants and first-time buyers a better quality of life?

560 Again, just touching on what he said, will he agree with that the build quality of the works undertaken by contractors and subcontractors is to an *excellent* standard? For somebody who has had a building company in the town for 30 years, I can concur that the build quality at Janet's Corner is superb. (*Interjection by Mr Quirk*)

565 **The Minister:** Mr Deputy Speaker, I am happy to concur with the Hon. Member for Castletown's comments. I think we should be proud of the work done down there.

If I may quickly revert to a part of a question the previous Member asked from Onchan that I did not answer, and I apologise, the current retention represents 30% of the remaining outstanding amount left on the contract.

570 **The Deputy Speaker:** Final supplementary, Mr Karran.

575 **Mr Karran:** Lhiass-loayreyder, would the Shirveishagh not agree that the whole affair over this contract is just another example of bad governance getting themselves into a complete mess and the fact is that this is another part of what should be referred to this Committee, if it comes out with recommendations as far as the Sefton Group is concerned? Would he not agree that it has ended up costing the taxpayer dearly, as far as this has happened, and it would not be as consistent if it was not with other elements in the construction industry on this Island?

The Deputy Speaker: Minister.

580

The Minister: Well, Mr Deputy Speaker, the Hon. Member for Onchan is entitled to his opinion. He will know that I do not concur with anything, particularly the point that this has 'cost the taxpayer dearly'. No, it has not.

585 **The Deputy Speaker:** Time will tell.

ECONOMIC DEVELOPMENT

1.6. Prowind (UK) Ltd – Meetings with DED

The Hon. Member for Michael (Mr Cannan) to ask the Minister for Economic Development:

What recent meetings he has had with Prowind (UK) Ltd?

The Deputy Speaker: We move on to Question 6 and I call on the Hon. Member for Michael, Mr Cannan.

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

The Deputy Speaker: Minister.

595 **The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Deputy Speaker.
As Minister for the Department of Economic Development, I routinely meet businesses such as Prowind (UK) Ltd to discuss proposals that will bring economic growth to the Isle of Man. I can confirm that I have had three meetings with Prowind (UK) Ltd.

600 During my initial meeting on 20th June 2013, Prowind (UK) Ltd outlined a proposal for manufacturing plant in Jurby, employing around 100 staff and the need for an onshore windfarm at a site to be confirmed, which would assist with subsidising the necessary investment in the proposed manufacturing plant.

605 The second meeting took place on 13th September and it was at this meeting that Prowind (UK) Ltd indicated that the preferred site for an offshore wind farm was Jurby, in close proximity to their proposed manufacturing plant.

More recently, I held a third meeting with Prowind (UK) Ltd last week on 18th October 2013 to receive an update on the proposed plans for the manufacturing plant and an onshore windfarm.

610 **The Deputy Speaker:** Mr Cannan, supplementary.

Mr Cannan: Thank you, Mr Deputy Speaker.

615 Clearly, we have heard this morning that onshore wind is part of the renewable policies for the Government. Can I ask the Minister, then, in particular with this specific business case, for how many years the company are seeking a pricing guarantee for the electricity, and what will be the benefit to the taxpayer?

The Deputy Speaker: Can I just intervene here? The Question is about recent meetings. Perhaps that question would be more suitable in the next one, Question 7.

620

Mr Cannan: Mr Deputy Speaker, this is directly concerned with the meetings that the Minister has had, (**Mr Karran:** Absolutely.) and what has happened in those meetings, which I think is important that the public who are seeking answers at the moment get some clarity. (**Mr Karran:** Absolutely.)

625 So I beg your leave to ask that question.

The Deputy Speaker: That is not actually the question, but if you to wish to ask it...
[Inaudible]

630 **Mr Cannan:** Okay, in that case, can I ask the Minister, what due diligence he has undertaken in respect of Prowind, prior to his meetings?

The Deputy Speaker: Minister.

635 **The Minister:** Can I ask the Hon. Member to repeat the first two parts, as it then got lost when we were discussing whether it was this or the previous question.

Mr Cannan: Can I ask the Minister what due diligence he has undertaken in respect of Prowind prior to or during his meetings with the company?

640

The Minister: My apologies, Mr Deputy Speaker. I thought there was a previous question before, which we might come back to at a later time.

Certainly, from my point of view, Prowind are an interesting company inasmuch as they have a German partner, an American partner and a UK representative who is dealing with some of the co-ordination. Certainly we are not at the stage where a due diligence process is necessary because there has been no business plan come forward, other than initial discussions which started on 20th June regarding the possible siting of a factory at Jurby.

645

The issues that have been made clear at the meetings – particularly 13th September – is that there would be a requirement for full planning process to go forward and therefore the due diligence stage is not yet arisen. It is a company looking to invest in the Isle of Man and if they get to the stage where they submit planning applications and a business case, then we would certainly be looking at the due diligence, but this is like one of many, many meetings my Department have with potential developers. Certainly, we are very keen to talk to anybody wishing to invest in our Island, particularly a factory of this size.

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655

The Deputy Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Deputy Speaker.

Could I ask the Minister regarding any meetings he had: was offshore wind ever discussed?

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The Deputy Speaker: Minister.

The Minister: Not with this company, no, although there have been numerous discussions with parties regarding offshore and indeed, responding to previous comments this morning, with regard to wave and tidal. It is all part of our energy policy, which was discussed in Tynwald in May 2013, by all Hon. Members here today.

665

The Deputy Speaker: Mr Houghton.

670 **Mr Houghton:** Thank you, Mr Deputy Speaker.

Can the Minister advise that the initial meetings that were taking place in his Department, where they done through his Department's professional exterior consultants and if so, who were they?

675 **The Deputy Speaker:** Minister.

The Minister: I do not understand the question, Mr Deputy Speaker. What exterior consultants is the Hon. Member referring to?

680 **Mr Houghton:** Yes, thank you, Mr Deputy Speaker.

Consultants employed by his Department to head-hunt businesses and generate wealth into the Island – consultants that his Department pays a wealth towards in respect of commission for obtaining business. He knows that he has professional advisers advising his Department and bringing business to the Island. Who were those? Were they in place here? Who were they and what part did they play in bringing this forward?

685

The Deputy Speaker: Minister.

The Minister: It is clear I have failed to understand any of the comments. We have consultants within the Department, but in this regard, Dr Ken Milne is clearly the directly employed member of staff through which all issues regarding energy discussions come to my Department. I am not aware, on this occasion or any others, that they are exterior consultants in any way to do with this. The clean tech area is an important part of our proposition and the idea of manufacturing, factories, etc is something which we are always a door wide open to businesses to talk to us.

695

I really fail to understand why Hon. Members are concerned that the Department of Economic Development is talking to parties looking to invest in the Isle of Man. This is something which is being misused, in my view, by those who are concerned about a wind issue. Let's talk about that by all means, but when the first initial consultations were being discussed, this was a manufacturing exercise for 100 potential jobs on the Island.

700

Mr Gawne: Hear, hear.

The Deputy Speaker: Supplementary, Mr Karran.

705

Mr Karran: Would the Shirveishagh just clarify on the issue of 100 jobs? Could he just explain, will this actually be the construction of the jobs for the process of the construction period or is this 100 jobs as far as manufacturing is concerned?

If he could just clarify that point.

710

The Deputy Speaker: Minister.

The Minister: If I can try and clarify, Mr Deputy Speaker, for all Hon. Members, in the eyes of this company, they have linked directly the manufacturing facility with the generation of energy via turbines, initially. As the airfield at Jurby is safeguarded for emergency aviation use, the turbines that have been discussed publicly cannot be positioned in Jurby. The outcome of that is that the company may walk away from the manufacturing of jobs in that area.

715

The meeting I held with them on Friday was to consider if there were alternative ways in which the company would still be interested in working on the Isle of Man. They have gone away to look at alternative forms of generating renewable energy to comply with their company structure. I think that it is very unlikely that they will be able to make that affordable, since, as all Hon. Members will remember in May 2013 in Tynwald, the reason for moving away from some

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of the onshore wind was because of the cost of generation would put an added burden onto the consumers.

725 Therefore, the policy of Government has still been to look at our natural resources to try and generate, but only where it is economically efficient and therefore if any of the alternatives coming forward with Prowind to produce renewable energy on the Island, then I will talk to them about that, because it is within policy for the Government and it would generate potential jobs.

730 The specific difficulty, I believe, in this matter is that because the American company who do the manufacturing wish to know whether there would be sufficient employment opportunities on the Isle of Man for their purposes, I believe the company made a mistake by approaching the Job Centre and advertising 100 jobs which indicated that they were further progressed than this actual business plan is. Therefore, I would like to make it clear that I am very interested in
735 talking to Prowind (UK). However, the airfield at Jurby will not have the turbines that are being proposed. The manufacturing jobs are only there dependent upon planning applications that would be permitted, and in the eyes of the company – and it is their money that they would be investing – they are the ones who are linking both the manufacturing with the energy production.

740 I will continue to talk with Prowind (UK), but I think that the escalation of details on this matter is one which is understandable, but actually is a bit premature, because we are not at that position with this company.

The Deputy Speaker: Mr Quirk.

745

Mr Quirk: Thank you, Mr Deputy Speaker.

To be helpful to the Minister, could I ask the Minister, maybe he would like to talk to the Minister for Infrastructure, because in 2007, I think it was – my colleagues would know at the same time – we visited Jurby. The question is that we were told then by Ms Reynolds that she
750 would rather land the plane on the road than land it in the airfield. (**A Member:** Rubbish.)

Would he not agree with me?

The Deputy Speaker: Answer that if you wish, Minister.

755 **The Minister:** I think there is a degree of irrelevance, the Minister for Infrastructure was in attendance with myself on 13th September with Prowind (UK). It was clear at that stage that the Minister for Infrastructure advised the company to consult with various key stakeholders to resolve these issues. It is clear that the Department of Infrastructure have advised only last week that they will not lease land at Jurby for turbine installation, the reason being given is that the
760 airfield is reserved for future aviation use. I believe that information is now with the company. The ball is in their court, sir.

The Deputy Speaker: Two more supplementaries. Mr Cannan.

765 **Mr Cannan:** Thank you, Mr Deputy Speaker.

Given everything the Minister has said, how can he possibly correlate – given that he has just said that it was not going to be feasible to build these turbines on Jurby airfield – the publication both of a significant article in the newspaper, quoting the optimistic managing director of the firm, and the publication of a full brochure that has been delivered to many households in the
770 Ballaugh and Jurby area, outlining the plans and specifically showing where the turbines were going to be sited on the airfield?

Give everything he has just told me, that it was not going to be possible, how has it got to this stage and how have the company come out and delivered a presentation, on the understanding that their plans *were* acceptable and *were* going to be feasible?

775 **The Deputy Speaker:** Minister.

The Minister: I think the Hon. Member for Michael is asking me to answer something I am not privileged or able to do so.

780 The company were advised that... the meeting on 13th September to arrange meetings with local key stakeholders and, indeed, I believe that they did arrange to have a meeting with the Hon. Member for Michael, the Member for the area, on the Friday of last week. That was arranged in advance of the publication of the various other parts which have gone into the media.

785 I think that the difficulty has arisen because the parties as outlined earlier –

Mr Cannan: That is not true.

The Minister: – are involved in America, Germany, and the UK –

790 **Mr Cannan:** That is not true.

The Minister: The information that I was given on Friday of last week is that the agent operating with Prowind (UK) had a meeting scheduled on Friday night of last week with the operators of the airfield area, and he advised me that that was with Mr Cannan. If that was not the true position, then I can only apologise for repeating what I was told on Friday, that a meeting had been arranged and Hon. Member, I was advised, was party to that.

800 If that is not the case, then that is a matter that the Hon. Member should surely take up with the party involved, who is making these documents available to the media. Certainly, from my Department, I have attempted to be honest with Prowind and the House this morning to actually say that this is the position.

805 I understand the Hon. Member has had a difficult week with some of his constituents in there who have been fearful of it. However, the biggest concern I have is for those persons who were anticipating and hoping that they may have had a job with this company, which is at least a considerable amount of time away from the potential of that coming through. I think it raised false expectations for people about jobs. I also think it injected a level of concern amongst those people in Jurby.

810 However, it is a distraction from the core energy policy. We have substantial opportunities to generate renewable energy on our Island (**Mr Gawne:** Hear, hear.) and around our Island (**Mr Cretney:** Hear, hear.) and therefore I will continue and make no apology for pursuing those investigations.

Mr Cannan: Point of order, Mr Deputy Speaker.

815 I just want to clarify that I had no contact from the company prior to the newspaper headline and, in fact, it was not me that went to the meeting on Friday at the invitation of the company. I went at the invitation of the Commissioners and that company in fact had not contacted me prior to any of this matter becoming public.

The Deputy Speaker: Final supplementary, Mr Karran.

820 **Mr Karran:** Lhiass-loayreyder, would the Shirveishagh not agree, a private company has the freedom to put out what documentation that it wants, as far as this is concerned? It would be wrong to complain that the Department is somewhat at fault if a private organisation decides to do so.

825 But would the Shirveishagh just clarify, in view of the concerns as far as unemployment is concerned, an 80% dependency on the taxpayer for the construction industry, that the 100 jobs that he talks about, are they purely on the basis that those 100 jobs are there, so long as they

are manufacturing for a local market locating these wind turbines in the Isle of Man area, or is there potential for that to be something that can be exported off the Island?

830 **The Deputy Speaker:** Minister.

The Minister: Thank you, Mr Deputy Speaker.

My understanding is that it was an ongoing factory, and certainly the only interest for my Department would be if it was an ongoing relationship.

835 There would always be the difficulty that when a company tries to link two parts together, what happens if one of those parts is no longer economically viable, and you could end up with the part that was 'the deal', such as in this situation, the hypothetical five turbines may be left and the manufacturing plant not there.

840 I do think the most disturbing element of all of this is some of the rhetoric which has gone around it, because I am amazed that some companies still actually want to talk to our Government, when as soon as anybody looks to try and invest in renewables or in manufacturing, they are greeted by a public reaction as we have seen on this occasion. I do not think this has been handled particularly well, but I would give a message out that the Isle of Man is open for business, manufacturing and renewable energy, (**Several Members:** Hear, hear.) and
845 we will continue to talk to companies, as we are doing on a monthly basis, to try and attract those businesses to our Island.

1.7. Prowind (UK) Ltd – Siting of wind turbines at Jurby

The Hon. Member for Michael (Mr Cannan) to ask the Minister for Economic Development:

What agreements he has reached with Prowind (UK) Ltd over the siting of wind turbines at Jurby?

The Deputy Speaker: We turn to Question 7. I call on the Hon. Member, Mr Cannan.

Mr Cannan: Thank you, Mr Deputy Speaker.

850 I ask the Question standing in my name.

The Minister for Economic Development (Mr Shimmin): Thank you, Mr Deputy Speaker.

855 The Department of Economic Development is actively seeking opportunities for economic growth on the Isle of Man, including attracting clean tech manufacturing businesses to the Island.

I think I have just said most of this, Mr Deputy Speaker.

Such a strategy has seen businesses such as Prowind (UK) Ltd approach the Department to explore possible opportunities. They have indicated their preferred site for an onshore wind farm is Government land at Jurby, in close proximity to their proposed manufacturing plant.

860 I can confirm we are still in discussions to explore the siting of wind turbines at Jurby, although no formal agreement has been reached.

The Deputy Speaker: Mr Cannan.

865 **Mr Cannan:** Thank you, Mr Deputy Speaker.

Can I ask the Minister whether he does not regard it as understandable there has been a small furore over this, when the first thing that local residents know about the siting of five 150-

metre turbines in their backyard is a brochure that is put through their door by the company?
Does he not find that understandable?

870 Can I ask then in respect of the factory itself, what other alternatives have been explored by the Department for bringing that factory to the Isle of Man with suitable subsidies and not establishing wind turbines?

The Minister: Thank you.

875 I think the Hon. Member will credit me with making the comment in the previous answers that I believe it is totally understandable. I have already stated that.

With regard to the factory, the Hon. Member is a businessman: he should realise that businesses, particularly those which have got a renewable element, have certain ethics that they believe are appropriate for them, and to them, they can put this factory anywhere and they as part of their company structure mean that they have to generate an equivalent level of power,
880 in order to justify their green credentials in the renewable field.

Therefore they will not build this factory on the Isle of Man. There are obvious hurdles to build manufacturing plants on the Isle of Man, with the importation and export of the goods. Therefore, yes, we will work, as I tried to on Friday, but to be frank, the relationship which has
885 been created, I think by their actions last week and the response to it, means that it will be an uphill battle to get this company to consider alternative means of energy generation at an affordable price. That is the real world.

But we will work with this company and anybody else potentially to develop any level of factory work on the Isle of Man, but if they come with certain requirements that we cannot
890 satisfy, we shake hands and they move on to an area where they have a better opportunity of realising their ambitions.

The Deputy Speaker: Supplementary, Mr Cannan.

895 **Mr Cannan:** Thank you.

I thank the Minister for his response, but can I just clarify with the Minister that he talks about 'this company', when in actual fact, we must be clear that it is actually another company – XZERES, in the States – that is the company that is concerned with the actual manufacture? Is he aware that this particular company, Prowind, has assets of £7,000, made losses of £96,000 in the
900 period ended 31st October 2012 and has creditors of £165,993, according to the last set of accounts filed at Companies House, and therefore how can he honestly say to us with confidence that this company has the ability to establish and bring across a manufacturing plant to the Isle of Man at this precise point?

905 **The Deputy Speaker:** Minister.

The Minister: Mr Deputy Speaker, we have on my credit or business cards – I should say business cards – 'The Isle of Man, where you can.' I think the Hon. Member for Michael, like his father, has once again indicated how that is going to be an uphill battle –
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The Deputy Speaker: I do not think that is –

The Minister: The Hon. Member has –

915 **The Deputy Speaker:** Minister, I think you should withdraw that comment. It has nothing to do with his father. (**Mrs Cannell:** Hear, hear.)
Please withdraw that comment.

Mrs Cannell: Hear, hear.

920 **The Minister:** I was making a point, Mr Deputy Speaker, where a previous Member for an area has made allegations against a company looking to do work on the Isle of Man –

The Deputy Speaker: Excuse me, Minister, that was not the intonation that you gave with that comment. I do not think that was suitable in here. (*Interjections*)

925 **The Minister:** I apologise, Mr Deputy Speaker. I withdraw the comment and the allegation. I will therefore refer my comments to *this* Member for Michael, who has once... who has, in his defence of his area, chosen to put into the public domain information that he believes discredits a company that is looking to work with the Isle of Man. I can safely say, following just that simple
930 comment, that if that is the way we are going to deal with companies, then Prowind (UK) and the partners involved in it – and indeed others – will now look at the Isle of Man and say, ‘I’m not going to have our business affairs played around by a bunch of politicians in a public domain.’

935 Many, many companies – and the point that I would have liked to have made – many companies operate in a way which is suitable as a vehicle to actually progress schemes. These schemes are looked at with all due diligence, and if they are appropriate to develop, such as Askett Hawk, which was a previous one that was maligned as being a two-pound company, when it was actually a special vehicle for a particular purpose...

The problem we have in here is Hon. Members do not realise that by playing political games,
940 they make us look very unattractive to businesses. (**A Member:** Yes.) I thought we were here to try and grow the economy for our people. (**Several Members:** Hear, hear.) I thought we were here to look for jobs and creation of jobs, and not just for a purely ‘localistic’ issue of saying, ‘I want to kill this particular company, because it is upsetting my constituents.’ I find that regrettable and I think unless the Hon. Member and others change their attitude, we are going
945 to find fewer and fewer people prepared to come to our Island, because they do not believe that this is ‘where you can’.

The Deputy Speaker: Mr Cannan, supplementary.

950 **Mr Cannan:** Thank you.

Would it not be helpful if the Minister and his Department actually handled business cases properly, instead of allowing them to become an *absolute* shambles, which this has become? If he had bothered to consult properly with the Members for the area, the community and, indeed, the MEA and the DOI beforehand, and made it clear to Prowind, then he would not have
955 the shambles that he has got on his hands right now. He cannot blame other people for that failing; he has got to blame himself and he has got to blame his Department, surely?

The Deputy Speaker: Minister.

960 **The Minister:** Mr Deputy Speaker, the point I was making about the Hon. Member is not about where the blame lies regarding this issue, but the manner in which he actually dissects a company publicly on the floor of this Chamber.

The reality is that my Department on the meeting on 13th September, myself and another Minister – the Minister for Infrastructure – advised them to consult with various key
965 stakeholders. They have talked to MEA, they have talked to other parties involved and our understanding at that stage was that they were going to approach the local constituent representatives in the area. It is regrettable that that private company chose not to take our advice.

The Hon. Member has obviously got an issue. I would love him to come and talk to my
970 Department, to actually see the damage that he can do by these comments and the benefit that

he can bring, should he work with us, rather than merely take on this very aggressive stance against me personally and my Department.

We are here to generate economic growth for our Island.

975 **The Deputy Speaker:** Final supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Deputy Speaker.

980 Could the Minister confirm that when he is criticising Members for stating financial information, saying that it should not be done in a public place, it is actually information that I assume is already in the public domain?

A Member: Hear, hear.

The Deputy Speaker: Minister.

985

The Minister: Mr Deputy Speaker, I do not mind that. However, there is no validation of that information. There is no opportunity for the company involved to explain the nature of that financial information. It is like reading part of a paragraph without the accompanying information that goes with it. Therefore we do a disservice to those businesses by actually just selecting those bits which suit our argument, and although that is convenient for some Hon. Members, it is not the best way of running business – and it certainly is not the way in which business people would operate, whether that be in the private sector or now those working in Government.

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MANX ELECTRICITY AUTHORITY

1.8. e-Ilan Communications – Revenue; plans for fibre optic cable

The Hon. Member for Rushen (Mr Skelly) to ask the Chairman of the Manx Electricity Authority:

What the revenue was for e-Ilan Communications for the last three years; and, whether he has any plans to further commercialise the fibre optic cabling?

995 **The Deputy Speaker:** We move on to Question 8. I call on the Hon. Member for Rushen –

Mr Watterson: Sorry, Mr Deputy Speaker, I think you will notice that it is gone 11 o'clock and –

1000 **Mr Karran:** Well, I move suspension of Standing Orders. I look for a seconder.

The Deputy Speaker: Can I just say that in fact it is an hour of Questions, so we still have another seven or eight minutes from the actual start. (**A Member:** Hear, hear.)

1005 So we are on the final Question. I am going to allow the final Question. (**Several Members:** Hear, hear.)
Mr Skelly.

Mr Skelly: Gura mie eu, Lhiass-loayreyder.

Ta mee shirrey kied yn eysht y chur ta fo my ennym.

1010

The Deputy Speaker: I call on the Chairman of the Manx Electricity Authority to answer.

The Chairman of the Manx Electricity Authority (Mr Quayle): Thank you, Mr Deputy Speaker.

1015 As fully disclosed in the MEA's Annual Report, the revenue for e-Ilan Communications Ltd for the year 2010-11 was £1,038,000. For 2011-12, it was £1,414,000. For 2012-13, it was £1,340,000.

1020 However, as I feel the bottom line in any business is more relevant, I would like to advise this Hon. House that the net profit for 2010-11 was £38,000; for 2011-12 £212,000; and for 2012-13, £238,000.

1025 Regarding the second part of the Question, Members of this Hon. Court may recall the MEA first commercialised spare fibre-optic capacity within the UK to Isle of Man subsea cable in 2007, through subsidiary business, e-Ilan Communications Ltd. E-Ilan Communications' entry into the wholesale telecommunications market has since been pivotal in reducing Manx wholesale bandwidth pricing by 80%.

1030 My colleagues and I on the board recognise the vital role these strategic fibre cables can play in supporting and helping to grow the Isle of Man's e-business economy. We have therefore embarked on an enterprising programme to build on the achievements to date, by developing commercial arrangements which can deliver material benefits for the Manx economy as a whole.

1035 Consequently, e-Ilan Communications is seeking a strategic partner or partners who can help realise the genuine market, inherent value of this key national asset, with our main primary aim being to support economic growth for all market participants as far as possible. I would like to put on record my thanks to the small but hard-working team working for e-Ilan Communications Ltd for playing a pivotal role in achieving the benefits to date from e-Ilan and the directors of the MEA for their hard work so far in the process of taking e-Ilan Communications Ltd forward.

The Deputy Speaker: Mr Skelly, supplementary.

1040 **Mr Skelly:** Gura mie eu, Lhiass-loayreyder.

Can the Chairman confirm what the actual figure is for the original investment for the fibre-optic, and if he feels those net returns of £38,000, £212,000 and £238,000 are a fair rate of return, given that capital investment?

1045 **The Deputy Speaker:** Chairman.

The Chairman: Thank you, Mr Deputy Speaker.

1050 In response to the profit for 2010-11, although e-Ilan Communications have invested in further infrastructure since 2011, the reasons profits were lower in 2010-11 was due to lower turnover and this is reflected in profitability. The value, in a very rough valuation of the cable which e-Ilan owns, is about £5 million. I would have to say that personally the returns... the net profit is not good enough. The board have recognised this and feel that an asset which can do so much to help promote the Island's economy should be and can deliver a greater return for the taxpayer and we feel that through our expressions of interest process, we have been very
1055 pleased by the concepts which have been suggested, and it is now our duty to undertake... propose a due diligence and to deliver the value inherent in this asset to go forward.

The Deputy Speaker: Supplementary, Mr Quirk.

1060 **Mr Quirk:** Thank you, Mr Deputy Speaker.

Could I ask the Chairman of the Electricity, when he says he is having or introducing a partner, or looking for a partner in this firm, I just wonder what the percentage the company itself – e-Ilan – wants to offer up commercially to the industry?

1065 Could I ask, while I am on my feet too, how many of the fibre-optic cables now, or strands, are actually lit? Out of the 100% that we have, what percentage are we actually using for traffic?

The Deputy Speaker: Mr Quayle, Hon. Member.

The Chairman: Thank you, Mr Deputy Speaker.

1070 In answer on the percentage, we are not selling part of the company. We are going into a partnership but we are looking... the MEA, as is well-known, does not have vast reserves to use to take this company forward to develop it how we want or would like to. We do not have the specialist staff to take it forward. They have got us to a certain part of the journey, but to take it forward we need further funds and investment and expertise. As is well documented, the Manx
1075 Electricity Authority just does not have the funds to do that, so it is totally logical from any business that you look for a partner to go forward, but we will not be selling off shares of the company. This is just a strategic partnership.

Now, regarding the capacity available, the amount of bandwidth – which is data transferred from point to point in a second – which can be carried by the fibres, it is only limited by the
1080 electronic components connected to them. Carrier services to and from the Island tend to require 10GB/second of capacity. Each fibre can carry this level of bandwidth many times over. There are eight fibres – four pairs – within the interconnector, which are currently available for commercial use by e-Ilan Communications.

In the early days, when these cables were put in place, you needed one... You needed pairs.
1085 You needed one pair to take you to the UK, to connect up, and then one cable on a return basis. But with movements in modern technology, you can go down and back on the same cable, so the capacity for this cable has significantly increased. It is totally underutilised and it is an asset which we have invested taxpayers' money in. It has got phenomenal potential and I really hope that we can succeed in growing additional income for the Manx economy.

1090

The Deputy Speaker: Supplementary, Mr Karran.

Mr Karran: Lhiass-loayreyder, would the Caairliagh not agree that there is maybe some concern about the lack of proper strategic policy, as far as telecommunications policy, as far as
1095 the Island is concerned? Does he not feel that as Chairman of the MEA in having this asset, maybe there is a need for CoMin as a whole to be developing some sort of strategy in order that we can get a first-class telecommunications service, which has in my opinion been going back recently (**A Member:** Hear, hear.) because of the lack of the freedom to flourish for all but for the few to fleece?

1100

The Deputy Speaker: Mr Quayle.

The Chairman: Thank you, Mr Deputy Speaker.

1105 It is a hard one to answer because I am only the Chairman of the MEA, but I would say that before any decision is made by the board of e-Ilan Communications and the MEA on any partnership, a report will be sent to the Council of Ministers for their input and agreement that this is in the national interest of the Isle of Man economy. We do have an environmental committee which looks at energy and communications, chaired by the Hon. Minister, Mr David Cretney, with membership of the Hon. Member for Rushen, Mr Gawne, the Hon. Member for
1110 Malew and Santon, Mr Cregeen, Mr Ronan, Member for Castletown, and myself. So we do have a committee that looks at these views and I can assure this House that we will be doing our very best to make sure that a good strategy is in place for the future.

The Deputy Speaker: Final supplementary, Mr Skelly.

1115 **Mr Skelly:** Gura mie eu, Lhiass-loayreyder.

I am delighted to hear the Chairman wishes to exploit this strategic asset, and certainly not before time. I believe he stated that there is significant capacity, but can I ask the Chairman if he believes that the MEA or Government should actually be competing in the open communications market?

1120

The Chairman: Thank you, Mr Deputy Speaker.

1125 First of all, I would like to say the economic impact that this cable has had for the e-gaming industry data centres is phenomenal. (**Mr Teare:** Hear, hear.) The price, the secure line to the Isle of Man has really helped this business grow, so I think the idea of putting in the fibre optics as a Government policy was an exceptionally good idea. I just do not think that to date, maybe it could be argued, we have developed it as far as possible and we are now striving to take this forward.

1130 In answer to should we be competing, I personally feel the potential opportunities are tremendous. I have made it my number one priority to help realise the genuine opportunities in this national key asset, working together. The difficulties that we have had in the past are that we provide the commercial sector. We do not go into private... We have been doing this on a wholesale basis and therefore, it is getting that balance right.

1135 But at the end of the day, we have to come up with a policy that helps the Isle of Man economy and I think the proposals that we are currently looking at – which unfortunately I am not able to tell the House about because there is confidentiality with the bid process – should help that process go ahead.

The Deputy Speaker: Thank you.

1140 We now turn to Item 2, Questions for Written Answer. Hon. Members, there are five Questions for Written Answer, and the ministerial replies have been distributed to you.

Questions for Written Answer

CHIEF MINISTER

2.1. Scope of Government – Strands of work

The Hon. Member for Rushen (Mr Skelly) to ask the Chief Minister:

If he will list the strands of work related to Scope of Government, broken down by Department and Statutory Board?

Answer: The following service reviews are being conducted for the Scope Programme. Where a Department acts as a sponsoring body for a statutory board or other body, that entity is included under the Departmental heading. This list was compiled through a combination of Departmental submission and budget line.

Community Culture and Leisure

1150 National Sports Centre
Bus & Heritage Rail Services
Villa Marina & Gaiety Theatre Complex
Community / Arts Policy & Funding
Welcome Centre/Customer First
Wildlife Park
1155 Policy & Legislation
Commissioning
Sports Council
Corporate Services (Central)
Manx Sport & Recreation
1160 Arts Administration
Manx National Heritage
Arts Council
Manx Heritage Foundation
Office of Fair Trading
1165 Swimming Pool Authorities

Economic Development

Employment / Training Support / Post-Full Time Education
Tourism – Events
1170 IOM Post Office
Information Systems Division
Corporate Services (Central)
Tourism – incl Motorsport, Product Dev and Quality & Services
Business Development Agency
1175 Registries (Air, Company, Ship)

Education and Children

Meals and Milk Service
Youth & Community Services
1180 Education Improvement Service

	Works and Estates
	Universities etc Awards
	Education ICT
	Primary Education
1185	Secondary Education
	IOM College of Further and Higher Education
	Services for Children
	Corporate Services (Central)
	Education Library
1190	Pre-Schools
	<i>Environment Food and Agriculture</i>
	Agricultural advisory
	Food Marketing
1195	Forestry Haulage
	Garage
	Joinery shop
	Laxey Hatchery
	Pest control
1200	Sawmill
	Sea Fisheries protection
	Cattle passports and admin
	Environmental Health support
	Government lab
1205	Audit & Regulation
	Policy & Legislation
	Commissioning
	Service Delivery (Internal)
	Corporate Services (Central)
1210	Artificial insemination, liquid nitrogen, wool control
	Cleaning support
	Fisheries licensing
	Fish Hatcheries
1215	<i>Executive Government</i>
	Attorney General's Chambers
	Chief Secretary's Office
	Council of Ministers Division
	Crown, Passports, Immigration and Nationality
1220	External Relations
	Government House
	Transforming Government
	<i>Health</i>
1225	Keyll Darree Education
	Library
	Nobles – Domestic Services
	Nobles – Laundry
	Nobles – Portering and Security
1230	Nobles – Stores
	Occupational Health
	Primary Health Care – Prison Health Service

- UK Referrals & Patient Transport
In-flight Nursing Service
- 1235 MHS – Housekeeping Services
(Ramsey) Domestic Services
(Ramsey) Portering and Security
(Ramsey) Patient Transfer
Management Information and Technology Directorate
- 1240 Nobles – Residential Accommodation General
Nobles – Restaurant
Nobles – Switchboard
Nobles – Medical Secretaries
Nobles – Volunteers
- 1245 Audit & Regulation
Policy & Legislation
Primary Care
Nobles – Sterile Services
Primary Health Care – Speech and Language
- 1250 Primary Health Care – Community Dentistry
Primary Health Care – Podiatry
Primary Health Care – Community Nursing
Public Health – Health Promotion
- 1255 *Home Affairs*
Prison and Probation
Communications Division
Administration & Legislation
Finance & Research
- 1260 Fire Services
Communications Commission
IOM Constabulary
Chief Executive's Office
- 1265 *Infrastructure*
Operations – Tech Services – Waste Management
Operations – Civil Engineering – Quarries
Estates Directorate – Health
Operations – Civil Engineering – Maintenance
- 1270 Operations – Tech Services – Fleet
Operations – Estates – Property Maintenance
Operations – Tech Services – Tech Services
Operations – Civil Engineering – Construction
Operations – Estates – EDW
- 1275 Operations – Estates – HWD
Airport & Harbours
IOM Water and Sewerage Authority – B/O Infrastructure
Manx Electricity Authority
Highways – Driver & Vehicle testing
- 1280 Management Services – Health & Safety regulation and inspection
Highways – Network planning & road safety
Properties – Parking enforcement
Planning & Building Control
Planning & Building Control – Mapping

- 1285 Properties – Property Management
Property Searches
Road Transport and Licencing Committee
Policy & Legislation
Service Delivery (Internal)
- 1290 Corporate Services (Central)
Audit & Regulation
Commissioning
- Social Care*
- 1295 Adult Services
Children & Families –Resource Centres for disabled children
Home Care Services
Housing
Social Security
- 1300 Corporate Services (Central)
Children & Families – Social Work
- Treasury*
- 1305 General Registry – Court Service
Creditor Payments
Payroll
Electoral registration
Finance debt collection
Rate Collection
- 1310 Secretarial Support
Statistical
Valuation (Audit & regulation / Service Delivery)
Internal Audit
Income Tax – Debt Collection
- 1315 Income Tax – Training
Rating (Dom Valuation)
Audit & Regulation
Policy & Legislation
Procurement
- 1320 Financial Supervision Commission
Gambling Supervision Commission
Corporate Strategy
Budget & Financial Management
Capital Projects
- 1325 Investment & Banking
Customs & Excise
Economic Affairs
Income Tax
General Registry – Management Information Systems
- 1330 General Registry – Finance & Corporate
General Registry – Legal Aid
General Registry – Registries
General Registry – Tribunals & Probate
General Registry – PRO
- 1335 Finance Shared Services

Other Areas
Office of Human Resources
Safeguarding Children

SOCIAL CARE

2.2. Members in Department of Social Care – Delegation of functions

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

Whether the Members of his Department have any delegation of functions; and if not, why not?

1340

Answer: The Members of the Department of Social Care do not have any delegation of functions as described in the Government Departments Act 1987. The Act quite clearly states in section 3 that:

1345

(1) The functions of each Department shall be exercised by the Minister in the name and on behalf of the Department.

(2) The Minister may authorise any member or officer of the Department, or any other person, to exercise any functions of the Department in his place, either alone or jointly with him or with any other such person or persons.

1350

As section (2) is 'may authorise' a Minister has the choice of whether to delegate functions or not. The Minister for Social Care has decided not to delegate any functions as he feels that Members should be involved in the decision making process across all areas within the Department and not concentrate their efforts on one particular area over another.

1355

This does not mean that Members do not, on occasion, get asked by the Minister to be responsible or take the lead on certain projects, or indeed be Acting Minister when the Minister is off Island. When this happens, time-limited delegations would be put in place.

INFRASTRUCTURE

2.3. Douglas Harbour; Ronaldsway Airport – Value of assets; borrowing; interest; income

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

In respect of (a) Douglas Harbour; and (b) Ronaldsway Airport –

(i) what the total value of the fixed assets is;

(ii) what consolidated loans fund and other borrowing is attributed to these assets;

(iii) how much interest is currently charged for this borrowing and has been charged in the past; and

(iv) what proportion of annual operating income is paid by users and taxpayers?

Answer: (i) The total value of fixed assets at the Airport, including land and buildings, is £97,429,070. Douglas Harbour assets total £117,331.776 including land and buildings.

1360

(ii) Nil

(iii) Nil

1365 (iv) On the basis that the Hon Member wishes to know the proportion of airport costs met by users and the proportion met by the taxpayer, I would advise that the gross expenditure at the Airport is £11,705,789, with income from operating activities being £5,119,113 and income from Air Passenger Duty, which is paid directly to the Treasury, of approximately £4,500,000. This means that 82% of the operating costs are met by users. The balance is funded from general revenue. With regard to Douglas Harbour, 100% of the costs are met by charges to users.

**2.4. Douglas roads and pavements –
Condition; estimated cost of repair and maintenance**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

What the condition rating of all Douglas roads and pavements is; and what the current estimated cost, priority and schedule for repair and preventative maintenance for them is?

1370 **Answer:** The Department does not maintain a formal system of Condition Ratings for the highway network. However, we do undertake deflectograph and scanner surveys that, together with visual inspections, help to identify those parts of the network in most need of maintenance. They also help us determine what sort of maintenance treatment is required.

1375 Delivery of repair work is prioritised, taking into consideration safety, traffic flows, pedestrian numbers, public complaints etc. Unfortunately there is insufficient funding available to bring all the roads and footways around the island to the high standard that we would all like to see; however, additional capital funding has been made available by Tynwald to allow more extensive works to take place in some areas of concern to renew or substantially upgrade the highway infrastructure. (The full list of schemes is appended to this answer). These schemes include the works currently underway in Douglas on the Promenade, Strand Street, Peel Road (estimated cost £5 million) and Ballanard Road (£650,000). In addition, a programme of footway reconstruction and carriageway resurfacing is underway island-wide, which includes the following projects in Douglas:

1380

Overlays

- Ridgeway Street outside Town Hall - £25,655
- Market Street outside Chester Street Car Park - £24,000
- Finch Road between Christian Road and Bucks Road - £51,100
- Woodbourne Road between York Road and Ballaquayle Road - £68,950
- Promenade/King Edward Road in vicinity of MER Depot - £27,000 (Reserve scheme)

Footways

- Bray Hill between High View Road and Inner Circle - £7,700
- Athol Street (southern footway) between Prospect Hill and Church Road, and onto Church Road as far as Nelson Street - £70,400

1385 Further works for the next financial year are currently being planned using the provisional capital allocation of £2 million for strategic highway refurbishment. It is intended that part of this funding will be used to complete the renewal of footways and resurfacing of the carriageway in Athol Street, which will in turn link in with recent regeneration works in the vicinity to improve the appearance of this key business area.

£1.77m Capital Funding Overlay and Footway Schemes

Overlay Programme

1390

Order Priority	Road Name	Town/ Parish	Work
1	Woodbourne Rd	Douglas	plane & inlay
2	Queens Pier Road	Ramsey	channel plane & overlay
3	Castletown Rd	Port Erin	deep plane & inlay
4	Main Road	Colby	channel plane & overlay
5	Bridge Road	Ballasalla	plane & inlay
6	Castletown Rd	Rushen	channel plane & overlay
7	Castletown Rd	Rushen	channel plane & overlay
8	Christian St/Peverill Rd	Peel	plane & inlay
9	Finch Road	Douglas	plane & inlay
10	Main Road	Colby	channel plane & overlay
11	Ramsey Rd	Laxey	deep plane & inlay
12	Atholl Street	Peel	plane & inlay
13	King Edward Road	Onchan	ch plane + overlay + kerbs
14	Atholl Place	Peel	plane & inlay
15	Market Street	Douglas	deep plane & inlay
16	Market Place	Ramsey	plane & inlay
17	Dale St+King St	Ramsey	plane & inlay
18	Ridgeway Street	Douglas	plane & inlay
19	Station Road	Ballaugh	plane & inlay
20	Station Road	Castletown	plane & inlay
21	Mines Road	Foxdale	channel plane & overlay
reserve1	King Edward Road	Onchan	channel plane & overlay
reserve2	Albert Rd/Albert St	Ramsey	plane & inlay

Footway Programme

Section no	Road Name	Town	Work
1	Bride Road	Andreas	renew tarmac footway east side by school
2	Sandfield	Castletown	concrete path - replace
3	Station Road	Castletown	concrete path - replace
4	Bank Street	Castletown	concrete path - replace
5	Malew Street	Castletown	concrete path - replace: Crofts to Bank St
6	Arbory Street	Castletown	conc path - replace: Crofts to block pavers
7	Bayr Grainagh	Castletown	remove grass; new edging; tarmac footway
8	Athol Street	Douglas	Prospect Hill-Church Rd
9	Bray Hill	Douglas	Inner Circle-Highview Rd - replace slabs with tarmac
10	Minorca Hill	Laxey	renew tarmac by Minorca Crossroads
11	Minorca Hill	Laxey	renew tarmac by 'Mona Lisa' restaurant
12	School Road	Onchan	tarmac/concrete - renew in tarmac
13	Maple Avenue	Onchan	tarmac - renew
14	Summerhill Rd	Onchan	B'berry Ln-Corkhills Rbt - tarmac - renew both sides

15	Peveril Road	Peel	Walpole Ave-Rec field - concrete path-replace
16	Douglas Road	Peel	Albany Rd-Tynwald St - renew tarmac
17	Upper Prom + Church St	Port Erin	RHS Conc slabs by shops - replace
18	Church Road	Port Erin	RHS tarmac footway by Post Office - replace
19	Upper Prom	Port Erin	tarmac path - replace
20	Seafield Ave	Port St Mary	concrete path - replace with tarmac
21	St Mary's Ave	Port St Mary	tarmac path - replace
22	Dale St	Ramsey	concrete path - replace
23	Cumberland Road	Ramsey	tarmac path - replace
24	Grove Mount South	Ramsey	tarmac path - replace
25	Albert Sq	Ramsey	tarmac path - replace
26	Parsonage Rd	Ramsey	concrete path - replace with tarmac
27	Lezayre Road	Ramsey	tarmac/concrete - replace with tarmac
reserve1	Arbory Road	Castletown	remove grass; tarmac footway

**2.5. Freight tonnage passing through harbours –
Decline and annual variation**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

If he will explain the (a) overall decline and (b) significant annual variation in general freight tonnage passing through the Isle of Man harbours during the last decade?

Answer: As Hon Members are aware, freight arrives in the Island principally by either ferry (carrying trailers) or cargo vessel (bulk items).

1395 Comparing freight tonnage and trailer meter lengths through the Isle of Man Harbours between the financial years 2002-03 and 2012-13, I can advise that bulk freight has decreased from just over 110,000 tonnes to 50,000 tonnes. The Department believes this has been caused by a reduction in the number of major construction projects, the economic situation and the change from oil to gas use by MEA power stations.

1400 In addition, ferry carried freight has decreased from approximately 250,500 metres to just over 200,000 metres, which the Department believes has been caused by the changes in trailer design and weight and the economic situation.

Order of the Day

3. BILLS FOR FIRST READING

3.1. Foreign Companies Bill 2013

3.2. Income Tax (Amendment) Bill 2013

3.3. Custody (Amendment) Bill 2013

The Deputy Speaker: We now turn to Item 3, Bills for First Reading, and I call the Secretary of the House.

1405

The Secretary: Bills for First Reading: Foreign Companies Bill 2013, Member in charge, Mr Teare; the Income Tax (Amendment) Bill 2013, Member in charge, Mr Teare; the Custody (Amendment) Bill 2013, Member in charge, Mr Watterson.

4. CUSTODY (AMENDMENT) BILL 2013

4.1. Custody (Amendment) Bill 2013 –

Standing Orders suspended to take all stages at this sitting

The Hon. Member for Rushen (Mr Watterson) to move:

That Standing Orders (in particular Standing Orders 2.2, 4.6, 4.7, 4.8, 4.9 and 4.11) be suspended in relation to the progress of the Custody (Amendment) Bill 2013 to the extent necessary to permit the Second Reading, clauses and Third Reading stages of the Bill to be taken at this sitting; and to allow amendments to the Bill and new clauses to be proposed at this sitting without notice.

1410

The Deputy Speaker: Item 4, the Custody (Amendment) Bill 2013. I call on the Hon. Member for Rushen, Mr Watterson, who wishes to move suspension of Standing Orders.
Mr Watterson.

Mr Watterson: Mr Deputy Speaker, I rise to ask that the House supports the suspension of Standing Orders to permit the taking of all stages of this Bill today.

1415

I am grateful to Members who were able to attend the presentation I gave last Tuesday to explain the issues and the reason for this two-clause Bill. However, as some were unable to attend, I feel it is incumbent upon me to make the case for the urgency of this Bill on the floor of the House.

1420

In short, the law provides that a person detained in an institution may be required to submit to a drugs test. A routine internal review of the law in this regard has revealed a gap in the law.

In short, we have been unable to take samples of breath or urine to test for the presence of drugs or alcohol. This has meant that drugs testing has been suspended over the summer.

1425

Hon. Members will of course appreciate that had this information become known to prisoners before last week, there may have been an increased temptation to smuggle drugs in or take risks in brewing hooch in the prison, knowing that we would be unable to test for it. It is therefore for the safety of prisoners and prison officers alike that I beg Hon. Members' indulgence to progress this simple two-clause Bill today.

1430 In doing so, I believe both branches can send out a strong signal to the prison community over its stance on illicit substances in the prison and the speedy progression of this Bill through both Houses should serve to dissuade prisoners from taking unnecessary chances with their health.

1435 Today is the first opportunity to correct this matter and therefore, Mr Deputy Speaker, I beg to move that Standing Orders 2.2, 4.6, 4.7, 4.8, 4.9 and 4.11 be suspended to allow the taking of all stages of this Bill today.

The Deputy Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Deputy Speaker.
I am more than happy to support the Minister's endeavours.

1440 **The Deputy Speaker:** Does anybody wish to comment?
Mr Thomas.

1445 **Mr Thomas:** Just continuing in a similar vein as at nearly midnight last Tuesday in another place, when I asked about the need to rush to introduce an international convention, I just took the liberty of researching how often it happened, that we actually had to suspend Standing Orders to do the whole process in a day.

1450 Just before we start, though, I wanted to say my conclusion is the one that Mr Nivison made back in 1962, which is: I support the suspension of Standing Orders, but I hope that we would not drift into the way of taking all three Readings of all Bills at all times. The reason why I support the suspension is that I appreciate the necessity, as explained by the Minister.

1455 But basically this year, I understand from our wonderful Tynwald Information Services, that we have already suspended Standing Orders for this twice, whereas previously we did it about every three years. So I just wanted to put on record that perhaps there is something to learn from that. *(Interjection)*

The Deputy Speaker: Mr Hall. No?
Minister, would you like to reply?

1460 **Mr Watterson:** Just briefly, I subscribe to what the Hon. Member for Douglas West, Mr Thomas has said, in that each case does need to be assessed on its merits. The other case, I think, was the Law Officers Bill, which was designed in order to remedy an equally urgent situation about the absence of the Attorney General in Tynwald.

1465 So again, I do think Members do need to take each case on its merits, **(Mr Anderson:** Hear, hear.) and I do hope that they will give it fair consideration today, sir.

The Deputy Speaker: Thank you, Minister.

The motion is as on the Order Paper. All those in favour, say aye; against, no. The ayes have it. The ayes have it. **(Mr Karran:** Divide.)

1470 I will now call Item 4.2 – **(Mr Karran:** Divide!)
Oh sorry, division called.

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

FOR	AGAINST
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	

Mr Anderson
Mr Bell
Mr Quayle
Mr Teare
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mrs Beecroft
Mr Robertshaw
Mr Shimmin
Mr Thomas
Mr Cretney
Mr Watterson
Mr Skelly
Mr Gawne
The Deputy Speaker

The Deputy Speaker: Hon. Members, the voting is: for, 22; against, none.

4.2. Custody (Amendment) Bill 2013 – Second Reading approved

The Deputy Speaker: So we can now go into the Second Reading, please. Mr Watterson.

1475

Mr Watterson: Mr Deputy Speaker, I am grateful to Hon. Members for agreeing to suspend Standing Orders to allow this Bill to be considered in its entirety today.

I propose to give a small bit of background to the issue and then outline the technical legal issues and finally underline the urgency of addressing those issues now.

1480

The presence and use of controlled drugs or alcohol by prisoners is harmful to the maintenance of good order and discipline in the Prison. Disciplinary issues arise due to the behaviour of detainees who abuse these substances and the associated activities of those detainees involving smuggling, supply and storage of controlled drugs or the production of alcohol.

1485

To deter prisoners from abusing controlled drugs and to provide a means of detecting and disciplining those who do, the Prison operates a rigorous drug-testing programme. Through this testing programme, prisoners are selected on either a random or risk-assessed basis to provide samples to test for the presence of controlled drugs. The most effective way to test for controlled drugs in custody is through the taking of urine samples. In law, urine samples are defined by reference to the Police Powers and Procedures Act 1998 and are classed as intimate samples.

1490

The legal power to require prisoners to submit to drug testing comes from section 19A of the Custody Act 1995 which was inserted into this Act by the Criminal Justice Act 2001. It actually empowers the taking of samples that are not intimate samples.

1495

The Department undertook a review of the legal powers it has relied on to undertake tests for the presence of controlled drugs. It was determined – and this was confirmed by legal advice in late June of this year – that there was a question over whether the Department has the power to test drugs using urine samples, because they are in fact defined as intimate samples. Upon receiving this advice, the Prison ceased conducting tests for controlled drugs using urine samples to ensure there was no question as to whether it was acting within the law.

1500

The Bill therefore clarifies the law by replacing section 19A of the Custody Act 1995, with provisions that will enable officers to take urine samples, as well as any other non-intimate samples.

1505 The Bill also provides that if it is necessary to establish the presence of alcohol in a person, a sample of breath may be obtained.

Mr Deputy Speaker, I beg to move that the Second Reading of the Custody (Amendment) Bill 2013 be approved.

1510 **The Deputy Speaker:** Mr Quirk.

Mr Quirk: I beg to second, Deputy Speaker, and reserve my remarks.

The Deputy Speaker: Any comment?

1515 In that case, the question is that the Bill be read for a second time. All those in favour, say aye; those against, say no. The ayes have it. The ayes have it.

4.3. Custody (Amendment) Bill 2013 – Clauses considered

The Deputy Speaker: I can now call on Mr Watterson to move clause 1.

Mr Watterson: Thank you, Mr Deputy Speaker.

1520 Clause 1 gives the short title of the Bill as the Custody (Amendment) Bill 2013.
I beg to move that clause 1 stand part of the Bill.

Mr Quirk: I beg to second, Deputy Speaker, and reserve my remarks.

1525 **The Deputy Speaker:** The question is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Watterson, clause 2, please.

Mr Watterson: Mr Deputy Speaker, clause 2 deals with the issues outlined in my Second Reading speech in the following ways.

1530 It substitutes section 19A of the Custody Act 1995, with provision that is similar but different in three important particulars. Firstly, it uses more direct language by providing for the taking of a 'non-intimate sample' rather than a sample that is not an intimate sample, as before. Secondly, it addresses the issue that the current most effective method of testing for the presence of a controlled drug is by taking of a sample of urine and therefore subsection 4A provides for the taking of a sample of urine. Thirdly, this substituted section adds subsection 4B
1535 which empowers the taking of a sample of breath.

Mr Deputy Speaker, I beg to move that clause 2 be approved.

1540 **The Deputy Speaker:** Mr Quirk.

Mr Quirk: I beg to second, Deputy Speaker, and reserve my remarks.

The Deputy Speaker: The question is that clause 2 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

1545 That completes the clauses stage.

**4.4. Custody (Amendment) Bill 2013 –
Third Reading approved**

The Deputy Speaker: I call Mr Watterson now to move the Third Reading of the Bill.

1550 **Mr Watterson:** Mr Deputy Speaker, I am grateful to Hon. Members for supporting the suspension of Standing Orders so all stages of the Bill could be taken in this House today.

I think all issues have been addressed and I hope Members can support the Third Reading of the Bill, so it may pass immediately to the Legislative Council, who are sitting today for this purpose. I would therefore like to thank Madam President and Mr Coleman for their assistance in this and Members in my Department.

1555 I would also like to thank my staff at the Department of Home Affairs and those at the Attorney General's Chambers who have assisted with this matter, and I would especially like to thank the Prison Governor and her staff at the Isle of Man Prison for seeing through a long summer, in the hope that this does not cause unnecessary difficulties for the staff or prisoners, and we will be able to resume the drug testing programme very shortly.

1560 Mr Deputy Speaker, I beg to move that the Custody (Amendment) Bill be read a third time and be transmitted forthwith to the Legislative Council.

The Deputy Speaker: Mr Quirk.

1565

Mr Quirk: I beg to second, Deputy Speaker, and reserve my remarks.

The Deputy Speaker: Hon. Members, the question is that the Bill be read a third time. All those in favour, please say aye; against, no.

A division was called for.

1570

The Deputy Speaker: Mr Thomas, you were not in the Chamber, so you cannot vote. Please vote, Hon. Members.

1575 **Mrs Cannell:** Point of clarification, Mr Deputy Speaker. I was out for the previous Readings. Am I eligible to vote or not?

The Deputy Speaker: Yes. *(Interjections)*

1580 **Mrs Cannell:** Thank you.

Electronic voting resulted as follows:

FOR	AGAINST
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Anderson	
Mr Bell	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	

Mrs Beecroft
Mrs Cannell
Mr Robertshaw
Mr Shimmin
Mr Cretney
Mr Watterson
Mr Skelly
Mr Gawne
The Deputy Speaker

The Deputy Speaker: The vote is 22 for, none against. The Third Reading is carried. That completes the passage of the Bill.

5. BILL FOR SECOND READING

5.1. Post Office (Amendment) Bill 2013 – Motion not moved

The Deputy Speaker: Hon. Members, Item 5, you already know that on the Bill for Second
1585 Reading, the Post Office (Amendment) Bill 2013, this Bill will not be proceeded with today.

6. CONSIDERATION OF CLAUSES

6.1. Public Health (Amendment) Bill 2013

Mr Gawne to move.

The Deputy Speaker: We now go on to consideration of clauses and the Public Health
(Amendment) Bill 2013.

I call on Mr Gawne to move clauses. Mr Gawne, can you move, please, clause 1.

1590 **Mr Gawne:** Gura mie eu, Lhiass-loayreyder.
Clause 1 will give the Act resulting from this Bill its short title.
I therefore move clause 1.

The Deputy Speaker: Mrs Cannell.

1595 **Mrs Cannell:** I beg to second and reserve my remarks.

The Deputy Speaker: Hon. Members, the question is that clause 1 do stand part of the Bill.
All those in favour, say aye; against, no. The ayes have it. The ayes have it.

1600 Mr Gawne, please move clause 2.

Mr Gawne: Gura mie eu, Lhiass-loayreyder.
Clause 2 relates to the commencement of the Act. Sections 1 and 2 of the Bill will come into
force automatically on the announcement of Royal Assent, whilst the remaining provisions will
1605 come into operation on a day or days stipulated in the Appointed Day Order.

Provision is made for the Department to consult the Department of Health prior to making an
Appointed Day Order and for any order to contain consequential, incidental or transitory
provisions where the Department considers it appropriate.

I move clause 2 stand part of the Bill.

1610

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Deputy Speaker.
I beg to second and reserve my remarks.

1615

The Deputy Speaker: The question is that clause 2 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.
Mr Gawne, clause 3, please.

1620

Mr Gawne: Gura mie eu.

Clause 3 provides that the resulting Act will expire either on the day following its promulgation or when the final provisions of the Bill have been commenced through an Appointed Day Order.

I move clause 3 stand part of the Bill.

1625

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Deputy Speaker.
I beg to second and reserve my remarks.

1630

The Deputy Speaker: The question is that clause 3 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Mr Gawne, please move clause 4.

1635

Mr Gawne: Clause 4 introduces the amendments to the Public Health Act 1990.
I therefore move clause 4 stand part of the Bill.

The Deputy Speaker: Mrs Cannell.

1640

Mrs Cannell: Thank you, Deputy Speaker.
I beg to second and reserve my remarks.

The Deputy Speaker: The question is that clause 4 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

1645

Mr Gawne, please move clause 5.

Mr Gawne: Clause 5 repeals the whole of Part II and Schedule 2 of the Public Health Act 1990, which concerns control of disease and is being replaced by a new part being inserted into the 1990 Act by this Bill.

1650

I move that clause 5 stand part of the Bill.

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

1655

The Deputy Speaker: The question is that clause 5 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Mr Gawne, please move clause 6.

1660 **Mr Gawne:** Clause 6 inserts a new Part IIA into the 1990 Act which is titled 'Public health protection' and contains 19 sections, numbered from 51A to 51S, providing new public health control measures to help prevent and control the spread of serious disease caused by infection and contamination from chemicals or radiation.

1665 The newly inserted Part IIA also permits the Department to give effect in the Island to the new International Health Regulations 2005, which were adopted by the World Health Organisation in 2007.

1670 The 2005 Regulations are the means by which the World Health Organisation aims to prevent and control the international spread of disease in ways which are commensurate and restricted to public health risks and which avoid unnecessary interference with international traffic and trade.

1675 Part IIA makes more flexible provisions, which enables a response to be made where appropriate to a wide range of specific problems in more proportionate ways. By way of example, currently the only actions a justice of the peace may order in relation to a person suffering from a specified disease is that they be removed to and detained in hospital. However, to reduce the threat to others, these new provisions will permit a restriction to be made which would simply require the person concerned to stay in their own home, with the appropriate support from the Health Service until the risk of infecting others has passed.

1680 Section 51A expands the scope of current provisions which concern infectious disease such as cholera and plague, to take into account risks that can be posed by contaminations such as chemicals.

Section 51B enables the Department to make regulation to prevent danger to public health from international travel and to detain modes of transport and carry out measures to prevent the spread of infection. It imposes duties on persons who have control of transport and points of entry.

1685 Section 51C provides that the Department can through regulation control the spread of infection by placing restrictions on members of the public and imposing a duty on medical practitioners and other persons to notify the Department of suspected cases of infection or contamination.

1690 Section 51D places restrictions on the regulations made under section 51C so that they are proportionate to what is sought to be achieved.

Section 51E provides that regulations made under sections 51B and 51C may not require a person to undergo medical treatment.

1695 Section 51F provides that health protection regulations made under section 51B or 51C may confer functions on local authorities and other persons to create offences, provide for the execution and enforcement of restrictions and requirements it imposes, as well as provide for appeals.

1700 The levying of charges and fines, section 51G, enables the High Bailiff to make an order imposing certain restrictions or requirements on any person in order to prevent the spread of infection or contamination, provided he is satisfied that the person is so infected or contaminated.

Section 51H enables a justice of the peace to make an order imposing certain restrictions on requirements on a thing, if the justice is satisfied that the thing is so infected or contaminated that it could present significant harm to human health.

1705 Section 51I permits a justice of the peace to make an order imposing certain restrictions and requirements in relation to premises, if the justice were satisfied that the premises were so infected or contaminated that they could present a risk of significant harm to human health.

Section 51J explains how the powers in sections 51G, 51H and 51I apply to groups of persons, things or premises.

1710 Section 51K makes further provisions about the orders under the previous three sections, which are referred to as health measure orders, including, in addition to the restrictions of

requirements, such other measures as the person making the order deems necessary, such as the entry of an authorised officer onto any land to carry out specified actions.

1715 Section 51L provides that a health measure order must specify the period for which the restriction or requirement set down remains in force. In the case of a person detained in hospital or other suitable establishment or kept isolated or quarantined. However, that period must not exceed 28 days.

1720 Section 51M provides that an application of an authorised officer, a justice, has the power to make a health measure order. A justice also has the power to vary or revoke an order following an application to do so by the affected person. The authorised officer or any other person who has a function in executing or enforcing the order.

Section 51N permits the Department to make further provision by way of regulations relating to the discharge of the health measure order, including the type and manner of investigation, the liability for cost and compensation.

1725 Section 51O extends powers to authorise officers to enter any premises, provided 24 hours' notice has been given. It also provides that such entry can be authorised by a warrant issued by a justice of the peace, if they are satisfied on sworn application of the authorised officer of the need to gain such entry.

1730 Section 51P provides that if a person failed without reasonable excuse to comply with any restriction or requirement imposed by an order or obstruct anyone in the execution of an order, they would be guilty of an offence and might be liable to take remedial action to meet any expenses incurred.

1735 Section 51Q provides that public documents must be either approved by Tynwald or, if declared by reason of urgency that they are necessary to come into operation before Tynwald approval, are laid before Tynwald at its next sitting and unless approved will cease to have effect.

Section 51R makes provision for Part IIA to apply to the territorial sea adjacent to the Island.

Section 51S provides for further definitions specific to this part of the Bill.

I move that clause 6 stand part of the Bill.

1740 **The Deputy Speaker:** Mrs Cannell.

Mrs Cannell: Thank you, Deputy Speaker.

I beg to second and reserve my remarks.

1745 **The Deputy Speaker:** Mr Quirk.

Mr Quirk: Thank you, Mr Deputy Speaker.

1750 Could I just ask the Minister regarding premises and notification. Just to seek a reassurance, I presume, when a place or business has been infected, that a statutory notice goes up. I just wonder whether it is your Department or the local authority which actually places the notice. I seek clarification that that notice is in a prominent place.

The Deputy Speaker: Mr Gawne to reply.

1755 **Mr Gawne:** Gura mie eu, Lhiass-loayreyder.

Yes, there are... It depends which sort of notice and what part of the regulation you are referring to. There will be notices that the Department will be issuing, but also, there are powers for local authorities to take action as well. In many cases, officers in my Department act as agents for local authorities as well, so that may apply in that instance.

1760 So I beg to move clause 6.

The Deputy Speaker: Hon. Members, the question is that clause 6 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Mr Gawne, please move clause 7.

1765

Mr Gawne: Gura mie eu.

Clause 7 replaces section 92 which applies to Parts I, IIA, VI and VII in relation to aircraft and vessels. This includes vessels in the Isle of Man's ports or lying in territorial waters associated to the Isle of Man or aircraft in the Isle of Man or in those waters.

1770

I move clause 7 stand part of the Bill.

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

1775

The Deputy Speaker: The question is that clause 7 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 8, Mr Gawne, please.

1780

Mr Gawne: Gura mie eu, Lhiass-loayreyder.

Clause 8 inserts a new Part VI into the 1990 Act containing sections 92A to 92H, and which concern investigative powers when undertaking a public health inspection.

1785

Section 92A provides that a 'public health inspection' means an inspection to determine whether there has been any contravention of the Act. It provides that any inspection may be carried out by an authorised officer and what an authorised officer may do in relation to an investigation under the Act.

1790

Section 92B concerns powers in relation to the entry to premises and empowers an authorised officer to enter premises. An authorised officer may take a constable with them, if they suspect that access to premises will be obstructed, and to take any necessary equipment or materials to assist entry. An authorised officer is expected to leave any premises they have entered effectively secured.

1795

Section 92C enables an authorised officer to take measurement, photographs and recordings considered necessary for the purpose of a public health inspection. It also makes provisions for taking samples from the premises in addition to samples of air, water or land in the vicinity of premises. Any sample taken from premises can be detained for as long as necessary in relation to examination and for use as evidence.

1800

Powers are extended to an authorised officer to require the production of records and the taking of copies of those records. Provision is made for any document that is privileged to be withheld by any person.

1805

Section 92D enables an authorised officer to ask questions of any person whom that authorised officer has reason to believe has information relevant to a public health inspection. A person to whom questions are levelled may nominate another person to be present when those questions are asked. Any answer given by person in these circumstances is not admissible in evidence against that person in any criminal proceedings.

1810

Section 92E contains supplementary provisions in relation to a public health inspection. It requires an authorised officer to produce a document showing their authority. The Department may make regulations conferring such powers on authorised officers for the purposes of public health inspections, with such regulations able to modify any enactment, including the 1990 Act.

Section 92F sets down the two conditions for entry into properties that are occupied dwellings. The first condition requires 24 hours' notice to be given in respect of any entry, with the second condition being that consent has been given by the occupier or entry is affected under authority of a warrant.

1815 Section 92G concerns inspection warrants and provides for the issue of a warrant where an authorised officer has been refused entry or anticipates that refusal. This section also makes provision where the premises are unoccupied or the 24-hour notice would defeat the object of the public health inspection.

The section sets down the criteria to be met for a warrant to be issued by a justice on the application of an authorised officer.

1820 Section 92H provides for offences where failure to comply with requirements, intentional obstruction or failure to provide facilities or information takes place, among other things. A defence is also provided in respect of this particular section.

I therefore move that clause 8 stand part of the Bill.

The Deputy Speaker: Mrs Cannell.

1825

Mrs Cannell: Thank you.

I beg to second and reserve my remarks.

The Deputy Speaker: Mr Quirk.

1830

Mr Quirk: Thank you, Mr Deputy Speaker.

1835 Just on the taking of evidence and photographs and documentation, I am just wondering whether the Minister could maybe enlighten the House that when the case has ceased or the infection has disappeared, what happens to all the documentation? Is there a time bar on it? Is there a destruction policy for evidence so it does not last there forever and a day?

The Deputy Speaker: Minister to reply.

Mr Gawne: Gura mie eu, Lhiass-loayreyder.

1840

In essence, the material can be kept by the Department as long as the Department needs for its investigations and to ensure proper adherence to this particular piece of legislation. We can retain the evidence for as long as we need it, and then it is returned to the person who it was extracted from, if that is appropriate.

I beg to move clause 8.

1845

The Deputy Speaker: Hon. Members, the question is that clause 8 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Gawne, please move clause 9.

Mr Gawne: Gura mie eu, Lhiass-loayreyder.

1850

Clause 9 inserts a new cross-heading, constituting a new Part VII, which will contain sections 93 to 98 of the 1990 Act.

I move that clause 9 stand part of the Bill.

1855

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: Mr Deputy Speaker, I beg to second and reserve my remarks.

The Deputy Speaker: Mr Quirk.

1860

Mr Quirk: Thank you Mr Deputy Speaker.

Could I just ask the Minister to explain a bit more. It is just the ones I had highlighted were these new clauses that came in – what do these new clauses actually do and what would that

1865 relationship be with that 1990 Act, which is the Local Government Act, and also 1985? What are we getting for our buck?

The Deputy Speaker: Minister.

1870 **Mr Watterson:** That's the next one.

Mr Gawne: Gura mie eu.

There are no new clauses associated with this. This is purely a numbering issue which is being corrected by this clause.

I beg to move clause 9.

1875

The Deputy Speaker: The question is that clause 9 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Gawne, please move clause 10.

1880 **Mr Gawne:** Gura mie eu.

Clause 10 amends section 97 of the 1990 Act, which deals with the application of provisions of the Local Government Act 1985 for purposes of the 1990 Act. Some of the provisions of the 1985 Act no longer need to apply to the 1990 Act, as a consequence of other amendments made to this Bill.

1885 I beg to move clause 10.

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

1890

The Deputy Speaker: The question is that clause 10 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Gawne, clause 11.

1895 **Mr Gawne:** Gura mie eu, Lhiass-loayreyder.

Clause 11 amends Schedule 4 which specifies penalties for offences under the 1990 Act. Reference to those penalties relating to the repealed of Part II of the Act are removed. A new provision is made in respect of the newly inserted Parts IIA and VI is made.

I move clause 11 stand part of the Bill.

1900

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: Thank you.

I beg to second and reserve my remarks.

1905

The Deputy Speaker: The question is that clause 11 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Mr Gawne, please move the final clause, clause 12.

1910 **Mr Gawne:** Gura mie eu, Lhiass-loayreyder.

Clause 12 repeals section 4 of the Local Government (Miscellaneous Provisions) Act 2001, which is now spent, as the amendments it made to the 1990 Act are repealed in this Bill.

I would like to thank the Hon. House for its support this morning, and also particularly thank my seconder of this Bill.

1915 I move that clause 12 stand part of the Bill.

The Deputy Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Deputy Speaker.

1920 I beg to second and also praise the Minister for the efficient manner in which he pursued the clauses stage of this Bill.

A Member: Ah!

The Deputy Speaker: Mr Quirk.

1925

Mr Quirk: Sorry, Deputy Speaker – not as quick as my Minister! *(Laughter)*

The Deputy Speaker: I do not know if you wish to reply to that or not, Minister! *(Laughter)* I should think not, no.

1930

The question is that clause 12 do stand part of the Bill. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That completes the clauses stage of the Bill.

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which takes place at 10.00 a.m. on 29th October in this Chamber.

1935

The House adjourned at 11.45 a.m.