



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 4th February 2014

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Mr P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
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.

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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

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

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

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Speaker: I have given leave of absence to the Hon. Member for Middle, Mr Quayle.

Questions for Oral Answer

CHIEF MINISTER

1.1. Sefton Group – Legal advice re loans

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

If he will publish the legal advice provided to the Council of Ministers in respect of all loans to the Sefton Group?

10 **The Speaker:** We turn to Item 1 on our Order Paper, Questions for Oral Answer, and I call on the Hon. Member for Michael, Mr Cannan.

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

15 **The Speaker:** I call on the Chief Minister, the Hon. Member for Ramsey, Mr Bell, to reply.

The Chief Minister (Mr Bell): Mr Speaker, as the Acting Attorney General advised in Tynwald last month, I wrote to all Tynwald Members on 29th April 2013, providing an overview of the law

20 in relation to loans provided to the Sefton Group. The legal advice for this purpose was obtained from the Government Advocate and reproduced in letters to Members. For this purpose, I consider this advice already to be published.

The Speaker: Mr Cannan, a supplementary.

25 **Mr Cannan:** Thank you, Mr Speaker.

Can I just get clarification from the Chief Minister that the details contained in the Economic Policy Review Committee Second Report on the Government Support for the Sefton Group, which we will be debating in Tynwald in two weeks' time... that the message from that report is that there was no legal advice obtained at the time of the loan and that legal advice was only
30 sought afterwards to clarify the interpretation that the Ministers had actually put on the wording in the various Acts and policy documents that they were relying on to give the loan?

The Speaker: Chief Minister.

35 **The Chief Minister:** It is my understanding, Mr Speaker, that there was no specific advice given at the outset.

The Speaker: Hon. Member, Mrs Beecroft.

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

Does the Chief Minister find it acceptable that Members have to rely on extracts of legal advice given, rather than being able to see the full document?

The Speaker: Chief Minister.

45

The Chief Minister: Nothing unusual at all about that, Mr Speaker.

The Speaker: Hon. Member for Michael.

50 **Mr Cannan:** Thank you.

Can I ask the Chief Minister, accepting that legal advice was not sought at the early stages of this loan agreement, can he clarify when legal advice was sought in terms of putting together the agreement with the Sefton Group, and who actually provided the legal advice in respect of the agreements?

55

The Speaker: Chief Minister.

The Chief Minister: I do not have that detailed information at this stage, Mr Speaker.

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

Mrs Cannell: Thank you, Mr Speaker.

Does the Chief Minister not believe in openness and transparency? He is forever spouting that he believes in it: if he does, why won't he publish the whole of the letter? What is he
65 hiding?

Would he further agree with me that producing a reproduction is not exactly the same as producing the actual copy of the letter? Will he have a rethink about this in the interests of the electorate, please?

70 **The Speaker:** Chief Minister.

The Chief Minister: I think the Hon. Member has been in this Hon. Chamber long enough now, Mr Speaker, (**A Member:** Hear, hear.) to know that it is not normal practice to publish legal advice from the Attorney General's department.

75 There is nothing unusual about this. There is nothing being hidden. The letter I wrote to Members was quite clear about the position, and the evidence which was given to the select committee was very clear in its intention.

The Speaker: Mrs Beecroft.

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

Would the Chief Minister not agree with me that, actually, the President of Tynwald referred to it as an unusual situation because the Acting Attorney General was conflicted so could not give his opinion when asked for it?

85 Would he agree with me that I did not ask him if issuing extracts from legal opinion was usual; I asked him if he felt it was acceptable in this case, given that we cannot get an opinion from the Acting Attorney General?

The Speaker: Chief Minister.

90 **The Chief Minister:** It is an unusual situation; (**Mrs Beecroft:** Thank you.) but Mr Speaker, I stand by the answer I have given so far.

The Speaker: Hon. Member for Michael.

95 **Mr Cannan:** Thank you.

Can I ask the Chief Minister does he regret, with hindsight, not having sought legal advice as to the validity of undertaking these loans in accordance with the Enterprise Act and other policy documents at the very beginning?

100 **The Speaker:** Chief Minister.

The Chief Minister: Mr Speaker, it was for the Department of Economic Development to make that decision at the outset.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that there have been vast improvements as far as openness and transparency over the last decade, as far as this House is concerned? But would he also not agree that it undermines the whole of executive Government not to release the information, (**Mrs Beecroft:** Hear, hear.) especially with the situation that a Standing Committee of another place has actually questioned the validity of it?

Would he not agree also that the fact is that the issue of the Attorney General's advice being private is only a new issue, in the last 10 years at the very most? Would he not agree?

115 **The Speaker:** Chief Minister.

The Chief Minister: No, I would not, Mr Speaker. This has been normal practice, as I understand it, for many years.

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

Mrs Cannell: Thank you, Mr Speaker.

Whilst agreeing with the Chief Minister that I have been here for a considerable length of time, would he agree with me that it is not as long as he has been in this Chamber?

125 Further, will he not clarify the situation here: that if he is the recipient of the legal advice from the Attorney General's and makes a request of the Attorney General's Chambers that he wishes to publish it in the interests of the public, he will get that permission?

130 Further, will he revisit the *Hansard* of the last sitting of Tynwald Court to see what the Acting Attorney General said in terms of his advice? He referred the matter to *you*, Chief Minister, for *you* to furnish us with the information.

The Speaker: Chief Minister.

135 **The Chief Minister:** The relevant information, as I understand it, Mr Speaker, has been given to the select committee and that will be published in due course.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

140 I thank the Chief Minister firstly for actually admitting that it is an unusual situation, rather than trying to say it is not and it is business as usual.

I accept what he says about the Minister for Economic Development – that it was his primary responsibility to check the law initially – but the Chief Minister took responsibility for the final decision on this. Did he not check the law; or did he condone the fact that it had not been checked properly?

145 Where does responsibility for this end? We have collective responsibility and we have a Chief Minister taking full responsibility.

The Speaker: Chief Minister.

150

The Chief Minister: I note the hon. lady's comments.

Mrs Cannell: Member.

155 **The Speaker:** Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh revisit his statement as far as the private and confidential advice of the Attorney General is concerned? Because I actually know when the case came about that brought this new policy about.

160 Would the Ard-shirveishagh not agree that, allowing for the conflict as far as the Acting Attorney General is concerned, like we have seen in previous cases when somebody outside the Attorney General's Chambers does that independently, as far as a ruling is concerned, which is not a new affair?

165 Does he not feel that in the other house the situation has been that they have been complicit in not wanting to get the facts out as far as this issue is concerned?

The Speaker: Chief Minister.

170 **The Chief Minister:** Mr Speaker, there is a lot of nonsense building up about all this. There is no conspiracy to hide anything.

Mrs Beecroft: Then publish it.

175 **The Chief Minister:** It is an unusual situation because of the position the Acting Attorney General finds himself in, but apart from that it was a straightforward decision that the Department of Economic Development initiated, spoke to the Treasury, and ultimately it came to the Council of Ministers – not to me personally – to make the decision on.

180 I will certainly speak to the Acting Attorney again to see if there are any problems over the issue of all this information, but as far as I understand it, it has all been given to the Committee and it will all be available in public in very short order.

The Speaker: Last supplementary, Mr Karran.

185 **Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the principle here is the principle that you and I came into this House to make sure that we had justice on an equal basis, the rule of law on the basis for everyone?

Does he not feel that if Government Ministers have broken the law then they should be in the same position as anybody outside this Hon. House?

190 **The Speaker:** Chief Minister.

The Chief Minister: If the Hon. Member has evidence of any Minister breaking the law, Mr Speaker, I would be very glad to hear it.

1.2. Rateable values – Fairer system for domestic properties

The Hon. Member for Douglas East (Mrs Cannell) to ask the Chief Minister:

When a fairer system will be introduced for the rating system of domestic properties?

195 **The Speaker:** Question 2. Hon. Member for Douglas East, Mrs Cannell.

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

200 **The Speaker:** Again, Chief Minister to reply.

The Chief Minister (Mr Bell): Mr Speaker, Hon. Members are all well aware of my statement on Government priorities and the clear message I have set out that the structure for determining rateable values as a basis for taxes on property requires reform.

205 I am sure the Hon. Member will appreciate that the work involved is substantial with public consultation, legislative reform and valuation assessments for all properties across the Island.

Mr Speaker, Hon. Members will understand that the key constraints in delivering this reform will be its cost and resourcing the project within the timescale amidst other competing priorities.

210 The reform of rating is not intended to generate additional income from the ratepayer overall, but to more evenly distribute the burden and make the system fairer.

I can assure Hon. Members that work is ongoing within Treasury, and as soon as we have a definitive date and programme this will be communicated to Members.

The Speaker: Mrs Cannell, a supplementary.

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

Can I ask the Chief Minister how far along the study is in terms of this? He has made reference to this in another place, and this is the reason for the Question today: to clarify how far along the Treasury is with it.

220 Does he not see some urgency – given the situation of rising costs and in particular this latest news of a sewerage cost being applied for the first time – that something is done sooner rather than later?

The Speaker: Chief Minister.

225

The Chief Minister: Mr Speaker, the Hon. Member needs to be clear what she is asking for. What we are talking about is a reform of the rateable value of the properties; not the level of rates paid, which is a different thing altogether.

230 We have already done a huge amount of work on this. When I was Treasury Minister – in I think it was 2006-07 – we completed extensive consultation across the Island with local authorities. We have done two pilot schemes, I think – one in Michael and one in Onchan – and were very close actually to drafting the legislation required to introduce this.

235 The problem was, of course, that at the time it was overtaken by events with the credit crunch, with Kaupthing and various other issues happening at the same time. We simply did not have the personnel available in Treasury to take it forward at that time, so it was shelved for the time being.

The other problem at that time was, although I do not know what the current cost is, it was estimated that the cost of implementing the review is somewhere in the region of £1 million, which equally we did not have at that point.

240 I have asked for this work to be reactivated. A great deal of groundwork and research has already been done, so we can hit the ground running on this and we will see how we can fit it in to take it forward.

245 I do believe that a revaluation is long overdue. The two pilot schemes did identify a number of anomalies, even in the limited area that they were reviewing. The work is with Treasury at the moment and I am sure, as it can fit it in with its own heavy workload, it will be carried forward.

The Speaker: Hon. Member, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

250 Would the Chief Minister agree with me that as more responsibilities are passed to local authorities the present rate system becomes more and more unfair?

Would consideration be given in principle – and I say *in principle* – to placing a charge per adult person in a house, with the necessary safeguards, as a fairer and equitable system?

255 **The Speaker:** Chief Minister.

The Chief Minister: I think, Mr Speaker, Mrs Thatcher had the same idea.

Mr Singer: And it worked.

260

The Chief Minister: It is called a poll tax, and we have seen what happened in the United Kingdom as a result of that. I cannot say I would be very enamoured with the idea of following the same route – not just yet, anyway! (*Laughter*)

265 **Mr Anderson:** Wouldn't mind a statue though!

A Member: Steady, Chief!

Mr Singer: It works.

270

The Chief Minister: I do take the Hon. Member's view. There is no doubt at all that the present system is unfair and it is in need of modernisation and review. I can assure Hon. Members that as soon as we can fit it into our schedule and be assured that the cost is available to do it, that review will take place.

275

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

Mr Quirk: Thank you, Mr Speaker.

280

Can I ask the Chief Minister, regarding agricultural hereditaments for farms which are not actively working, will he not agree with me that that would be a simple tax to operate – to have them revalued?

The Speaker: Chief Minister.

285

The Chief Minister: No, of course not. If you are going to have a revaluation, you are going to revalue the whole of the Island, (**Mr Anderson:** Hear, hear.) not just barns in fields.

The Speaker: Hon. Member for Douglas West, Mr Thomas.

290

Mr Thomas: Thank you, Mr Speaker.

Are alternatives to a rating system still being considered, or have the Chief Minister and the Council of Ministers already decided to revalue rates and continue with the rating system?

The Speaker: Chief Minister.

295

The Chief Minister: At the moment, Mr Speaker, we are still continuing with the existing system, to try and modernise that and make it more appropriate, but recognising there are still discrepancies in the system.

300

The Speaker: Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

305

Can the Chief Minister... I thank him for his encouraging remarks so far, but can he give us an idea of whether or not this is going to be accomplished before this House finishes in 2016? Can we expect something coming forward, given that there is already eight years' worth of study gone into this?

Further, has he any idea, when they are looking at the revaluation and the rateable value of properties to provide a fairer system, whether or not it will reflect an ability to pay, going forward?

310

Finally, Mr Speaker, will the Chief Minister agree with me that the sooner this is done and the sewerage charge attached to rateable value on a fairer distribution Islandwide, the better; rather than imposing a standing charge?

The Speaker: Chief Minister.

315

The Chief Minister: The Hon. Member, I think, by this time is aware that the rateable system that we have at the moment is based on the property values, not on the ability of the person to pay; and this is clearly where the unfairness in the system is. We do, in the long-term, need to find a way forward, but there is no easy swift option, an alternative to that.

320 I am sure as proposals for any reform come forward we will equally be looking at rate rebate schemes to be able to alleviate in the worst situations.

The Speaker: Mrs Beecroft.

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

Does the Chief Minister agree with the statement made by the Chairman of the Water and Sewerage Authority, where he said the fairest way of implementing this extra... instead of it being a sewerage charge, would be to add it onto the water rates, but this was not possible given the unfair rating system at the moment and that he hoped eventually it would be transferred over?

330 Does the Chief Minister concur with this view?

The Speaker: Chief Minister.

335 **The Chief Minister:** I have said that the rating system is unfair, it does have its problems, and that this will all be part of the review that takes place.

The Speaker: A final supplementary, Mrs Cannell.

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

Can I ask the Chief Minister again – and I really would appreciate an answer this time – could he give some clarity as to whether or not we will be in a position to have done this exercise and bring in a fairer system by 2016?

345 **The Chief Minister:** Sorry, Mr Speaker, I missed that point.

Yes, I very much hope we will, if not have a new system in place, certainly be very well advanced to introducing a new system before the end of this House.

1.3. Work Permits – Airline maintenance staff

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

In view of the provisions of the Control of Employment Act, under which an EEA worker can undertake no more than 10 days' employment per year without a Work Permit, what safeguards are in place to ensure that maintenance staff employed by airlines serving the Island do not contravene this provision?

The Speaker: Question 3. Hon. Member for Onchan, Mr Karran.

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

The Speaker: The Chief Minister, Mr Bell, to reply.

The Chief Minister (Mr Bell): Thank you, Mr Speaker.

355 The prime responsibility, under both immigration legislation and the Control of Employment Act, for ensuring that employees are working legally lies with the employer. To that extent, there has to be a level of trust between reputable employers and Government.

360 The Control of Employment Act and subordinate legislation provides for a range of exemptions. The Hon. Member has referred to one exemption – that is the general 10-day exemption. There are two other exemptions which may be relevant to this particular case.

Firstly, there is an exemption for up to 48 days per year for certain kinds of employment by a company which is a member of an international group, which may indeed include an airline. This exemption is subject to certain conditions.

365 Secondly, there is an exemption for up to 30 days per year for workers involved in the supply, installation or maintenance of specialist machinery, where those skills are not readily available locally. As there is a high likelihood that specialist workers in this field will be exempt from the requirement for a Work Permit if working on the Island on a short-term basis, I understand that any enforcement action by the Department of Economic Development is generally reactive rather than proactive in such cases.

370 Work Permit enforcement officers from the Department do carry out over 200 random inspections annually across a range of sectors. In addition, the Department receives many calls from the public where they have concerns that workers may not be complying with the Act.

375 No irregularities have been found as regards work of this kind, nor any complaints received as regards aircraft maintenance staff in recent times. However, if anyone is aware of any potential breach of Work Permit legislation, I would encourage them to contact the Department so that these allegations can be investigated.

The Speaker: Mr Karran.

380 **Mr Karran:** Vainstyr Loayreyder, thanking the Ard-shirveishagh for his reply, can the Ard-shirveishagh tell us whether the 48-day rule and the 30-day rule can be used together in order to get around the Control of Employment Act? If he does not know, could he find out?

385 In view of the fact that the Control of Employment Act is being renewed, does he think that the provision of the likes of air services and shipping services, where they are actually providing the service to the Island, should not be exempt from the Work Permit legislation?

The Speaker: Chief Minister.

390 **The Chief Minister:** Mr Speaker, I do not think it is possible for these two exemptions to go back to back, which is what I think the Hon. Member is referring to. A 48-day and a 30-day cannot be rolled into a 78-day. I do not think that is possible. They are quite separate exemptions which need to be agreed with the Department on those bases.

395 The question I think following that is do you think that services to the aircraft and shipping registers should be exempt or should not be exempt.

Mr Karran: Should not be exempt of services to the Island.

400 **The Chief Minister:** They should not... There are special cases from time to time, Mr Speaker, where difficulties arise in providing services to the Island. I think it is important that we do have that facility available, but ultimately it is for the Work Permit Committee to decide whether those exemptions are appropriate or not.

The Speaker: Mr Karran.

405 **Mr Karran:** Vainstyr Loayreyder, allowing for the fact that in I think it is clause 7 of the Control of Employment Act there is an exemption as far as air services and shipping services, does he not feel that where there is a service actually operating off and on the Island, that exemption should be done away with, allowing for the fact that we are in a new environment as far as employment opportunities are concerned for people?

410 With the present surveillance as far as Work Permit legislation being under-resourced, how can he be so sure that people are not abusing the Work Permit situation at the present time?

The Speaker: I feel the Member is straying beyond the Question on the Order Paper into the general issue of Work Permit control. Chief Minister, I leave it to your discretion.

415 **The Chief Minister:** I can only repeat, Mr Speaker, that every case is considered on its own merits, and if there are appropriate services available locally then these exemptions will not be made for people to be brought in from outside.

420 On the enforcement side of things, as I have said in the letter, it often depends on the Department being reactive rather than proactive in that sense. It is dependent on information given to them from a range of sources as to whether in fact there is a legitimate complaint there or not, and the Department will always follow up on those complaints.

TREASURY

1.4. Rateable values – Review

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

When he will complete the review of rateable values?

The Speaker: Question 4. Hon. Member, Mr Karran.

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

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

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

430 It is my intention that the review of rateable values will be completed between March 2015 and September 2016.

The Speaker: A supplementary, Mr Karran.

435 **Mr Karran:** Vainstyr Loayreyder, allowing for the fact that we all appreciate the problems there have been over income for some considerable time as far as the long-term benefit of the Island is concerned, why has his Department – allowing for the fact that they have been so keen on local government reform – not got on with the job of the review of valuations?

440 **The Speaker:** Treasury Minister.

The Minister: Thank you, Mr Speaker.

445 We have to prioritise, and at the moment... until very recently, Treasury was heavily involved in international relations, international affairs, taxation, openness and transparency and exchange of information, and it has put a very heavy workload on Treasury officers. Additionally, the reorganisation of Government has caused quite a considerable amount of work and the streamlining of back-office services.

It is important, I would suggest, that we do take these measures to save Government expenditure, and with the savings we can at least try and maintain our frontline services. I feel

450 that we should concentrate on our frontline services whilst not ignoring the impact that this rating review would have.

The Speaker: Mr Karran.

455 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree... Allowing for the fact that you are already inflicting a rubbish tax on the ratepayers throughout the Island in the near future, and allowing for the fact that with the water rates the people in the urban areas are subsidising the people in the rural areas, allowing for the different discounts as far as the 1971 rateable value basis that they were based on, does he not feel that it has been an absolute
460 scandal, the refusal of central Government to get on with this important thing which has been going on for the last 15 years? The likes of myself was making representations, as Chairman of the Water Authority, many years ago.

The Speaker: Treasury Minister.

465 **The Minister:** I think that the Hon. Member who has just resumed his seat has missed the point. This exercise would be designed to be revenue neutral. So, for example, in an rural area, the burden would be reallocated amongst the properties but the overall sum to be raised by the local authority would be the same.

470 **The Speaker:** Final supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the Treasury Minister somehow have a communication problem as far as what Members in this Hon. House are saying? I am fully aware of what the
475 implications are.

Does he not agree that the disgraceful situation, where there have been wholesale discounts of 40%, 50% and 60% in different parish locations over urban areas like Douglas and Onchan for decades, should have been dealt with and is a relic of when there was more representation for the agriculture industry than for the ratepayers?

480 Would he further not agree, in light of the fact that you are already having to bring in a refuse charge on rates, which is an unfair system that is coming in already... Does he not feel that this is something that should have been prioritised when he first took over as Treasury Minister, if not his predecessor?

485 **The Speaker:** Mr Teare.

The Minister: My first priority was to protect the economic climate of the Island and to protect the economic environment, and there are other issues which are coming to light which will need to be addressed.

1.5. IRIS project – Recovery of fees

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

What action the Treasury has taken or plans to take to recover the consultant fees and additional cost to Manx taxpayers of the redesign and adjustments to the IRIS project?

490 **The Speaker:** Question 5. Mr Karran.

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

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

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

I would like to thank the Hon. Member for Onchan for his Question, which gives me an opportunity to report on the positive outcomes of the review into IRIS, which has resulted in significant savings for the taxpayer.

500 Hon. Members will recall that a design review of the IRIS scheme resulted in a shift from an all-Island sewerage strategy to a regional approach. The new regional sewerage strategy is being delivered well below budget with significant savings being achieved by competitive tendering of the works, and I am pleased to report that all of the civil engineering work has been carried out by local contractors. **(Mr Quirk: Hear, hear.)**

505 Hon. Members will also recall the 2010 Public Accounts Committee report on the IRIS project, which thoroughly investigated the issues associated with that project and resulted in several recommendations which have since been adopted or acted upon, and I refer the Hon. Member to that report in relation to the specific Question of redesign and adjustments to the IRIS project.

510 Mr Speaker, as far as Treasury is concerned, there are no plans to take any further action and I am satisfied that the interests of the Manx taxpayer are being well served in the delivery of the current infrastructure renewal by the Water and Sewerage Authority.

The Speaker: A supplementary question, Mr Karran.

515 **Mr Karran:** Vainstyr Loayreyder, whilst thanking the Treasury Minister, it has more than likely taken nearly a decade for the Council of Ministers to wake up to the problems as far as IRIS is concerned.

520 Allowing for the fact that the redesign adjustments and poor consultancies have cost the taxpayer in the region of tens of millions of pounds, why aren't you going after those who have been paid well with fees, and not the general public who are the innocent party, who are now having to foot the bill as far as the waste of money is concerned? Why aren't you going after them?

The Speaker: Treasury Minister.

525 **The Minister:** We do hold our professional advisers accountable where the circumstances are appropriate.

He has made wild assertions that the redesign cost £10 million. If he has evidence of that, come forward; do not just make wild assertions.

530 What I would say is it is a fact that the regional strategy is approximately £8 million below the £39 million which was approved by another place for phase 1. Is not that a success?

The Speaker: Hon. Member, Mrs Beecroft.

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

If I could thank the Minister for his responses today, but just to clarify this is not about the *change* of plan – this is about the *original* plans and the ongoing phase 1.

540 Would the Minister not agree with me that it was a miscalculation of sewage volume that has caused the sewage treatment plant at Meary Veg to be undersized, and that the design specification for phase 1 was to treat the sewage of a population of about 64,000, which with the usual design contingency means that the plants should have been capable of treating

sewage for a population of 83,200, and that the works are now declared hydraulically overloaded with only around 50,000 connected?

545 Further, would the Minister agree with me that the treatment works element at Meary Veg was subject to numerous alterations to the design during the construction, which resulted in the contractor submitting charges for additional works in the region of £9 million; and that, regardless of this additional cost, the capacity is still about 22% less than the design requirement and 40% short of the contingency?

550 **The Speaker:** Hon. Member, you are making a statement and a series of questions that I do not think it is reasonable for the Minister to be able to recall.

We will let the Minister reply thus far.

555 **Mrs Beecroft:** I did not make a statement. (*Interjections*)

Mr Shimmin: The Speaker is talking.

Mrs Beecroft: I beg your pardon.

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

The Minister: The Hon. Member is going into longer and detailed questions, but it is not only the design life – it is also the biological load. The biological load is also influenced by industrial waste and there are other factors to be taken into account as well, so just making a bold statement about the head of population really does not reflect the total picture.

The Speaker: Mr Karran.

570 **Mr Karran:** Is it not a fact that the rotating drum dryer was a poor choice of design by the expert consultants who designed the works, and continued to break down and was underperforming and had to be replaced? An additional £9½ million. A poor location choice, as far as the pumping station at White Hoe, that incurred a compensation pay-out (**A Member:** Statement.) at White Hoe Cottages of £2¾ million.

575 Would the Minister not agree that his statements to this house are not correct as far as the reality of what has had to be footed by the taxpayer, and the ratepayers now, of the Isle of Man; and what is he doing about getting some of that money back?

The Speaker: I must advise the House that I am not going to allow this line of questioning to develop. (**Two Members:** Hear, hear.) It is a series of detailed statements presented as if they were questions. (**The Chief Minister:** And facts.)

580 If Members wish an opportunity to debate the subject, they can put a motion down in this House for debate. (*Interjection by Mr Karran*)

585 **A Member:** Hear, hear.

The Speaker: Treasury Minister.

The Minister: Thank you for your guidance, sir.

590 What I would say is that this was investigated by the PAC, and also the events which he is raising now go back to 2007 when there was a supplementary vote as sought in another place. I would refer the hon. gentleman to the statute of limitations: we are past that now, so it is all very well bringing it up, but if he had any concerns they should have been brought up much sooner.

595 **The Speaker:** Final supplementary, Mr Karran.

Mr Karran: Would the Shirveishagh not agree that, once again, we have a classic example of vanity over sanity, where you had a situation where you should have held these people to account as far as these issues are concerned, which are multi-million issues?

600 Does he not agree that it seems unreasonable, as far as this House is concerned, when the bland statement that you made that there was nothing wrong... when the situation is that there is something wrong, allowing for the fact that what I am quoting from is actually the Public Accounts Committee report (*Interjection by the Chief Minister*) as far as the shortcomings by the design – mis-design – as far as IRIS is concerned? Why aren't you going after them?

605 **The Speaker:** That is a statement of opinion. There might be a question in that, Minister.

The Minister: The only question I would raise with the hon. gentleman is 'vanity-sanity', where it is the same old statements coming out here, (**Mr Karran:** Facts.) but it is a different tune. It is the same old menu, but a different tune every time.

610 **Mr Karran:** Different law for different people.

The Speaker: Just to remind Members that we address each other as Hon. Members; (**Mrs Cannell:** Hear, hear.) that we are ladies and gentlemen, but we are also Hon. Members.

615 **The Minister:** Sorry, sir.

ECONOMIC DEVELOPMENT

1.6. Sefton Group – Compliance with terms of loan deal

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

Whether the Sefton Group has complied with all creditor payment requirements under the terms of the loan deal?

The Speaker: Question 6. Hon. Member for Michael, Mr Cannan.

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

The Speaker: Minister for Economic Development, Mr Shimmin, to reply.

625 **The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.
The loan agreement with the Sefton Group plc required them to settle a number of Government debts by 30th June 2013, and these have been settled.

It also required the remaining balance on the first loan to be paid by 31st July 2013, and this too has been settled.

630 The Sefton Group have confirmed to the Department in writing that all local trade creditors that were outstanding at the time of the restructure have been cleared, although this cannot be independently verified.

635 The agreement also stated that all overdue trade creditors should be brought into line with agreed payment terms before any payments were made to related creditors. This was to ensure that overdue trade debts were settled before any creditors related to shareholders were paid. The company has indicated to us that no payments have been made to creditors related to the shareholders, other than in the normal course of business. The Group has also indicated that it continues to reduce the level of trade creditors.

640 **The Speaker:** Mr Cannan to pose a supplementary question.

Mr Cannan: Thank you, Mr Speaker.

645 I thank the Minister for his response. I am pleased to hear that the creditors at the time of the deal have been dealt with, but what I want to know specifically is: is the group currently up to date with all its creditor payment requirements at present?

The Speaker: Reply, sir.

650 **The Minister:** Mr Speaker, I do not have the detailed information. I am not trying to avoid answering the question, but it is impossible for me to get all of that information. It may be easier coming in the other direction, if the Hon. Member has creditors who are dissatisfied with the amount of payments.

The reality is that with a large organisation such as the Sefton Group plc there will be ongoing creditors; however, they should have been cleared – those that were outstanding at the time of the loan.

655 I am sure there will be a level of creditors who are out there. If any of them are dissatisfied with regard to the level of payments being made by the Sefton, I would urge the Hon. Member to bring that to my attention and we can take it up with the company, obviously, if they are in that position and unhappy and they have addressed the company directly and still failed to get satisfactory solutions. I am not aware of any of those problems, but I would be interested if the Hon. Member has examples.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

665 I may have misheard or misremembered this point – I would be grateful if the Minister could just clarify. I think he said that they could not verify independently the creditors' payments, and I am just wondering what was the point of having that as a term of the loan agreement if it could not be verified.

670 **The Speaker:** Minister.

The Minister: Mr Speaker, I understand that the Hon. Members asking the questions this morning do have a certain level of interest in this matter. However, the Isle of Man Government entered into a relationship with the Sefton Group plc on conditions in order to continue the project going forward.

I would point out that they reduced their debts by £72 million over three years in order to keep on trading.

680 When we entered into the loan agreement, we did not go down into some of the micro-scales of analysis because this is a matter between the Sefton Group plc and a wide range of independent creditors who may not wish Government to be sharing in their information as regards their debts.

If the Hon. Member wants all businesses transacting to be dealing with the Government, I think that would actually put a disincentive on their relationships with both the Sefton Group and the Isle of Man Government.

685 We did not request or demand that within the deal that was arranged, and as I outlined in my original Answer, we are satisfied that the Government debts have been repaid but also that the ongoing creditors outstanding at the time have been repaid and that the other companies involved can draw themselves to my attention. Please, I would urge that, if the Hon. Members are concerned, if they are getting complaints; but I am certainly not getting complaints and
690 I wonder whether this is looking for issues rather than issues actually existing.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

695 Can I just ask the Minister, when the deal was done with the Sefton Group, were Parkinson's part of that Group?

The Speaker: Minister.

700 **The Minister:** I am a little bit concerned once again, Mr Speaker, that the Hon. Member seems to have a concern regarding certain aspects of the arrangements with Parkinson's and the Department of Social Care.

Certainly from the position that the deal has allowed a managed transition from Parkinson's to be separated from the Sefton Group, in a way which has allowed the ongoing liabilities to be maintained for the properties that have been developed at Janet's Corner, my understanding is that the Sefton Group came to an arrangement with Parkinson's to separate those two organisations whilst underwriting the work at Janet's Corner, which I believe was in the best interests of all parties concerned.

710 One of the difficulties is always that if a building firm were to collapse whilst an ongoing development is taking place, that development is unlikely to ever be completed – or if it were, there would be no ongoing liability for those properties because the building firm would not be in existence any further.

715 My understanding – and I would have to check, because it is not directly related to the Question – is that the Sefton Group and Parkinson's have now done a separation but an ongoing liability was covered by the Sefton to the satisfaction of the Department of Social Care. If I have erred in any way, then I will clarify that to all Hon. Members, but that is my understanding, Mr Speaker.

The Speaker: Mr Cannan.

720 **Mr Cannan:** Thank you, Mr Speaker.

Can I just clarify with the Minister that, on the basis of what he has said to us today, he will be disagreeing with the conclusions from the Economic Policy Review Committee that support for the Sefton Group should not be without conditions relating to continued Treasury monitoring on a quarterly basis of progress, in particular paying local suppliers who do business with it?

The Speaker: Minister.

730 **The Minister:** I am prepared to accept, Mr Speaker – and we will indeed discuss this in a couple of weeks – that Hon. Members will consider that they have an opportunity to attack my involvement in this process, and the report will be discussed in another place.

735 Certainly my belief is that we had the powers to do it under the Enterprise Act and the main offence I had was not being able to identify at the time under which specific power my officers advised me that we are covered legally to do such transactions.

With regard to the creditors, once again I would urge the Hon. Member that he is almost looking... and willing things to be a problem. If he has any evidence that there are ongoing problems with creditors, then please, I would love to be aware of that.

740 With regard to the terms of the deal that Government did with the Sefton and the other parties involved, it was a very delicate transaction, and in hindsight I am sure there are things that we would have liked to have included in that. However, had there been the opportunity for sufficient time and clarification to do all of that, we may have slightly amended it.

745 I believe that the decision was still the right one, and if there are ongoing problems I would like to know about them; but I believe that most of the safeguards were put in place and we can always learn from Public Accounts when they come forward with recommendations.

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

750 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that this issue is not about personalities; this issue is about principles, about good governance and about acceptable business practice?

755 If he feels that people are doing this for personal reasons, then he should state who these people are because I do not think... There might be some, but most are doing it for the reason of good governance.

The Speaker: Minister.

760 **The Minister:** Far be it for me to argue with the Hon. Member for Onchan, and therefore I will accept what he says as being an honest assessment, in his opinion, for the motivation of the people involved in this matter.

The Speaker: Final supplementary, Mr Cannan.

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

Can I just go back to the Minister's previous answer. I was merely asking, Minister, whether or not you would be supporting or disagreeing with that recommendation in that report as to whether there should be ongoing monitoring in respect of creditors of the company.

770 **The Speaker:** Minister.

The Minister: I think it is unusual, Mr Speaker, for a Minister to be asked to comment on a matter two weeks in advance of the actual debate. However, the Hon. Member obviously wishes to have as much opportunity for airing this in public as he can – and I am sure that that is for the good governance alluded to by the Hon. Member for Onchan. (**A Member:** Absolutely.) (**A Member:** Hear, hear.)

780 My understanding is that there will be a report from the Council of Ministers with regard to the reaction to the Public Accounts Committee's report. I have my views, and under collective responsibility I will go along with the Council of Ministers, but one can imagine that I do have certainly a number of feelings about the way in which this has been represented, both in Questions now and at other times.

I believe the Public Accounts Committee came forward with a report which they believed – the Standing Committee – was giving guidance as to a way forward, and Government genuinely wants to learn from those things if we can do it better. It is often seen as being a criticism as

785 opposed to saying we could have done things better. All of those recommendations I am pleased to support. Most of us are quite happy to try and do things better.

The Speaker: I just remind Members about what Standing Orders have to say about questioning proceedings in another place.

EDUCATION AND CHILDREN

1.7. Special educational needs – DoE policy

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister of Education and Children:

Pursuant to his Answer in the House of Keys on 6th November 2012, what the Department's policy is on special educational needs; and how it has changed in recent years?

790 **The Speaker:** Question 7. Hon. Member for Douglas West, Mr Thomas.

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

795 **The Speaker:** Minister for Education and Children, Mr Crookall.

The Minister for Education and Children (Mr Crookall): Thank you, Mr Speaker.

As stated in the Written Answer provided in response to a Question from the Hon. Member for Onchan, Mr Hall, on 6th November 2012, the Department's policy on special educational needs was last revised in 2002 and is currently being rewritten.

800 Since the last revision to the policy, much has changed with regard to the way special needs are assessed, categorised and supported. In recent years, my Department has broadly adopted the English special educational needs code of practice as a framework to identify needs and work with the parents and relevant agencies. My Department did not, however, follow the English statementing process within their code of practice, as this system has proven to be
805 excessively bureaucratic and inflexible. Therefore, my Department works in partnership with parents and relevant agencies to ensure that special educational needs are properly identified at the earliest opportunity and appropriate arrangements are put in place in a timely fashion.

As work on the new policy proceeds, my Department is following developments in England, where special needs legislation and policy are undergoing a radical overhaul. The Department is
810 also reviewing the Scottish approach to supporting pupils identified with additional educational needs. The new policy is likely to draw upon key principles from the new English system and the current Scottish system, but significant adaptation will be required to ensure the new policy fits the Manx context first.

I thank the Hon. Member for contacting the Department by phone this week to arrange a
815 meeting, which I believe is tomorrow, with the person responsible for this area in the Department.

The Speaker: Mr Thomas, a supplementary.

820 **Mr Thomas:** Thank you, Mr Speaker, and to the Minister for his reply.

The Minister's pride in the flexibility in the Manx special educational needs policy was obvious then in his Answer and previously. Is the Minister not concerned that this flexibility can

easily become a system based on a nod and a wink? I mean that pushy carers or carers who have MHKs perhaps can get special treatment, get more and get better. Perhaps we need to revisit the whole process of statementing to see whether the system can be more transparent.

In particular, will the Minister actually consider the system in place at Rebecca House, which is a shining example of a fair and transparent system in operation? In another Department, unfortunately.

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

I thank the Hon. Member for his comments. I do not believe it is done on a nod and a wink, and if he has any proof that that is happening I would like to know about it. I believe the Department is being as transparent as it can in the process that we are bringing forward at the moment and I am sure that the officer he will be seeing tomorrow will be happy to take his comments on board with regard to Rebecca House, sir.

The Speaker: Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

The Minister will be aware that the Department's website has a section which refers to legislation. In that section, there is a link to the Education Act 2001 and the Education (Miscellaneous Provisions) Act 2009. Can the Minister answer why, in this section, is there not a link to the Education Special Needs Regulations 2004 and the Educational Special Needs Regulations 2009? Will the Minister ensure that there is a user-friendly link to both these regulations in the near future?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

I am not aware of that, but I shall certainly have a look at it and put it right, if it is not right, sir.

The Speaker: Mr Houghton, a further supplementary.

Mr Houghton: Thank you, Mr Speaker.

Just one final question: is the Minister aware that the regulations and the legislation are technically worded and possibly confusing to some parents? If he is aware of that, will he ensure that a parents' guidance document is produced and made easily accessible on the Department's website?

Thank you.

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

I will happily discuss this with the Hon. Member afterwards to make sure I have got all the facts correct here, and then take it further.

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

Mr Hall: Thank you, Mr Speaker.

875 I think I was told in about November 2012 that the new special educational needs policy was going to be put out to a public consultation to further inform his Department. I am wondering if that is still the plan, when it will be done and how it will be done.

880 More generally, can he also advise how carers are actually involved in the education of people with special educational needs? It has been suggested to me that it is policy not to allow the carers into special education units. So, for the avoidance of doubt, if he could clarify that aspect I would be very grateful.

The Speaker: Minister to reply.

885 **The Minister:** Mr Speaker, I thank the Hon. Member again for his question and I would like to just clarify that, subject to the usual consultation process, the new policy will outline stakeholder roles and responsibilities in terms of revised assessment procedures, quality assurance processes and provision access arrangements. We will be going out to consultation.

Again, Mr Speaker, I would ask the Member if he is willing to come and have a chat with me and my officer responsible.

890 **The Speaker:** Mr Thomas, a supplementary.

Mr Thomas: Thank you very much, Mr Speaker, and for all of this information being provided by the Minister. I will discuss it on Wednesday.

895 There has been talk about the 'team around the school' initiative, especially by the Department of Social Care director responsible. What does the Minister think, given the current review of the structure of Government, about the situation across the water where directors in local authorities, county councils, have responsibility for social care *and* education? Perhaps that might be something that should be considered at this point to get the best possible use of resources.

900 More specifically, Minister, can I be advised whether his Department spends more or less than a typical English local authority in providing special educational needs?

The Speaker: Minister to reply, if he has that information.

905 **The Minister:** Mr Speaker, I do not have that information to hand, and if possible will try and get it tomorrow for when he has his meeting with my officer from the Department.

With regard to the system across, I am not aware of what the system is across, so again I am happy to talk to the Hon. Member.

WATER AND SEWERAGE AUTHORITY

1.8. Sewerage charge – Timing and cost options for introduction

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Water and Sewerage Authority:

What timing and cost options for the phased introduction of a sewerage charge were considered between his statements in Tynwald on future funding of the Authority in June 2013 and the introduction of sewerage charges in January 2014; and when and by whom the decision was taken to include sewerage charges in the 2014-15 Manx Utilities Authority budget?

910 **The Speaker:** Question 8. Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thanks, Mr Speaker.
I beg leave to ask the Question standing in my name.

915 **The Speaker:** I call on the Chairman of the Water and Sewerage Authority, Mr Houghton.

The Chairman of the Water and Sewerage Authority (Mr Houghton): Thank you, Mr Speaker.

920 Following the statement in Tynwald in June 2013, the Water and Sewerage Authority, in conjunction with the Treasury, reviewed several options and timescales for the introduction of a sewerage charge. Reports were submitted by the Authority for consideration by the Council of Ministers in July 2013, December 2013 and January 2014. CoMin approved the scale of the charge and the timetable for the introduction of the charge at the meeting on 16th January 2014.

925 The financial modelling of the Manx Utilities Authority does include the predicted income from the sewerage charge. This information was circulated by the Treasury to all Tynwald Members in December 2013, following an undertaking made by Mr Teare at the December sitting of Tynwald. A presentation on the financial model was made to Tynwald Members on 20th January 2014, prior to the January sitting of Tynwald.

930 The scale of the charge indicated in the financial model was initially set at £75 per property per year and was to be introduced from April 2015. It was subsequently agreed by the Council of Ministers that the charge should be implemented in 2014 at £50 per property per year, rising to £100 per property per year in 2015.

Thank you.

935 **The Speaker:** Mr Thomas, a supplementary.

Mr Thomas: Thank you, Mr Speaker, and to the Chairman for that reply.

940 Does the Chairman recall my first Question at my first sitting in this Hon. House, the week before I asked him the Question to which he referred, when I asked the Chief Minister which local and central Government services will apply the user-pays principle and what the implementation timetable is in each case?

945 Chairman, why did the Chief Minister not to mention the sewerage charge as a potential user-pays charge in his Keys statement that day? Has the introduction of this unfair charge been brought forward before a fair system has been developed?

The Speaker: Reply.

The Chairman: Thank you, Mr Speaker.

950 I do not recall his questioning to the Chief Minister, for which I do apologise – I do not recall that. He has asked me some questions that really should be referred to the Chief Minister, so I do regret I am unable to answer that question also.

The Speaker: Mrs Cannell.

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

960 I wonder if the Chairman could advise under which legislation, which Act of Tynwald, he is wishing – or the Council of Ministers are wishing – to impose this charge, and whether or not his Water and Sewerage Authority have advised the Council of Ministers under which Act they are wanting to impose this charge and under which section? If the Hon. Member could advise, please.

The Speaker: The Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am able to answer that question. An amendment was brought forward in the Flood Risk
965 Management Bill in the spring of last year which amended the Sewerage Act 1999 in order to
change the charge that was mentioned in the Sewerage Act 1999 from charging by rateable
value for future sewerage charges to a sewerage charge, rather than a rate.

The Speaker: Mrs Cannell, a further supplementary.

970

Mrs Cannell: Thank you, Mr Speaker.

I am grateful to the Chairman for providing the House with that information.

Will the Chairman agree with me that in fact section 11(5)(a) in that Act states that prior to
975 an Order to impose a sewerage charge, it must be made on or before 31st January in the
financial year before the charges imposed under it to take effect? In other words, the next year.
Is he aware of that? Surely he must be aware of that. Has he advised the Council of Ministers of
that? And when he tells the House that the Council of Ministers have approved the charge to
come in for 2014, has he advised them and are they aware that in fact they are in breach of the
law if they try to bring it in in 2014?

980

The Speaker: Chairman to reply.

The Chairman: I thank the Hon. Member for that detailed question.

I can advise that all the legislative provisions are in place and have been signed before the
985 date that the Hon. Member mentions, or in time for the date that the Hon. Member mentions –
I do apologise, Mr Speaker.

Also, there will be an Order that will go before Tynwald in February for this Hon. House and
of course the Upper House to vote thereupon.

990

The Speaker: Mr Hall.

Mr Hall: Thank you, Mr Speaker.

Could the Chairman just confirm that, in respect of section 11, on the Order... He said it has
995 been signed: is it a case that it has to be signed before 31st January, or it has to be laid before
Tynwald – for the avoidance of doubt?

I also noticed in his recent Tynwald statement that there was going to be a public
1000 consultation about the charging basis for trade effluent discharges, and I am just wondering why
there is no consultation going out for the basic sewerage charge? Beyond that public
consultation, has that system for the proposed charge been developed such that the basic
information is available? I am leaning here towards... about those with income-related benefits
and how that will all be paid and how the charge will be imposed on properties like church halls
and some businesses and charities and local authorities, ratepayers etc. If he could expand on
that for me, that would be great.

1005

The Speaker: Mr Houghton.

The Chairman: Yes, thank you, Mr Speaker.

I thank the Hon. Member for his question. In respect of the laying of the Order, the Order has
1010 to be signed. This is how I understand it: that the Order has to be signed before the relevant
date, which it has been; and then it has to be laid before the Hon. Court of Tynwald, which will
happen at the February sitting. I hope that satisfies the Hon. Member in that particular regard.

His other question, which relates to consultation before the charge: there was no consultation before the charge was brought forward.

1015 In relation to the Hon. Member's comments in relation to trade effluent, there will be a full consultation programme. That will last somewhere in the order of two to three years before any charge is brought, no doubt, by the Manx Utilities Authority in relation to trade effluent. So that does have to be properly conducted, or a review has to be properly conducted before that is brought forward.

1020 In respect of income related to all those other ancillary places, such as church halls and everything else, they will all be subject to the single sewerage charge of £50 per property, Mr Speaker.

Thank you.

The Speaker: Mrs Cannell.

1025

Mrs Cannell: Thank you, Mr Speaker. I have a two-part supplementary – if I could be given a degree of latitude?

1030 Can I ask the Chairman what his and the board's view was, in terms of bringing in this charge? Would the board have preferred it to have been applied for the financial year 2015, as opposed to 2014? He was very clear, in replying to the House this morning, that it was the Council of Ministers' decision to impose it from 2014.

1035 Further, would he agree with me that my understanding of the reading of the law is that if the Order is signed on or before 31st January in the financial year before the charges under it are to take effect... In fact, what he has explained to the House this morning would imply that it is not going to kick in, this £50 charge, until the financial year 2015, not 2014.

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

1040 I thank the Hon. Member for her questions and I am glad to give this Hon. House the clarity that is required in these matters.

1045 In respect of what the board's view was for the charge, the modelling was always, as I have made clear in my opening speech... It was always the board's view, and from the early days, that their modelling was undertaken for the imposition of this sewerage charge for 2015. The Council of Ministers changed the decision and moved it to 2014. So that is the way it was. But you will recall that I did also mention that the view of the charge for 2015 was likely to have been £75 per household, and it was reduced – and of course the Council of Ministers agreed – to £50 for 2015. (**A Member:** 2014.) I am sorry, I do apologise – £50 charge for April 2014.

1050 In respect of the Order that has been signed, the Hon. Member understands of course that that can only bring the charge in on or before the 2015 financial year. It is my understanding... and it is how the documentation has been put forward with all the supporting legal advice in order to bring this charge forward for 2014, subject to a vote in Tynwald, and the Order will be presented for debate and voting on in Tynwald, of course, at this month's sitting.

1055 **The Speaker:** Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

1060 I thank the Chairman for his clarity. Would the board not have preferred, can he reveal, that this sewerage charge be applied on domestic rates following a revaluation of rateable values in the Island, and that that would have been a fairer way to have collected money for this expensive IRIS project?

Further, is he satisfied, with the Council of Ministers wanting the imposition to come a year early, that they are complying with the Flood Risk Management Act 2013, the amendment Bill?

1065 Are they complying with that? Is he happy that in fact they are not in breach of the law? What is his overall feeling? Does he not feel that this is going to hit an awful lot of families in the very unfair way in which this particular model that is coming in is to be implemented?

1070 Finally, Mr Speaker, can he guide members of the public and the House as to whether, when it comes before another place this month, it will be tied up with the Budget so Members will not have an opportunity to be able to vote against it if they so wish without being called upon to vote against the whole Budget? Does he see that as being fair?

The Speaker: Chairman to reply.

The Chairman: Thank you.

1075 There were three questions that the Hon. Member laid before the House there, Mr Speaker.

1080 First, does it not have quite a serious effect on the domestic rates and what is my point on that, and would we have supported that. The answer would be that, had the rates been equitable, as the Chief Minister has already mentioned this morning, this would have been attached to that. That would quite clearly... and I think it is in everybody's minds – both in the Council of Ministers' and backbenchers' of this Hon. House – that that would have been the case. There is no doubt about that, that a sewerage charge is much less equitable than a fairer proper rating system, but we do not have that in place at the moment.

1085 The second part of the Hon. Member's question was does it hit in an unfair way. Yes, it does. It is unfair, but that is the reason why the charge was brought in at such a low amount in order to be a flat-rate charge, where, as the charge increases as time goes along, as the Treasury budget reduces year on year, there must – and there absolutely must – be a fair and equitable way of doing this. So a flat-rate charge at the moment, although it is not pleasing to anyone, will be more of a concern as time goes along and it must be addressed.

1090 I cannot emphasise that anymore, because to be quite honest with you, although I have to move the motion which will be in my name in another place, the way of indirect charging to the people of this Island is quite unfair. The principle is unfair, but we have to do it. I do not think anybody in this House or in another place has any fun in imposing these measures in an indirect fashion in the way it is, but it has to be done. We are hands tied in that particular order.

1095 I am very happy to clarify the final point that the Member made, where she mentioned will all of this be tied up with the Budget and the vote be tied in with the Treasury Minister's Budget speech. The answer is no. This will be a separate Order brought before the Court for debating and voting on, and it will be brought in my name.

The Speaker: Hon. Member, Mr Thomas.

1100

Mr Thomas: Thank you, Mr Speaker.

One question about the law and one about the financial modelling for the Minister, please.

(**A Member:** Chairman.) Sorry.

1105 Can the Chairman confirm that section 11 of the Sewerage Act 1999, about sewerage rates, has not even been brought into force as yet, after more than a decade; so not only will we need a sewerage charge Order but we will need an Order for that?

Secondly, the Flood Risk Management Act that amends the Sewerage Act 1999 also has not had its Appointed Day Order, so my understanding is three Orders will have to be laid at Tynwald in February.

1110 In respect of financial modelling, can the Chairman inform this Hon. House how much the Authority expects to collect from its sewerage charge in 2014-15 and how much it needs to perform the functions to which the sewerage charge relates?

More generally, does the Chairman expect the income to the Utilities Authority to be greater than its expenditure in the coming financial year; and if so, by how much?

1115

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Some very good questions that I am very happy to clarify.

1120 In respect of the Appointed Day Orders for both sets of legislation, those have been signed and they are in place, and that has again been done by the appropriate legal advice in support of that. So the appropriate legislation is in order, they have been signed, and they are in place.

1125 In respect of the amount collected by the sewerage charge, it is envisaged... and I can only say 'envisaged' – it will not be known until these collections come in at the end of the next financial year, or by that time. It is estimated that it will be in the round figures of £2 million collected in that regard. That will fund the general revenue that we have lost from the Treasury over the two years, because we have lost £1 million in the last financial year that ends in March this year, and then for the forward financial year there will be a second reduction of a further £1 million. So we will have lost £2 million from our original £7 million budget from the Treasury
1130 by the start of the next financial year. There are also interest payments and outlay that will be required for capital payments also.

The only way that I can put it to this Hon. House, Mr Speaker, is that it is estimated that as we are having our income reduced from the Treasury, this will start to facilitate the gap that will be widened as time goes on.

1135

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Caairliagh inform this House what is the deficiency as far as the sewerage costs as far as his Department is concerned?

1140 Allowing for the fact that he now states it is £2 million and we were working on 30,000 units as far as residency when I was Chairman of the Water Authority, would he not agree that if the full costing is to be passed on to this poll tax on toilets, or whatever you want to call it, you are going to be talking in the region of £250 per unit in the short-to-medium term in order to find that money?

1145 Does he feel that this will be the start of major costs as far as individual householders are concerned, without the issue being addressed as far as commercial properties are concerned?

The Speaker: Chairman to reply.

1150 **The Chairman:** In order to best try and answer the Member's question – although I could not understand where he was really coming from where he relates to £250 per unit, and I am assuming that that is a property – he must remember that this first charge is a flat-rate charge which will start to make good the difference the Authority is having its revenue reduced by year on year.

1155 I do hope that assists the Hon. Member in his circumstances. It is quite clear that there is not a £250 costing applied to all those approximately 37,000 properties that the charge will apply to.

The Speaker: Mrs Beecroft, a supplementary.

1160 **Mrs Beecroft:** Thank you, Mr Speaker.

I appreciate the Chairman may not have the answer to this, but I would be grateful if he could find it if he has not. Is it actually legal to make a profit on a charge? My understanding is that certainly in an awful lot of countries you can have it cost neutral, but where it is a charge for a specific thing rather than just a general charge, you actually cannot make a profit. I would just
1165 be grateful for some clarity on that.

The Speaker: Chairman.

The Chairman: Thank you, Mr Speaker.

1170 I am not sure what the vires is as to making a profit on the charge, but one thing I can assure
the Hon. Member is that there will be no profit made in this particular case on this charge.
(*Interjection by Mrs Cannell*)

1175 The charge is a flat-rate charge to meet the reducing income that of course the Authority is
facing. Profit on it: I really cannot see that. From the figures that I have seen, and of course the
financial modelling that has been seen also and has been approved by the Council of Ministers
on the Treasury, I think we will still be in deficit. That is why, of course, the charging regime is
still partially reliant, obviously, and in the main part reliant, on our revenue from the Treasury
through taxation.

1180 **The Speaker:** We have had over 15 minutes on this one Question. (**Mr Watterson:** Hear,
hear.) We are way past our allotted time. I have still got a number of Members indicating. I will
take two more supplementaries only.

Mrs Cannell.

1185 **Mr Watterson:** Mr Speaker, as a point of order, is it possible to take further supplementaries
after the time allotted for Questions is over?

The Speaker: Yes –

1190 **Mr Karran:** Yes, it is.

The Speaker: My ruling is that Question Time has not yet ended. We commenced the last
Question –

1195 **Mr Watterson:** I appreciate the new –

The Speaker: – before 11 o'clock, and that is my ruling.
I am taking two more supplementaries.
Mrs Cannell.

1200 **Mrs Cannell:** Thank you, Mr Speaker, and thank you for your very fair and impartial ruling.
(*Laughter*)

Mrs Beecroft: Hear, hear.

1205 **A Member:** When it suits you!

Mrs Cannell: I thank the Chairman for his comprehensive replies and helpful replies, and
honesty displayed this morning, particularly in his reluctance to bring in this charge.

1210 But can I ask him, if he is going to move this as a separate matter outside of the Budget in
another place this month, if the majority of Tynwald do not support the imposition of such an
unfair charge being brought in – especially in the absence of rateable values being reviewed and
a more equitable system being applied across the Island – what contingency does he have, and
his board, if it is voted down by Tynwald? (*Interjection*)

1215 **The Chairman:** Thank you, Mr Speaker.

If I may, just before I answer the Hon. Member's question... As far as time limits and so on,
this is a matter of most important public interest. (**Mrs Cannell:** I'll say.) I am quite willing to
answer as many questions as the Hon. Member has.

1220 I take your guidance, sir, but I would ask you to consider that any questions that this Hon. House may put to me today... I am quite willing to stand here and answer them –

The Speaker: Hon. Member, I do not need –

1225 **The Chairman:** – until one o'clock.

The Speaker: Hon. Member, I do not need guidance on the conduct of business in the House. (Mrs Cannell: Hear, hear.) The more time that is spent on extraneous matters like that, the less we will have to get through our business. (Mr Watterson: Hear, hear.)

Now, would you please answer that question.

1230 I am going to allow Mr Karran the final supplementary, (*Interjection*) then we move on to the rest of the Order Paper.

The Chairman: Mr Speaker, I do apologise. I was just referring to the time limit. I did not answer the Hon. Member's question, Mr Speaker – if I may, and then we can... [*Inaudible*]

1235 **The Speaker:** Yes, I am inviting you to do that.

The Chairman: I do apologise, sir.

1240 Mr Speaker, in relation to the Member's question on whether the Order that is to be moved in another place would be supported, and if it is not supported what contingencies does the Authority have – they have no contingencies.

This is forced on us through time and the costings and the severe pressure that the Treasury is under in order to balance its books and provide services elsewhere. We, the Authority, are being made to bring this forward in order to meet our contribution to the costings of running these services on the Island.

1245 So there is no contingency plan, Mr Speaker. What it would simply mean is it is back to the drawing board.

The Speaker: Final supplementary, Mr Karran.

1250 **Mr Karran:** Vainstyr Loayreyder, could the Caairliagh tell this Hon. House what is the deficiency as far as the sewerage is concerned at the present time?

1255 Allowing for the fact of that deficiency and the fact of the costs that are going to be needed to be developed further as far as the sewerage development is concerned or IRIS is concerned, the issue will be that within the short-to-medium term, if they do not come into effect in business concerns, the rates will be somewhere in the region of £250 per unit per house within a short number of years.

Does he not agree that that will be the case as far as allowing this to go forward in this way?

1260 **The Speaker:** Chairman to reply.

The Chairman: Thank you, Mr Speaker.

1265 Again – and I do apologise for this – I am trying to understand what the Member means by deficiency on sewerage. At the moment, there is no deficiency on sewerage.

Mr Karran: The taxpayer pays.

The Chairman: The taxpayer pays, (Mr Karran: Absolutely.) and that is the reason why (*Interjection by Mr Karran*) there is no debt on sewerage: the taxpayer pays. There are loans –

1270 there are £100-odd-million worth of loans – but is that what the Hon. Member means, because that is part of the costs, with that and the operational costs, in order to run the service.

So when the Hon. Member states that this amounts currently to £250 per unit, Mr Speaker, I need to know what he means by a unit to be able to give him that answer and before I can give any side or any meaning to giving the Hon. Member that I can see.

1275

Mr Karran: The deficiency on sewerage on the Island – will you circulate it?

The Chairman: What I would be pleased to do –

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The Speaker: Hon. Member, please let the Member reply.

The Chairman: Because I am trying to be helpful here, what I will be pleased to do is supply this Hon. House with some simple details in order to assist the Hon. Member.

1285

But when he is talking about £250 a unit, that just depends on a number of issues. It depends on just how much financial provision we will continue to get from the Treasury year on year. (**Mr Karran:** Absolutely.) That will decide on a charge. The charge will then have to be looked at. When it starts increasing, there will have to be fair and equitable means somehow in order to mitigate that amount, because we cannot call it a charge at this time.

1290

So without any hares running, Mr Speaker, in this particular area all I can do is arrange for the Hon. Member and this House to be provided with certain financial information that he has required. It is all on public record and if he requires any more he is more than welcome to come to my door, or indeed that of the new Chairman of the Manx Utilities Authority's door in April, and that is all I can say to assist him with his question today, Mr Speaker.

Thank you.

**Procedural –
Clarification of Standing Order 3.5.1(2)**

1295

The Speaker: Hon. Members, we have now reached the end of Questions for Oral Answer.

I regard the overrun as exceptional this morning. However, I would, just for the purpose of clarity, remind the House of what Standing Orders actually say. In 3.5.1(2): no tabled Question shall be taken after 11 a.m. on the day of a sitting.

1300

We have, this morning, been complying with that Standing Order, in that no *tabled* Question has been taken after 11 a.m.

Mr Watterson: This is the point. I think that is the *old* Standing Order, Mr Speaker. It was amended last year so that the time of the Questions should be one hour.

1305

The Speaker: I shall –

Mr Watterson: The printed version might not be up to date.

1310

The Speaker: I shall clarify that. Thank you, Hon. Members.

Item 2, Questions for Written Answer – those are being circulated as we speak.

Questions for Written Answer

CHIEF MINISTER

2.1. Government's legislative programme – List for coming three years and priorities

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

Pursuant to his Answer to Written Question 35 in Tynwald on 15th October 2013, what the Government's legislative programme is for the coming three years; how this varies from the priority list published in October 2012; and what the reasons are for each variance between the October 2012 and the February 2014 priority lists?

Answer: I am pleased to report that the Government's legislative programme is progressing well. Hon. Members may wish to note that 16 Bills have progressed to the Branches since 1315 October 2012 and eight of those Bills have now received Royal Assent.

There has been some change to the programme proposed in October 2012. The legislative programme is a rolling programme and Bills can be included at any time and sometimes a legislative measure intended for its own separate Bill can transpire to be more effective if merged with another Bill.

1320 Every proposed Bill is considered by the Council of Ministers and must be approved as a priority before drafting, although some non-urgent Bills are progressed as drafting time permits. When planning the programme, quantifying the complexity and scale of the work can only be an estimate and, for this reason, target years sometimes need to be reviewed. Some Bills move to later years due to complexity or external factors and others are brought forward more urgently for a similar variety of reasons.

1325 Providing an annual snapshot such as this is perhaps of limited value and I am pleased to announce that, along with other recently introduced routine performance monitoring, a new page on the Council of Ministers' website will shortly be added to show the progress of all Bills under development and the target parliamentary years where possible.

1330 Table 2.1.A provides the summary information on the current status of the Bills which were a priority in October 2012, and, if applicable and where available, the reason for any variance in comparison to the information previously provided in October 2012. The table also includes Bills which became a priority or where progressed through drafting since that date.

1335 Table 2.1.B provides all Bills listed with 2013-14 target year. Table 2.1.C provides all remaining Bills scheduled for 2014-15 onwards.

As the legislative programme is a rolling programme and is subject to change for a number of reasons, such as issues requiring a legislative response or feedback from consultation, the table below must be regarded as a working programme based on information provided by Departments.

1340 Further clarification on the status of any specific Bill is available from Departments and can be provided via the Chief Secretary should any Members require it.

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Table 2.1.A: Status Variance between the Bills listed as drafting priorities in October 2012 compared to priorities at 2 February 2014.

Name of Bill	Oct 12 Priority to introduce in 2012/13	Priority as at Feb 2014	Current Status/Reason for Variance
Animal Welfare	N	Y	Pre-Drafting - new priority
Bribery	Y	Y Complete	Royal Assent 21/05/13
Civil Service Amendment (now Public Services Commission)	Y	Y	Substantially drafted; moved to 2013/14
Control of Employment	Y	Y	In the Branches; moved to 2013/14
Copyright Etc (Amendment)	N	Y	In the Branches; moved to 2013/14
Communications	N	Y	Drafting - new priority
Criminal Law (now Criminal Justice, Police Powers and Other Amendments)	Y	Y	In the Branches; no variance
Custody (Amendment)	N	Y Complete	Royal Assent 19/11/13 - New Priority
Designated Non-Financial Businesses and Professions (DNFBP)	N	Y	Consultation completed - New Priority
Dormant Bank Accounts	Y	Y	Drafted; moved to 2013/14
Economic (Energy) Regulation	N	Y	Pre-Drafting
Education	N	Y	Pre-Drafting - new priority
Environment & Climate Change	N	Y	Pre-Drafting - new priority
Equality	N	Y	Drafting - new priority
Estate Agents	N	Y	Drafting - new priority
European Union (Amendment)	N	Y	New Priority – In Branches
Extradition	N	Y	Drafting - new priority
Fire and Rescue	Y	N	Drafted - Public Consultation
Fisheries (Amendment)	N	Y Complete	Royal Assent 9/7/13; no variance
Flood Risk Management	Y	Y Complete	Royal Assent 15/10/13; no variance
Freedom of Information	N	Y	Drafted; increased priority
Foreign Companies	N	Y	In Branches; new priority
Health Services	N	Y	Drafting - new priority
Income Tax Amendment	Y	Y	In the Branches
Insurance (Amendment)	N	Y	Pre-Drafting - new priority
Interpretation	Y	N	Under review by the Attorney General's Chambers
Landlord & Tenant (Private Housing)	N	Y	Drafting - new priority
Law Officers (1)	N	Y Completed	Royal Assent 19/02/13
Law Officers (2)	N	Y	Drafted; new priority
Legislation	Y	N	Under review by the Attorney General's Chambers
Limited Liability Companies	N	Y	In Branches; new priority

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NHS (Recovery of Costs)	N	Y	Pre-Drafting; moved to 2013/14
Post Office (Amendment)	Y	Y	In the Branches; no variance
Public Sector Housing	N	Y	Pre-Drafting; new priority
Public Health (Amendment)	N	Y	In Branches; new priority
Regulation of Care	Y	Y Complete	Royal Assent 15/10/13
Representation of the People (Amendment) (1)	N	Y	In Branches; new priority
Representation of the People (Amendment) (2)	N	Y	Drafting - new priority
Summary Jurisdiction and Miscellaneous Amendments	Y	Y Complete	Royal Assent 19/11/13
Terrorism Financing	Y	Y	In the Branches
Treasure Trove	Y	Y	Drafting
Trust (Amendment)	N	Y	Drafted - new priority
Weeds (Amendment)	N	Complete	Royal Assent 9/7/13

Table 2.1.B – 2013-14 Target Year

Bills marked with * are currently a priority

Animal Welfare *	DEFA
Communications*	DHA
Designated Non-Financial Businesses and Professions (DNFBP) *	Treasury
Dormant Bank Accounts*	Treasury
Economic (Energy) Regulation*	DED/CSO
Education*	DEC
Environment and Climate Change*	DEFA
Equality*	CSO
Extradition*	DHA
Freedom of Information*	CSO
Fire and Rescue Service	DHA
Health Care Professionals	DH
Health Services*	DH
Interpretation	AGC
Landlords and Tenant (Private Housing) Bill*	DSC
Law Officers*	AGC
Legislation	AGC
NHS (Recovery of Costs) *	DH
Public Health (Tobacco) Amendment	DH
Public Sector Housing*	DSC
Public Services Commission*	OHR
Representation of the People (2) *	CSO
Road Traffic and Highways (Miscellaneous) (Amendment)	DoI
Town and Country Planning (Amendment)	DoI
Treasure Trove*	Treasury
Trust (Amendment) *	Treasury

Table 2.1.C - Bills Scheduled for 2014-15 onwards

Bills marked with * are currently a priority

Adoption (Amendment)
 Advocates (Amendment)
 Agricultural Marketing (Amendment)
 Anti-Social Behaviour
 Capacity
 Charities
 Civil Contingencies
 Companies Law Review
 Consumer Protection
 Consumer Protection (Cold Calling)
 Credit Union (Amendment)
 Criminal Justice (Jurisdiction)

Customs and Excise Management (Amendment)
Data Protection (Amendment)
Employment (Recognition of Trade Unions)
Employment Agencies & Businesses
Environmental Protection
Estate Agents*
Fair Trading (Amendment) Act
Firearms
Gambling (Miscellaneous Provisions)
Game
Gas Regulation Amendment
Heritage Protection
Human Tissue (Amendment)
Income Tax (Amendment) 2014
Income Tax (Amendment) 2015
Inquiries (Amendment)
Insolvency Law Review
Insurance (Amendment)
Interception of Communications
Licensing
Local Government (2)
Local Government (Amendment) (1)
Marine Operations and Safety
Medicines (Amendment)
Misuse of Drugs (Amendment)
Poisons (Amendment)
Private Security
Racial Hatred Legislation
Sentencing
Serious Crime
Sexual Offences and Obscene Publications
Termination of Pregnancy (Medical Defences) (Amendment)
Tourism
Town & Country Planning (Amendment) (2)
Transfer of Governor's Functions
Water (Amendment)
Wildlife (Amendment)

**2.2. Civil Service bonuses –
Details over the past five years**

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

What estimate he has made of the total bonuses paid to civil servants and any other staff of Government, including sponsored organisations; in each of the past five years; and whether bonuses paid; require the consent of Treasury; if so; in how many instances such bonuses have been agreed to or refused in each of the past five years; and if he will make a statement on the matter?

Answer: I am advised that in each of the last five years, ending 31st December, the total bonuses paid to the staff of Departments, Boards and Offices, and relevant sponsored organisations, and the number of such bonuses subject to consideration by Treasury, were as follows:

1345

Year Ending	Total Amount Paid	Treasury Consent	
		Number of Approvals Requested	Number of Approvals Declined
31/12/2013	£234,762	0	0
31/12/2012	£286,036	0	0
31/12/2011	£257,093	1	0
31/12/2010	£330,708	0	0
31/12/2009	£367,024	0	0

1350 Bonus payments to members of staff are made where there is provision within applicable terms and conditions in respect of the individual employment group. It is for the employing authority concerned, or an authorised manager, to determine, in accordance with such provisions, when a payment is to be made and the amount payable.

There is no such provision with Civil Service Regulations in respect of bonus payments and thus such payments are not made to members of the Civil Service.

1355 Bonus payments made in accordance with terms and conditions of service/employment are not, normally, subject to the approval of the Treasury unless there is an express provision requiring such approval.

1360 It must be a matter for established collective bargaining bodies and/or employing authorities, as relevant, to determine the appropriateness of utilising bonus schemes to incentivise and/or reward staff performance, taking into account the needs of the employer in relation to the achievement of objectives and targets, recognition and retention of high performing individuals, and value for money principles.

Note:

i) for the purpose of this answer a 'bonus' is taken to be an unconsolidated lump sum payment made to a member of staff to incentivise and /or recognise performance at an individual, team or organisational level, as provided for within applicable terms and conditions of service /employment.

INFRASTRUCTURE

2.3. Bus Driver identification – Requirements to provide and display to public

The Hon. Member for Middle (Mr Quayle) to ask the Minister for Infrastructure:

Whether bus drivers are required to provide and display to the public, their identification; and if so, what the penalties are for failure to do this?

1365 **Answer:** A public passenger vehicle, which includes a bus, is a passenger vehicle used commercially for the carriage of passengers. Regulation 3 of the Public Passenger Vehicles (Conduct of Drivers, Inspectors and Conductors) Regulations 2002 prescribes that a driver of a public passenger vehicle, when acting in such a capacity, must at all times display in a visible position the licence badge issued to him or her by the Road Transport Licensing Committee. Regulation 9 prescribes a maximum fine of £1,000 on summary conviction for contravention of the requirement.

ECONOMIC DEVELOPMENT

**2.4. Minimum Wage Committee –
Members and evidence received and requested**

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

Pursuant to his statement in Tynwald on 18th June 2013 about the Minimum Wage Committee, (a) who the members of the Committee are; and (b) what evidence it received in 2013 and will request in 2014?

1370 **Answer:** (a) The Minimum Wage Committee is made up of an independent Chairperson, Ms Anne-Marie Weadock, two employees' representatives nominated by the Isle of Man Trades Union Council (IOMTUC), Mr Jonty Arkell, and Mr Bill Galley, and two employers' representatives nominated by the Chamber of Commerce, Mr Stephen Bradley, and Ms Bernadette Murphy.

In 2013, the Committee received the following:

- 1375
- A report concerning a Minimum Wage Impact Study undertaken by the Department of Economic Development (DED);
 - A table provided by DED setting out the various rates of the Minimum Wage throughout the EU;
 - Information from the Department of Social Care (DSC) comparing the various rates of the Minimum Wage to the various rates of Jobseeker's Allowance;
 - A detailed report of calculations from the DSC setting out the impact of rates of the Minimum Wage on Jobseeker's allowance claimants, and on Employed Persons Allowance claimants working a range of hours;
 - A report by the DSC, breaking down Unemployment by age and Business Type and also age by Occupation Type;
 - The reports of the UK Low Pay Commission for 2012, and 2013;
 - The remit of the UK Low Pay Commission for the year 2013;
 - A Report from the UK Department of Business Innovation and Skills (BIS) triennial review of the Low Pay Commission;
 - A press release from BIS confirming the new rate of the Minimum Wage in the UK;
 - Information on the application of the Minimum Wage in Eire from the Irish National Employment Rights Agency;
 - Information on the application of the Minimum Wage in Guernsey from the Guernsey Employment Relations Service;
 - The Recommendation of the Employment Forum in Jersey;
 - A report from the *Daily Telegraph* setting out new conditions on the Low Pay Commission which were under consideration;
 - A report from the *Huffington Post* setting out what the Minimum Wage would be if it had kept pace with productivity since 1950;
 - A report from the BBC News website reporting the increase in the Minimum Wage in the UK;
 - A report provided by Mr Galley from *Horticulture Week* setting out details of a pay deal between National Trust Scotland and its staff;
 - A written submission from the Isle of Man Trades Union Council;
 - A written submission from the Chamber of Commerce; and,
 - A private written submission from Mr R Platt in response to the Committee's public notice.
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- 1405

Having received written evidence from the sources listed, the Minimum Wage Committee met with the following in person to discuss the situation for workers, employees and the wider economy:

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- Julie Bradley - Industrial Relations Officer, Manx Industrial Relations Service;
- Chris Corlett - Chief Executive, DED;
- Sean Arrowsmith - Employment Services Inspector, DED;
- Mike Johnson and Sean Crossley - Disability Employment Services, DED;
- Andrew Mckinley - Employment Services Manager, DED;
- Hon. Chris Robertshaw MHK - Minister of DSC;
- Darrin Oldham - Deputy Director of Policy and Legislation, DSC;
- Steve Carse - FORMER Economic Advisor, Treasury;
- Eric Homes - President IOMTUC; and
- Mr Whittaker, Miss Blayden, and Mr Taylor - Heron and Brearley.

1415

1420

(b) While it cannot currently be said exactly what evidence the Committee will seek, or be presented with this year, it is likely that much of the information sought will be of a similar nature to previous years, and that the Committee will seek views from employers in low paying sectors, workers at or near the Minimum Wage, as well as the views of the wider public.

1425

HOME AFFAIRS

2.5. Isle of Man Fire and Rescue Service – Proportion of nuisance call-outs

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Home Affairs:

How many unwarranted and nuisance call-outs the Isle of Man Fire and Rescue Service has attended to in each of the past three years; what proportion this represents of total call-outs; and if he will make a statement?

Answer: The Isle of Man Fire and Rescue Service (IOMFRS) have attended 1,650 emergency calls in 2011, 1677 in 2012, and 1460 in 2013. Of these the breakdown of calls relating to false alarm calls caused by automatic fire detection is 1074 in 2011, 1053 in 2012, reducing to 936 calls in 2013. The reduction is primarily through education and advice from operational crews attending the calls, and follow up visits by Fire Safety Officers.

1430

The IOMFRS are continuing to reduce this and other types of call year on year through its prevention and protection work in accordance with internal policies and procedures. In April 2014 they will be adopting procedures which will further reduce its attendance at false alarm calls caused by automatic fire detection at certain properties, and the non-attendance altogether at other properties through a risk based approach.

1435

It should be borne in mind that the non-attendance at certain vulnerable properties cannot be instigated due to the unacceptable risk to occupants, such as nursing homes and sheltered accommodation.

**2.6. Isle of Man Prison Service –
Complaints in last three years**

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Home Affairs:

How many prisoner complaints were dealt with by the Isle of Man Prison Service in each of the past three years?

1440 **Answer:** The numbers of prisoner complaints dealt with by staff in the Isle of Man Prison Service (including those addressed directly to the Governor) in each of the last three years are as follows:

- 01/04/2011 – 31/03/2012 = 9
- 01/04/2012 – 31/03/2013 = 37
- 01/04/2013 – current = 18

1445

HEALTH

**2.7. Prescription of antibiotics by GPs –
Data for last ten years and net ingredient costs**

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

Whether the number and amount of antibiotics prescribed by General Practitioners have increased or decreased, over the past ten years; if so, by how much, broken down by net ingredient costs; and if he will make a statement?

Answer: With regard to the Hon Member’s Question, I can provide the following information regarding the number of prescriptions issued for antibiotics and the net ingredient costs.

Unfortunately, the Department only has data available for the last five years.

Period Name	Total Prescriptions		Net Ingredient Cost	
		%		%
		+/-		+/-
Financial year 2008-09	76,704	---	£299,781	---
Financial year 2009-10	67,993	-11.36	£281,678	-6.04
Financial year 2010-11	72,202	6.19	£325,086	15.41
Financial year 2011-12	71,287	-1.27	£321,977	-0.96
Financial year 2012-13	67,407	-5.44	£298,387	-7.33
Financial year 2013-14 (Apr to Nov inc.)	39,394	---	£181,384	---
Estimated 2013-14	59,091	-12.34	£272,074	-8.82

1450 The Hon. Member will note that, apart from the 2010-11 year, the number and cost has been reducing each year with an overall reduction of 12.12% in prescriptions issued and 0.47% in costs between 2008-09 and 2012-13.

The Department, through both the Pharmacy and GP Advisers working with the GP community, have, over a number of years, been working to achieve reductions in the number and cost of prescriptions.

1455 In addition, the Consultant Microbiologist has recently produced a new edition of Guidelines for the Management of Infections in Primary Care. This awaits ratification by the Primary Care Prescribing Committee and is due to be circulated to all relevant practitioners in February.

1460 The aim of the guidelines is to provide a simple, effective, economical and empirical approach to the treatment of common infections and to help minimise the emergence of bacterial resistance on the Island.

ENVIRONMENT, FOOD AND AGRICULTURE

2.8. Farm antibiotic use – Statement on research by DEFA

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Environment, Food and Agriculture:

Whether his Department has funded research into the relationship between the level of farm antibiotic use and the level of antibiotic resistance in (a) poultry (b) pigs and (c) cattle since 2000; what the findings were of this research; and if he will make a statement ?

1465 **Answer:** The Government has policies and procedures in place to monitor and control the use of veterinary medicines.

While the Department does not fund the research referred to in the question, it does contribute to the Veterinary Medicines Directorate surveillance programme for residues in food, via the veterinary services provided to the Meat Plant; I am pleased to continue to report that no positive samples have been detected for over 10 years.

1470 The distribution and use of veterinary medicines (including antibiotics) is well regulated, and further supervised by the veterinary profession who are entrusted with the right to prescribe these medicines. In addition, records are required to be kept on farm of any such usage and our testing regime supports the statutory withdrawal periods where animals are prevented from entering the food chain.

**2.9. Countryside Care Scheme –
Schedule of individual payments to farmers**

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

If he will publish a schedule of individual payments made to farmers under the Countryside Care Scheme for the years 2012-13 and 2013-14 to date?

Answer:

2012-13 Countryside Care Scheme payments

CCS Payments 2012-13	Holdings	Payment	Average
Greater than £100k	8	£1,086,069	£135,759
Greater than £50k	29	£1,900,948	£65,550
Between £25k and £50k	63	£2,218,869	£35,220
Between £10k and £25k	95	£1,605,619	£16,901
Between £5k and £10k	51	£373,057	£7,315
Between £1k and £5k	71	£197,810	£2,786
Less than £1k	31	£19,452	£627
Total	348	£7,401,823	£21,270

1475 Payments in the above table include pig restructuring, pig headage and milling wheat bonus payments.

2013-14 Countryside Care Scheme payments to date

Countryside Care Scheme payments are made in three tranches:

- 1480
- July 50%
 - October 25%
 - April 25%

1485 The final payment in April will be adjusted to take account of deductions made for any non-compliances found on inspection during the scheme year.

CCS Payments 2013-14	Holdings	July and October payment	Average
Greater than £100k	4	£427,083	£106,771
Greater than £50k	14	£928,385	£66,313
Between £25k and £50k	47	£1,637,100	£34,832
Between £10k and £25k	98	£1,622,737	£16,559
Between £5k and £10k	62	£464,606	£7,494
Between £1k and £5k	81	£233,162	£2,879
Less than £1k	44	£25,873	£588
Total	350	£5,338,947	£15,254

Payments in the above table represent approximately 75% of the payment due in the scheme year 2013-14.

SOCIAL CARE

**2.10. Social rent payments to private landlords –
Amount and number of properties**

The Hon. Member for Castletown (Mr Ronan) to ask the Minister for Social Care:

How much is paid via the Department of Social Care to private landlords as social rent across the Island, and how many properties this provision supports?

1490 **Answer:** The Department has assumed that the Hon. Member is referring to deductions which are made from claimants' social security benefits and paid to private housing providers.

The year to 31st December 2013 a total of £2,872,739.96 was paid by the Department to 202 private landlords* in respect of 703 different properties**.

1495 The total amount paid to individual landlords during this period ranged from £111.44 to £443,225.48.

For the purposes of this Answer –

* an agency which acts for multiple property owners has been counted as one private landlord;

* each company or business entity which provides housing has been counted as a private landlord, even though a single person may have a beneficial interest in more than one such company or entity; and

** each part of a multiple-occupancy dwelling which is, would be, the subject of a separate lease agreement has been counted as an individual property (so, for example, a single apartment within an apartment block has been counted as one property).

INFRASTRUCTURE

**2.11. Isle of Man Steam Packet Company –
Formal and officer level meetings in 2013**

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

What (a) formal and (b) officer level liaison meetings with the Isle of Man Steam Packet Company took place in 2013; and in each case what was on the agenda?

1500 **Answer:** Normally up to twice a year there is a formal meeting for myself and the Department's Chief Executive to meet the senior management of the Steam Packet Company for an update on common issues regarding their operation at Douglas Harbour. These items include for example:

- 1505 • Passenger/freight figures
- Marketing
- Harbour issues (if any)
- User Agreement

1510 In 2013 there was one meeting on the 8th July. The next meeting is likely to be in February 2014.

Separately, on a minimum of a quarterly basis there is a liaison meeting at officer level, at which the following items are for example on the agenda:

- 1515 • Department issues
- Ships
 - (a) *Ben-my-Chree*
 - (b) *Manannan*

- 1520
- Schedule performance
 - Passenger Numbers and Freight Volumes
 - Wind farm update
 - Territorial Seas general
 - Schedules / offers / Market development investment

1525 During 2013 there were a total of five senior officer level meetings. On 8th February 2013, 12th April 2013, 28th May 2013, 24th September 2013, and 23rd December 2013. The agendas for these meetings are now available on the website.

2.12. Parking Tickets – Grounds for appeal

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

What the grounds are for appeal against parking tickets; and what obligation his Department has to make such information available to a recipient of a penalty notice?

Answer: An individual in receipt of a Fixed Penalty Notice can elect to refuse the Notice and have the matter dealt with by the courts. In the event that judgment is made against the recipient, a legal appeal process will be available.

1530 However, if a recipient feels that the notice has been issued incorrectly or unfairly, they can request a review of the circumstances of issue. The Department will review any complaint with reference to the photographs taken by Parking Officers at the time the Notice was issued. These photographs are available to the recipient of a notice on request.

1535 The information concerning this process is provided on the Fixed Penalty Notice and is therefore available to all recipients.

Police issued Fixed Penalty Notices are also dealt with in a similar manner. A review, on request, is undertaken by the Roads Policing Sergeant or recipients can elect for a court hearing. Similarly, this information is available on Police issued Fixed Penalty Notices.

WATER AND SEWERAGE AUTHORITY

2.13. Chartered Surveyors – Number employed by Water and Sewerage Authority

1540 The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewerage Authority:

How many Chartered Surveyors are employed by the Water and Sewerage Authority?

Answer: The Water and Sewerage Authority do not employ any Chartered Surveyors.

**2.14. Flood Risk Management Act 2013 –
Timeframe for bringing into force; sewerage charge order**

The Hon. Member for West Douglas (Mr Thomas) to ask the Chairman of the Isle of Man Water and Sewerage Authority:

When he expects each part of the Flood Risk Management Act 2013 to be brought into force; and when an order to charge for sewerage from 1st April 2014 will be laid before Tynwald?

1545 **Answer:** An Appointed Day Order has been made bringing section 92(5) and section (7)(a)(ii) of the Flood Risk Management Act 2013 into operation on 30th January 2014.

The remaining provisions of the Flood Risk Management Act 2013 come into operation of 1st April 2014, immediately before the coming into operation of the Transfer of Functions (Manx Utilities Authority) Order 2014.

1550 A Sewerage Charge Order was made on 31st January 2014, under section 11(1) and section 11(3) of the Sewerage Act 1999.

It is anticipated that the Sewerage Charge Order will be submitted for approval at the February 2014 sitting of Tynwald. Subject to Tynwald approval, this Order will come into operation on 1st April 2014.

1555

Order of the Day

3. BILL FOR FIRST READING

3.1. Healthcare Professionals Bill 2014

The Speaker: We turn to Item 3, Bill for First Reading.
I call on the Secretary of the House.

1560 **The Secretary:** Bill for First Reading: Healthcare Professionals Bill 2014, Member in charge,
Mr Henderson.

4. CONSIDERATION OF COUNCIL AMENDMENTS

4.1. Criminal Justice, Police Powers and Other Amendments Bill 2013 - Council amendments approved

Mr Watterson to move.

The Speaker: Item 4, consideration of Council amendments, as set out on the Order Paper.
I call on Mr Watterson, Hon. Member for Onchan... for Rushen. (*Laughter and interjections*)

Mr Watterson: Mr Speaker, *still* Member for Rushen.

1565 The first and second amendments made in the Council honour a commitment I gave in this
House and resolve a concern of the Hon. Member for Onchan, Mr Hall, regarding the provision
of a satisfactory address for service in relation to clause 28 and the police powers of arrest.

1570 Whilst the Bill was in Council, two further amendments were made to the Bill, with the
support of the Department. The next amendment inserts two new clauses at the end of the Bill
and were both supported by the Department.

1575 The first new clause adds section 29(1) to the Criminal Justice, Police and Courts Act 2007
concerning the use of the live link at the Prison for preliminary court hearings. It removes the
express requirement for the accused to give his consent to the use of a live link, rather than
appearing in court for every hearing, however routine, in person. The benefit of doing this is that
if the defence and the prosecution are clear that the hearing does not require the physical
presence of the accused, it is likely that there will be a greater use of the live link and fewer
unnecessary days out in court and also less time spent transferring prisoners between Jurby and
Douglas.

1580 The last new clause simply provides for the expiry of the Custody (Amendment) Act 2013 and
its removal from the statute book once it has been promulgated. It is simply a tidying up matter.

Mr Speaker, I beg to move that this House agrees with the Council amendments to the
Criminal Justice, Police Powers and Other Amendments Bill 2013 and that the Bill do pass.

1585 **The Speaker:** Hon. Member for Rushen, Mr Gawne.

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

The Speaker: The Hon. Member for Douglas North, Mr –

1590 **Mr Henderson:** It has gone now, sir.

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

1595 **Mr Quirk:** The same thing. *(Laughter)*

The Speaker: In that case, I put the motion that the amendments as set out on the Order Paper, approved by Legislative Council on 26th November 2013, that those amendments be agreed. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

5. BILLS FOR SECOND READING

5.1. European Union (Amendment) Bill 2014 – Second Reading approved

Mr Watterson to move:

That the European Union (Amendment) Bill 2014 be read a second time.

1600 **The Speaker:** Item 5, Bills for Second Reading.
First is the European Union (Amendment) Bill, and I call on the mover, Mr Watterson.

1605 **Mr Watterson:** Mr Speaker, I would like to start by explaining that this Bill has been given to one of this House's biggest Eurosceptics. *(Laughter and interjection)* The burgeoning bureaucracy of Europe and its mere passing acquaintance with good governance and financial prudence are simple but compelling reasons for the Isle of Man to have no more than a trading relationship with the European Union.

1610 However, the European Union exists and the Isle of Man recognises its existence, and this Bill accepts that fact and merely updates what that body is that the Isle of Man deals with. However, let me quite clear that it does not change our relationship with the European Union, our Protocol 3 arrangement or any other practical arrangements that are in place. It primarily adds Croatia to the list of nations forming the European Union. It also adds the Irish Protocol to list of treaties. The Irish Protocol basically just clarifies certain issues that arose out of the Treaty of Lisbon, but it does not change the relationship between the EU and its member states.

1615 Because the institutions of the EU are essentially matters for the EU, we discussed whether primary legislation should be required every time a new country enters the European Union. Bills, as Members appreciate, take a long time to draft and consult upon etc, and Government felt that with such an ambitious legislative timetable, these Bills do not serve to add value to our statute books. It is therefore proposed that the Council of Ministers can in future bring an order to Tynwald updating references to the list of EU treaties, instead of using primary legislation.

1620 I should stress, for the avoidance of doubt, that the power for Council to make such an order is strictly limited and it would not allow any amendments to the 1973 Act involving any change to Protocol 3. The Protocol itself is not included in the list of EU treaties, but is referred to separately in the 1973 Act. I can also assure this House that any fundamental change in the Island's relationship with the European Union would be subject to full and proper consultation.

1625 The Island has the power to include EU directives straight into Manx law. Section 2A requires that an order must be laid at one sitting in draft and again finally at the next sitting, and Members may have noticed this in respect of the recent updates to the Island's intellectual property legislation.

1630 The Council of Ministers felt that this was an unnecessarily bureaucratic provision which leads to the production of far more paper than is necessary as the order has to be produced in two successive months. It is proposed that in future this will go down the usual route of being placed on the Order Paper and approved by Tynwald to give it effect.

I would like to thank Mr Henderson and Mr Karran for the interest that they have shown in this Bill at the consultation stage and I hope that my comments will provide the assurances that they have sought.

1635 Mr Speaker, I beg to move that the European Union (Amendment) Bill 2014 be read for a second time.

The Speaker: Hon. Member, Mr Gawne.

1640

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

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

1645

Mr Karran: Vainstyr Loayreyder, I would just like to say that I hope that now we are finally getting to the issue of getting more legislation on secondary legislation than on primary legislation, allowing for the problems that we have got constitutionally with the adjacent isle, and I think that any moves on that front have to be supported as far as that issue is concerned. I just feel that it is good to see that there is more flexibility to start doing this. It has only taken a decade to actually follow up what some of us have been on about for ages to get that sort of flexibility for the Island.

1650 I hope that the Council of Ministers will be looking at this way of using secondary legislation in order to sort out the fundamental problem of the Royal Assent being on the advice of a foreign government and not on the advice of the elected Government, even if I do think at times it is pretty atrocious. The fact is that the Manx Government is the representation of the people who voted on this Island and I just think that that is something that needs to be borne in mind for other legislation to give you that flexibility.

1660 **The Speaker:** Hon. Member, Mr Thomas.

Mr Thomas: Thank you very much, Mr Speaker, and to the Minister for moving.

I want to agree with the Hon. Member who has just resumed his seat, but also to say that we need to make sure that we have systems in place to review the secondary legislation as well.

1665 Going back into history, I was actually amazed to find that the Protocol 3 actually went through both Houses in one day on 31st October 1972, and so the precedent of how we deal with the EU did not start off well. I hope now that we would have proper systems in committee, in this Hon. House and in the rest of the Court, the branches of the Court, to actually make sure that we take seriously all of these orders that are going to come through from the EU and have done for 40 years.

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

Mr Watterson: Thank you.

1675 Briefly, Mr Speaker, I appreciate the Hon. Member for Onchan's support for streamlining the process. Of course, the Council of Ministers has changed a lot over the last 10 years, but certainly it represents the current thinking in there. It certainly represents my thinking; hence my willingness to move this Bill forward.

1680 The note of caution that I bring to that is that, as Home Affairs Minister, I think it is important that we do carefully balance out the primary and secondary legislation when we are bringing in

new provisions for the loss of liberty, for example, that that should go through primary legislation, rather than secondary legislation. So we do have to continually balance those out, but in principle I absolutely agree with what he says.

1685 The Hon. Member for West Douglas, in terms of the oversight and scrutiny of secondary legislation, there are of course procedures there already within Tynwald and the Scrutiny Review Committees and obviously the process of parliamentary questioning. So there are the checks and balances in there on secondary legislation, but the same process would ultimately apply to European legislation entering the Manx statute books as others forms of secondary legislation. So Hon. Members will be no worse off in terms of their ability to scrutinise this legislation going
1690 forward.

With that, Mr Speaker, I beg to move that the Bill be read a second time.

The Speaker: Hon. Members, I put the motion that the European Union (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes
1695 have it.

5.2. Terrorism and Other Crime (Financial Restrictions) Bill 2014 – Second Reading approved

Mr Watterson to move:

That the Terrorism and Other Crime (Financial Restrictions) Bill 2014 be read a second time.

The Speaker: We turn now to Terrorism and Other Crime (Financial Restrictions) Bill and I call on the mover, again, the Hon. Member for Rushen, Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

1700 In moving the Second Reading of the Terrorism and Other Crime (Financial Restrictions) Bill, I think it is worth reminding ourselves that notwithstanding the challenges we face, we are very fortunate to live in a safe island community, which enjoys low rates of crime and within which there are no obvious reasons to think about, let alone fear terrorism. However, outside of the Island, the threat posed by terrorism is real and current.

1705 What happens outside the Island affects us because terrorists need funding in order to make preparations for or execute terrorist acts. The Isle of Man has promoted itself very successfully over the years as a well-regulated offshore finance centre and it is in the Island's vital economic and national interests to ensure that there is no ability for terrorists to achieve their nefarious ends by using the Island as a place to hide, or as a safe and discreet place for which the funding
1710 of their operations may be facilitated due to any weaknesses, however small, in our legislation.

The Bill is promoted for three reasons. Firstly, the new Order in Council applying the UK's Terrorist Asset-Freezing Act 2010 was brought to Tynwald and the then Chief Minister gave a commitment that the matters contained within the Order in Council would be translated into Manx legislation after the General Election in 2011. Indeed, Tynwald has recognised that
1715 legislation should be undertaken domestically, rather than through an Order in Council.

Secondly, through its various bodies, such as the United Nations, the Financial Action Task Force, the International Monetary Fund, the Organisation for Economic Co-operation and Development, and Moneyval, the international community maintains a watching brief on the work the countries of the world undertake to combat terrorism and comply with international
1720 conventions in this matter. Indeed, the Island was recently inspected by Moneyval and its report was published in September 2013. The report made some recommendations to further improve

the Island's anti-terrorist legislation in relation to the countering of terrorist financing proliferation and money laundering. So the Bill addresses those issues.

1725 The third reason behind this Bill is that it seems sensible to draw all the measures designed to counter the financing of terrorism together in one Act with similar procedures and penalties.

Schedule 4 to the Act sets out the repeals, which include repealing part VII of the Anti-Terrorism and Crime Act 2003, which deals with freezing orders and the Terrorism (Finance) Act 2009 which will be repealed entirely.

1730 In the event that this Bill is passed and receives Royal Assent, the intention will then be to seek the removal of the Order in Council. The aim is to have two items of legislation dealing with terrorism, rather than three, as is currently the case.

1735 Mr Speaker, while the detail of the Bill is for debate at clauses stage, I hope through this speech to have given Hon. Members a fair picture of the background reasons for and purpose of this Bill and I beg to move that the Second Reading of the Terrorism and Other Crime (Financial Restrictions) Bill be approved.

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

1740 **Mr Quirk:** Thank you, Mr Speaker.
I beg to second, sir, and reserve my remarks.

The Speaker: In that case, I put the question that the Terrorism and Other Crime (Financial Restrictions) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6. BILLS FOR THIRD READING

6.1. Limited Liability Companies (Amendment) Bill 2013 – Third Reading approved

Mr Teare to move:

That the Limited Liability Companies (Amendment) Bill 2013 be read the third time.

1745 **The Speaker:** Item 6 on our Order Paper is Bills for Third Reading.
First is the Limited Liability Companies (Amendment) Bill, and I call on the mover, Hon. Member for Ayre, Mr Teare.

1750 **Mr Teare:** Thank you, Mr Speaker.
This Bill is the Limited Liability Companies (Amendment) Bill 2013. The concept of the limited liability company ('the LLC') was introduced into the legislation of the Isle of Man with the Limited Liability Companies Act 1996.

1755 At their most basic, LLCs have traditionally been thought of as resembling partnerships, without protection against liability for the members. This is much the same as the protection afforded to members of any other limited company. The tax treatment of LLCs in the Isle of Man is consistent with their close resemblance to partnerships. It is the members themselves who are taxed, and not the LLC.

1760 The limited liability company originated in the USA and each state within the USA has enacted its own version of the legislation, which is substantially similar in nature, with some regional variations. In the USA a single-member LLC can make the election to be treated as a

corporation or do nothing and be treated as a disregarded entity. The latter achieves tax treatment consistent with that of the Isle of Man. It is the member who is taxed and not the LLC.

1765 At the time that the Isle of Man's Act was brought into operation, the default position in respect of USA LLCs was that they were required to have two members. In the intervening period, all of the states have amended their legislation to allow for the creation of single-member limited liability companies.

1770 The Bill proposes to amend the Limited Liability Companies Act 1996 to permit LLCs to be formed with either a single member or with two or more members. In addition to the Income Tax Act 1970, it will ensure that the tax treatment of single-member LLCs is clear. This will be broadly equivalent to the tax treatment of single member LLCs in the USA that opt to be treated as disregarded entities for tax purposes. At its most basic interpretation, this is equivalent to the Manx treatment which sees LLCs being treated as transparent for tax purposes.

1775 Some classes of assets that are Island located in the USA or are registered in the USA are regulated by the US state and federal authorities. As a general rule, the US authorities require these types of assets to be owned by US citizens. It is common practice for some classes of US assets to be held in single-member LLCs that are disregarded entities for tax purposes.

1780 The amendments proposed in this Bill should enable a US citizen to satisfy the US authorities that the US asset held in a Manx LLC is indeed owned by a US citizen. This might be desirable where goods are to be imported into the European Union. Use of a Manx LLC is likely to go some way to meeting the European Union requirement that a company must be established in the EU in order to qualify for any reliefs available.

1785 There are some basic requirements that must be met to ensure that companies established in the Isle of Man are eligible for the special reliefs and do not fall within the definition of an abusive practice. There is no change to the existing policy and this Bill does not seek to circumvent the existing requirements and conditions for qualification for the special reliefs.

Mr Speaker, and Hon. Members, this Bill, if enacted, will simply provide an additional alternative to achieving an outcome that is currently available.

1790 Before formally moving the Third Reading, Mr Speaker, I would just like to thank my seconder and also my professional colleagues for the hard work that they have done. It is very much appreciated.

I beg to move the Third Reading of this Bill, sir.

The Speaker: Mr Watterson.

1795 **Mr Watterson:** I beg to second, sir.

The Speaker: Hon. Members, I put the motion that the Limited Liability Companies (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6.2. Post Office (Amendment) Bill 2013 – Third Reading approved

Mr Ronan to move:

That the Post Office (Amendment) Bill 2013 be read the third time.

1800 **The Speaker:** We turn now to the Post Office (Amendment) Bill, and I call on the mover, the Hon. Member for Castletown, Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

1805 Hon. Members have already received a presentation on the Bill and heard my comments at various stages. I do not therefore intend to go through this at any length. It is important that we are all aware of the need for the Bill, which amends the 1993 Post Office Act. This is an enabling Act providing clarity to the Post Office on what activities it can undertake, having the same duty and similar powers to the Act, which it updates and which has stood the test of time.

1810 Diversification will continue to be important to the Post Office, not least the taking into account of developing technologies and markets, in particular opportunities offshore. New activities, as pursued by the Post Office in recent years, have been vital to protecting the future of the Post Office, the services it provides and in providing opportunities to generate wider economic benefits for the Island.

1815 The clauses of the Bill have already been introduced, so I will briefly remind Members of what they are and cover.

The Bill has three clauses. The first of these deals with the short title of the Bill.

1820 The second clause forms the main part of the Bill dealing with clarifying that the Post Office can undertake services in accordance with its powers and that these are separate from its duty. Under the Act, clause 2(3) provides details of the powers of the Post Office, with clause 2(4) allowing for amendment of the powers of the Post Office by order, which must be ultimately approved by Tynwald.

Clause 3 is administrative and keeps the statute book tidy.

1825 Hon. Members, the Post Office has successfully diversified into new markets in recent years, but we cannot be complacent and assume that this will continue. The Post Office (Amendment) Bill provides clarity over the powers of the Post Office, which will allow it to seek new opportunities while protecting existing services and the valuable contribution that it makes to Treasury.

Mr Speaker, I beg to move the Third Reading of this Bill.

1830 **The Speaker:** Mr Shimmin.

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

1835 **The Speaker:** Hon. Members, I put the question that the Post Office (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6.3. Copyright etc (Amendment) Bill 2013 – Third Reading approved

Mr Skelly to move:

That the Copyright etc (Amendment) Bill 2013 be read the third time.

The Speaker: We turn now to the Copyright etc (Amendment) Bill, and I call on the mover, the Hon. Member for Rushen, Mr Skelly.

1840 **Mr Skelly:** Gura mie eu, Loayreyder.

The purpose of the Copyright etc (Amendment) Bill is to make various amendments to the Copyright Act 1991, Design Right Act 1991 and the Performers' Protection Act 1996. Changes made by the Bill, such as the increase of maximum penalties for copyright infringement and the updating of the law in relation to unregistered designs, will demonstrate to businesses, firstly,

1845 that the Isle of Man is a place where intellectual property rights are taken seriously, and
secondly, that the levels of protection offered are similar compared to those available in the UK
and the EU.

The Bill is an important part of Economic Development's wider remit to update intellectual
property legislation for the Isle of Man, as set out in the consultation document, 'Intellectual
1850 Property in the Isle of Man' published in 2011. The changes will undoubtedly assist in driving
further growth and further development for the Isle of Man's economy.

Loayreyder, I beg to move the Bill is read for the third time.

The Speaker: Mr Shimmin.

1855

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

The Speaker: Hon. Members, I put the question that the Copyright etc (Amendment) Bill be
read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes
1860 have it.

Thank you, Hon. Members.

7. LEAVE TO INTRODUCE

War memorials – A Bill to make fresh provision – Leave to introduce granted

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

*Leave be granted to introduce a Bill to make fresh provision about war memorials; and for
connected purposes.*

The Speaker: Item 7, leave to introduce, and I call on the Hon. Member for Rushen,
Mr Watterson.

1865

Mr Watterson: Mr Speaker, Hon. Members cannot be insensible to the fact that this year
marks the 100th anniversary of the outbreak of the First World War. This tragic episode in the
history of humanity made a massive impression across the globe, including, possibly even
especially, the Isle of Man. We are all aware and proud of the fact that more Manxmen per
1870 1,000 put themselves forward for service than any county of England. Their sacrifice is to be
marked by an exhibition at the Manx Museum opening next week and is the subject of a book,
This Terrible Ordeal, by Matthew Richardson.

The names of those who fell are recorded on our Island's war memorials, and there are
around 170 such memorials around the Island, not just parish obelisks, but plaques, buildings,
1875 books, windows and organs, all sacred to the memory of those who paid the highest price for
freedom.

I am proud to be the current Chairman of the Government's War Memorials Preservation
Committee. Most of you will be familiar with its fairly recent history. It was founded in 2008 to
continue the volunteer work started by Mr Roger Christian and Mr Hector Duff MM, BEM, who
1880 are still members of the Committee, and are joined by Mrs Fiona Robinson and Mr Keith
Dalrymple, along with your Vice Chairman, the Hon. Member for Castletown, Mr Ronan, and
supported by Linda Webb of the Chief Secretary's Office, who I know leaves the Civil Service this

year. I would like to pay tribute to all of them for the service that they have given to the Committee.

1885 Almost all of the memorials around the Island were erected or funded by public subscription, demonstrating the outpouring of public feeling that existed at that time. Many were supported by war memorial committees that retained funds for the upkeep of the memorials, and this was supplemented by legislation in 1927, allowing local authorities to spend ratepayers' money on maintaining memorials.

1890 We move on, and the Second World War brought further memorial. However, sadly, due to the passage of time, a loss of interest and the shame perhaps of war that society went through, none of these war memorial committees exist anymore. Indeed, your Committee has noted that some memorials are in desperate need of repair or maintenance and there has been no owner *per se* to care for them.

1895 I am therefore seeking the leave of the House to introduce a Bill to make provision fit for the future to ensure that the memory of those who died continues to be preserved beyond the lifetimes of those who remember them. In doing so, I need to share with you some of the observations of the Committee of the last five years or so that make us worry for the future.

1900 The first is that there is no compulsion for anyone to preserve the memorials we have. Most local authorities act in good faith and use the powers in the 1927 Act to preserve their memorials, but if one fell into disrepair, there would be no compulsion to maintain or restore it. This Bill would seek to place an obligation on the landowner, local authority or church where the memorial was sited to maintain it. In providing this special status, the Bill would seek powers in the Bill for the Council of Ministers to have some powers in this regard, although there would be the possibility of delegating them to the War Memorials Preservation Committee. This would include the power to approve erection of a new memorial, the power to vest a memorial in a local authority, where ownership is unknown or, as in many cases, collectively by the community. As this would impact both the church and local authorities, I am happy to undertake consultation with both groups in order to ensure that it achieves the desired end.

1910 In allowing leave to introduce this Bill along the lines I have suggested, the Isle of Man will lead the way in the preservation of war memorials. In my research in preparing drafting instructions, I cannot find another country that has placed a duty on a group to maintain memorials. I can only hope that if passed this will be the standard for other countries going forward, and what better time to do so.

1915 Mr Speaker, with those remarks, I see the leave of the House to introduce a Bill to make fresh provision for war memorials and connected purposes.

The Speaker: Hon. Member, Mr Henderson.

1920 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I am very happy to second Mr Watterson's initiatives.

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

1925 **Mr Quirk:** Thank you, Mr Speaker.
Yes, I am quite happy to support the Member on that too.
I just want an indication there, and I wonder if the Member could say, are the local authorities facing up to their responsibilities?

1930 **The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

1935 I have never refused permission for a backbencher or even a Minister to be given leave of the House to introduce a Bill and so I am not going to be voting against this motion, but I do have some reservations about it.

The Hon. Member said that he does not know of anywhere else in the world where there is legislation which applies that whoever is responsible for erecting the war memorial in the first place will be obliged in the future to maintain it. So I am a little bit worried that we will perhaps be imposing additional charges at a time of greater austerity in the Isle of Man.

1940 I am further concerned that it gives powers to the Council of Ministers to intervene, because I think at the end of the day what will happen invariably is that certain memorials will be found to have been abandoned by either a local authority or a private individual and will cost a fortune to actually reinstate by a sculptor or an artist, and the burden of that cost is likely to fall on central Government... on the Council of Ministers.

1945 I am not bemoaning the bravery and the fact that we would never be on this planet now if it was not for these war people and these war heroes. I am more concerned about giving them financial support, those who have survived, in going forward and their families, rather than to be seen to be investing in a war memorial.

1950 So I have to have some reservations and I just wonder why the Hon. Member, rather than going down the legislative route to perhaps bring and update the 1937 Act (**Mr Watterson:** 1927.) to impose an obligation in law on the local authority or the owner or the family of the owner. Let's face it, if you are going to bury a loved one and you buy a stone in a graveyard, it is usually in perpetuity – in other words, the family are expected to maintain it and look after it. But then eventually in some families the lines die out, and that stone is there and it is falling to bits and in some places it can be a bit of an eyesore, but there is no remaining family alive that is going to be called upon to actually rectify that situation.

1955 So if he is going to bring though a new Bill to address this situation, and he is going to consult and I am pleased he is, this is the kind of thing that is going to be thrown up by the churches no doubt, because there are lots of abandoned and what can only be described as rubble; but nevertheless, it was put there in memory of a loved one many, many years ago, but nobody there remaining to maintain it.

1960 I just wonder, whilst he has been looking into this issue, and it is a valid thing, although, as I say, I prefer supporting blood and flesh than a piece of art, and my husband will probably murder me when I get home for saying that –

1965 **A Member:** Hooray! (*Interjections and laughter*)

Mrs Cannell: – being an artist. (**A Member:** Hear, hear.)

1970 But in times of austerity I think it is more important to look after those who are here and have fought for us.

Whether or not the Hon. Member has thought about establishing an Isle of Man charity in order to raise money to look after these war memorials, rather than making it a legislative requirement for it to be an obligation on someone where then the imposition is passed on to either taxpayers or ratepayers. I would have thought establishing a charity might be his best way forward, but I will give him and support him leave to introduce, but I cannot guarantee that I will support the Bill when it comes forward.

The Speaker: The Hon. Member for Douglas West, Mr Thomas.

1980 **Mr Thomas:** Thank you, Mr Speaker, and to the Minister for bringing this Private Member's Bill.

I, too, will be voting for it and supporting it, but building on what the Hon. Member for East Douglas has just said, I would encourage the Minister to actually think about how the

1985 community can be involved in actually making sure that these memorials are there for ever more. What I mean is that quite a few –

A Member: It is what we do through the RBL.

1990 **Mr Thomas:** – ex-servicemen are coming to me recently to say that they are not managing to get back into economic life and they are unemployed. They are surprised and feel as if communities in other parts of the British Isles are doing more for them. So the process of rebuilding the war memorials could perhaps be used to bring in younger people who have served in Afghanistan and so on, into the process so that they are more engaged in the community to remember and also to make sure that serving does not mean that you would not
1995 have a life back on the Island when you return from your service.

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

2000 **Mr Karran:** Vainstyr Loayreyder, like the principle that I always think, the issues of the personality or what sections or what gangs in this House, the Hon. Member, unless there is some detrimental effect as far as a Private Member's Bill being contrary to the Human Rights Act or something like that, we should support as far as I am concerned, and I think everyone should support.

2005 I am very disappointed with the way things have gone over the last decade, that it has been an open and shut case for the leave to introduce as far as Bills are concerned, and it has taken away from the parliamentary section when that has not been the case.

2010 So as far as I am concerned, I shall be supporting the Member in moving his proposal. I may have some ideas that could possibly be to enhance the idea, as far as war memorials are concerned, and maybe in his reply he could just tell us whether he feels that the issue of the organising of war memorial do's on Armistice Day, whether there are any moves as far as funding that, instead of local MHKs buying the sweets and crisps for the kids and things like that. Maybe it should become on a more formal basis as part of the celebration of those that give the ultimate sacrifice as far as the Island is concerned.

2015 **The Speaker:** I call on the mover to reply. Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

2020 Mr Quirk raised the issue, Mr Speaker, the Hon. Member for Onchan, about whether local authorities are facing up to their responsibilities and on the whole I would say yes, they are. There are exceptions, of course, to that, but on the whole local authorities do take these things very seriously.

2025 Just to feed onto a comment that Mrs Cannell made, none of them are piles of rubble. Most of the Island's war memorials are in a very good state, so this to certain extent is pre-emptive, but we have seen and I have experienced some frustrations as the War Memorials Preservation Committee that adequate steps are not being taken early to prevent damage becoming serious to the memorials.

2030 I would certainly like to allay the fears of the Hon. Member for Douglas East. I have put an awful lot of thought into this Bill before taking up the House's time with it. Certainly the intention is not that the costs for these will fall on central Government. The powers and the responsibilities as they stand at the moment are those of local government and the power is already there for local authorities to spend money on the memorials – some are better at maintaining them than others. However, where this falls down, in the view of the Committee, is that there is no compulsion on them to maintain those memorials that are perhaps vested in them.

2035 I would also like to say that we are talking specifically about a war memorial and the Bill that I plan to bring forward – and it looks like I will be bringing it forward – will define what a war memorial is. These are not just grave markers. These are not just people who fell in conflict and have been buried. There is a specific definition set out by the War Memorial Trust about what a war memorial is and that will be incorporated in the Bill.

2040 The point about a charity to provide an alternative source of funding has been considered by the War Memorials Committee. We are also considering the Friends of Memorials, whether we do it on an Island-wide basis or try and get local groups to adopt their local memorial. So there is a certain amount of thought already going into this. It is of course going to be quite a considerable undertaking considering the number of them that there are around the Isle of Man and the fact that most of them are already vested in either local authorities and the church.

2045 I want also to pick up on several points made around the Chamber that the Royal British Legion branches play a role, both in supporting memorials, and memorial gardens especially, and of course the day-to-day work that they do to pick up Mr Thomas' point about the work that they do with veterans and ensuring that they are prepared for civilian life after the Armed Forces.

2050 In terms of Mr Karran's comments, I look forward to discussing his ideas with him as the Bill comes forward. This does not deal with Armistice Day issues – the Remembrance Day services that are organised around the Isle of Man. This is not about funding those. This is very much relating to the physical fabric of our Island, the memorials that were built by public subscription and ensuring that they have a life going forward.

2055 As I say, this Bill would largely be pre-emptive. There are not many war memorials around this Island that are in a poor condition. This does, however, I believe, secure their future for future generations so that we do not forget the sacrifice that they made.

2060 With that, Mr Speaker, I beg to move.

The Speaker: Hon. Members, I put the motion as set out at Item 7, that leave be granted to introduce a Bill to make fresh provision about war memorials and for connected purposes. Those in favour, please say aye; against, no. The ayes have it.

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 Singer	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Thomas	
Mr Cretney	
Mr Watterson	
Mr Skelly	
Mr Gawne	
The Speaker	

2065 **The Speaker:** Carried unanimously, 23 votes for, no votes against.
Hon. Members, that concludes the business of the House today.
The House will now stand adjourned until the next sitting to take place at 10 o'clock on 11th February in this Chamber.

The House adjourned at 11.58 a.m.