

# TYNWALD

## Tinvaal



## ORDER PAPER

### Claare Obbyr

DOUGLAS  
Tuesday 11<sup>th</sup> December 2018  
at 10.30 am

**1. To lay before the Court –**

Equality Act 2017

Equality Act 2017 (Remedies) Order 2018 [[SD No 2018/0289](#)] [[MEMO](#)]

Financial Provisions and Currency Act 2011

Enterprise Development Scheme 2018 [[SD No 2018/0292](#)] [[MEMO](#)]

Civil Aviation Act 1982

Civil Aviation (Charges) Scheme 2019 [[SD No 2018/0250](#)] [[MEMO](#)]

Airports and Civil Aviation Act 1987

Aviation Security (Application) Order 2018 [[SD No 2018/0279](#)] [[MEMO](#)]

Road Races Act 2016

Road Races (Relevant Photographic Identification) Order 2018  
[[SD No 2018/0296](#)] [[MEMO](#)]

European Communities (Isle of Man) Act 1973

European Union (Chemical Weapons Sanctions) Order 2018  
[[SD No 2018/0280](#)] [[MEMO](#)]

Customs and Excise Management Act 1986

Tobacco Products Duty Act 1986

Excise Duties Order 2018 [[SD No 2018/0288](#)] [[MEMO](#)]

Customs and Excise Act 1993

Customs and Excise Acts (Application) (Amendment) (No. 4) Order 2018  
[\[SD No 2018/0298\]](#) [\[MEMO\]](#)

Income Tax Act 1970

Income Tax (Substance Requirements) Order 2018 [\[SD No 2018/0263\]](#)  
[\[MEMO\]](#)

## **Reports**

Isle of Man Post Office Strategic Business Case 2017-2022 [\[GD No 2018/0087\]](#)

Report of the Isle of Man Post Office Board Strategic Recommendations  
Requiring Tynwald Approval Report [\[GD No 2018/0085\]](#)

## **The remaining items are not the subject of motions on the Order Paper**

### ***Documents subject to no procedure***

Church Fees Measure (Isle of Man) 2014

Church Offices Measure (Isle of Man) 2011

Church Legal Fees (Isle of Man) Order 2018 [\[SD No 2018/0311\]](#)

Air Navigation (Isle of Man) Order 2015

Air Navigation (Restriction of Flying) (Isle of Man Airport) Regulations 2018  
[\[SD No 2018/0294\]](#) [\[MEMO\]](#)

Air Navigation (Restriction of Flying) (Isle of Man Prison) Regulations 2018  
[\[SD No 2018/0295\]](#) [\[MEMO\]](#)

Merchant Shipping Act 1985

Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure)  
Regulations 2018 [\[SD No 2018/0312\]](#) [\[MEMO\]](#)

Trade Mark Act 1994 (of UK Parliament)

Trade Marks (Isle of Man) (Amendment) Order 2018 [\[SI 2018/1157\]](#)  
[\[MEMO\]](#)

Control of Employment Act 2014

Control of Employment Regulations 2018 [\[SD No 2018/0293\]](#) [\[MEMO\]](#)

Currency Act 1992

Currency (ICC Cricket World Cup) 50p Coin Collection Order 2018  
[\[SD No 2018/0299\]](#)

Antarctic Act 1994

Antarctic (Isle of Man) (Amendment) Regulations 2018 [\[SI 2018/1169\]](#)  
[\[MEMO\]](#)

Agreement between the Governments of the United Kingdom and the Isle of Man Further Amending the Agreement Between those Governments on Customs and Excise and Associated Matters dated 15<sup>th</sup> October 1979  
[\[GC No 2018/0006\]](#)

### ***Documents subject to negative resolution***

European Communities (Isle of Man) Act 1973

Chemical Weapons Sanctions Regulations 2018 [\[SD No 2018/0281\]](#)  
[\[MEMO\]](#)

### **Reports**

Policing Plan 2018 – 2019 [\[GD No 2018/0069\]](#)

Isle of Man Gambling Supervision Commission Annual Report 2017/2018  
[\[GD No 2018/0074\]](#)

Letter from the Chief Secretary to the President about the Second Report of the Select Committee on Public Service Media [\[GD No 2018/0086\]](#)

Digital Strategy Review November 2018 [\[GD No 2018/0088\]](#)

Constitutional and Legal Affairs and Justice Committee First Report for the Session 2018-19 – Ministerial Responsibility for Justice [\[PP No 2018/0158\]](#)

Tynwald Annual Report 2017/2018 [\[PP No 2018/0139\]](#)

Standing Orders of the House of Keys [\[PP No 2018/0162\]](#)

Junior Tynwald Votes and Proceedings [\[PP No 2018/0167\]](#)

## 2. Questions

See Question Paper.

## 3. Isle of Man Post Office

The Chairman of the Isle of Man Post Office (Ms Edge) to move –

That Tynwald receives the Isle of Man Post Office Strategic Business Case 2017-2022 [[GD No 2018/0087](#)] and the Report of the Isle of Man Post Office Board Strategic Recommendations Requiring Tynwald Approval Report [[GD No 2018/0085](#)] and:

1. notes that the IOMPO's commercial activities have made significant contribution to offset the increasing losses from our public service obligations under the Post Office Act 1993, and have provided profit for reinvestment and significant contributions to Isle of Man Government Treasury;
2. approves the IOMPO's aim to continue to be self-funding as defined within the financial duties in the Post Office Act 1993 Section 5(1), by protecting the core business, by being efficient and effective, by growing profitably and by diversifying selectively;
3. approves in principle the intention of the IOMPO to bring forward proposals concerning the required legislative changes concerning the closure to new members of its existing Superannuation Scheme coupled with its intention to seek to offer a replacement contract defined contribution group personal pension scheme to new members;
4. approves the reduction of letters delivery from six days a week to five days a week removing the Saturday; and
5. approves that following the public consultation the IOMPO will undertake further work on the format of the delivery of retail services and will report back to Tynwald with its results and recommendations no later than October 2019.

#### **4. Select Committee on Public Service Media: Suspension of Standing Orders**

The Chair of the Select Committee on Public Service Media (Dr Allinson) to move –

That Standing Order 3.11(3) (debate on a matter before a branch) be suspended to allow the following item to be taken at this sitting.

#### **5. Select Committee on Public Service Media**

The Chair of the Select Committee on Public Service Media (Dr Allinson) to move –

That the Interim and Second Reports of the Select Committee on Public Service Media 2017-18 and 2018-19 [PP No 2018/0107 ([Volume 1](#) and [Volume 2](#)) and [PP No 2018/00145](#)] be received and that the following recommendations be approved:

##### **Recommendation 1**

That the definition of “public service broadcasting” in primary legislation should be redrafted to distinguish between mandatory and discretionary components. The mandatory components should be limited to impartial news and other distinctly Manx content. The other elements of the existing definition, such as entertainment which responds to the tastes, interests and concerns of the community, should be discretionary components.

##### **Recommendation 2**

That the Island’s public service media provider should “leapfrog” DAB and move straight from the existing distribution framework, which relies only on FM and AM, to a future framework in which FM sits alongside an Internet Protocol-based infrastructure.

##### **Recommendation 3**

That Tynwald calls on the Treasury as shareholder of Manx Radio to work towards a delivery model for public service media in which reliance on commercial advertising is progressively reduced and ultimately removed.

##### **Recommendation 4**

That legislation should be introduced to provide that a public service broadcaster in receipt of public funds for the purpose of meeting public service obligations should be obliged to budget for a surplus each year; and if such a broadcaster should find itself in the position of forecasting a loss in any

particular year, then before the end of that year it should be obligatory for Tynwald to be asked, on behalf of the broadcaster, to approve a Supplementary Vote.

**Recommendation 5**

That the public body which owns Radio Manx Limited should play an active role in the strategic direction of the company including engagement with medium- and long-term planning, and recruitment of the directors of the company. If the Treasury does not have time to do this, ownership should be transferred to another body.

**Recommendation 6**

That legislation should be introduced to provide that no public funds may be committed to public service broadcasting, and no broadcasting licence or station format may be issued or amended, in the absence of agreement between the Treasury, the Communications Commission, and the owners and directors of the public service broadcaster.

**Recommendation 7**

That Tynwald calls on the Office of Fair Trading to assess whether Manx Radio's ability to supply a greater amount of advertising space is creating unfair competition in the radio advertising market.

**Recommendation 8**

That Manx Radio's licence conditions should be altered to provide for a level playing field in terms of its ability to place advertising during times of peak listenership generated by taxpayer-funded programming.

**Recommendation 9**

That the Treasury should reassess the long-term cost and benefit of Broadcasting House as compared with alternative Government-owned or commercially rented premises.

**Recommendation 10**

That the Treasury should examine the apparent lack of value for money which Manx Radio is achieving with respect to FM broadcasting infrastructure.

**Recommendation 11**

That the Council of Ministers should pursue negotiations with the UK Government and the BBC aimed at securing one of the following outcomes:

- (a) as a first preference, an increase in financial support for Radio Manx Limited sufficient to allow the station to provide high quality public service radio broadcasting (and other public service media provision) without the need for cross-subsidy from commercial income and without any increase in substantial financial support from the Isle of Man Government; or
- (b) as a second preference, for the BBC to supply high quality locally produced news and other public service content for broadcast (and for distribution via other media) by Radio Manx Limited, on a scale and to the extent that Radio Manx Limited could thereby fulfil its public service remit without the need for cross-subsidy from commercial income and without significant financial support from the Isle of Man Government; or
- (c) as a third preference, the establishment of a BBC radio station for the Isle of Man similar to those operating in Jersey and Guernsey, allowing the public service broadcasting obligations of Radio Manx Limited to be dismantled and the associated public financial support to be removed; or
- (d) as a final fallback option, the release of Isle of Man residents from any obligation to pay the licence fee and at the same time the release of the BBC from any obligation to provide services to the Island on a licence fee basis. This option would keep some £4.8 million per year in the Island and would allow the Island to exercise for the first time true self-determination in relation to public service broadcasting.

[\[GD No 2018/0086\]](#) is relevant to this item.

## **6. Tribunals Act 2006**

The Minister for Policy and Reform to move –

That in accordance with Section 1(2) of the Tribunals act 2006, Tynwald approves the appointment, by the Council of Ministers, of Mr Anthony Charnley to the Appointments Commission for a five year term ending 1 January 2024.

[\[MEMO\]](#)

## **7. Equality Act 2017**

The Minister for Enterprise to move –

That the Equality Act 2017 (Remedies) Order 2018 [\[SD No 2018/0289\]](#) [\[MEMO\]](#) be approved.

**8. Financial Provisions and Currency Act 2011**

The Minister for Enterprise to move –

That the Enterprise Development Scheme 2018 [[SD No 2018/0292](#)] [[MEMO](#)] be approved.

**9. Civil Aviation Act 1982**

The Minister for Enterprise to move –

That the Civil Aviation (Charges) Scheme 2019 [[SD No 2018/0250](#)] [[MEMO](#)] be approved.

**10. Airports and Civil Aviation Act 1987**

The Minister for Enterprise to move –

That the Aviation Security (Application) Order 2018 [[SD No 2018/0279](#)] [[MEMO](#)] be approved.

**11. Road Races Act 2016**

The Minister for Infrastructure to move –

That the Road Races (Relevant Photographic Identification) Order 2018 [[SD No 2018/0296](#)] [[MEMO](#)] be approved.

**12. European Communities (Isle of Man) Act 1973**

The Minister for the Treasury to move –

That the European Union (Chemical Weapons Sanctions) Order 2018 [[SD No 2018/0280](#)] [[MEMO](#)] be approved.

**13. Customs and Excise Management Act 1986  
Tobacco Products Duty Act 1986**

The Minister for the Treasury to move –

That the Excise Duties Order 2018 [[SD No 2018/0288](#)] [[MEMO](#)] be approved.



**14. Customs and Excise Act 1993**

The Minister for the Treasury to move –

That the Customs and Excise Acts (Application) (Amendment) (No. 4) Order 2018 [[SD No 2018/0298](#)] [[MEMO](#)] be approved.

**15. Income Tax Act 1970**

The Minister for the Treasury to move –

That the Income Tax (Substance Requirements) Order 2018 [[SD No 2018/0263](#)] [[MEMO](#)] be approved.