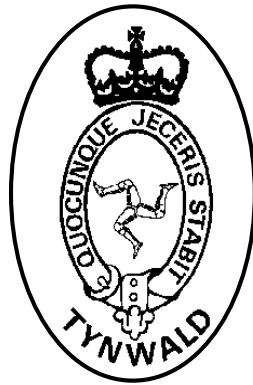


PP 2017/0022



Guidance for Potential Petitioners

REVISED EDITION 2017

This publication replaces the “Guidance for Potential Petitioners at Tynwald Hill” (PP 0075/12) published in May 2012 and the “Guidance for Potential Petitioners (PP 2016/0060) published in April 2016.

Contact details for the Office of the Clerk of Tynwald are as follows:

Office of the Clerk of Tynwald
Legislative Buildings
Douglas
IM1 3PW

enquiries@tynwald.org.im
01624 685500 (Tel)
01624 685504 (Fax)

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Office of the Clerk of Tynwald

Guidance for Potential Petitioners

I. INTRODUCTION

1. Two procedures are available, free of charge, to residents of the Isle of Man who wish to petition Tynwald. They are:
 - the “Petition for Redress”, sometimes known as the “Tynwald Hill petition”, which can be presented directly by any member of the public but only at the Midsummer sitting of Tynwald Court held at St John’s each year on Tynwald Day. This type of petition is more suited to a matter of public interest arising from an individual case.
 - the “Public Petition”, which may be presented by a Member of Tynwald on behalf of a member of the public at any of the monthly sittings of Tynwald Court in Douglas from October to June. This type of petition is more suited to a matter of public interest to which large numbers of people wish to subscribe.
2. Both procedures can raise the profile of an issue and can deliver changes in Tynwald policy, which can in turn result in changes to the political priorities of Government Departments and to the administrative procedures for which they are responsible. A petition can even ultimately result in a change being made to the law. However, you need to be aware from the outset that the procedures:
 - are not quick;
 - are largely out of your hands;

- cannot deliver any direct benefit to you in the form of damages or compensation; and
- cannot result in any other person being fined or punished in any way.

Further information on the potential outcomes of petitions is provided below under the heading “After your petition has been presented”.

3. The right of an individual to petition Tynwald is said to have existed from the earliest times. A petition procedure is described in an account of Tynwald Day in 1691. By 1900 any petitions had ceased to be considered by Tynwald itself. In 1957 written rules were introduced and the right has been exercised regularly in recent years.
4. Historically the High Court of Tynwald performed what would today be recognised as a judicial as well as a legislative function. Today there is a separation of those powers. Specific disputes between individuals, or between individuals and public authorities, are dealt with by the courts. Tynwald meanwhile is concerned with policy and (through its Branches) legislation. Thus the modern Petition for Redress procedure cannot generally be used in relation to any specific case which could be adjudicated on by a court. What it can do is draw Tynwald’s attention to a matter of public interest by which a petitioner has been affected and about which the petitioner thinks Tynwald should do something.

E-petitions

5. The Standing Orders Committee of Tynwald was asked in February 2014 to consider the advisability of establishing a procedure for e-petitions. The Committee reported in December 2015 and said in its report:

We have carefully considered the need for e-petitions to be available to the public on the Isle of Man and have concluded that they are unnecessary. The current system is easy to use and enables the public to express a view which can be taken into account. This use of e-petitions is a resource which has greater utility in large jurisdictions where there is a strongly perceived disconnection between the public and parliamentarians. We therefore make no

*recommendation in relation to introducing facilities for accepting and hosting petitions online.*¹

6. The Committee did, however, recommend that the Clerk of Tynwald should issue guidance to potential petitioners. The present guidance has been developed in response to that recommendation.
7. Although Tynwald has not decided to accept and host online petitions on its own website, there is no reason why you should not use an existing online petition service such as *www.change.org* in conjunction with the Tynwald petitions procedures. For example, you could state as part of a Petition for Redress or Public Petition that a similar online petition has attracted a particular number of supporters. That number could then be referred to in Tynwald as part of the political debate about your petition.

II. PREPARING YOUR PETITION

8. In preparing your Petition for Redress or Public Petition your starting point should be the relevant Standing Orders of Tynwald Court. These are reproduced in the Annexes to this Guidance. You may also find it helpful to refer to successful petitions from previous years. Previous Petitions for Redress are reproduced in full in the Petitions Reports published by the Standing Orders Committee each year which you can find via the Tynwald website or from the Tynwald Library. The Tynwald Library can also assist with finding previous Public Petitions.

Political advice

9. You may wish to consider approaching one of your MHKs or another Member of Tynwald at an early stage in the preparation of your petition. A Member may be able to advise on the way in which your petition is expressed. For example, a Member may have views on which facts or arguments are likely to assist in persuading Tynwald Court to pursue the subject matter of the petition.
10. If you wish to present a Petition for Redress you can do so without the involvement of any Member of Tynwald.

¹ PP 2015/0146, paragraph 67

11. A Public Petition, on the other hand, needs to be presented by a Member of Tynwald (see Standing Order 6.2(1)).

Procedural advice

12. The Clerk of Tynwald and his colleagues are available at any time to advise in confidence on the form and content of all Petitions for Redress and Public Petitions. All potential petitioners are encouraged to get in touch with the Clerk of Tynwald at an early stage. Contact information can be found at the front of this Guidance.
13. Strictly speaking you can present a Petition for Redress on Tynwald Hill without prior reference to the Clerk of Tynwald. However, this is strongly discouraged. After Tynwald Day, all Petitions for Redress are examined by a Committee to ascertain whether they are in order. If you have followed the Clerk of Tynwald's advice in the preparation of your Petition for Redress this will maximise the chance of the Petition for Redress being found to be in order.
14. A Public Petition cannot be presented in Tynwald in Douglas unless it is in order. Therefore it is essential to obtain the advice of the Clerk of Tynwald before you finalise the wording of your Public Petition, and before you ask anyone else to sign it.

Multiple signatures

15. Petitions do not need multiple signatures. You can put forward a Petition for Redress or a Public Petition with just your own signature if you so choose. However, either type of petition may also be supported by as many additional signatures as you like.
16. Under Standing Order 6.1(9) the prayer of the petition must appear on every page which bears signatures. A recommended format for signature pages is at Annex 5.
17. Under Tynwald Standing Order 6.1(3) every petition must set out the name and address of the petitioner. This applies equally to everyone who signs the petition. There is no concept of "lead petitioner" in Standing Orders. As far as Tynwald is concerned, everyone who signs is a petitioner in their own right.
18. You should note that when any petition is presented it will be published in full on the Internet with the expectation that it will remain available indefinitely. This includes your name and address and the names and addresses of everyone else who has signed. When an individual or group of petitioners present a Petition for Redress on

Tynwald Hill, therefore, or submit a Public Petition for presentation in Tynwald in Douglas, they give the Clerk of Tynwald implied consent to publish the petition, including all the names and addresses it contains. If you are inviting other people to sign a petition which you have prepared, you must make them aware of this. You can do so by using the recommended format for signature pages at Annex 5.

Form of petitions

19. The rules on the form of petitions are at Standing Order 6.1, which are largely self-explanatory. These rules apply both to Petitions for Redress and to Public Petitions.
20. Standing Order 6.1(4) requires that every petition must be respectful, decorous and temperate. Defamatory material, for example, will be taken to be in breach of this Standing Order. A petition should not normally be used for a complaint against an identified individual (such as a particular Minister, member or officer), as opposed to a public authority (such as a Department). A petition which unnecessarily identifies an individual may be found to be out of order under Standing order 6.1(4).
21. Standing Order 6.1(8) requires that every petition must contain a prayer. A “prayer” in this context is a statement of what you would like Tynwald to do. It should be something Tynwald is capable of doing but apart from that there are few restrictions. Many successful Petitions simply ask Tynwald to establish a Committee to investigate the matter of concern and to report with recommendations as to how such-and-such an outcome might be achieved.
22. There is no restriction in Standing Orders on the length of a petition. Petitions in recent years have generally tended to be one or two pages in length.
23. A Petition for Redress or a Public Petition can be from an individual or a body corporate, and can be from one person or from more than one.
24. The format at Annex 4 has been adopted by many successful petitioners in recent years.

Content: Petition for Redress

25. Standing Order 6.11 provides rules on the content of Petitions for Redress.

26. A Petition for Redress must relate to a matter of public interest (Standing Order 6.11(a)). This means that you cannot use a Petition for Redress to resolve a grievance against another private individual. It may also exclude a grievance between you and a public authority in some circumstances, if what the public authority has done affects only you and has no wider implications for the public at large.
27. A Petition for Redress must relate to a matter falling within the province of Tynwald (Standing Order 6.11(b)). This means you cannot use a Petition for Redress to resolve a grievance about international affairs such as human rights in Tibet, or UK policy towards Iraq.
28. A Petition for Redress must not relate to any specific case which could be or has been adjudicated upon by the High Court or any tribunal or arbitration, or any formal officially recognised complaints procedure, unless the Petition for Redress shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy (Standing Order 6.11(c)). This rule is designed to uphold the separation of powers and to ensure that Tynwald, the legislature of the Isle of Man, does not interfere with matters which should properly fall to the judiciary.
29. Nevertheless, as the term implies, a Petition for Redress must seek redress – normally for an alleged or perceived grievance which has affected at least one of the petitioners. A Petition for Redress seeking that Tynwald take a particular action or investigate a particular topic may be found to be out of order if no grievance is mentioned. In such circumstances a Public Petition is likely to be more suitable.
30. A Petition for Redress must contain no reference to any matter the substance of which has been determined by Tynwald in the current Session. The word “Session” in this context refers to the parliamentary year from October to July. This rule means you cannot use a Petition for Redress to re-open a policy issue on which Tynwald has recently reached a settled view.

Content: Public Petition

31. The rules on content in Standing Order 6.11 do not apply directly to Public Petitions. However, in practice these rules are still worth bearing in mind when contemplating presenting a Public Petition. For example, there is no point in presenting to Tynwald

a Public Petition relating to a matter which does not fall within the province of Tynwald.

III. PROCEDURE FOR PRESENTING A PETITION FOR REDRESS

32. If you wish to present a Petition for Redress this will need to be done during the annual Tynwald Day ceremony. The ceremony takes place on the fifth of July every year, except when the fifth of July falls on a Saturday or Sunday, in which case the ceremony moves to the next following Monday.
33. You should start by preparing a first draft of your Petition for Redress and sending it to the Clerk of Tynwald for advice as to whether it is in order. A recommended format is at Annex 4.
34. Once you have received and taken account of any advice from the Clerk of Tynwald, you should finalise the text of your Petition for Redress and sign it. If at this stage you wish to collect additional signatures, a recommended format for signature pages is at Annex 5. Please note also the advice above under the heading “Multiple signatures”.
35. You should give notice in advance of your intention to present a Petition for Redress by contacting the Clerk of Tynwald before Tynwald Day so that he can brief the ushers and security guards, and make any special arrangements which may be necessary, for example if you have impaired mobility. Giving advance notice is not obligatory but it is strongly recommended.
36. On Tynwald Day itself you will need to come to Tynwald Hill at St John’s and present your Petition for Redress, or have it presented by someone else. If you yourself are unable to come to the foot of Tynwald Hill during the ceremony you can authorise a Member of Tynwald or anyone else to present the Petition for Redress on your behalf. If you choose to authorise someone who is not a Member of Tynwald, this needs to be stated within the body of the Petition for Redress (Standing Order 6.6(1)).
37. You cannot submit a Petition for Redress electronically, and you cannot submit it before or after the ceremony (Standing Order 6.5).

38. The maximum number of people who may present the Petition for Redress at Tynwald Hill is three (Standing Order 6.6(3)).
39. Shortly before the ceremony the Clerk of Tynwald normally meets petitioners by the Lych Gate outside the Royal Chapel of St John and briefs them on the procedure to be followed when they are called upon to come forward. Attendance at this briefing is not compulsory but you are strongly encouraged to participate. The precise timing of this meeting can be found on the Tynwald website or by telephoning the Clerk of Tynwald's Office.
40. The ceremony starts at 11am with an act of worship; then there are the processions to the Hill; then the swearing of the coroners; then the promulgation of the Acts; and only then the presentation of Petitions for Redress. It is difficult to give exact timings so you should follow the ceremony closely and come to the allotted position in good time. There is no provision for "late entries".
41. At the appropriate point in the ceremony, you will have to approach the Hill by the processional path. After you have handed your Petition for Redress to the Clerk of Tynwald (or your authorised representative has done this) you (or your authorised representative) will have to return along the processional path (Standing Order 6.6).
42. Shortly after Tynwald Day, the Standing Orders Committee of Tynwald will consider your Petition for Redress and will determine whether or not it is in order (Standing Order 6.8). The Committee will publish its determination in a Report which will be laid before Tynwald but the Report itself will not be debated. The Report will incorporate all the Petitions for Redress presented in that year, including all signature pages. In common with all other laid papers it will be published on the Tynwald website with the expectation that it will remain available indefinitely.

IV. PROCEDURE FOR PRESENTING A PUBLIC PETITION

43. If you wish a Member of Tynwald to present a Public Petition on your behalf this will need to be done at a sitting of Tynwald Court in Douglas. There is a list of sitting dates on the Tynwald website. Sittings normally begin on the third Tuesday of the month from October to July but there are sometimes variations from this pattern and it is always advisable to check the website.

44. The deadline for finalising and submitting your Public Petition to the Clerk of Tynwald is 14 days before the sitting at which it is to be presented (Standing Order 6.1(10)(a)). However, you can contact the Clerk of Tynwald at any time. As a general rule you should get in touch at least 14 days before the deadline, or in other words at least a month before the sitting at which you wish your Public Petition to be presented.
45. You should start by preparing a first draft of your Public Petition and sending it to the Clerk of Tynwald for advice as to whether it is in order. A recommended format is at Annex 4.
46. At the same time you will need to identify a Member of Tynwald who is prepared to present your Public Petition. Contact details for Members of Tynwald are available on the Tynwald website.
47. Once you have received and taken account of any advice from the Clerk of Tynwald, you should finalise the text of your Petition for Redress and sign it. If at this stage you wish to collect additional signatures, a recommended format for signature pages is at Annex 5. Please note also the advice above under the heading “Multiple signatures”.
48. Not less than 14 days before the sitting at which it is to be presented, you should submit your Public Petition to the Clerk of Tynwald together with any additional pages which people have signed. It is acceptable to scan the Public Petition and any additional pages and submit them by email but if this is done, the hard copy originals should also be submitted later.
49. At the same time as submitting your Public Petition to the Clerk of Tynwald you should also say which Member of Tynwald will be presenting it.
50. The Clerk of Tynwald will check that the Public Petition is in order and that a Member of Tynwald is willing to present it. The Member will also be asked to decide whether he wishes to move a motion relating to the Public Petition so that it can be debated at the same sitting (Standing Order 6.2(3)). These checks will need to be completed, and this decision made, by the table deadline for the sitting at which the Public Petition is to be presented. This deadline is normally 5pm on a Monday, eight days before the sitting itself, or the preceding working day if that Monday is a Bank Holiday.

51. Assuming that the Public Petition is in order and that a Member is willing to present it, the Public Petition will be treated as a “laid paper” for the sitting in question. This means that it will be circulated to all Tynwald Members a week in advance of the sitting and published on the Internet five days before the sitting (i.e. on the preceding Thursday). The expectation is that laid papers remain available on the Internet indefinitely.

V. AFTER YOUR PETITION HAS BEEN PRESENTED

52. If you have presented a Petition for Redress, then assuming your Petition for Redress is in order, any Member of Tynwald can pick up your Petition for Redress and table it for debate in Tynwald Court. This can be done at any time in the five years following the Tynwald Day at which you have presented your Petition for Redress.
53. If a Member of Tynwald has presented a Public Petition on your behalf at a particular sitting but has not tabled a motion that your Public Petition be debated at that sitting, then the same Member or any other Member can table a motion for your Public Petition to be debated at any subsequent sitting (Standing Order 6.2(3)). Public Petitions do not lapse after five years.
54. If your petition is debated you can attend the debate but you cannot participate.
55. Depending on what happens in the debate, your petition may be referred to a Select Committee of Tynwald.
56. If Tynwald does decide to refer your petition to a Select Committee, the Committee will normally invite you to send in a written submission and to give oral evidence in public. In the case of a Petition for Redress this is expected under Standing Order 5.10(4). In the case of a Public Petition it would be at the discretion of the Select Committee.
57. If you have referred in your petition to an e-petition created using an online service such as *www.change.org* then the Select Committee may ask you to submit further detail including information about the number and location of any supporters the e-petition has attracted.
58. When the Committee has considered your written and oral evidence, together with any other written and oral evidence it decides to accept, it will produce a Report to

Tynwald which will normally be debated. You will receive a copy of the Report and you can attend the debate, although you cannot participate.

59. The Committee's Report may contain recommendations. If it does, these recommendations may be accepted, rejected or amended by Tynwald during the debate.
60. If Tynwald accepts any recommendations arising from the Report, these become Tynwald policy. They will often fall to be implemented by one or more Government Departments.
61. If the recommendations accepted by Tynwald include the introduction of new primary legislation, this will need to be drafted by the Attorney General's Chambers and considered by the House of Keys and Legislative Council.

Office of the Clerk of Tynwald
February 2017

ANNEX 1: STANDING ORDERS RELEVANT TO ALL PETITIONS

6.1 Every petition ... shall be in writing, but not handwritten, and shall, save as otherwise provided –

- (1) be headed “In Tynwald” and addressed “To the Honourable Members of Tynwald Court”.
- (2) be in English or, if accompanied by an English translation certified by the petitioner, in Manx
- (3) set out the name and address of the petitioner...;
- (4) be respectful, decorous and temperate;
- ...
- (8) contain a prayer;
- (9) be signed by the petitioner ... or an advocate on the page on which the prayer appears, the prayer; being repeated on each page which bears signatures;

ANNEX 2: STANDING ORDERS RELEVANT TO PETITIONS FOR REDRESS

5.10 (4) A Select Committee appointed to investigate a Petition for Redress of Grievance presented at St John’s shall, unless satisfied that there are exceptional reasons for not doing so, hear evidence from the petitioner in public, and such evidence shall be recorded, transcribed and published.

Petition may be presented on Tynwald Day

6.5 A Petition for Redress may be presented at Tynwald only when assembled at St John’s on Tynwald Day.

Mode of presentation

6.6 (1) A Petition for Redress may be presented at the foot of the Hill by the petitioner or a person authorised by the petitioner; such authorisation shall appear in the petition. A Petition for Redress may also be presented on behalf of a petitioner by a Member.

(2) A petitioner presenting a petition shall approach the Hill by the processional path.

(3) No Petition for Redress may be presented at the foot of the Hill by more than three persons.

Petition to be handed to person presiding under Standing Order 3.29

6.7 (1) If presented by a petitioner a Petition for Redress shall be handed by the petitioner at the foot of the Hill to the Clerk of Tynwald who shall forthwith deliver the petition to the person presiding under Standing Order 3.29.²

(2) On delivery of the petition to the person presiding under Standing Order 3.29, the petitioner shall return along the processional path.

² The “person presiding under Standing Order 3.29” will be the Sovereign, the Governor or a member of the Royal Family.

(3) If presented by a Member, a Petition for Redress shall be handed forthwith by the Member to the person presiding under Standing Order 3.29.

Reference to Standing Orders Committee

6.8 (1) The person presiding under Standing Order 3.29 shall, on receipt of a Petition for Redress refer the petition to the Standing Orders Committee.

(2) It shall be the duty of the Standing Orders Committee to examine every Petition for Redress to ascertain whether it is in order, and report to Tynwald.

No reading of or address on petition on Hill

6.9 A Petition for Redress shall not be read, nor shall any Member speak to it in Tynwald, until the Petition for Redress has appeared on the Order Paper.

Requisites of Petitions for Redress

6.10 Standing Order 6.1, except paragraphs (5) and (10), shall apply to a Petition for Redress.

Contents of Petitions for Redress

6.11 Every Petition for Redress must –

- (a) relate to a matter of public interest;
- (b) relate to a matter falling within the province of Tynwald;
- (c) not relate to any specific case which could be or has been adjudicated upon by the High Court or any tribunal or arbitration, or any formal officially recognised complaints procedure, unless the petition shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy;
- (d) contain no reference to any matter the substance of which has been determined by Tynwald in the current session.

6.12 A Petition for Redress which is in order but which has not been the subject of a resolution for its investigation by a Select Committee of Tynwald within five years following the end of the month in which it has been presented on Tynwald

Hill shall be deemed to have lapsed and shall cease to be before the Court (whether or not a General Election to the House of Keys shall have taken place within that period).

ANNEX 3: STANDING ORDERS RELEVANT TO PUBLIC PETITIONS

6.1 Every petition ... shall... –

(10) be forwarded to the Clerk of Tynwald –

(a) in the case of a public petition ... not less than 14 days
before the day appointed for the sitting of Tynwald at which
such petition ... is to be presented.

6.2 (1) A Member may present a public petition.

(2) A public petition that is in order shall be presented by being laid
before Tynwald by order of the President on behalf of the Member presenting the
petition.

(3) When a public petition has been laid it may be debated.

ANNEX 4: RECOMMENDED FORMAT FOR PETITIONS

IN TYNWALD
[insert date of sitting]

To the Honourable Members of Tynwald Court

[If needed under SO 6.6(1) –

I authorise *[name]* to present this Petition for Redress on my behalf

Signed: _____ Dated: _____]

The humble petition of:

[insert name and address of at least one petitioner]

[If needed –

and of those persons listed in the attached pages]

Sheweth that:

[Explain what has happened and why you are putting forward the petition. You may refer here to an online petition if you wish.]

Wherefore your petitioner(s) seek(s) that:

[Insert the prayer of the petition, that is, what you would like Tynwald to do.]

Signed:

Available from:
The Tynwald Library
Finch Road
DOUGLAS
Isle of Man
IM1 3PW
British Isles

Tel: 01624 685520
Fax: 01624 685522
e-mail: library@tynwald.org.im

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