



**TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
QUAIYL TINVAAL**

**PROCEEDINGS**

**DAALTYN**

**(HANSARD)**

**St John's, Monday, 5th July 2004**

**Present:****The President of Tynwald (The Hon. N Q Cringle)****In the Council:**

The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles), The Attorney General (Mr W J H Corlett QC),  
 Hon. C M Christian, Hon. P M Crowe, Mr D F K Delaney, Mr D J Gelling CBE, Mr J R Kniveton,  
 Mr E G Lowey, Mr L I Singer and Mr G H Waft,  
 with Mrs M Cullen, Clerk of the Council.

**In the Keys:**

The Speaker (The Hon. J A Brown) (Castletown); Mr D M Anderson (Glenfaba);  
 Hon. A R Bell and Mrs A V Craine (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael);  
 Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Hon. R K Corkill and Mr A J Earnshaw (Onchan);  
 Mr G M Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and  
 Mr A Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East);  
 Hon. A F Downie and Hon. J P Shimmin (Douglas West);  
 Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Mr P A Gawne (Rushen);  
 with Mr M Cornwell-Kelly, Clerk of Tynwald.

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## Tynwald Day

*HE the Lieutenant Governor arrived at 10.40 a.m. and was received by the two Captains of the Parishes*

### INSPECTION OF THE GUARD OF HONOUR BY H E THE LIEUTENANT GOVERNOR

**P**RIOR to the service in the Royal Chapel of St. John the Baptist, His Excellency the Lieutenant Governor, Air Marshal I D Macfadyen CB OBE FRAeS, inspected a Guard of Honour drawn from HMS Vigilant, assembled on the Fairfield, with the Band of HM Royal Marines Scotland.

His Excellency then placed a wreath on the National War Memorial.

In attendance were detachments from the Royal British Legion, Royal British Legion (Women's Section), Joint Ex-Services Association, Isle of Man Coastguards, Isle of Man Prison Service, Civil Defence, Sea Cadet Corps, Army Cadet Force, Air Training Corps, St John's Ambulance Senior Cadets, Scouts and Guides. There was also a youth parade consisting of students from senior schools led by the Onchan Silver Band.

### PROCESSION TO THE CHAPEL

The procession from the Robing Room to the Royal Chapel of St John the Baptist was preceded by two sergeants of the Isle of Man Constabulary.

They were followed, in order, by: the Coroners; the Senior Salvation Army Officer; the Ministers of the Free Churches; the Chairman of the Isle of Man District of the Methodist Church; the Roman Catholic Dean; the Beneficed Clergy; the Tynwald Minister; the Vicar-General; the Archdeacon; the Chairmen of the Castletown, Peel and Ramsey Town Commissioners; the Chairmen of the Laxey, Onchan, Port Erin and Port St Mary Village Commissioners; the Mayor of Douglas; the Chief Registrar; a Representative of the Commission of the Peace; the Captains of the Parishes; Yn Lhaidher; the High Bailiff; the Chief Secretary; and the Chief Constable.

The Tynwald Court procession moved from the Robing Room to the Royal Chapel in the following order: two Messengers of the House of Keys; the Chaplain of the House of Keys; the Clerk of Tynwald, Secretary of the House of Keys and Counsel to the Speaker; the Members of the House of Keys; the Chief Minister; the Speaker of the House of Keys; a Messenger of the House of Keys; the Clerk of the Legislative Council; the Members of the Legislative Council; the Attorney-General; the First Deemster and Clerk of the Rolls; the Second Deemster; the Deputy Deemster; the Lord Bishop; the President of Tynwald; one Messenger of the Legislative Council, and two Gardyn Coadee; the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; the Surgeon to the

Household; a detachment of the Isle of Man Constabulary.

### Guests of Honour

Also present, as Guests of Honour, were: Mr Seamus Pattison TD and Ms Breda Burke (Éire); Mr Birgir Ármannsson (Iceland); Mrs Ágot Valle (Norway); Mrs Belinda Crowe, Lady Hamilton of Dalzell DL, Rear Admiral Nick Harris MP, Major General Euan Loudon OBE and Commodore John Madgwick OBE RN (United Kingdom); and Ms Lisa Francis AM (Wales).

## Tynwald

*The Court met at 11.00 a.m.*

### CHURCH SERVICE

*The service, held in the Royal Chapel, was conducted by the Rev. G Breffitt, the Tynwald Minister.*

### Bidding Prayer

**The Tynwald Minister:** On this Tynwald Day we meet together to give thanks to God for the many benefits we have received during the past year, to pray for our Island and its Government in the coming year and to dedicate ourselves anew to the service of God and the people of our Island.

### Prayers

**The Chaplain of the House of Keys:** Yee ooilley-niartal, voyds ta cheet de choilley smooinght dy irriney as dy hee; greesee, ta shin guee ort, ayns cree dy choilley ghooiney, graih firrinagh y chee; as stiure liorish dty chreenaght ghen as sheoil adsyn ta goaill coyrle son ashoonyn y theihll, dy vod dty reeriaght goll er y hoshiaght dy feagh, derrey vees y seihll lane dy hushtey dty ghraih; trooid Yeesey Creest nyn Jiarn, Amen.

*(Almighty God, from whom all thoughts of truth and peace proceed: kindle, we pray thee, in the hearts of all people, the true love of peace; and guide with thy pure and peaceable wisdom those who take counsel for the nations of the earth; that in tranquillity thy Kingdom may go forward till the earth is filled with the knowledge of thy love. Through Jesus Christ our Lord. Amen.)*

### Act of Dedication

**The Tynwald Minister:** Guide the leaders of the nations into the ways of peace and justice.

**All:** Hear us, good Lord.

**The Tynwald Minister:** Guard and strengthen your servant Elizabeth our Queen, Lord of Mann, and all the members of the Ropyal Family, that they may put their trust in you, and seek your honour and glory.

**All:** Hear us, good Lord.

**The Tynwald Minister:** Endue the High Court of Tynwald, here assembled, with wisdom and understanding that, through them, we might be wisely and justly governed.

**All:** Hear us, good Lord.

**The Tynwald Minister:** Bless those who administer the law, and all who uphold public office, that they may uphold justice, honesty and truth.

**All:** Hear us, good Lord.

**The Tynwald Minister:** Give us a broader vision of the needs of the whole world, a deeper compassion to fill these needs, and a desire to uphold the rights and freedoms of all your children, regardless of creed or race.

**All:** Hear us, good Lord.

**The Tynwald Minister:** Almighty God our heavenly Father, we praise thy holy name for our Island heritage and we beseech thee with thy favour to behold all who dwell here. May thy blessing rest upon all the labours of our minds and hands. Keep, we pray thee, in thine almighty care all who go down to the sea in ships and all who travel by land and air. Help us to order with grace and dignity our common life in town and sheading that we may live, and our children grow, in health and godliness. May thy grace be with all who visit our shores, that they may find re-creation of body and soul and, with us, may glorify thee, the giver of all good things; through Jesus Christ our Lord. Amen.

*The Lord Bishop gave the blessing.*

## PROCESSION TO THE HILL

After the service, the first procession to Tynwald Hill took place in the following order: two sergeants of the Isle of Man Constabulary; the Coroners; the Senior Salvation Army Officer; the Ministers of the Free Churches; the Chairman of the Isle of Man District of the Methodist Church; the Roman Catholic Dean; the Beneficed Clergy; the Tynwald Minister; the Vicar-General; the Archdeacon; the Chairmen of the Castletown, Peel and Ramsey Town Commissioners; the Chairmen of the Laxey, Onchan, Port Erin and Port St Mary Village Commissioners; the Mayor of Douglas; the Chief Registrar; a Representative of the Commission of the Peace; the Captains of the Parishes; yn Lhaidher; the High Bailiff; the chief Secretary; and the Chief Constable.

The Tynwald Court procession followed immediately on the first procession in the following order: two Messengers of the House of Keys; the Chaplain of the House of Keys;

the Clerk of Tynwald, Secretary of the House of Keys and Counsel to the Speaker; the Members of the House of Keys; the Chief Minister; the Speaker of the House of Keys; a Messenger of the House of Keys; the Clerk of the Legislative Council; the Members of the Legislative Council; the Attorney-General; the First Deemster and Clerk of the Rolls; the Second Deemster; the Deputy Deemster; the Lord Bishop; the President of Tynwald; one Messenger of the Legislative Council, and two Gardyn Coadee; the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; the Surgeon to the Household; a detachment of the Isle of Man Constabulary.

The Manx National Standard entered the procession at the West Door, immediately after the Surgeon to the Household, and preceded the President of Tynwald to the foot of the Hill.

The trumpeters from the King's Division Normandy Band sounded a fanfare as His Excellency left the Chapel, and then preceded the Sword Bearer on the Processional Way.

Before reaching the War Memorial, the processions halted and aligned themselves on each side of the processional way to enable His Excellency to pass through and lead the processions, now re-formed in reverse order, to Tynwald Hill. When the procession had reached the Hill and those in it had taken up their positions, a Royal Salute was given, and the Church Choir and Manx Festival Chorus, accompanied by the Band, led the singing of the Royal Anthem.

## Fencing the Court

**The Lieutenant Governor:** Learned Deemster, direct the Court to be fenced.

**The First Deemster (His Honour J M Kerruish QC):** Coroner of Glenfaba Sheading and Yn Lhaidher, fence the Court.

**The Coroner of Glenfaba Sheading (Mr G J Leece):** I fence this Court of Tynwald in the name of Our Most Gracious Sovereign Lady The Queen. I charge that no person do quarrel, brawl or make any disturbance and that all persons do answer to their names when called.

I charge this audience to witness this Court is fenced. I charge this audience to witness this Court is fenced.

I charge this whole audience to bear witness this Court is now fenced.

**Yn Lhaidher (Dr B Stowell):** Ta mee cur yn Whaiyl shoh fo harey ayns ennym Chiarn Vannin, nagh jean peiagh erbee troiddey, baggyrt ny jannoo boirany's erbee, as dy jean dy chooilley pheiaigh freggyrt tra vees eh er ny eam.

Ta mee cur recortys er yn eanish shoh dy vel yn Whaiyl shoh fo harey. Ta mee cur recortys er yn eanish shoh dy vel yn Whaiyl shoh fo harey.

Ta mee cur recortys er yn clane eanish shoh dy vel yn Whaiyl shoh nishtagh fo harey.

## Swearing in of Coroners

**The First Deemster:** Incoming Coroners, take the Oath

in ancient form to execute your offices for the ensuing year, and receive your staves of office from the hands of His Excellency.

*The Coroners of Glenfaba and Michael, Mr G J Leece, of Ayre and Garff, Mr J R Quilleash, of Middle, Mr G H R Havercroft, and of Rushen, Mr M A Wrigley, then proceeded up the Hill and took the Oath on bended knee.*

**The First Deemster:** By that Book and by the holy contents thereof and by the wonderful works that God hath miraculously wrought in heaven above and in the earth beneath in six days and seven nights, you shall without respect of favour of friendship, love or gain, consanguinity or affinity, envy or malice, well and truly execute the office of Coroner for each Sheading to which you have been appointed for the ensuing year. So help you God.

*Having received their staves of office from His Excellency, the Coroners resumed their places.*

### PROMULGATION OF ACTS

**The Lieutenant Governor:** Learned Deemsters, I exhort you to proclaim to the people in ancient form such laws as have been exacted during the past year and which have received the Royal Assent.

*Abstracts of the Acts passed were then read alternately by Deemster Kerruish in English and by Deemster Doyle in Manx, as follows:*

**1. Matrimonial Proceedings Act 2003** which re-enacts with amendments certain enactments relating to matrimonial proceedings and property and makes new provision for family homes and domestic violence.

**Slattys Immeeghtyn eddyr Sheshaghyn-poost, feed cheead as three,** ta cheet harrish as ta lhasaghey slattysyn ennagh bentyn rish immeeghtyn eddyr sheshaghyn-poost as rish cooid-seihllt as ta kiarail ass-y-noa son lught-thie as tranlaase ec y thie.

**2. Inquiries (Evidence) Act 2003** which makes provision for evidence, representation and attendance at inquiries and the costs of inquiries.

**Slattys Briaght (Feanish), feed cheead as three,** ta kiarail son feanish, chaghter as tendeil ec briaght as costys briaght.

**3. International Criminal Court Act 2003** which gives effect to the Statute of the International Criminal Court and creates offences under the law of the Island corresponding to offences within the jurisdiction of that Court.

**Slattys Quaiyl Kimmeys Eddyrashoonagh, feed cheead as three,** ta cur greim da Slattys Quaiyl Kimmeys Eddyrashoonagh as ta croo loghtyn fo leigh yn Ellan corrym rish loghtyn t'ayns reillys y whaiyl shen.

**4. European Communities (Amendment) Act 2003** which makes provision consequential to the Treaty signed at Nice on 26th February 2001 amending certain Treaties and Acts relating to the European Union and the European Communities and amending the Manx Time Act 1968.

**Slattys ny Boodeeyssyn Oarpagh (Lhasaghey), feed cheead as three,** ta kiarail, lurg jannoo yn Conaant ayns Nice y cheyoo laa as feed Toshiaght Arree 'sy vlein feed cheead as 'nane t'er lhasaghey shiartanse dy Chonaantyn as Aghtyn bentyn rish yn Unnaney's Oarpagh as ny Boodeeyssyn Oarpagh as lhasaghey Slattys Traa Manninagh, nuy cheead jeig three feed as hoght.

**5. Income Tax Act 2003** which introduces Personal Allowance Credit and provides for the treatment of confidential information and the implementation of international information exchange agreements and makes amendments to the Income Tax Acts.

**Slattys Keesh Cheet-stiagh, feed cheead as three,** ta cur-lesh Dail Lowance Persoonagh as ta lowal fysseree folliaghtagh as ta croo coardailyn dy choonrey fysseree eddyrashoonagh, as ta lhasaghey Slattysyn Keesh Cheet-stiagh.

**6. Gas and Electricity Act 2003** which enables the Manx Electricity Authority to supply gas and to provide telecommunication services and to export electricity and makes further provision as to the constitution and finances of the Authority.

**Slattys Gass as Leghtraghys, feed cheead as three,** ta cur pooar da Lught-reill Leghtraghys Vannin dy chiarail gass as shirveishyn chellinshagh as creck leghtraghys ass y cheer, as ta kiarail ny sodjey son reill as cheet-stiagh y Lught-reill.

**7. Litter (Amendment) Act 2003** which makes provision for the removal of litter from highways and open land adjacent to certain premises.

**Slattys Orsch (Lhasaghey), feed cheead as three,** ta kiarail son scughey orsch veih raaidyn-mooarey as thaloo foshlit ny sniessey da troggalyn ennagh.

**8. Local Government (Miscellaneous Provisions) Act 2003** which amends the law relating to the election and tenure of office of members of local authorities and makes minor amendments of legislation relating to local government.

**Slattys Gurneilys Ynyddagh (Caghlaaghyn dy Chiarailyn), feed cheead as three,** ta lhasaghey yn leigh bentyn rish y reihys as y cummaltys ec olteynyn jeh'n lught-reill ynyddagh, as ta jannoo lhasaghyn beggey er leighaghyn bentyn rish gurneilys ynyddagh.

**9. Heath Burning Act 2003** which makes fresh provision for heath burning and for the management of heathland.

**Slattys Lostey Conney, feed cheead as three,** ta kiarail ass-y-noa son lostey conney as son reirey reeastane.

**10. Companies, etc. (Amendment) Act 2003** which amends the law relating to companies.

**Slattys Sheshaghtyn-dellal (Lhiasaghey), feed cheead as three**, ta lhiasaghey yn leigh bentyn rish sheshaghtyn-dellal.

**11. Protected Cell Companies Act 2004** which provides for the incorporation of companies as protected cell companies and for the conversion of companies into protected cell companies.

**Slattys Sheshaghtyn-dellal Calley Coadit, feed cheead as kiare**, ta kiarail son cochorpaghey sheshaghtyn-dellal myr sheshaghtyn-dellal calley coadit, as son caghlaa sheshaghtyn-dellal gys sheshaghtyn-dellal calley coadit.

**12. Construction Contracts Act 2004** which amends the law relating to construction contracts.

**Slattys Conaantyn Troggal, feed cheead as kiare**, ta lhiasaghey yn leigh bentyn rish conaantyn troggal.

**13. Insurance (Amendment) Act 2004** which makes further provision with respect to the distribution of functions between the Insurance and Pensions Authority and the Supervisor and amends the Insurance Act 1986, the Retirement Benefits Schemes Act 2000 and the Insurance Intermediaries (General Business) Act 1996.

**Slattys Urrysaght (Lhiasaghey), feed cheead as kiare**, ta kiarail ny sodjey mychione pooaraghyn y Lught-reill Urrysaght as Pinshoony as yn Oaseir, as ta lhiasaghey yn Slattys Urrysaght, nuy cheead jeig kiare feed as shey, Slattys Skeimyn Vondeish son Sleih lurg Obbyr, feed cheead, as Slattys Fir-veanagh Urrysaght (Dellal Chadjin), nuy cheead jeig kiare feed as shey-jeig.

**14. Criminal Justice (Arrestable Offences) Act 2004** which makes possession of cannabis or cannabis resin an arrestable offence.

**Slattys Cairys Kimmee (Loghtyn fo Ghlass), feed cheead as kiare**, ta jannoo shelloo kennip, ny rosin kennip, ny loght fo ghlass.

#### PETITIONS FOR REDRESS OF GRIEVANCE

**The First Deemster:** Has His Excellency any further commands?

**The Lieutenant Governor:** If any persons wish to present a Petition, let them now come forward.

*The following Petitions for Redress of Grievance were presented to the Clerk of Tynwald at the foot of the Hill:*

Mr Thomas Berrington, seeking an investigation into the operation of the Manx Pension Supplement Scheme.

Mr David Sydney Clucas, seeking that Tynwald determine

what action should be taken in the light of the failure of the Department of Health and Social Security to take steps for the meaningful implementation of the recommendations of the Select Committee on the Redress of Grievance of Jill Dugdale, and also express its desire for the amendment and further review of Government policy to accommodate the recommendations of the Select Committee, as approved by Tynwald.

Mr Michael Andrew Cooil, seeking that a select committee be appointed to consider whether the present regulations, procedures and constitution of the Hospital and Community Health Services Independent Complaints Panel are appropriate and provide for a fair, just and transparent system for complaints from members of the public to be heard.

Mr Thomas Arthur Cooil seeking that a select committee be appointed to consider whether the present regulations, procedures and constitution of the Hospital and Community Health Services Independent Complaints Panel are appropriate and provide for a fair, just and transparent system for complaints from members of the public to be heard; and especially whether it is an acceptable practice that an Appeal against the decision of one of the Joint Chairmen of the Panel should be referred to and considered by the other Joint Chairman of the Panel.

Ms Rhiannon Gardner, seeking that an investigation be held into the particular lack of support from public institutions for the Petitioner in seeking support to undertake further education, the general absence of support from public institutions for unsighted or partly sighted citizens to receive work-related training or further education and the delay in introducing legislation to combat disability discrimination.

Mr Richard Christopher Leventhorpe, seeking a review of the workings of the Planning Committee of the Department of Local Government and the Environment.

Mr Richard Christian Leventhorpe, seeking a review of the workings and activities of the Department of Social Security in regard to the Manx Pension Supplement.

Mr David McWilliams, seeking an investigation into the causes of the delay in bringing forward legislation to remedy the lack of publicly funded training and assistance given to unsighted or partly sighted citizens in information and communications technology.

Moorhouse Farms Limited, seeking that Tynwald investigate, or cause to be investigated by means of a public inquiry, the circumstances of the severe fire in October 2003 at Bradda Head, Rushen, and connected issues.

Mrs Anne Elizabeth Saria Jill Pilling, seeking that Tynwald appoint an independent inquiry, or select committee, to examine errors and omissions in the final report of the Select Committee on the Petition for Redress of Grievance of Mrs Anne Elizabeth Saria Jill Pilling, which was presented to Tynwald in December 2002.

Mr Dante and Mrs Joan Spadoni, seeking that Tynwald appoint a select committee, or hold an inquiry, to investigate the maladministration of the Department of Trade and

Industry with regard to the vessel *Suzanna D.*

Mrs Frances and Mr Thomas Thorp, seeking that Tynwald once again look into the venue for installation of the Wurlitzer Theatre Organ.

**The Lieutenant Governor:** In accordance with Standing Order 6.8, I shall refer these Petitions to the Standing Orders Committee of Tynwald, who will report thereon at their earliest convenience.

*A fanfare was then sounded and the troops were called to attention, after which the Church Choir and the Manx Festival Chorus, accompanied by the band, sang the National Anthem.*

**The Lieutenant Governor:** Tynwald will adjourn to the Church and complete such business as remains to be transacted.

*The procession left the Hill in the same order and following the same procedure as previously on its way to the Hill. Tynwald then adjourned to the Royal Chapel of St. John the Baptist.*

#### CAPTIONING OF ACTS

**The President:**

**The Lieutenant Governor:** Mr President and Members of the Council, Mr Speaker and Members of the House of Keys, we shall now caption the Acts just promulgated on Tynwald Hill.

*The Acts were then captioned by His Excellency, the President of the Council and the Speaker.*

**The Lieutenant Governor:** Mr President and Members of the Council, Mr Speaker and Members of the House of

Keys, that concludes the business of the Court. The Court will now stand adjourned to 13th July 2004, at 10.30 a.m. in Douglas.

The Council will now retire, and Members of the House of Keys will remain to transact such business as may be brought before them.

*The Council adjourned.*

## House of Keys

*The House sat immediately at the conclusion of Tynwald Court.*

**The Speaker:** Hon. Members, I call upon the Hon. Member for Onchan, Mr Corkill.

**Mr Corkill:** Mr Speaker, I beg to move:

*That all Bills and other business before the House remaining unfinished at this date be suspended and continued at the same stage at the first sitting of the House in the next legislative year.*

**Mr Duggan:** I beg to second, Mr Speaker.

**The Speaker:** I will put the motion to the House. Will those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business before the House. The House will now stand adjourned to Tynwald on Tuesday, 13th July, at 10.30 a.m. in Douglas.

*The House adjourned.*