



**TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
QUAIYL TINVAAL**

PROCEEDINGS

DAALTYN

(HANSARD)

St John's, Tuesday, 5th July 2005

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),
Mr D Butt, Mrs C M Christian, Mrs P M Crowe, Hon. A F Downie, The Chief Minister (Hon. D J Gelling CBE),
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); Hon. D M Anderson (Glenfaba);
Hon. A R Bell and Mrs A V Craine (Ramsey); Mr W E Teare (Ayre); Mr J D Q Cannan (Michael);
Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Mr R K Corkill and Mr A J Earnshaw (Onchan);
Mr G M Quayle (Middle); Mr J R Houghton and Hon. 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. J P Shimmin and Mr D F K Delaney (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

PRIOR to the service in the Royal Chapel of St John the Baptist, His Excellency the Lieutenant Governor, Air Marshal ID Macfadyen CB OBE FRAeS, inspected a Guard of Honour drawn from the Queen's Colour Squadron – Royal Air Force, assembled on the Fairfield, with the Band of the Royal Air Force Regiment.

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 ROYAL 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 Vicar of the Royal Chapel of St John; the Deputy Vicar-General; the Archdeacon; the Chairmen of the Town and 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 Speaker of the House of Keys; the Members of the House of Keys; a Messenger of the House of Keys; the Clerk of the Legislative Council; the Chief Minister; the Members of the Legislative Council; the Attorney General; the Deputy Deemster; the Second Deemster; the First Deemster and Clerk of the Rolls; 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; and two sergeants of the Isle of Man Constabulary.

Guests of Honour

Also present, as Guests of Honour, were: Deputy P Cary TD and Dr R O'Hanlon TD (Éire); Mr H Nielson (Faroe Islands); Mr L C Morgan (Guernsey); Mrs T Backman and Ms H Thórólfsdóttir (Iceland); Mrs B Brørby (Norway); Mr M Tosh MSP (Scotland); Dr M Malik (United Arab Emirates); Air Marshal Sir J French KCB CBE FRAeS RAF, General Sir A Harley KBE CB and Mr A Rosindell MP (United Kingdom).

Tynwald

The Court met at 11.00 a.m.

DIVINE SERVICE

The service, held in the Royal Chapel, was conducted by the Rev. G Breffitt, the Vicar of the Royal Chapel of St John.

Bidding Prayer

The Vicar of the Royal Chapel of St John: On this Tynwald Day we meet together to give thanks to God for the many benefits we have received during the past year and 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 smooingagt dy irriney as dy hee; greesee, ta shin guee ort, ayns cree dy choilley ghooiney, graih firrinagh y chee; as stiure liorish dty chreenaght ghlen 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 Vicar of the Royal Chapel of St John: Guide the leaders of the nations into the ways of peace and justice.

All: Hear us, good Lord.

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

All: Hear us, good Lord.

The Vicar: 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 Vicar: 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 Vicar: 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 Vicar: 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 Vicar of the Royal Chapel of St John; the Deputy Vicar-General; the Archdeacon; the Chairmen of the Town and 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 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 Chief Minister; the Attorney General; the Deputy Deemster; the Second Deemster; the First Deemster and Clerk of the Rolls; the Lord Bishop; the President of Tynwald; the Manx Flag (preceding the President from the West Door to the foot of the Hill); a Messenger of the Legislative Council, and two Gardyn Coadee; two trumpeters; the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; the Surgeon to the Household; and two sergeants of the Isle of Man Constabulary.

The trumpeters from the Central Band of the Royal Air Force 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, 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 First 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, baghyrt ny jannoo boirany's erbee, as dy jean dy chooilley pheigh 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 the First Deemster (His Honour J M Kerruish QC) in English and by the Second Deemster (His Honour D C Doyle) in Manx, as follows:

1. Income Tax (Amendment) Act 2004 which changes the assessment base for non-corporate taxpayers and introduces civil penalties in respect of late tax returns and confers powers on the Assessor of Income Tax to obtain documents, information and accounts and provides for certain anti-avoidance measures and permits the grant of personal relief to non-residents and amends provisions relating to temporary tax orders and makes amendments to the Income Tax Acts.

Slattys Keesh Cheet-stiagh (Lhiasaghey) 2004 ta caghlaa yn undin son coontey keesh tackeydee neuchorpagh as ta cur lesh stiagh kerraghyn theayagh dauesyn ta cur er-ash nyn verrymyn keeshagh ro anmagh, as ta cur cair da Ard-er-oik ny Keeshyn docamadyn, fysseree as coontaghyn y gheddyn as ta kiarail son saaseyn shaghyns eeckyssyn-keesh y chumrail as ta cur pooar keesh y leodaghey son sleih cheumooie jeh'n Ellan as ta lhiasaghey kiarailyn mychione reillyn-keesh shallidagh as ta lhiasaghey ny Slattysyn Keesh Cheet-stiagh.

2. Race Relations Act 2004 which imposes a duty on public authorities to exercise their functions in a manner that promotes good race relations and makes discrimination on grounds of colour, race, nationality or ethnic or national origin unlawful in the Isle of Man.

Slattys Commeeys eddyr Kynneeyn 2004 ta cur currym er lughtyn-reill dy obbraghey er lheid yn aght as ta cur e hoshiaght commeeys mie eddyr kynneeyn as ta jannoo anleighagh ayns Ellan Vannin reih eddyr sleih kyndagh rish daah-crackan, kynney, ashoonys, ny bunneydys kynneeagh ny ashoonagh.

3. Representation of the People (Amendment) Act 2004 which amends the Representation of the People Act 1995.

Slattys Tuarystallys y Phobble (Lhiasaghey) 2004 ta lhiasaghey Slattys Tuarystallys y Phobble 1995.

4. European Union (Accessions) Act 2004 which makes provision consequential on the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003.

Slattys yn Unnaney's Oarpagh (Entreilyssyn) 2004 ta soiaaghey reillyn geiyrt er y chonaant hie er goaill-rish ayns Athens er y cheyoo laa jeig Mee Averil feed cheead as three bentyn rish y Phoblaght Check, Poblacht yn Estaan, Poblacht yn Cheeprey, Poblacht y Latvey, Poblacht y Litaan, Poblacht yn Ungaar, Poblacht y Valt, Poblacht y Pholynn, Poblacht y Clowean as Poblacht y Clowack goll stiagh 'syn Unnaney's Oarpagh.

5. Fireworks Act 2004 which restricts the sale and use of fireworks.

Slattys Chentagyn 2004 ta lhiittal creck as ymmyd chentagyn.

6. Veterinary Surgeons Act 2005 which makes provision for restricting the practice of veterinary surgery by unqualified persons.

Slattys Fir-Lhee Beiy'n 2005 ta kiarail son lhiittal sleih anchooie veih obbraghey myr fir-lhee beiy'n.

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 David Allsebrook, seeking an investigation into flood plains and areas likely to flood, and the likely effects of flooding on new and existing buildings, flora and fauna.

Professor Charles A Cain MA FCIB TEP, seeking that Tynwald should remove responsibility for the Registries from the Financial Supervision Commission, establish an independent body to manage the Registries under the political supervision of the Department of Trade and Industry and consider privatising the management of such body.

Professor Charles A Cain MA FCIB TEP, seeking that Tynwald should appoint a new law officer of Government

to be called the Advocate-General to replace the Attorney General in the Legislative Council and as legal adviser to the Council of Ministers and Tynwald and to redefine the office of Attorney General to be exclusively legal counsel to the Crown and Lieutenant Governor.

Professor Charles A Cain MA FCIN TEP, seeking that Tynwald establish a new Fiduciary and Charities Authority to take responsibility for all activities covered by the Fiduciary Service Providers Act 2005, and act as a Charity Commission, with responsibility for supervising and regulating charities and for all matters relating to charity law. Further, that Tynwald reform legislation relating to charities to distinguish between domestic and international charities and to provide an appropriate regulatory framework for each.

Ms Elin Elizabeth Callister, seeking an investigation regarding flood plains and areas known to flood, together with the likely effects of flooding on new building, with particular reference to the Silverburn River, and the likely damage on established buildings and the environment in areas known to flood.

Mr John Michael Leather, seeking an investigation into alleged incorrect medical evidence concerning the Petitioner's medical history, and, if proven, seeking a revision of the provision of legal aid to enable the Petitioner to have his case heard again before a court of law.

Mr Billy Malarkey, Ms Ann Faragher, Ms Mary Linehan and Ms Lyn Daine Kelly, seeking an investigation into the Planning Process concerning successive planning applications for similar projects on the same site and the issue of the zoning of land.

Mr Roy Redmayne, seeking an investigation into the current procedures concerning the investigation of complaints against Police Officers.

Mr Paul Sullivan, seeking a review of the constitution, powers and operation of the Road Traffic Licensing Committee.

Mr Juan Richard Turner, seeking an investigation into the issue of the conduct of the Communications Commission relating to the licensing and regulation of the broadcasting industry, and the possibility of establishing an appeals procedure.

Ms Caroline Walter, seeking that legislation be introduced to designate all children's play areas as non-smoking areas.

The Lieutenant Governor: 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: This concludes the proceedings on Tynwald Hill. There will now be a sitting of Tynwald Court in the Royal Chapel of St John's.

On behalf of myself, the Learned Deemsters, the Captains

of the Parishes and others here assembled, I am pleased to accept the invitation of the President of Tynwald to be present at the sitting of Tynwald Court and to witness the Captioning of the Acts just promulgated.

PROCESSION FROM THE HILL

The first procession left the Hill in the same order as previously on its way to the Hill.

The second procession followed immediately on the first procession, in the following order: the Members of the Legislative Council; the Attorney General; the Lord Bishop; the Chief Minister; 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 Speaker of the House of Keys; a Messenger of the House of Keys; the Deputy Deemster; the Second Deemster; the First Deemster and Clerk of the Rolls; the Clerk of the Legislative Council; the President of Tynwald; the Manx Flag; a Messenger of the Legislative Council, and two Gardyn Coadee.

Before clearing the detachments, the processions halted and aligned themselves on each side of the processional way to enable His Excellency, preceded by the Sword of State, to pass.

The third procession proceeded to the Robing Room in the following order: the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; and the Surgeon to the Household.

This procession was followed to the Robing Room immediately by: two Gardyn Coadee; a Messenger of the Legislative Council; the Manx Flag; the President of Tynwald; the Clerk of the Legislative Council; the First Deemster and Clerk of the Rolls; the Second Deemster; the Deputy Deemster; and two sergeants of the Isle of Man Constabulary.

The Speaker of the House of Keys, preceded by a Messenger of the House of Keys, then led the remainder of the processions into the Chapel by the West Door.

REASSEMBLING OF TYNWALD COURT IN ROYAL CHAPEL WITH H E THE LIEUTENANT GOVERNOR AND THE DEEMSTERS

Once Tynwald Court had reassembled in the Chapel, the following procession moved from the Robing Room into the Chapel: the Manx Flag; two Gardyn Coadee; a Messenger of the Legislative Council; the President of Tynwald; the Clerk of the Legislative Council. All stood as the President of Tynwald entered the Chapel.

The President: Hon. Members, I have invited His Excellency the Lieutenant Governor, His Honour the Deputy Governor, First Deemster and Clerk of the Rolls, His Honour the Second Deemster and His Honour the Deputy Deemster to be present to witness this sitting of the Court, and I call upon the Clerk of Tynwald to escort them to their places.

All remained standing as the following persons entered

the Royal Chapel: two sergeants of the Isle of Man Constabulary; the Deputy Deemster; the Second Deemster; the First Deemster and Clerk of the Rolls; the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; and the Surgeon to the Household.

Once His Excellency and the Deemsters had taken their seats behind the Bar of the Court, the Bar was closed and the Sword of State was placed before the President.

CAPTIONING OF ACTS

The President: 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 the President of Tynwald and the Speaker of the House of Keys.

The President: 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 12th July 2005, at 10.30 a.m. in Douglas.

I now call upon Hon. Membes to be upstanding for the departure of His Excellency and his party.

All stood, as His Excellency and his party left the Chapel by the South Door in the following order: two sergeants of the Isle of Man Constabulary; the Sword of State; His Excellency the Lieutenant Governor; the Persons in personal attendance on His Excellency; the Surgeon to the Household; the First Deemster and Clerk of the Rolls; the Second Deemster; and the Deputy Deemster.

The President: The Council will now retire, and Members of the House of Keys will remain to transact such business as Mr Speaker may put before them.

The Council proceeded to the Robing Room in the following order: the Manx Flag; two Gardyn Coadee; a Messenger of the Legislative Council; the President of Tynwald; the Clerk of the Legislative Council; the Chief Minister; the Lord Bishop; the Attorney General; the other Members of the Legislative Council; and a Messenger of the Legislative Council.

House of Keys

The House sat immediately at the conclusion of Tynwald Court.

The Speaker: Hon. Members, I call upon the Hon. Deputy Speaker, Mrs Hannan.

The Deputy Speaker: Mr Speaker, I beg to move:

That all Bills and other business before the House remaining unfinished at this date, save that on the Order Paper for 12th July 2005, be suspended, and continued at the same stage, to the first sitting of the House in the next legislative year.

The Speaker: Hon. Member, Mr Duggan.

Mr Duggan: I beg to second, Mr Speaker.

The Speaker: I put the motion to the House: those in favour, 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 10.30 a.m. in Tynwald Court on Tuesday, 12th July 2005.

The House adjourned.