



**HOUSE OF KEYS  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHIARE AS FEED**

**PROCEEDINGS  
DAALTYN  
(HANSARD)**

**Douglas, Tuesday, 23rd January 2007**

**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
 The Chief Minister (The Hon. J A Brown) (Castletown);  
 Hon. D M Anderson (Glenfaba); Hon. A V Craine and Hon. A R Bell (Ramsey); Hon. W E Teare (Ayre);  
 Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Mr P Karran, Hon. A J Earnshaw and Mr D J Quirk (Onchan);  
 Hon. G M Quayle (Middle); Mr R W Henderson and Mr J R Houghton (Douglas North);  
 Hon. D C Cretney and Mr W M Malarkey (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East);  
 Mr C G Corkish MBE and Hon. J P Shimmin (Douglas West); Mr G D Cregeen (Malew and Santon);  
 Mr J P Watterson, Hon. P A Gawne and Mr Q B Gill (Rushen);  
 with Mr M Cornwell-Kelly, Secretary of the House

**Business transacted***Page***Questions for Oral Answer**

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*The House adjourned at 11.45 a.m.*

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

### PRAYERS

*The Speaker of the House of Keys*

## Questions for Oral Answer

### CHIEF MINISTER

#### Nursing home fees Solution to crisis

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

*(1) Do you endorse the advice given by the former Chief Minister regarding the additional charges in respect of nursing home fees, and*

*(2) what urgent action do you intend to take to resolve this crisis for this section of the community?*

**The Speaker:** Hon. Members, we turn to our Order Paper. Item 1, 'Questions for Oral Answer.' Question 1 and I turn to the Hon. Member for Onchan, Mr Karran, to ask the Chief Minister.

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

**The Speaker:** Hon. Member for Castletown, Mr Brown, Chief Minister.

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

I do not think it would be appropriate for me to comment on any advice which was given by the former Chief Minister regarding nursing home fees. However, I can confirm to Hon. Members that, in relation to this very important matter, the home operators have assured the Office of Fair Trading that whilst the investigation into nursing home fees is ongoing, the homes will not evict any resident who cannot or will not pay the difference between the maximum benefit level and the fees charged.

The Office of Fair Trading hope to complete their further investigation, which is being carried out under the provisions of section 19 of the Fair Trading Act 1996 and submit their report to the Council of Ministers by the end of March. It will then be for the Council of Ministers to determine whether there is a need to implement a report and price and capping, as provided under section 19(a) of the 1996 Act.

Thank you, Mr Speaker.

**The Speaker:** The Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Could I ask the Ard-shirveishagh if, in tandem to the investigation, he will pick up the strands of the former administration and give a commitment to examine the possibility of looking into Government/DHSS paying for any nursing-care element of fees for residents in long-term care: also examine the Guernsey option in the Channel Islands, to see its appropriateness for the Isle of Man with regard to residents being covered by an insurance policy for long-term care?

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

**The Chief Minister:** Yes, thank you, Mr Speaker.

I am happy to take on board those for some thought and see whether or not it is appropriate for us to take them any further, Mr Speaker.

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

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh make sure that the public are aware there are a number of my constituents who are being harassed into trying to force them into paying the extra money that their loved ones cannot pay under the present welfare provisions within the system at present?

Will he make sure that they keep to this word of stopping them trying to harass people, who really cannot afford to pay, who have been told that they are going to have their loved ones dumped out of the nursing homes, if they do not pay up the extra amount of money?

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

**The Chief Minister:** Yes, thank you, Mr Speaker.

Can I just say that, certainly, the undertaking given by the nursing homes, I am advised, is clear that they will not cause any problems and I would say to the Hon. Member and any other Hon. Members, if they have any evidence of harassment, then I would welcome that evidence to my office, which will then be passed on to the relevant authority to investigate and make enquiries.

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

**Mr Karran:** I would welcome that opportunity and I will get on to my constituents to get on to you about this and I hope that other people will get on too, on the same situation.

Would the Ard-shirveishagh give us some sort of time period in order to get this cloud out of the way, that is over the heads of these very vulnerable people, apart from the other people who do not want to end up with the situation of having their mother-in-law or their father-in-law ending up in the front room?

We need to get some sort of resolve, as far as the issue is concerned. Can you give us some sort of idea of a timescale, in order that this issue can be resolved, because it is putting a cloud over these people's quality of life. They are worried – they cannot take the hassle like us.

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

**The Chief Minister:** Mr Speaker, thank you.

Can I just say that the timescale is that the Office of Fair

Trading are hoping to complete their further investigation into nursing homes and report to the Council of Ministers by the end of March. That will then be considered by the Council of Ministers as early as possible. I would say that, I mean myself and I know hon. colleagues here in the House, do look on this as a very important issue affecting many people.

Certainly there is nothing worse than when it is affecting elderly people, who then worry about their ability or their family's ability to pay for their care and so it is not an issue taken lightly. Certainly, we will endeavour to progress it as quickly as possible, but as I am sure the Hon. Member for Onchan, Mr Karran, knows, the provisions of the actual Act, that is the Office of Fair Trading Act, in fact set out procedures that the Council of Ministers are duty bound to follow under statute and we will do that and I do know that the Office of Fair Trading have put a considerable amount of work into this, with others, to try and make sure we can find a way forward on this matter, along with the DHSS.

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

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

Can the Chief Minister confirm that we do not, in fact, have anything in law that would protect people such as these from being evicted from a residential home or nursing home, unlike the Landlord and Tenants Act 1976, whose provisions do protect the right of the tenant in that it requires the landlord to go through the courts before eviction is approved? Can he confirm that we do not have anything to provide, in law, for a vulnerable person such as this, from eviction and if he agrees with that, can he offer some kind of comfort to those people who might be facing this situation?

**The Speaker:** Chief Minister.

**The Chief Minister:** Yes, thank you, Mr Speaker.

I am certainly not aware there is no protection. I will certainly have that checked out, too, so I am aware of that situation, Mr Speaker. I can say that if we ended up in a situation where that was to happen, then I would certainly take it extremely seriously and look to implement new legislation, if necessary, to give protection to those people who could be vulnerable, but I think at this stage, that is *not* necessary, as far as I am aware.

My understanding is that, through the DHSS, there is actually quite a good relationship with the owners of the homes and I think, where we have that sort of relationship, that is fine. Legislation should be a last resort, if we feel it is necessary, but certainly, any such moves by any home where there is residential or nursing, to evict people, would be taken very seriously.

**The Speaker:** A final supplementary, Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh give us some time period for a review of the policy that we did away with geriatric hospital beds many years ago? Is there going to be a statement, maybe, as far as re-investigating the possibility of the state providing geriatric hospital beds or nursing home beds in the future and maybe make a statement, maybe in a couple of months' time, to the effect of whether he is going to do that or not?

**The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, the Hon. Member for Onchan raises what is, in fact, a very big issue for the Isle of Man, because its implications would affect the major capital programme that Government has and also would have major implications in relation to staffing resources; the need to then staff up such homes. Certainly, from my time in the DHSS, which is now quite a long time ago, I was of the view that it was a road we would possibly have to go down, providing state-run nursing homes, but that situation has changed, where we do have private nursing homes. I think we should be realistic about this and see if we are able to provide the appropriate support and have a good relationship with those in the private sector, then that can meet the need.

What we have to do is ensure good standards and value for money for those who are having to be cared for and, of course, we come back to the issue the Hon. Member for Douglas North raised, which is about the issue, the Hon. Member, Mr Henderson, about the issue of the cost and whether or not Government has a greater role to play in that. So, I think that they are the areas that are more practical than us to start to go down the road of a building programme to provide state-run nursing homes.

## TRADE AND INDUSTRY

### Film Industry Ensuring use of local suppliers

1. 2. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Trade and Industry:

*Could you explain how the Film Commission ensure that where possible, local actors, suppliers and those domiciled on the Island are employed before off Island extras and suppliers are used?*

**The Speaker:** Question 2. Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, I beg to ask the Question standing in my name.

**The Speaker:** I call on the Hon. Member for Douglas South, Mr Cretney, Minister for Trade and Industry.

**The Minister for Trade and Industry (Mr Cretney):** Thank you, Mr Speaker.

Anyone working in the film industry, be they a United Kingdom or Isle of Man resident, generally operates on a freelance basis. My Department, through the Isle of Man Film team, is not directly involved in the recruitment of any crew or cast member. However, we recognise our responsibility to local businesses and we consistently encourage production companies to utilise the skills, facilities and goods of local individuals and suppliers, wherever possible.

Isle of Man Film promotes a recruitment and use of local cast, crew and facilities through the following methods:

Firstly, we offer free inclusion in an on-line database, which lists details of local crew, cast and facilities available on the Isle of Man. Every production company filming

on the Isle of Man uses this database extensively when recruiting local skills and facilities. The database can be accessed through Isle of Man Film's web site, which is [www.isleofmanfilm.com](http://www.isleofmanfilm.com) and inclusion is only available to Isle of Man based crew, cast and Manx registered companies.

Secondly, as soon as the incoming production companies are agreeable to us giving out their number, we give out such contact details to local crew, cast and facility businesses, which enables local people to seek employment with incoming productions.

Furthermore, incoming productions are contractually bound to take on four trainees on each film, as part of Isle of Man Film's commitment to fostering a new generation of skilled and experienced local production crew. Isle of Man Film does not insist that local crew be employed as a condition of investment, as producers often need specialist crew, which cannot always be found locally. Evidence from other film commissions, such as the Irish Film Board, suggests that the employment of local crew, as a condition of investment, had an adverse effect on the production levels in that jurisdiction.

Isle of Man Film constantly encourage local crew, cast and facilities to actively market themselves and to contact us regularly to obtain production contact information. As employment in the film industry is normally through recommendation and word of mouth, emphasis is also placed on the importance of local film industry professionals building up industry contacts both on and off the Isle of Man. In practice it is rare for off-Island suppliers or facilities to be used, if they can be found on the Isle of Man, as to do so this would add considerably to the cost of production. It is, therefore, in the production company's interest to use local crew, cast and facilities wherever possible.

In addition, the use of local crew, cast and facilities helps the production meet its contractual obligations with regard to achieving their local spend requirement. I am informed the use of off-Island extras has only occurred on a couple of occasions when suitable extras, such as those of ethnic minority, could not be found on the Isle of Man.

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

**Mr Karran:** Eaghtyrane, would the Shirveishagh, with it being a new Shirveishagh, would he be prepared to, maybe, have an Onchan meeting with the local industry, to discuss their concerns, as the reply that one received from this House is totally different from what I was told by the local industry? Would he be prepared to do that to make sure that he is actually talking what is reality?

Would the Shirveishagh also consider that the issue of the conditions, whilst the Island experience was not good, would he look at trying to get his officers to look more seriously on encouragement to use the local industry?

Would the Shirveishagh look at the related party transactions, as far as the Film Commission is concerned, because there are concerns about it being a little bit too close together, so that individuals if they get on the wrong side of people, they just do not flourish on the Isle of Man?

**The Speaker:** Minister to reply.

**The Minister:** I am happy to meet anyone at any time, Mr Speaker. Indeed, only next Tuesday lunchtime I happen to be fortunate enough to have someone living round the

corner to me who is the local officer of Equity and I have been invited to meet an officer of Equity who is travelling from the United Kingdom next week. So I am very happy to meet anyone at any time to discuss any matter. I have no reason to not believe that the information which has been provided for me in this Question is not accurate.

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

**Mr Quirk:** Mr Speaker, could I ask the Minister for the Department regarding work permits? Can I ask what sort of period these individuals do have when they come to the Island? Are they short term and could he give us the length of that period for the permit?

**The Speaker:** Minister to reply.

**The Minister:** I do not have that information to hand. I would imagine that if any work permits were issued, they would be for the length of the production, but if the Hon. Member wants any more information on that I would be happy to find it out.

## TOURISM AND LEISURE

### Free Island bus service Approximate cost

1.3. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Tourism and Leisure:

*What would be the approximate cost of a free bus service throughout the Island?*

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

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

**The Speaker:** The Hon. Member for Onchan, Mr Earnshaw, Minister for Tourism and Leisure.

**The Minister for Tourism and Leisure (Mr Earnshaw):** Thank you, Mr Speaker.

At the outset, I have to say, this is not an easy Question to answer with accuracy, as the cost of providing a free bus service would be highly dependent on the public uptake and the demand for services, once they became free. For the current financial year the gross revenue cost of our bus services is £8.6 million. We receive a fare income of £2.1 million, so the net revenue cost is £6.5 million. Included in that cost is the provision of the comprehensive network of free school travel. The cost of school services is estimated to be around £2½ million and that is met entirely by the Department of Tourism and Leisure, as we receive no funding from the Department of Education and, of course, we do not charge passengers for travel to and from school.

In addition to this there are existing free travel arrangements for senior citizens and disadvantaged groups, which cost an estimated £1.1 million in lost revenue. Plus, of the £6.5 million net cost, to which I referred earlier, of the bus services, £3.6

million is directly attributable to social benefits.

In the very simplest terms, Mr Speaker, if we stopped charging fares, the deficit in respect of existing services would increase by £2.1 million per annum. However, during our peak morning and evening periods, our bus services are already heavily loaded and any substantial increase in demand would require extra buses and staff. When we introduced free travel for pensioners and free travel for school children a while ago, demand increased by about 35 to 45 per cent. When free pensioner travel was introduced in the United Kingdom, similar levels of increased demand were reported.

In preparing the costing, the Department has, therefore, taken the view that there will be a 40 per cent across the board increase in ridership by passenger groups who currently pay fares. We have also made the assumption that we would be able to resist the inevitable demand for enhanced services and extended operating hours, once services became free to all.

On the basis of those assumptions, we believe that we would need to purchase 20 new buses at a capital cost of around £3.5 million, undertake some extension to the Banks Circus complex to enable it to operate and maintain the large fleet, at a capital cost of around £1.5 million, and employ approximately 30 to 35 additional staff, covering drivers and maintenance support staff, against which we would save approximately two posts by not needing to handle cash.

Thus, based on these assumptions, the Department believes that implementation of universal free travel would require something of the order of a one-off capital investment of around £5 million, an increase in its manpower allocation of around 30 and an increased net revenue budget of around £5 million per annum, which would, therefore, bring us up to something like a deficit of £13 million per annum.

It is of course, Mr Speaker, a political decision whether Government would be prepared to invest such substantial sums in providing free bus travel for all. It is not something, however, that my Department views as a policy priority for Government in the current economic climate, although I have some sympathy with the concept of free travel, subject to resources being better deployed. For instance, at Department level we could, for example, use the funds to improve facilities and services for our young people. Then, at Government level, would the resource be better used to provide improving health services.

Mr Speaker, I must emphasise that the costings in this Answer are initial estimates only, based on a series of broad assumptions but they do give Hon. Members an understanding of the likely range of the resource implications. If it was decided to give serious consideration to introducing free travel on our bus services across the board, we would need to prepare a substantial business case, including both fully-researched estimates of take-up levels and far more detailed costings.

I apologise for the length of the Answer Mr Speaker, but I hope that has been helpful to my colleague.

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

**Mr Karran:** Vainstyr Loayreyder, obviously there is no need for the Shirveishagh to make an apology. That is what you are there for, to give us information.

Would the Shirveishagh be prepared to raise the issue with the Council of Ministers for a working party to look

at the proposal of free transport, coming back with detailed costings and manpower proposals on the implications and also looking at the other issues that would be offset, the issue of having to build another 600 to 800 more car parking spaces in Douglas to resolve the present problems that we have? If he was, could we have some idea of a timescale for what the working party would come back to this Hon. House or to Tynwald with proposals?

**The Speaker:** Minister to reply.

**The Minister:** Yes, thank you, Mr Speaker.

I am certainly quite content to give consideration to forming a working party regarding this. There are benefits, but there are, of course, as I have outlined, disadvantages in terms of costs and finance that could be used elsewhere, if we pursue this route. Regarding timescale, I am afraid at this point I would not have any idea what that might be, Mr Speaker.

**The Speaker:** Thank you, Hon. Members. That concludes Questions for Oral Answer.

## Orders of the Day

### Electronic Voting Amendment to Standing Orders Motion carried

3.1 Mr Speaker to move:

*That Standing Orders be amended as follows:*

*Add after Standing Order 11.5 –*

*'11.5A (1) From and after the sitting of the House on 23rd January 2007 for the remainder of the Session, where any division or ballot is required it shall be conducted by means of electronic voting in accordance with directions issued by the Speaker;*

*(2) the Speaker shall announce the result of each vote or ballot; and*

*(3) if, after a division has been taken by electronic voting, a Member so requests the Secretary shall read out the names of the Members voting and indicate the votes which they have cast, those for and those against.'*

**The Speaker:** Turning to our Order Paper, with your agreement, Hon. Members, I would like to dispose of Item 3, Electronic Voting, at this stage. Is that agreed, Hon. Members?

**Members:** Agreed.

**The Speaker:** Hon. Members, you will be well aware by now of the decision that has been made in respect of electronic voting. Therefore, in order to ensure our Standing Orders comply with this new policy, I, from the Chair, would move that Standing Orders be amended, as set out under Item 3.1 on our Order Paper. Is that agreed?

**Mr Cannan:** May I ask a question?

**The Speaker:** Hon. Member for Michael, Mr Cannan.

**Mr Cannan:** While I agree with this, will there be electronic voting when the elections for the Legislative Council take place, where Members are not compelled to vote for the two vacancies, they are entitled to use the word, 'plump'. Therefore, how will that occur, if they do not wish to vote for all the candidates?

Electronic voting works when Members are required to vote for four candidates or three candidates, but in this case there is not that requirement and, as far as I know, it is the only time when that requirement takes place.

**The Speaker:** Thank you, Hon. Member.

Yes, for the information of the House, the elections to Legislative Council, uniquely under Standing Orders, do not require Hon. Members to vote for the number of candidates as there are vacancies. It is unique in this respect. The electronic voting system does not allow for electronic voting under those circumstances. The system software cannot recognise a situation where voting for other than the number of candidates would be considered anything but a spoilt vote.

Clearly, this was unsatisfactory for such an election and I propose that the traditional form of voting be employed in the case of elections to Legislative Council.

With that, Hon. Members, can I ask those in favour of the motion, as set out in Item 3.1, please say aye; those against, no. The ayes have it. The ayes have it.

### **Election of Deputy Speaker Statement by the Speaker**

2.1 Statement by Mr Speaker with regard to the election of the Deputy Speaker.

**The Speaker:** Thank you, Hon. Members.

I now turn to Item 2 on the Order Paper, Matters of Procedure. My Statement with regard to the election of the Deputy Speaker is somewhat lengthy and, therefore, for your convenience I am arranging to have circulated a copy of the Statement as I make it at this time.

Hon. Members, as you will be aware, Standing Order 9.2 requires the House at the sitting next after that at which the Speaker is elected, to proceed to the election of a Deputy Speaker. In the ordinary way, we would be doing that at this sitting. There is, however, a technical obstacle to our doing so which arises in this way.

Section 7 of the Council of Ministers Act 1990 provides for a complete separation between the role of Speaker and the various offices in executive Government. Thus, it provides that a Member, elected as Speaker, automatically goes out of office as Chief Minister, a Minister, a Member of a Department or of a Statutory Board. That, of course, is in accordance with constitutional theory about the distinction between the legislature and the Executive and it presents no problem. Both the Speaker of the House of Keys and the President of Tynwald are, therefore, uninvolved in Government in any way.

The difficulty which has now been discovered is that the Interpretation Act 1976 defines the term 'Speaker' to include a Deputy or Acting Speaker. The consequence of that is that the provisions about going out of any executive Government

office on election as Speaker apply also to any Member elected as Deputy Speaker. Hon. Members, that consequence had not been appreciated hitherto, but it has been confirmed by the Secretary of the House, who has checked his opinion with the Attorney General, who is of the same view.

The automatic vacation of any Government office which I have described is suspended in the case of the Chief Minister or Ministers until a successor to that office is appointed, but there is no equivalent temporary suspension of the going out of office for Members of Departments or Members of Statutory Boards.

Thus, it is really necessary for this technical problem to be resolved before we proceed to the election of a Deputy Speaker, in order to make the position open generally to Members of the House. I am glad to say that the Government has agreed to bring forward a very short Bill to correct the position, but there is an issue of policy which needs to be settled before they can do so. The issue is simply this, should a Minister be eligible for election as Deputy Speaker or should that position be reserved to Members who are not Ministers? In the past, Hon. Members, no objection has been taken to a Minister being elected as Deputy Speaker, but, on the other hand, there have been very few occasions on which the Deputy Speaker has been required to take the Chair. The issue has, accordingly, never been brought into sharp focus.

The question might be seen as more significant, however, if for some reason the Speaker were to be absent for any length of time, perhaps due to illness. A three or four-month period or longer with a Minister in the Chair of the House might be seen by some Members as inappropriate. Whether that is so or not is, of course, a matter for the House as a whole to judge.

I have, therefore, agreed with a suggestion by the Chief Minister that this issue should first be examined and reported on by a committee of the House before the legislation is brought forward. Hon. Members, this seems to me an entirely appropriate matter to be considered by the Management and Members' Standards Committee and I am, therefore, asking that Committee to give it consideration and to report to the House as soon as may be, so that a decision can be made.

**Mr Karran:** Point of Order –

**The Speaker:** Hon. Member, would you kindly resume your seat.

### **Election of Deputy Speaker Suspension of Standing Order 9.2 Motion carried**

**The Speaker:** Hon. Members, this being the situation, I believe that, in fairness to all Members of the House, it would be quite wrong to proceed to an election of the Deputy Speaker today, as is strictly required by Standing Order 9.2, when the legal position is different from that which everyone has previously understood.

I would, therefore, put it to the House, formally, that Standing Order 9.2, requiring the election –

**Mr Karran:** Point of Order, Mr Speaker. I believe you have got to suspend Standing Orders in order to propose this, Vainstyr Loayreyder.

**The Speaker:** Hon. Member, would you please resume your seat –

**Mr Karran:** The situation is that we cannot make it up as we go along –

**The Speaker:** Hon. Member, please resume your seat and do me the courtesy of finishing what I have to say. (**Several Members:** Hear, hear.) I put it to the House formally:

*That Standing Order 9.2, requiring the election of a Deputy Speaker at the sitting next after that of the Speaker's election, be suspended until the Management and Members' Standards Committee has reported to the House on the matter.*

Therefore, Hon. Members, I have made a motion from the Chair. A motion has been made.

Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am glad to see that they have got to go for the suspension of Standing Orders.

I shall be voting against the suspension of Standing Orders, as I believe that is the right way forward. We should go ahead with the election today and then, at a later date... And I think it is quite wrong to say that people have not made concerns about having Ministers as Deputy Speakers in the past, because that is not the case. Some of us have said that in the past.

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

**The Chief Minister (Mr Brown):** Mr Speaker, would it be helpful if it was appropriately seconded – the motion – so that it is before the House? If that is the case, I would be pleased to do that and reserve my remarks.

**The Speaker:** Thank you, Hon. Member.

I do not believe a motion from the Chair – I will just clarify with the Secretary – requires to be seconded.

**The Secretary:** Mr Speaker, I believe that is correct. It has been customary very often for motions from the Chair to be seconded but, strictly speaking, I believe that they do not need to be.

**The Speaker:** For the avoidance of doubt, Hon. Members, the motion has been seconded by the Hon. Member for Castletown.

Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** That clarifies the situation. The practice I have always seen in the past is the Chair does not usually lead an organisation, but I am quite happy, if it has been seconded.

**The Speaker:** Thank you.

Hon. Member for Douglas East, Mrs Cannell.

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

I am a little bit concerned about the content of your Statement today, sir, because, correct me if I am wrong, but the way in which I have read it and listened to you deliver it, it sounds to me as though previous Deputy Speakers

elected in this House have actually been elected unlawfully, in that, if I am reading this Statement correct, in that they have previously always occupied a Government position, whether at Department level, Statutory Board level or at Ministerial level.

Is my understanding of that situation that this is something which has only recently been discovered, bearing in mind that the relevant Act is the 1990 Council of Ministers Act, and also the Interpretation Act 1976? If that is so, why was it not considered earlier than today?

**The Speaker:** Hon. Members, we are in the normal rules of debate and, normally, I would answer that at the conclusion of the debate. However, as the Hon. Member raises a legal point, I will ask the Secretary of the House to clarify that specific point.

**The Secretary:** Yes, Mr Speaker, the Hon. Member makes a good point.

The position in the past has been that when Deputy Speakers have been elected they have been elected lawfully, but the consequence of their being elected has been that they have gone out of office in whatever Government office they have held.

In the case of the last Deputy Speaker, that was a Member of a Department, I believe. Whatever Bill is brought forward will need to validate retrospectively those actions taken continuously, or those continued actions taken by the Deputy Speakers once they have been elected, because, once they have been elected, they have technically vacated their Government offices.

As to why the matter had not previously been discovered, I am at a loss to give a satisfactory answer. It emerged – it became apparent to me – after a Member asked a certain question in November, but from 1990 until the end of 2006 I am afraid it had passed unnoticed. It is entirely the result of a quirk of the Interpretation Act, extending the definition of the word 'Speaker', and nobody had noticed that that was the case.

**The Speaker:** Thank you.

Hon. Member for Castletown, Mr Brown.

**The Chief Minister:** Thank you, Mr Speaker.

I think it may be helpful to Hon. Members – as this issue came up during my brief period as Speaker after the General Election, where, in fact, the Secretary of the House brought it to my attention that the issue had been raised and he had checked the Interpretation Act and identified that there was an issue there that needed to be rectified – it was after that, that I advised, or instructed really, the Secretary to write to Her Majesty's Attorney with this issue, to seek clarification and to see how to take this forward to rectify the position.

The problem, clearly, is that, at that stage especially, it was not known what positions would be filled, because it was prior to the election and the first stage of the election of the post for Chief Minister. Therefore, it was unknown who was likely to be in that position or to be in Government and the opportunity was taken to try and see if we could maybe progress that.

The issue, in terms of that aspect, without getting into the whole issue, Mr Speaker, was seen to be quite straightforward then. It was clearly just to amend the Interpretation Act through the Council of Ministers Act, which is the right way

to do it, to say that the Deputy Speaker and Acting Speaker are not classed as the same as the Speaker, in terms of being debarred. The issue then came up, subsequent to that discussion, that there was a view from some Members that, in fact, Ministers should be debarred from being eligible to be Deputy Speaker or Acting Speaker.

As Chief Minister, because I had then gone into that role, my view was that I was happy for executive Government to bring forward a Bill, so it can get into the House as quickly as possible. I did refer back to the Secretary and to yourself, Mr Speaker, on the issue of the principle of making that change. That is why we are where we are today and why the issue of referring it to the appropriate committee seemed to me to be the right way to give this matter proper consideration, so the House can determine whether or not a certain number of Members would be debarred from being able to hold the position of Deputy Speaker.

I think that is the issue that the House needs to consider carefully and I think it is appropriate – and that was my advice – that it be referred to the appropriate committee for their consideration, which you have accepted, Mr Speaker, and I hope the House will accept, so that we can get on with this issue and, hopefully, get a bill to the House as quickly as possible, based on the decision of the House. I think that is the issue.

I hope that is helpful to Members to understand how this process has got to where we are today.

**The Speaker:** Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Just an ancillary point connected with this, an important one though, if there is any further consideration. If, during an election for a Deputy Speaker in the future, or in the very near future, it is that that particular Member would come out of whatever departmental office they held: what would happen to the responsibility, or departmental allowance under those circumstances, or would there be something different for the office of Deputy Speaker?

**The Speaker:** Hon. Member for Ramsey, Mrs Craine.

**Mrs Craine:** Thank you, Mr Speaker.

Can I ask, as a point of clarity, Mr Speaker: you refer in your statement to the position of Deputy Speaker being given further consideration and I am just wondering if that is also going to encompass the Acting Speaker role and if, in fact, we could ask, or could Members be given the opportunity, to write their views to the Keys Management Committee, in order that the Committee can have a full appreciation of the feeling of the House?

**The Speaker:** Thank you. The Hon. Member for Onchan has spoken. You have already spoken, sir.

**Mr Karran:** The Chief Minister spoke twice.

**The Speaker:** Hon. Members, in reply to the debate, I thank Hon. Members for their contribution. I think the Chief Minister has clarified how this irregularity was identified and prompt action has been taken at this sitting and by the mechanism described to put right the situation.

In response to specific points, the Hon. Member from

Douglas North, Mr Henderson: the position on payment on vacating a department is quite clear, there is no continuing departmental enhancement of pay. The position of Deputy Speaker is unpaid.

To the Hon. Member for Ramsey, Mrs Craine: yes, the position of Deputy applies equally to that of Acting Speaker and I am quite certain that the Keys Committee looking at this issue will, indeed, invite views from Members of the House and I think the Management and Members' Standards Committee will consider fully the points made at the debate today.

With that, Hon. Members, I therefore put to the House the motion that Standing Order 9.2 requiring the House at this sitting to elect a Deputy Speaker be suspended. Those in favour, please say aye; those against, no. The ayes have it.

*A division was called for and electronic voting resulted as follows:*

**FOR**

Mr Earnshaw  
Mr Brown  
Mr Crookall  
Mr Anderson  
Mrs Craine  
Mr Bell  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Cregeen  
Mr Houghton  
Mrs Cannell  
Mr Braidwood  
Mr Corkish  
Mr Shimmin  
Mr Cretney  
Mr Gawne  
Mr Gill  
The Speaker

**AGAINST**

Mr Quirk  
Mr Karran  
Mr Henderson  
Mr Malarkey  
Mr Watterson

**The Speaker:** Hon. Members, the result of the ballot is that there were 19 votes for and 5 votes against, 16 votes being required, Hon. Members, to suspend Standing Orders. Therefore, the motion is carried. Thank you, Hon. Members.

**Manx Museum and National Trust  
One Member elected as Trustee**

4. Election of one Member as a Trustee of the Manx Museum and National Trust.

*The previous Member elected was Mr Gill. (Mr Speaker is also a trustee, ex officio.)*

**The Speaker:** I now turn to Item 4, which is the election of one Member as a trustee of the Manx Museum and National Trust. Hon. Member for Rushen.

**Mr Gill:** Thank you, Mr Speaker.

Just over five years ago, indeed on my birthday, I was honoured by being elected to be the Keys representative on the Trust of Manx National Heritage and it is a birthday present I have reflected on over the years with mixed views. *(Laughter)*

It has been an interesting and challenging opportunity, but certainly an important role to represent this Hon. House on a trust of a body which does such valuable and respected and admired work across the Island. Whilst I would dearly love the opportunity to have continued in that role, my other commitments preclude me from that. Therefore, I am very anxious, Eaghtyrane, because I appreciate the value of the role, to propose somebody to represent this House who would bring the right qualities, experience and commitment to undertake those important duties to the full.

The person I wish to propose is a long-term personal friend and somebody that I met through cultural activities, myself through dancing and himself through a variety of activities which have occupied him for many, many years. He is the Chairman of Vadran Mooninjer Veggey, which is a ground-breaking and extremely successful organisation which provides education in the Manx language medium, former Chairman and Treasurer of Yn Cheshaght Ghailckagh, the Manx Gaelic Society. He is a regular speaker at minority language and cultural conferences here on the Island and across Britain and the British Isles generally and has contributed to a range of books and journals on minority language and cultural issues.

He is also a regular competitor in horse-ploughing competitions, representing the Isle of Man at international horse-ploughing and is well known in those circles. He is also the editor of the Manx Language Quarterly and, until recently, a regular contributor to the bilingual column that we all read in the Isle of Man newspaper. He is also an active participant in Manx traditional music and whilst it has to be said – and he would accept – requiring the same level of expertise that I have attained in Manx dancing, (*Laughter*) nonetheless he is an accomplished dancer and, certainly, a very accomplished musician. Indeed, he is a member of the Arthur Caley Giant Band, Manx Gaelic choir, Caarjyn Cooidjagh, a singer with Manx group, Skeeal, (*Laughter*) and, indeed, represented the Island at the Pan Celtic Festival in County Donegal where he came a very creditable third!

**Mr Cretney:** Name names! (*Laughter*)

**Mr Gill:** As a former Cregneash resident, he has an extensive working relationship and knowledge of working with Manx National Heritage –

**Mr Houghton:** Who he hates.

**Mr Gill:** – and, indeed, when I had my induction briefing, Eaghtyrane, I was very pleased to see that our hon. colleague and his family were represented as examples of the vitality and living experience of Cregneash. Whilst he has moved from Cregneash subsequently, nonetheless his commitment to the work of MNH, to life at Cregneash and to the cultural life of the Island continues.

Eaghtyrane, it would be no surprise to Hon. Members that I propose my hon. colleague for Rushen, Mr Gawne, (*Interjections*) for the position as our representative as a trustee of the Manx Museum and National Trust.

I beg to move, sir.

**The Speaker:** Thank you, Mr Gill, for the information to the House. It is perfectly in order for Members to speak in support of a candidate, but the custom is to do so briefly. (*Laughter*)

**Mr Gill:** That was brief!

**The Speaker:** If Hon. Members would just take note of that. Hon. Member for Glenfaba, Mr Anderson.

**Mr Anderson:** Taking on board your comments, Mr Speaker, (*Laughter*) I am very happy to second the nomination for Mr Gawne.

**The Speaker:** Any other nominations? There are no other nominations. I therefore declare that Mr Gawne, Hon. Member for Rushen, has been duly elected, as a Member of this House, as trustee of the Manx Museum and National Trust.

**Several Members:** Hear, hear.

### Court of University of Lancaster One Member appointed

5. Appointment of one Member to the Court of the University of Lancaster.

*The previous Member appointed was Mr Shimmin. This appointment is to run from 1st February 2007.*

**The Speaker:** Item 5, appointment of one Member to the Court of the University of Lancaster. Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I am very happy to nominate the Hon. Member for Ramsey, Mrs Craine, sir.

**The Speaker:** Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** I beg to second that nomination, Mr Speaker.

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

**Mr Quirk:** I would like to nominate, Mr Speaker, the Hon. Member for Rushen, Juan Watterson.

**The Speaker:** Hon. Member for Douglas South, Mr Malarkey.

**Mr Malarkey:** I beg to second that nomination.

**The Speaker:** We have the nominations of Mrs Craine and Mr Watterson. Are there any other nominations?

Thank you, Hon. Members. There are two candidates for election as a Member of the Court of the University of Lancaster, Mrs Craine and Mr Watterson: we shall now move to the vote.

First of all, we shall be voting on the nomination of Mrs Craine. It just takes a moment or two to programme the names into the system, and in respect of each nomination, Hon. Members, you will be voting for or against. Ready?

**The Secretary:** I apologise in advance for my spelling of Lancaster, which will appear wrongly on the screen! (*Laughter*)

**A Member:** Education is a wonderful thing.

**The Speaker:** Higher education. *(Laughter)*

*An electronic ballot took place in two stages.*

**The Speaker:** Hon. Members, you are voting now on the nomination of Mrs Craine. Please record your vote now. Thank you, Hon. Members.

Hon. Members, you now vote on the nomination of Mr Watterson. Please record your vote now, for or against.

Hon. Members, the result of the ballot is that Mrs Craine received 15 votes, Mr Watterson received 9 votes. I therefore declare Mrs Craine elected as the Member to the Court of the University of Lancaster. Congratulations to her.

### **Court of University of Liverpool One Member appointed**

6. Appointment of one Member to the Court of the University of Liverpool.

*The previous Member appointed was Mr Braidwood. (Mr Speaker is also a member of the Court, ex officio.) This appointment is to run from 1st February 2007.*

**The Speaker:** Item 6, Hon. Members, appointment of one Member of the Court of the University of Liverpool. Hon. Member for Rushen, Mr Gill.

**Mr Gill:** Very briefly, Mr Speaker, I would like to propose a former graduate of Liverpool University, Mr Braidwood, for this position.

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

**Mr Houghton:** Thank you, Mr Speaker. I am very happy to nominate the Hon. Member for East Douglas, Mrs Cannell.

**Mr Shimmin:** I second Mr Braidwood.

**The Speaker:** The Hon. Member for Douglas West, Mr Shimmin, has seconded Mr Braidwood.  
Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Vainstyr Loayreyder, I second the nomination for East Douglas, Mrs Cannell.

**Mr Watterson:** I would like to propose the Hon. Member for Onchan, Mr Karran, please.

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

**Mr Quirk:** I beg to second.

**The Speaker:** If there are no other nominations, Hon. Members, I will ask the Secretary to read out the nominations.

**The Secretary:** Mr Speaker, the Members nominated

are Mr Braidwood, Mrs Cannell and Mr Karran.

**The Speaker:** Hon. Members, again we shall vote in that order on each candidate in turn.

Hon. Members, we are now ready to proceed. Hon. Members, you are voting on the nomination of Mr Braidwood. Please –

**Mr Cannan:** There is nothing on the screen, sir.

**The Speaker:** Are we okay now?

*An electronic ballot took place in three stages.*

**The Speaker:** Hon. Members, we are now voting for Mr Braidwood. For or against, please vote. Thank you, Hon. Members.

Now voting Mrs Cannell, please vote now.

Voting for Mr Karran, please vote now.

Thank you, Hon. Members. The result of the ballot is that Mr Braidwood received 5 votes, Mrs Cannell received 12 votes, Mr Karran received 7 votes. No candidate has been elected. Therefore we drop off the name of Mr Braidwood.

*A second electronic ballot took place in two stages.*

**The Speaker:** You are now voting for or against Mrs Cannell. Please vote now. Thank you, Hon. Members.

Voting for Mr Karran, for or against, please vote now.

The result of the ballot is Mrs Cannell received 16 votes and Mr Karran received 8 votes. Mrs Cannell has, therefore, been elected and my congratulations to Mrs Cannell.

**A Member:** Hear, hear.

### **Tynwald Management Committee Three Members elected**

7. Election of the Keys Members of the Tynwald Management Committee.

*The Keys elect three Members to this Committee; Mr Speaker and Mr President are members ex officio, the Speaker being the Chairman.*

**The Speaker:** Item 7, Hon. Members. This is the election of the three Keys Members of the Tynwald Management Committee. Mr Speaker and Mr President are ex officio members of that Committee, the Speaker being the Chairman.

Our task this morning is to vote for three Members of the Tynwald Management Committee. Hon. Members, Standing Orders require that you do vote for three Members. Voting for zero, one, two or more than three will result in a spoiled paper. You must vote for three Members.

Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder. I propose my colleague, Mr Houghton.

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

**Mrs Cannell:** Mr Speaker, I beg to second, sir.

**The Speaker:** Hon. Member for Douglas West, Mr Shimmin.

**Mr Shimmin:** In a similar vein, I propose my colleague for West Douglas, Mr Corkish.

**The Speaker:** Hon. Member for Douglas East, Mr Braidwood.

**Mr Braidwood:** I would like to propose the Hon. Member for Rushen, Mr Gill.

**The Speaker:** Hon. Member for Glenfaba, Mr Anderson.

**Mr Anderson:** I would like to second the nomination of Mr Corkish.

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** I would like to propose Mr Quirk.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** I beg to second the nomination of Mr Gill, Mr Speaker.

**The Speaker:** Hon. Member for Ramsey, Mr Bell.

**Mr Bell:** I beg to propose my hon. colleague for Ramsey, Mrs Craine.

**A Member:** It is like sidecars, this!

**The Speaker:** Mrs Craine.

**Mr Cregeen:** I would like to second Mr Quirk.

**The Speaker:** Thank you, Hon. Member. Hon. Member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** I would like to second the nomination of Mrs Craine, the Hon. Member for Ramsey.

**The Speaker:** Any further nominations? I shall ask the Secretary to read out the names of the candidates.

**The Secretary:** Mr Speaker, they are Mr Corkish, Mrs Craine, Mr Gill, Mr Houghton and Mr Quirk.

*An electronic ballot took place in five stages.*

**The Speaker:** Now, Hon. Members, again, you have to elect three Members to this Committee.

You are voting, firstly, on the nomination of Mr Corkish. Please record your vote for or against now. Thank you, Hon. Members.

Now voting for Mrs Craine. Please vote now.

Hon. Members, now voting on Mr Gill. Please vote now.

Mr Houghton, please vote now.

Finally, on Mr Quirk, please vote now.

The result of the ballot, Hon. Members: Mr Corkish received 19 votes; Mrs Craine received 15 votes; Mr Gill received 12 votes; Mr Houghton received 14 votes; Mr Quirk received 9 votes; 1 spoiled paper.

I therefore declare that Mr Corkish, Mrs Craine and Mr Houghton have been elected as the Keys Members of the Tynwald Management Committee.

Thank you, Hon. Members.

## LEAVE TO INTRODUCE

### Constitutional Reform A Bill to popularly elect Tynwald Leave to introduce granted

8.1 The Hon. Member for Michael (Mr Cannan) to move:

*That leave be given to introduce a Bill to require Members of Tynwald to be subject to popular election; to make new provision for the constitution of the House of Keys and the Legislative Council; and for connected purposes.*

**The Speaker:** I now turn to Item 8, leave to introduce motions, and at Item 8.1, set out on the Order Paper in the name of the Hon. Member for Michael, Mr Cannan.

I call on Mr Cannan.

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

We, in the Isle of Man, are very proud of our parliament and self-governing independence. It is said that our parliament, Tynwald, has been in existence for a thousand years, but does not deem a democratic parliament... Democracy has only evolved over the years when men and women of radical conviction have called for change and reform. (**A Member:** Hear, hear.)

In February 1867, just 141 years ago, the House of Keys was first elected, with men only having the vote. Prior to 1867, membership of the Keys was by patronage and influence and then only landowners and property owners were appointing themselves. And so we move on to 1881. The women property owners were given the vote, but only for those who had property of a certain value. Then, in 1883 – wonderful to behold – a secret ballot was introduced. Before that, the vote was public.

Then, in 1892, the property vote valuation was lowered, so that more property owners had the vote, but still different valuations of men's property and women's property. Then, in 1897, both men and women were eligible for election to the House of Keys. We are moving forward!

In 1897, 110 years ago, women were eligible to be Members of the House of Keys. Before that, it was a men-only preserve. Then, in 1903, the property vote was equalised. No separate lists for men and women property owners. Times moved forward.

The First World War has been and gone and, in 1919, universal suffrage was introduced. All men and women had the vote and also men and women who owned property had an extra vote in whatever constituency they had property. But, still, everybody had a vote, even if some had more voting power than others.

Now, all this time, the Legislative Council was the

preserve of the good and the great. So in 1965 reform commenced.

**A Member:** What about Marion Shimmin? Do not forget her.

**Mr Cannan:** That is only just over 40 years ago. The Second Deemster was removed from being a Member of the Legislative Council. In 1969, the property vote was abolished. A person could now only vote once and in one constituency. It seems extraordinary, if I may just make the aside, that up to 1969, members of the public could vote in the constituency they lived and, if they had property in another constituency, they could go there and vote as well.

Then, in 1970, the Lieutenant Governor's nominees for the Legislative Council was abolished, because what we had before that was the First Deemster, the Second Deemster, the Attorney General and the Governor's nominees, the good and the great – but that was abolished in 1970. In 1971 Members of Tynwald could not also be members of local authorities. Reform is moving forward.

In 1971 the voting age was reduced to 18 years and, also in 1971, the Attorney General lost his vote in the Legislative Council. First, the Second Deemster lost his vote and went, then in 1971 the Attorney General lost his vote in the Legislative Council. In 1975, the First Deemster was removed from the Legislative Council. In 1980, the Lieutenant Governor no longer presided over the Legislative Council; the Legislative Council elected a President. In 1990, the Lieutenant Governor no longer presides over the Court of Tynwald.

And so we have the Legislative Council as it is today, when any person can walk in off the street without any public support and hope to persuade just 13 MHKs to vote for them to become Members of Tynwald. They will have no public support, no public mandate and no public accountability. All that they require is the support of 13 MHKs and I ask you to ponder on that.

How far has our democracy in the Island really advanced? How far has it really advanced when, having removed all the good and the great and the Governor's appointees from the Legislative Council, just 13 Members of this Hon. House, who have fought elections to be here and the privilege of being people's representatives of the House of Keys, meaning the House of the chosen... and then 13 can appoint other Members of Tynwald.

Despite all these changes, in my view, Tynwald is not fully democratically elected and this is the purpose of the Bill. The proposed Bill, in my opinion, is the final stage in bringing about a fully democratic Tynwald. It has taken 141 years from 1867 to get to the stage we are today.

So I am seeking leave to introduce a Bill to require Members of Tynwald to be subject to popular election, to make new provision for the constitution of the House of Keys and Legislative Council. This means that the eight Members presently of the Legislative Council will be elected by the people and become, similarly, Members of Tynwald, like all of us. Everybody in Tynwald will have a public mandate from the people and be accountable for their actions to the people.

What I am seeking this morning is nothing radical, (*Laughter*) just leave to introduce a Bill within the next few weeks for you, Hon. Members, to study, amend, where necessary, introduce new clauses, if desirable, and so have

in place a constitution for the election of a fully democratic Tynwald. It will be your choice of how you see it – not mine, your choice. I am just the vehicle, or seeking to be the vehicle, to bring the Bill to the floor of the House for you to amend, to put new clauses, as I have already said, and to have a Bill that will have consensus, or majority, for the formation of a fully democratic Tynwald.

The principle of a Tynwald totally elected by the people was proposed and supported by the following Members in their election manifestos last November, and may I remind Hon. Members what they said then.

Hon. Member, Mr Braidwood:

'The future. Amongst the changes I believe we will see are a popularly-elected Legislative Council.'

Mrs Cannell, the same.

Mr David Cretney:

'Constitutional reform. I have always supported a directly elected Tynwald, rather than MHKs voting for MLCs – the public should have a say.'

The Hon. Member, Mr Shimmin:

'I am in support of Members of the Legislative Council being popularly elected.'

The Member for Garff, the same:

'I will support constitutional reform.'

The Member, Mr Anderson, for Glenfaba:

'I have been a supporter of the retention of the Legislative Council and the roles it plays in the legislation and backing issues from a broader, Island-wide perspective. I would support a directly-elected Legislative Council.'

Myself, well, my views are well known. (*Laughter*)

Martin Quayle:

'To achieve constitutional reform, to popularly elect the eight Members of the Legislative Council.'

Mr Crookall:

'MHKs and Members of the Legislative Council should be voted in at a general election time.'

Vote Watterson. Sorry, I beg your pardon! (**A Member: Yes!**) (**A Member: Hear, hear.**)

'I would like to see the Legislative Council elected. All our politicians should have a mandate from the people.'

Mr Gawne:

'Honest communication, open Government. I have been at the forefront of those working for a more open and accountable system of Government. I am pleased that Tynwald backed my call for freedom of information... The Legislative Council: I will continue to support any legislation which results in a directly elected Legislative Council.'

So, Hon. Members, I quote from that because I am certain that you will... Certainly Members who have made the commitment will hold faith with the electors who elected them here, because I believe that is part of the democratic system.

So the purpose, Mr Speaker, of today's motion is for the introduction of a Bill that will require a fully-elected Tynwald. As I have said, the content of the Bill will be debated at Second Reading, scrutinised at the clauses and eventually there will be a consensus or a majority for the Bill to progress to the Legislative Council. At this time, the will of the House of Keys will prevail by virtue of the Constitution Act, which we passed in the last parliament, which states that the Legislative Council cannot delay legislation indefinitely. They have to return it.

So, with your support this morning, this House can start to complete the democratic reform of the Legislative Council and Tynwald and then be able to tell the world that not only have we a thousand-year-old parliament, but we have a parliament that is now fully elected. Tynwald, 'a parliament of the people, by the people, for the people' – if I can use those immortal words (**Two Members:** Hear, hear.) of Abraham Lincoln.

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

**Mr Houghton:** Thank you, Mr Speaker.

I have every pleasure in seconding this. It was also in my manifesto, but a quotation was not read out by the Member. (*Interjections and laughter*)

But seriously, though, Mr Speaker, I think we are all, of course, in support of it and we will soon know at the vote. This whole issue during the last term was indeed done to death. It really was. There was a meaning by every Member then at that time to bring such legislation forward.

The way I view it, in summary, was that the finishing touches were put to that Bill. Indeed, I also would like to commend you for your work that went into that during the last term, but we do have six new Members, who are most important, obviously. They have a very large vote collectively. Possibly those new Members may... As, the Hon. Member, Mr Cannan, has already stated, in many cases they have put it in their manifestos, but they may need to have a brief précis as to how we have got here and how there are so many reports sitting on the shelf etc.

I would perhaps ask if someone who has a greater knowledge than I into the background of this and, of course, those people were the former Member for Ayre, Mr Quine etc, but certainly yourself and Mr Cannan and persons like that... I would say if perhaps a presentation could be arranged for those new Members to bring them up to speed, because we do value their input and they were not here during the last time to hear all those debates. I think that would be a great assistance for those new Members to really understand the gravity of the situation and to where I am sure the Bill that the Hon. Member is going to bring forward, if he gets leave to introduce – I am sure he will – and the reasons why that Bill will be worded in the way that, indeed, it actually is.

As the Hon. Member has already stated, he can come back to this House within weeks with a Bill because the Bill, no doubt, will be a reprinted, amended, amended, amended version of what we have already been debating in the last term.

I would like to ask this Hon. House to give this motion its full support, but I think a presentation to bring those new Members up to speed would, I am sure, be beneficial to them.

**The Speaker:** Hon. Members, before we move on

with the debate, the matter of presentations on the subject matter of legislation is entirely a matter for the mover of that legislation, whether that be Government legislation or private legislation, but I have no doubt the Hon. Member, the mover, has taken on board what you have said.

Hon. Member for Douglas East, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker.

I would like to support the leave to introduce and, for the assistance of the new Members, I am sure if they look back at *Hansard* and the debates which have taken place when you, sir, in actual fact were moving it, will be of great assistance to them.

I think the only flaw in the last Bill was when the amendment was moved for eight times four seats. Preference would be 16 times two, but I am sure that the Member for Michael, when he brings forward his Bill... I know he has always looked for 24 single seats (**A Member:** Hear, hear.) and then it could be 32 single seats, but I think my own view – and I think the Hon. Member for Michael, when he was debating this similar subject – was for 16 times two seats.

Thank you, Mr Speaker.

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

**Mr Gawne:** Gura mie eu, Loayreyder.

Yes, I think I ought to bring a little bit of clarity to my, perhaps, unwise comments in my manifesto for 'any legislation'.

The Hon. Member for Michael may be thinking about a piece of legislation which would see eight Members of Legislative Council elected by the people of Kirk Michael! (*Laughter*) I would not support a piece of legislation like that, but what I was basically saying in my manifesto was any *reasonable* legislation. I have my own preferred views as to what we should have, in terms of direct elections to Legislative Council. However, as far as I am concerned, the principle is the important thing here. We need the people to be electing Members of the Legislative Council; exactly what that form takes is not so much of a concern to me, but I am concerned that we do get that principle supported and in legislation. We can always tinker around with the legislation once the principle has been achieved, if we feel so necessary to do.

I think the other thing that I would ask the hon. mover is: quite clearly he has already done a considerable amount of research on Members' views on this particular move. I would ask him to consult with Members in advance of drawing up any Bill, so that his Bill could best represent the views within this Hon. House. That way we have more chance of being successful in achieving what we failed to do in the last five years.

Gura mie eu, Loayreyder.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

First of all, I would like to congratulate the Hon. Member for Michael, Mr Cannan, for so swiftly bringing this before us, one of the first meetings of the House of Keys, as it is one of the most important issues that we have to deal with, which is outstanding business from some years.

Of course, we could have made progress with it in the last five years. We were very nearly there. My own favoured

arrangement is for the 24 Members of the House of Keys to continue as presently elected, although be it perhaps 24 single seats (**A Member:** Hear, hear.) and then to go for eight individual elected Legislative Council Members from eight individual areas around the Isle of Man. (**A Member:** Hear, hear.)

At the moment we have an arrangement where Legislative Council Members have been drawn from the House of Keys and we can find an imbalance of representation around the Island – although I realise that Legislative Council Members are looking to the interests of the Island, rather than constituency interests. Nevertheless, I think it is very important that Legislative Council reflects the Island as well, and that would be achieved by eight individual elected areas.

I think perhaps concerns in the past have arisen, whereby people have felt if we had eight individual elected Members, they would have three times the voting strength, having been elected by three times the amount of people to get elected, compared to the 24 individual Keys Members. However, I think as long as we could define the responsibilities quite clearly for the eight elected Legislative Council Members, then that would ensure that we could minimise any conflict between the Legislative Council and the Keys. If they knew their responsibilities were tightly controlled and defined, then there should not be a problem. Each Member of the Keys and Legislative Council would, obviously, only have the one vote.

So I think with that, Mr Speaker, the only other point I would wish to finish on is that it has not been mentioned up till now about the role of the Lord Bishop... I would favour that is why, and I thank the Hon. Member for Michael for reading out my manifesto commitment.

I purposely mentioned the eight Members of Legislative Council because that did not mention the Bishop. I would favour the Bishop retaining his vote, even though he would not be elected by the people.

Thank you, Mr Speaker.

**Mr Brown:** Not fully democratic, then.

**The Speaker:** Hon. Member for Michael, Mr Cannan, to reply to the debate.

**Mr Cannan:** Mr Speaker, I thank Members for their views, in particular the Hon. Member, Mr Houghton, for seconding and for his support.

I have to say this to all Members, have confidence in me. I will, before I bring the Bill for First Reading, arrange a seminar for all Members, not just the new Members, for all Members to attend, because it may be that some Members from the previous Government have, over the months and since the Election and during the Election, changed their views, having heard the wishes of the people. So there will be a seminar for all Members of this House to obtain a flavour of the views of Members.

They will not all agree. We have heard today there will be different views. Some Members will want the Bishop's vote kept, others may not. Some Members may want a 32-Member Tynwald and some Members, as we have heard from Mr Quayle, may want a separate area for Members of the Legislative Council.

We had the previous debate, in which they would become, as was said by some Members – many Members and it

was found to be unacceptable – the grandees of the Manx parliament. The Member for the south of the Island would consider himself greater –

**Mr Cretney:** Or herself.

**Mr Cannan:** – or herself, I beg your pardon (*Laughter and interjections*). I am sorry for that interruption – would consider himself/herself of more importance, in the bigger mandate, than the three or four Members representing the south. The same could apply for the west and Douglas and Onchan and the north.

So, as I say, I thank Members. I give an assurance there will be a seminar and I hope to have present with me the Secretary of the House, the Clerk of Tynwald, to give legislative advice.

At this moment there appears to me to be three options for a form of Legislative Council. A 32-seat all-elected Tynwald – 16 two-seat constituencies, as we came to agreement in the last parliament – a separate Legislative Council voted separately, sort of elected senate, as I have explained to you – or, alternatively, the House could be bold and radical, as our forefathers were, when they stopped the nonsense of a self-appointing House of Keys and started to have it elected in 1867.

You could be bold and radical and say the parliament of the Isle of Man is the House of Keys and we do not need a Legislative Council. There are many commonwealth countries that are unicameral chambers. Do you really need to increase the membership of Tynwald to have 32, or can the Government of the Isle of Man be managed by 24?

I am just putting the options before you, whether you are going to be bold, or whether you are going to come to a half-way house, 16 two-seat constituencies or a separate Legislative Council. But this is for Hon. Members to decide by debate and amendment when the Bill comes before them.

But in the immediate... and I just reinforce the wrongness of the present system. Next week, Hon. Members will be voting for two Members of Legislative Council –

**Mrs Craine:** No, we won't.

**Mr Cannan:** – and at present not a single Member of Legislative Council has a public mandate. Yet you, Hon. Members, have just fought a General Election, spent hundreds, if not thousands of pounds on campaign expenses, to obtain a mandate, yet these candidates just want to walk into Tynwald, full salary and privileges, expect to be made members of Departments, with enhanced salaries, something that some Members elected do not enjoy presently, and yet these people just want to walk in.

So, Hon. Members, I have invited, as you are aware, the current Legislative Council candidates to meet Hon. Members at Friday lunchtime to explain their motives and policies and answer questions – in brief, the equivalent of a requisition meeting. I have attended over the last 20-odd years 15 requisition meetings, where I am called to stand on the platform and account for myself to the electorate, just as all of you have.

Today there is a change – or next week there is a change, or this week. There, we are the electorate and I think that, in fairness to everybody and the candidates themselves, they should be invited to say to us why we should elect them, rather than just endeavouring some candidates to secure 13

votes to give them the rights and privileges of a membership of Tynwald. I think, in fairness to all, they should be before us to say their policies and for us to ask the questions. Just a requisition meeting in reverse. We are the electorate this time, not the candidates.

At present, two of the candidates have informed me they will be present and I hope the other three will do so, and I hope as many Members as possible will be able to attend and give judgement on who they perceive to be the best person.

So, Hon. Members, you have the motion before you. I assure you I will handle it with care, with your support, because it is vitally important that we move, as we are in the 21st century, to be able to stand up and say we have a thousand-year-old parliament and a fully elected parliament.

Mr Speaker, I beg to move.

**The Speaker:** Hon. Members, the motion before the House is that leave to introduce a Bill for constitutional reform, as set out in item 8.1 on our Order Paper in the name of the Hon. Member for Michael, Mr Cannan, be approved. All those in favour, please say aye; against, no.

*A division was called for and electronic voting resulted as follows:*

FOR	AGAINST
Mr Quirk	None
Mr Earnshaw	
Mr Karran	
Mr Brown	
Mr Crookall	
Mr Anderson	
Mrs Craine	
Mr Bell	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mr Malarkey	
Mrs Cannell	
Mr Braidwood	
Mr Corkish	
Mr Shimmin	
Mr Cretney	
Mr Watterson	
Mr Gawne	
Mr Gill	
The Speaker	

**The Speaker:** Hon. Members, the result is unanimity, 24 votes for and no votes against. Thank you, Hon. Members, the motion therefore carries.

**Police Authority  
A Bill to establish  
Motion not made**

8.2 The Hon. Member for Onchan (Mr Karran) to move:

*That leave be given to introduce a Bill to establish a police authority, providing for its membership and remit, to make new provision for complaints against the police, and for connected matters.*

**The Speaker:** Hon. Members, Item 8.2 I have been notified is not being moved.

**Statement by the Speaker  
Withdrawal of motions**

**The Speaker:** Hon. Members, I just wish to make a general observation. Hon. Members, any Member tabling a motion on the Order Paper is, of course, entitled, if there is good reason, not to move such an Item, but once it is on the Order Paper I think there is a reasonable expectation on the part of the House, Members of which may well have prepared themselves accordingly for a debate, that that Item will be moved at the sitting. Notwithstanding that I was informed in advance of this sitting, I simply ask Hon. Members, and make the general point, whether they be moving a private Member's Bill, whether they be seeking leave to introduce or whether it be a Government Bill, to reflect on whether the courtesy should be extended to Members of the House to advise them before the sitting of an intention not to move. I simply make that point, Hon. Members.

**Mr Karran:** Point of Order.

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

**Mr Karran:** I made my position quite clear at the sitting of Tynwald last week.

**Mrs Craine:** No, he didn't!

**The Speaker:** I do not believe that was made clear. You notified me, Hon. Member, on Friday.

I simply make a point that is not covered by Standing Orders. I make a general observation as to the conduct of Members of the House.

**A Bill to control dangerous dogs  
Leave to introduce granted**

8.3 The Hon. Member for Douglas North (Mr Houghton) to move:

*That leave be given to introduce a Bill to amend the law relating to dogs to make provision regulating the classification, keeping and control of dangerous dogs, and for connected purposes.*

**The Speaker:** I now move, Hon. Members, to item 8.3, and it is that leave be given to introduce a Bill, as set out under item 8.3 on the subject of dangerous dogs, and I call on the Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

I rise to seek the indulgence of this House for leave to introduce a Bill which would address any shortcomings in the present legislation to deal with any dog considered to be dangerous. This issue has been on my radar for some time and is in my recent manifesto. It is not a knee-jerk reaction following news of the horrific incident of a dog savagely

attacking a child in the United Kingdom.

Mr Speaker, we need effective legislation to prevent any similar incidents on the Island. I have received many messages of support and one, indeed, from a lady who had received facial injuries as a result of an attack by a ferocious dog, whilst she visited a property at the request of the owner. I have spoken to Mr Shimmin, the Hon. Minister for the Department of Local Government and the Environment and have received advice from Mr Gawne, Minister for Agriculture, Fisheries and Forestry, who has made reference to legislation relating to changes, which is mixed up within the Act relating to his Department.

If I receive support from this House today, I would investigate all those aspects which relate to the control of dogs, a clear definition of what would be construed as a dangerous dog in the Bill, together with supplementary measures addressing a dog which may, following ill-treatment by its owner, become a dangerous dog.

Mr Speaker, these are some of a number of issues I need to look at and, as on previous occasions, when working on Private Member's Bills, I would be more than pleased to work closely with those relevant Government Departments in order to bring forward a competent Bill which will be well thought through and effective, sir.

I beg to move.

**The Speaker:** Hon. Member for Douglas West, Mr Shimmin.

**Mr Shimmin:** Thank you Mr Speaker.

In light of the incident that did take place, I rise to second the motion in the name of Mr Houghton.

In light of the issues that arose on Merseyside recently, we did have cause to go back and look at our legislation. We would like to reassure the public that we believe our legislation on the Island, the 1990 Dogs Act, is actually more of a safeguard to the public. However, we do recognise that all dogs have a potential to be dangerous.

Certainly, in light of that and working with the Department of Agriculture, Fisheries and Forestry, we have identified that there are some areas that could be brought together more successfully. Therefore, we welcome the opportunity offered by Mr Houghton to work collectively with himself and our Departments to ensure that the legislation that we have got is clear and is suitable for purpose.

Therefore, I would urge Hon. Members to give him the support, with the reassurance that Government will work with him to make sure that, if legislation is required, we will bring it forward. If we have other opportunities of clarifying our current position is adequate, then we would come back to the House at that time.

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

**Mr Gawne:** Yes, Gura mie eu, Vainstyr Loayreyder, I would echo the comments of the Minister for Local Government and the Environment.

Certainly, my Department is supportive of this move. There are a number of areas that do need to be improved in terms of our legislation. My Department, of course, is responsible for the Wild Animals (Restriction on Importation) Act 1980 which does restrict quite severely the importation of wild animals, which covers many of the dangerous dogs which people often refer to.

However, there are areas of weakness in our legislation, not least in terms of aggressive dogs which are often badly trained dogs. These could be any dogs, whether they are the fighting dogs or normal dogs, and there are issues there in terms of dogs which are poorly trained. The owners have a responsibility to properly train their dogs, so we would certainly be interested in discussing further with the hon. mover those aspects.

Also, the issue of multiple dogs in one ownership, where dogs tend to revert to kind, the hunting in packs, the pack instinct, that is another area which we do not feel is adequately covered in legislation, which needs to be at least explored, I think, by the mover. So, certainly, we in the Department would be very happy to work with the mover in trying to improve the legislation, so that it works for the benefit of the people of the Isle of Man.

**The Speaker:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker.

In a similar vein to the previous speakers who have resumed their seats, I rise to support the motion before us today and I would just like to mention that the Department of Home Affairs would have an interest in the matter and would be very keen to work with the Hon. Member for North Douglas, Mr Houghton, so that we do have an opportunity here to tailor the legislation to Manx requirements. I would be more than happy to facilitate any discussions within the Department.

Thank you.

**The Speaker:** Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I am quite supportive of the mover's intentions here, but I would like to ask him, for him to place on public record, the other side of the coin. Folk, say for example, Vainstyr Loayreyder, who may keep one or two large German Shepherd dogs. They may well be the family pets. Some people may view those as dangerous in their own mind, but in fact lovely animals that can be taken out for walks, or indeed exercised in a good field for a run – and they may well bark whilst they are doing so.

We need to know if that constitutes anything under the proposals or, indeed, in the general sense of things in dog ownership. Most people should be exempt from the measures, if you see what I mean.

I am also thinking of a family who keep a Staffordshire Bull Terrier at the minute, a lovely family pet, great with children, excellent, very well tempered indeed. In fact, it is a big softie, but again it looks like a pit bull terrier, so how are items like that going to be addressed? If we could have some reassurances on those kind of events, Vainstyr Loayreyder, I think that would go a long way to the successful implementation of my hon. colleague's intentions.

**The Speaker:** Hon. Member for Douglas North, Mr Houghton, to reply to the debate.

**Mr Houghton:** Thank you, Mr Speaker.

Can I thank all those Hon. Members who have spoken in the debate. I would like to confirm that I would be very happy and, in fact, I always have in my previous Private Member's

Bills, very closely and carefully liaised with Government Departments because the workings have to be such that the Bill is workable when it comes out.

I do have, I hope, a clear and good track record of doing that because this Hon. House wishes to promote good legislation, (**A Member:** Hear, hear.) legislation that is also Human Rights compliant and has all the other compliances too. In fact, a Bill cannot be drafted any other way these days apart from that.

Now, the Hon. Member... I thank my hon. seconder, Mr Shimmin. As I say, I do agree with his sentiments and I thank him for his support. I also thank the Hon. Member, Mr Gawne, where he makes reference to badly trained dogs, dogs that have been ill-treated and then multiple dogs – which is a very good point – in single ownership. That follows on from my hon. colleague Mr Henderson, who, of course, wanted me to put on record, and I am more than happy to do so, the issues with large dogs and he named two, a German Shepherd and a Staffordshire Bull Terrier, as against a pit bull terrier etc.

There are different species of dogs – if that is the right word – (**A Member:** Breeds.) breeds of dogs that might not take flight... there are different breeds of dogs, that have in the past been bred for fighting. Pit bull terriers were those and they should have been bred out of existence by now because, as I say, a lot of these dangerous dog issues emanate from dogs which were bred as fighting dogs and so on.

What I am actually looking for here, as distinct from what actually is set out in the United Kingdom Dangerous Dogs Act, is, rather than just look at the dog, I may spend quite a considerable amount of time, looking at the owners of the dogs and whether they are fit and proper people to own one dog, or even the multiple ownership of dogs, because as we all know even Rottweilers... I have seen Rottweilers as soft as anything, really nicely trained etc, excellent owner and then, of course, we have all seen Rottweilers that are quite different from that... In fact, as a long-term dog owner myself – I have owned a dog all my life – basically the dog is as placid as anything, if it is well treated.

That is why I thought it would be right and proper that I would bring it forward because I am a dog lover, not a dog hater. But the issues here are how that dog is looked at, so even if we feel that we classify certain breeds of dog as a dangerous dog, we could miss out on one which is a small border collie. I have been up on farms, walked through farms, on footpaths, where I have been attacked and bitten by a nasty border collie who has been on a chain for years, ill treated. If that collie attacked a child, the child would be seriously injured. Are we going to class border collies and soft-natured dogs you would have thought, like that?

I think what we need to do is just widen our encompassing net much much wider than what I call the United Kingdom's Dangerous Dogs Act. It is quite a poor Act and one that was brought in as a knee-jerk reaction in response to fighting dogs, an issue I do not think we have over here. We might

as well encompass the legislation to deal with that, should that ever happen, but my issue is the control of a dog to make sure they are well looked after. There would be some form of – not necessarily monitoring – but some form of licensing or approval that that person is a fit and proper person to look after that dog. How that is done and so on, there is an awful lot of thought and consultation, but with those points that have been made on the floor, and also with some of the ideas that I wish to pursue, Mr Speaker, at this point in time I can do no more than beg to ask the Hon. House to support my leave to introduce.

I thank you for that.

**The Speaker:** Hon. Members, the motion before the House is that leave to introduce the Bill, as set out under Item 8.3 relating to dangerous dogs, in the name of the Hon. Member for Douglas North, Mr Houghton, be approved. All those in favour, please say aye; those against, no. The ayes have it.

*A division was called for and electronic voting resulted as follows:*

FOR	AGAINST
Mr Quirk	None
Mr Karran	
Mr Brown	
Mr Crookall	
Mr Anderson	
Mrs Craine	
Mr Bell	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mr Malarkey	
Mrs Cannell	
Mr Braidwood	
Mr Corkish	
Mr Shimmin	
Mr Cretney	
Mr Watterson	
Mr Gawne	
Mr Gill	
The Speaker	

**The Speaker:** Hon. Members, the result of the ballot is 23 votes for, no votes against. The motion, therefore, carries.

Thank you, Hon. Members, and that concludes the business before the House today. The House will now stand adjourned until Tuesday next, here in our House at 10.00 a.m.

Thank you, Hon. Members.

*The House adjourned at 11.45 a.m.*