



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 28th November 2006

Present:

First Deemster and Clerk of the Rolls, His Honour John Michael Kerruish QC
 Second Deemster, His Honour David Charles Doyle
 The Chief Registrar, Mr P Corkhill

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

Business transacted*Page*

The House met at 11.00 a.m.

Swearing in of Members□ 3

*The House adjourned at 12 noon
 and resumed its sitting at 2.30 p.m.*

Orders of the Day

1. Acting Speaker of the House – Mr Bell appointed	4
2. Speaker of the House – Mr Brown elected	4
3. Book of Standing Orders signed	5
4. Chaplain of the House – Nominations sought	5
Management and Members’ Standards Committee – Procedural	6
5. Standing Orders Committee – Five Members elected	6
Electronic voting – Statement by The Speaker	7

The House adjourned at 2.59 p.m.

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 Legislative Buildings, Douglas, Isle of Man IM1 3PW.*

House of Keys

The House met at 11.00 a.m.

SWEARING IN OF MEMBERS

The procession into the Chamber consisted of a Messenger of the House, the Chief Registrar, the Secretary of the House of Keys, His Honour the Second Deemster, and His Honour the First Deemster and Clerk of the Rolls.

The First Deemster: Hon. Members of the House of Keys, ladies and gentlemen, we are assembled here this morning for the administration of the requisite oaths or affirmations. I am accompanied by His Honour Deemster Doyle, the Secretary of the House of Keys, Mr Cornwall-Kelly, and the Chief Registrar, Mr Corkhill.

It is provided by section 8 of the Representation of the People Act 1995 that no Member of the Keys shall be permitted to sit and to vote in the Keys until he or she has taken and subscribed the oaths required by law.

Those oaths are the Oath of Allegiance to Her Majesty the Queen and the Oath of a Member of the House of Keys, which have been in substantially the same form for many centuries. Members may, if they prefer, take an affirmation rather than an oath.

As to the procedure, the procedure which will be followed is that the Member or Members for each constituency will be called in turn, commencing, by custom, with Glenfaba. When the Secretary of the House has verified that the Certificate of Election presented by each Member has been checked with the certificate issued by the returning officer, the oaths will be administered, whether in Manx or English, dependent on the Member's choice.

If there is more than one Member for the constituency, then the Members will be called in the order in which their names appear in the certificate on the writ. Deemster Doyle will assist me in the administration of the oaths. Each Member will take the Testament in his or her right hand and will hold it until the completion of the administration of the oaths. For those Members who are taking an affirmation, of course, the Testament will not be used.

I, or Deemster Doyle, will then read the first oath – that is the Oath of Allegiance to Her Majesty – to each Member individually phrase by phrase, and the Member will then repeat the oath or the affirmation phrase by phrase. After the Member has taken the Oath of Allegiance, the second oath – the Oath of Member of the House of Keys – will be administered and that is read to the Member or Members, but will not be repeated by each Member.

When both oaths or affirmations have been made by all Members representing a multi-seat constituency, then each Member will move to where the Chief Registrar is situated to sign the *Liber Juramentorum*, which is the permanent record of the swearing in. The Chief Registrar will indicate where you should sign.

When all Members have signed the *Liber*, Deemster Doyle and I will then attest the signatures of the Members. That is the procedure for this morning.

I now ask the Secretary of the House of Keys to call forward the Members by constituency.

The Secretary called the Members of the House of Keys forward by constituency. The First and Second Deemsters administered the oaths to the Members in the following order: Hon. D M Anderson (Glenfaba); Mrs A V Craine and Hon. A R Bell (Ramsey); Mr W E Teare (Ayre); Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Hon. S C Rodan (Garff); Mr P Karran, Mr A J Earnshaw and Mr D Quirk (Onchan); Mr G M Quayle (Middle); Mr R W Henderson and Mr J R Houghton (Douglas North); Hon. D C Cretney and Mr W Malarkey (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Mr G Corkish and Hon. J P Shimmin (Douglas West); Mr J A Brown (Castletown); Mr G Cregeen (Malew and Santon); Mr J Watterson, Hon. P A Gawne and Mr Q B Gill (Rushen).

The text of each oath was as follows:

Oath of Allegiance

I, . . . , do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors.

So help me God.

Oath administered to Members of the House of Keys

Her Majesty's Counsel, Your Fellows' and your own, you shall not reveal; you shall use your best endeavours to maintain the Ancient Laws and Customs of this Isle.

You shall justly and truly deliver your opinion and do right in all matters which shall be put unto you without favour or affection, affinity or consanguinity, love or fear, reward or gain, or for any hope thereof, but in all things you shall deal uprightly and justly and do wrong to no man.

The text of the oaths in Manx, as taken by and administered to Mr Gawne, was as follows:

Oath of Allegiance

Ta mish, . . . , loo liorish Jee Ooillee-niartal dy bee'm firrinagh as dy feer ammyssagh da e Hooashley Reeoil y nah Ven-rein Elizabeth, chiarn Vannin.

As ayns shoh dy gooin Jee lhiam.

Oath administered to Members of the House of Keys

Coyrle y Ven-rein, Coyrle dty Cho-olteynyn, as dty choyrle hene cha jean oo y hoilshaghey; gys rere dty phooar nee oo cummal seose Shenn Leighyn as Cliaghtaghyn yn Ellan shoh.

Nee oo dy cairagh as dy firrinagh dty vriwnys y livrey, as cairys y yannoo ayns dy chooillee nhee hed er soiaaghey kiongoyrt rhyt, gyn foayr ny kenjallys, gyn cleunys ny mooinjerys, gyn graih ny aggle, gyn leagh ny cosney ny jerkal erbee rish lheid y red shen, agh ayns dy chooillee nhee nee oo dellal dy ynrick as dy cairagh, gyn aggair y yannoo da dooiny erbee.

Ayns shoh dy gooin Jee lhiat as ny ta scruiit ayns y Lioar shoh.

The text of the affirmations in Manx, as taken by and administered to Mr Gill, was as follows:

Affirmation of Allegiance

Ta mish, . . . , dy ynrick, dy creeoil as dy firrinagh gra as fockley magh dy bee'm firrinagh as dy feer ammyssagh da e Hooashley Reeoil y nah Ven-rein Elizabeth, chiarn Vannin.

Affirmation administered to Members of the House of Keys

Ta shiu dy ynrick, dy creeoil as dy firrinagh gra as fockley magh nagh jean shiu coyrle y Ven-rein, coyrle nyn Go-olteynyn, as nyn goyrle hene y hoilshaghey; gys rere nyn booar nee shiu cummal seose Shenn Leighyn as Cliaghtaghyn yn Ellan shoh.

Nee shiu dy cairagh as dy firrinagh nyn mriwnys y livrey, as cairys y yannoo ayns dy chooilley nhee hed er soiaaghey kiongoyrt riu, gyn foayr ny kenjallys, gyn cleunys ny mooinjerys, gyn graih ny aggle, gyn leagh ny cosney ny jerkal erbee rish lheid y red shen, agh ayns dy chooilley nhee nee shiu dellal dy ynrick as dy cairagh, gyn aggar y yannoo da dooinney erbee.

The First Deemster: Hon. Members, the oaths and affirmations have been taken and administered to my satisfaction, being taken and administered in front of myself and my brother Deemster. So we are each satisfied that each Member has taken his or her oath, or his affirmation. They have each signed the *Liber Juramentorum*, which is possibly the oldest book in this Isle, and we will now inspect the signatures and attest our witnessing.

Chief Registrar.

The Deemsters inspected the signatures.

The First Deemster: Hon. Members, we have now completed the swearing in and thus you are now entitled to embark upon your duties as elected Members of this ancient and noble parliament.

During your term of office you will be required to make decisions upon which the future wellbeing and reputation of our Island and our people depend, decisions which may affect a particular community or a particular section of the people.

Last Thursday, the people placed their trust in you. It is a heavy responsibility, but one which each of you has chosen to undertake. May I, on behalf of the people of this Isle, wish you a very successful term of office and may I, on behalf of Deemster Doyle and myself, congratulate you all on your election to the House of Keys.

The Secretary of the House of Keys will now make an announcement.

The Secretary: I am commanded by His Excellency the Lieutenant Governor to summon the House of Keys to sit at 2.30 p.m. this afternoon, the 28th day of November 2006.

The First Deemster: Thank you, Mr Secretary. Thank you, Hon. Members.

That now concludes the proceedings this morning. I thank you all for your attendance. Myself, my brother Deemster and the other officials will now retire. Thank you very much.

The House adjourned at 12 noon and resumed its sitting at 2.30 p.m.

Orders of the Day

Acting Speaker of the House Mr Bell appointed

The Secretary: This is the first sitting of the House since the Election and, in accordance with Standing Orders, the first business of the House is the appointment of an Acting Speaker to preside over the election of the Speaker of the House.

May I have any nominations for Acting Speaker, please?

Mr Anderson: Mr Secretary, I rise to nominate the Hon. Member for Ramsey, Mr Bell.

The Secretary: Thank you. Anyone second that?

Mr Gawne: Yes, I would like to second that.

The Secretary: Thank you very much. Do I have any further nominations? All those in favour, please say aye; against, no.

Thank you, Mr Bell, if you would care to take the Chair, sir.

Mr Bell took the Chair.

Speaker of the House Mr Brown elected

The Acting Speaker (Mr Bell): Thank you, Hon. Members.

Hon. Members, we turn to Item 2 on the Order Paper, the election of the Speaker. Section 9(1) of the Representation of the People Act 1995 requires the House at its first sitting following a General Election to elect a Speaker.

The election is governed by Standing Order 9, which is appended to the Order Paper. Standing Order 9 provides that if only one Member is proposed and seconded as Speaker, he or she shall be called to the Chair without the question being put; but if there is more than one candidate, there must be a ballot of the Members present, and the candidate who receives the highest number of votes in that ballot shall be Speaker of the House.

I will proceed as follows. When a Member has been nominated, I will seek a seconder for that nomination, before calling for any further nominations. Hon. Members nominating and seconding a candidate may make a short speech in support of their nominee.

If more than one Member is nominated and seconded, we shall proceed by ballot and the Member receiving the highest number of votes will be elected. Therefore, Hon. Members, I call for nominations and seconders.

Mr Cretney: Mr Acting Speaker, five years ago, I nominated Tony Brown to be Speaker of the House of Keys and I have pleasure in once again doing so.

He has a long record of public service, firstly as a member of Castletown Commissioners between 1976 and 1981 and since then, as Member of the House of Keys for Castletown, where once again the people re-elected him last Thursday by a large majority.

No-one has a better understanding of the Standing Orders and procedures of this House or of Tynwald Court. Despite serving as a Minister of four Government Departments during his career, Tony is a without-fear-or-favour politician. He calls a spade a spade and, during the last five years as Speaker, he has led the opposition to what he saw as some ill-conceived Government policies, when able to do so, in Tynwald Court.

Hon. Members, the impartiality of the Speaker is a vital requirement of the role (**Mr Anderson:** Hear, hear.) and I believe in the years ahead we need to better engage with the public in terms of the work of Tynwald and its branches, as well as Government. Tony has been at the forefront of enthusiastically endorsing the importance to our people of our 1,000-year-old assembly.

We need a Speaker who can promote, at each opportunity, to an external audience a positive understanding of our national identity, someone who will protect the interests of all within this House and, as recently demonstrated, is open to bringing forward enhanced scrutiny and accountability of the executive for the benefit of our people.

Tony is very single-minded and determined and has as good a knowledge of the laws of this land as anyone. He is committed to the best future of our Island and its independence and I know he is very proud that, due to the support of the previous House, he has been able to serve the Island as Speaker for the last five years and I seek the support of Hon. Members for him to continue the good work.

I beg to move his nomination.

The Acting Speaker: Do I have a seconder? Yes.

Mrs Cannell: I beg to second, sir, and reserve my remarks.

The Acting Speaker: Thank you for that. Do we have any other nominations? No? In that case, Hon. Members, the sole nomination is that of the Hon. Member for Castletown, Mr Brown, and I have pleasure now to invite the Hon. Member to come forward to take his seat.

Mr Brown took the Chair.

Members: Hear, hear. (*Applause*)

The Speaker: Thank you, Hon. Members.

Can I thank the House for the great honour that it has bestowed on me again at the start of the life of this new House. I thank my proposer and seconder and those who have demonstrated support for me to continue this important role in the legislature of the Isle of Man, the House that the people elect us to represent them.

The work of the House is very important. The House is dominant and I hope to see that dominance continue to direct the Isle of Man in the direction it should go to look after its people.

I will certainly do all I can as your Speaker to continue to act impartially, to undertake my role in the way that I believe that job should be undertaken and to ensure Members have their say and, of course, to protect the House and its Members and the legislature.

Thank you, Hon. Members.

Book of Standing Orders signed

The Speaker: Hon. Members, we move on to the next business on the Order Paper and that is the signing of the Standing Orders. If I can now ask Hon. Members to turn to Item 3, and I will then ask the Secretary of the House to deal with this in relation to Members signing the book for Standing Orders.

Mr Secretary.

The Secretary: Mr Speaker, may I give you the Standing Orders book to sign first.

The Speaker: Now, Hon. Members, I will call the Hon. Members by constituency and by name to come forward to the Secretary of the House to sign the book for Standing Orders and to receive their copy.

Members were called forward by The Speaker and signed the book in the following order:

Hon. Member for Glenfaba, Mr David Moore Anderson; Hon. Members for Ramsey, Mrs Anne Valerie Craine and Mr Allan Robert Bell; Hon. Member for Ayre, Mr William Edward Teare; Hon. Member for Michael, Mr John David Qualtrough Cannan; Hon. Member for Peel, Mr Timothy Mark Crookall; Hon. Member for Garff, Mr Stephen Charles Rodan; Hon. Members for Onchan, Mr Peter Karran, Mr Adrian John Earnshaw and Mr David John Quirk; Hon. Member for Middle, Mr George Martyn Quayle; Hon. Members for Douglas North, Mr Robert William Henderson and Mr John Ramsey Houghton; Hon. Members for Douglas South, Mr David Clifford Cretney and Mr William MacKay Malarkey; Hon. Members for Douglas East, Mr Robert Philip Braidwood and Mrs Brenda Josephine Cannell; Hon. Members for Douglas West, Mr Charles Geoffrey Corkish and Mr John Philip Shimmin; Hon. Member for Malew and Santon, Mr Graham Derek Cregeen; Hon. Members for Rushen, Mr Juan Paul Watterson, Mr Philip Anderson Gawne and Mr Quintin Bennett Gill.

Chaplain of the House Nominations sought

The Speaker: Now, Hon. Members, that concludes that part of the business and we move on to Item 4 on the Order Paper. We now turn to the issue of the election of the Chaplain of the House.

As the Order Paper indicates, nominations are needed for the position of Chaplain to the House and the Management and Members' Standards Committee will then consider them and report to the House as soon as possible in 2007. Nominations should be sent to the Secretary of the House by the end of December, please.

Management and Members' Standards Committee Procedural

The Speaker: Standing Order 6.4 provides that the Management and Members' Standards Committee is to be elected at the first sitting of the House following the sitting of Tynwald at which the Chief Minister is elected.

I intend to convene a sitting of the House at 10.00 a.m. on 12th December before the Tynwald sitting. I would ask Hon. Members to make a note of that in their diary and that will be to elect that Committee. The Committee can then proceed to consider the nominations for the Chaplain.

I would also ask Hon. Members to take in mind that in fact they should be aware that there may be another sitting of the House required, if necessary, to elect the Standards Committee, who can only be elected once the Chief Minister has been elected and concluded by Tynwald. The Secretary will confirm to Hon. Members in writing the date of any sittings between now and that date.

Standing Orders Committee Five Members elected

The Speaker: Hon. Members, we now move on to Item 5 on the Order Paper and Members will see that the election of Members to the Standing Orders Committee of the House is the Item under that heading.

Under Standing Order 6.6, the House is required, at its first sitting after a General Election, to elect five Members to form the Standing Orders Committee. To ensure an orderly procedure, Hon. Members, as each Member is nominated, I will seek a seconder for that nomination before calling for a further nomination. Should there be more than five nominations, we will then proceed to ballot.

So, Hon. Members, I look for first a proposer and then a seconder. Hon. Member for Rushen, Mr Gawne.

Mr Gawne: I would like to propose Mr Gill.

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

Mr Watterson: I would like to second Mr Gill, please.

The Speaker: Hon. Member for Douglas South, Mr Cretney.

Mr Cretney: Yes, I would like to propose the Hon. Member for Onchan, Mr Karran.

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

Mr Henderson: I second Mr Karran.

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

Mr Earnshaw: Thank you, Mr Speaker. I would like to propose the Hon. Member for Peel, Mr Crookall.

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

Mr Quayle: I have pleasure in seconding that, Mr Speaker.

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

Mrs Cannell: Mr Speaker, I would like to move the Hon. Member, Mr Cannan.

Mr Cannan: No!

Mr Bell: He will be Chief Minister.

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

Mrs Craine: Mr Speaker, I would like to nominate the Hon. Member for Onchan, Mr Earnshaw.

Mrs Cannell: I beg to second, Mr Speaker.

The Speaker: Seconded by Mrs Cannell. Can I just make it clear, Hon. Members, there is a proposal for Mr Cannan but no seconder.

Mr Karran: I will second.

Mr Cannan: You will not! (*Laughter*)

Mr Gill: Yes, there is now!

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

Mr Anderson: Mr Speaker, I would like to propose the Hon. Member for East Douglas, Mr Braidwood.

Mrs Cannell: I beg to second, Mr Speaker.

The Speaker: Mr Braidwood seconded. Any further nominations, Hon. Members? We have six nominations. Issue ballot papers, please, Mr Secretary.

Mr Cannan: Can I withdraw, Mr Speaker?

A Member: No, you cannot.

The Speaker: Hon. Members, I will ask the Secretary of the House to read out the names in a moment, once the ballot papers have been issued. Could I remind Hon. Members that the election process is covered in Standing Order 6.3, if Members wish to look that up.

The Secretary of the House to indicate the names of those who have been nominated and seconded, please.

The Secretary: Mr Speaker, they are: Mr Braidwood; Mr Cannan; Mr Crookall; Mr Earnshaw; Mr Gill; and Mr Karran.

The Speaker: Hon. Members, you need to vote for five Members or your paper will not be valid.

I just advise Hon. Members if, after the ballot, five Members have not been elected, we shall ballot again with the remaining nominated Members who have not been

elected in the first process, and after each ballot I will read out the names of those, or the votes that have been cast for those and those who are successful.

I call on the Hon. Member for Onchan, Mr Quirk, and the Hon. Member for Garff, Mr Rodan, to be tellers, please.

A ballot took place.

The Speaker: Hon. Members, first, can I advise there were three spoilt papers, and the voting is as follows: Mr Braidwood, 18 votes; Mr Cannan, 15 votes; Mr Crookall, 16 votes; Mr Earnshaw, 16 votes; Mr Gill, 20 votes; and Mr Karran, 18 votes. Therefore, elected to your Standing Orders Committee are Mr Braidwood, Mr Crookall, Mr Earnshaw, Mr Gill and Mr Karran.

Electronic voting Statement by The Speaker

The Speaker: Now, Hon. Members, before we proceed to the closure of the business, and conclude it, I would just like to cover the issue of electronic voting. So, before I adjourn the House, I would just mention briefly the matter of that issue.

As matters rest at present, the Standing Orders of the House have not been amended to provide for electronic

voting. Electronic voting is due to be used for the first time at the December sitting of Tynwald Court on 12th December. If all goes according to plan, then I propose to move the necessary formal changes to Standing Orders at the start of the sitting on 23rd January 2007, which will be the next full sitting of the House.

Tynwald Standing Orders provide for the details to be settled for the remainder of this session by a practice direction of the President and I would propose that the House adopt a similar provision while the system settles down. The necessary changes to Standing Orders themselves are therefore minimal. Detailed changes to Standing Orders, of course, will follow once the system has settled down.

Hon. Members, that concludes the business before the House and the House will now stand adjourned to the sitting of Tynwald Court on Tuesday, 5th December 2006 at 10.30 a.m.

Hon. Members, in adjourning the House, I remind Hon. Members that there is an official photograph to be taken afterwards, so I will adjourn the House and move.

Thank you, Hon. Members.

The House adjourned at 2.59 p.m.