



HOUSE OF KEYS
Y Chiare as Feed
ORDER PAPER
Claare Obbyr

Douglas
Tuesday 1st February 2005
10.00 am

1. QUESTIONS FOR ORAL ANSWER

- 1. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -**

Since you have become Chief Minister, have you reviewed Government policy with regard to the desirability of identifying the beneficial owners of the landlord's interest in properties leased to Departments and other public agencies and, if not, will you now do so?

- 2. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -**

In view of the amount of concern regarding the increase in complex requirements and new regulations by the Financial Supervision Commission in their recent policies for the finance sector, which some people doubt affords real protection to the consumers, will the Treasury arrange meetings for people within the finance sector in order to discuss, on an open basis, the industry's concerns?

- 3. The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury -**

During the period 1st January 2004 to 4th November 2004 have the Manx Electricity Authority supplied the Treasury with -

- (a) any financial returns of any description regarding the revenue and/or capital expenditure;**
- (b) any reports of any description regarding the capital programme of work being carried out and, if not,**
- (c) did the Treasury request any reports or information of any description from the Manx Electricity Authority and if not, why not?**

4. **The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -**

In view of the effects of management of the Manx Electricity Authority, leaving a massive debt and liabilities for their consumers, with lack of checks and balances from Government, will Treasury waive VAT on bills to ease the increased costs for Manx consumers?

5. **The Hon Member for Rushen (Mr Gawne) to ask the Minister for Home Affairs -**

Following the inability of the Manx police force to find a suitably qualified internal candidate for its Deputy Chief Constable post, will you explain -

- (a) what measures, if any, your Department will introduce to enable more senior posts to be filled by locally trained candidates;**
- (b) who was involved in selecting and approving the non-Manx candidate for the Deputy Chief Constable post; and**
- (c) will you confirm that our Department does not have a policy of discriminating against Manx/locals candidates for senior appointments?**

6. **The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs -**

Why was Police Headquarters closed for business during most of Christmas and the New Year?

7. **The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs -**

Can you confirm -

- (a) that investigations by the Cheshire Constabulary into the allegations regarding the listening device in an interview room at Police Headquarters are complete;**
- (b) as a result no Manx Officer is subject to any disciplinary procedure; and**
- (c) if so, will you make a statement giving an unreserved apology to Tynwald Court to correct the statement you made in October 2003?**

8. **The Hon Member for Onchan (Mr Earnshaw) to ask the Minister for Trade and Industry -**

When is the Government going to appoint a political representative to the Board of the Manx Electricity Authority?

2. QUESTION FOR WRITTEN ANSWER

1. **The Hon Member for Rushen (Mr Gawne) to ask the Chief Minister -**

Following the inability of the Manx police force to find a suitably qualified internal candidate for its Deputy Chief Constable post, will you explain -

- (a) **what procedures your Government has in place for progressing planning to a senior level;**
- (b) **are you satisfied that such procedures are adequate;**
- (c) **will you urgently introduce procedures and training programmes to ensure that more senior posts will be filled by locally trained candidates; and**
- (d) **do you recognise the frustration and irritation felt by people working for Government when such outside appointments are made?**

3. BILL FOR CONSIDERATION OF CLAUSES

1. **Tribunals Bill**

Mr Houghton

Tabled Amendments

New Clause (Mr Henderson)

Clause 3 (Mr Henderson)

Clause 10 (Mr Henderson)

Section II & Schedule 3 (Mr Henderson)

The House may be asked to suspend Standing Orders to take further stages of the above Bill.

Unless the House otherwise determines, the above business will be considered in the order shown.

Malachy Cornwell-Kelly
Secretary of the House

**IN THE KEYS
TRIBUNALS BILL**

Amendments to be moved by Mr Henderson

NEW CLAUSE *(It is suggested that the new clause be inserted after clause 5)*

“Conflicts of interest or duty.

[]. (1) Immediately a member of a tribunal becomes aware that he has or will have a material conflict of interest or duty in respect of any proceedings of the tribunal, the member -

- (a) shall declare the nature of his conflict of interest or duty; and
- (b) shall not take part in, or any further part in, the case in which the conflict of interest or duty arises.

(2) If a member of a tribunal has declared the nature of his conflict of interest or duty as required by subsection (1)(a) and all the parties to the proceedings consent, the member may, notwithstanding subsection (1)(b), take part in those proceedings.

(3) Rules under section 6 may -

- (a) provide for the time and manner in which, and the persons to whom, -
 - (i) members of tribunals shall declare the nature of any conflict of interest or duty;
 - (ii) members of panels shall declare the nature of any conflict of interest or duty or any potential conflict of interest or duty; and
- (b) specify circumstances in which members of panels and tribunals are to be treated as having a conflict of interest or duty.

(4) Subsection (3)(b) and rules made under section 6 do not limit the generality of subsection (1).”.

CLAUSE 3

Page 2, lines 33 to 36: For paragraphs (a) to (c) of subsection (3) substitute -

- (a) a member of the Council;
- (b) a member of the Keys;
- (c) a member of a Statutory Board.”.

CLAUSE 10

Page 6, lines 21 to 26: omit from “- (a)” to “and (b)”.

SECTION 11 AND SCHEDULE 3

Page 11 : In paragraph 2 -

- (a) in sub-paragraph (a), in the new subsection (2), for “four” substitute “eight”;
- (b) in sub-paragraph (a), for the new subsection (3) substitute –
“(3) No person who is an officer; or in the preceding 3 years has been an officer, of any Department dealing with income tax shall be eligible to be a member of the Commissioners.”.

Page 17: after paragraph 22 insert -

“The Inquiries (Evidence) Act 2003

23. After section 5 insert -

“Rules of procedure.

5A. (1) The Deemsters may by rules make such provision as appears to them to be necessary or expedient in respect of the conduct of proceedings before an inquiry to which this Act applies (“inquiry”).

(2) Without limiting the Deemsters' powers under subsection (1), the Deemsters may make rules regulating or providing for-

- (a) the practice and procedure to be followed on, or in connection with the hearing or consideration of any matter by an inquiry (including, where applicable, the mode and burden of proof and the admissibility of evidence);
- (b) any matters preliminary or incidental to, or arising out of, the hearing or consideration of any matter by an inquiry;
- (c) the forms of hearing or consideration to be adopted by an inquiry in relation to any matter;
- (d) the keeping of records by an inquiry and the form of such records;
- (e) the functions, powers and duties of an inquiry in relation to -

- (i) the service of documents and giving of notices;
 - (ii) the enlargement of dates of hearing;
 - (iii) the adjournment of proceedings;
- (f) the giving of evidence to an inquiry, including the giving of evidence from a distance (for example by video link or telephone conference);
 - (g) conducting the proceedings of an inquiry in the absence of persons appearing to be interested in the subject matter of the inquiry;
 - (h) the determination of the proceedings of an inquiry without a hearing;
 - (i) the transfer of proceedings from one inquiry to another.
 - (j) the withdrawal of references;
 - (k) the recording, registration, publication and proof of an inquiries proceedings, decisions and reports.
- (3) Rules under this section may -
- (a) require the inquiry to give to persons appearing to be interested in the subject matter of the inquiry, a reasonable opportunity to see and comment on a copy of a report of the inquiry (including any interim reports) before it is published;
 - (b) require the giving of reasons for decisions, conclusions and recommendations of an inquiry;
 - (c) enable or require the inquiry to exercise its jurisdiction, and to exercise and perform the powers and duties conferred or imposed on it (including, in particular, in relation to the giving of reasons), in such manner provided for in the rules as prevents or limits the disclosure of particular matters;
 - (d) make provision as to the persons who may appear on behalf of persons appearing to be interested in the subject matter of the inquiry.

(4) In making rules under this section the Deemsters shall have regard, in particular, to -

- (a) the need to secure that matters which are the subject of proceedings or consideration by an inquiry are properly heard and considered;
- (b) the need to secure that information is not disclosed to an extent, or in a manner, that is contrary to the public interest or prejudicial to national security, the prevention or detection of serious crime or the economic well-being of the Island;
- (c) the need to secure fair treatment for all witnesses and any other person appearing to be interested in the subject matter of the inquiry.

(5) Rules under this section may make provision by the application, with or without modification, of any provision from time to time contained in specified rules of court.

(6) Rules under this section shall not come into operation unless they are approved by Tynwald.

(7) Rules under this section shall not apply to an inquiry if there are rules in force under any other statutory provision that are specific to that inquiry or its subject matter."."