

**REPORT OF THE STANDING ORDERS  
COMMITTEE OF TYNWALD**

**PETITIONS FOR REDRESS PRESENTED  
ON 7TH JULY 2003**

## **STANDING ORDERS COMMITTEE OF TYNWALD**

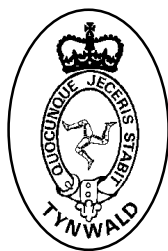
Constituted under Standing Order 5.6 to make recommendations for revision of Standing Orders, to report on Petitions for Redress of Grievance (Standing Order 6.8) and on issues referred to it under Standing Order 9.1.

**The Hon J A Brown SHK (Castletown)**  
**Hon P M Crowe MLC**  
**Mr E G Lowey MLC**  
**Mrs H Hannan MHK (Peel)**  
**Mr G M Quayle (Middle)**

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*All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Bucks Road, Douglas IM1 3PW.*



**To The Honourable Noel Q Cringle, President of Tynwald, and  
the Honourable Members of the Council and Keys in  
Tynwald assembled.**

**REPORT OF THE STANDING ORDERS COMMITTEE ON THE  
PETITIONS FOR REDRESS PRESENTED ON TYNWALD DAY 2003**

**1 INTRODUCTION**

**1.1** The following persons presented Petitions for Redress at Tynwald assembled at St John's on 7<sup>th</sup> July 2003:

- (i) Peter Henry Chapman;
- (ii) Elizabeth Godby;
- (iii) Lee Harvey (2 Petitions);
- (iv) Andrew Charles Richard Jessop;
- (v) Raymond Wayne Keddie;
- (vi) Elizabeth Jane Carol Kelly;

- (vii) Philip John Kermode;
- (viii) John Michael Leather;
- (ix) Martin Charles Lockwood (2 Petitions);
- (x) John Armstrong Maddrell;
- (xi) Joan Mann;
- (xi) David Newton (2 Petitions);
- (xii) Carolyn Susan Nicholson;
- (xiii) Anne Elizabeth Saria Jill Pilling;
- (xiv) David John Quirk (2 Petitions);
- (xv) Joe Rooney; and
- (xvi) Thomas and Frances Thorp.

**1.2** In accordance with Standing Order 6.8(2) we report on whether the petitions are in order. Copies of the petitions are annexed.

## **2 PROCEDURE**

- 2.1** Before examining each petition, we feel it is appropriate to make a few general comments on the presentation of Petitions for Redress of Grievance. Standing Orders are quite explicit about the basic requirements of petitions - those requirements may seem somewhat technical and possibly legalistic, but they are requirements which are neither unduly onerous, nor obscure. Moreover, the Clerk of Tynwald's Office produces an explanatory memorandum to assist the potential petitioner to comply with the requirements of Standing Orders. The Clerk of Tynwald and his colleagues make their time and experience available to assist prospective petitioners to produce petitions which comply with the basic requirements of Standing Orders.
- 2.2** In the light of such assistance, we can see no reason for failure to comply with the basic requirements of Standing Orders. If prospective petitioners do not take up the assistance offered, they only have themselves to blame if their petitions are ruled out of order.
- 2.3** Standing Order 6, which deals with petitions and on which the Committee bases its decisions, is reproduced below.

## **VI: PETITIONS AND MEMORIALS**

### **1. General**

#### ***Petitions and memorials***

**6.1** *Every petition or memorial shall be printed or typewritten and shall, save as otherwise provided -*

- (1) be headed "In Tynwald" and addressed "To the Honourable Members of Tynwald Court".*
- (2) be in English or, if accompanied by an English translation certified by the petitioner, in Manx;*
- (3) set out the name and address of the petitioner or memorialist;*
- (4) be respectful, decorous and temperate;*
- (5) contain no reference to any debate in Tynwald or a Branch, nor to any Bill, nor to any intended motion unless notice of such motion stands upon the Order Paper of Tynwald;*
- (6) contain no application for any sum relating to public service, or for compounding any debts due to the Crown, or for the remission of duties payable by any person;*
- (7) contain no erasure or alteration unless the same is specially referred to after the prayer and before any signatures;*
- (8) contain a prayer;*
- (9) be signed by the petitioner or memorialist or an advocate (or, in the case of a corporation aggregate, be executed in any manner authorised by the Companies Acts 1931 to 1992) on the page on which the prayer appears, the prayer being repeated on each page which bears signatures;*
- (10) be forwarded to the Clerk of Tynwald in duplicate -*
  - (a) in the case of a public petition and of a private petition not less than 14 days, and*
  - (b) in the case of a memorial, except for good and sufficient cause shown, not less than three days before the day appointed for the sitting of Tynwald at which such petition or memorial is to be presented.*

### **2. Public Petitions**

#### ***Presentation of public petitions***

**6.2** *A Member, who is not one of the petitioners, may present a public petition.*

### ***Public Petitions not to be debated***

- 6.3** (1) *In presenting a public petition a Member shall be confined to a statement of the persons from whom it comes, of the number of signatures which are attached to it and to the reading of the petition and prayer.*
- (2) *When a public petition is presented no debate shall be allowed.*

### ***Printing Public Petitions***

- 6.4** *On the presentation of a public petition a motion may be made that it be printed with the minutes; the motion shall be put, without any amendment or debate.*

## ***3. Petitions for Redress***

### ***Petition may be presented on Tynwald Day***

- 6.5** *A Petition for Redress may be presented at Tynwald only when assembled at St John's.*

### ***Mode of presentation***

- 6.6** (1) *A Petition for Redress may be presented at the foot of the Hill by the petitioner or a person authorised by the petitioner; such authorisation shall appear in the petition.*
- A Petition for Redress may also be presented on behalf of a petitioner by a Member.*
- (2) *A petitioner presenting a petition shall approach the Hill by the processional path.*
- (3) *No Petition for Redress may be presented at the foot of the Hill by more than three persons.*

### ***Petition to be handed to Governor***

- 6.7** (1) *If presented by a petitioner a Petition for Redress shall be handed by the petitioner at the foot of the Hill to the Clerk of Tynwald who shall forthwith deliver the petition to the Governor.*
- (2) *On delivery of the petition to the Governor, the petitioner shall return along the processional path.*
- (3) *If presented by a Member, a Petition for Redress shall be handed forthwith by the Member to the Governor.*

### ***Reference to Standing Orders Committee***

- 6.8** (1) *The Governor shall, on receipt of a Petition for Redress refer the petition to the Standing Orders Committee.*
- (2) *It shall be the duty of the Standing Orders Committee to examine every Petition for Redress to ascertain whether it is in order, and report to Tynwald.*

***No reading of or address on petition on Hill***

**6.9** *A Petition for Redress shall not be read, nor shall any Member speak to it in Tynwald, until the Petition for Redress has appeared on the Order Paper.*

***Requisites of Petitions***

**6.10** *Standing Order 6.1, except paragraphs (5) and (10), shall apply to a petition for redress.*

***Contents of Petitions***

**6.11** *Every Petition for Redress must -*

- (a) relate to a matter of public interest;*
- (b) relate to a matter falling within the province of Tynwald;*
- (c) contain no reference to any matter capable of adjudication upon by the High Court or any tribunal or arbitration, unless the petition shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy;*
- (d) contain no reference to any matter the substance of which has been determined by Tynwald in the current Session.*

**6.12** *A Petition for Redress which is in order but which has not been the subject of a resolution for its investigation by a Select Committee of Tynwald within five years following the end of the month in which it has been presented on Tynwald Hill shall be deemed to have lapsed and shall cease to be before the Court (whether or not a general election to the House of Keys shall have taken place within that period).*

**3 SPECIFIC PETITIONS**

**3.1 Peter Henry Chapman**

We find this petition to be in order, although the subject matter of it has been investigated and reported on extensively by both a Select Committee of this Honourable Court and the Department of Health and Social Security as recently as June 2002.

### **3.2 Elizabeth Godby**

We find this petition to be in order.

### **3.3 Lee Harvey**

In respect of Mr Lee Harvey's first petition concerning his injury, your Committee notes that in Mr Harvey's petition it is stated that he has-

*“no alternative except to pursue legal action”*

Standing Order 6.11 (c) states that a petition should “contain no reference to any matter capable of adjudication upon by the High Court or any tribunal or arbitration, unless the petition shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy”. Your Committee does not consider in this case that there are any grounds for applying the proviso at the end of Standing Order 6.11 (c). Therefore we find this petition **not** to be in order.

**3.4** We find Mr Lee Harvey's second petition to be in order.

### **3.5 Andrew Charles Richard Jessop**

We find this petition to be in order.

### **3.6 Raymond Wayne Keddie**

This petition calls for the amending of the Civil Evidence Act 1973 to prevent contravention of the Wills Act 1837. Your Committee can find no reference to a Wills Act having been passed by Tynwald in 1837 and the prayer is therefore not competent. We find this petition **not** to be in order.

**3.7 Elizabeth Jane Carol Kelly**

We find this petition to be in order.

**3.8 Philip John Kermode**

We find this petition to be in order.

**3.9 John Michael Leather**

We find this petition to be in order.

**3.10 Martin Charles Lockwood**

We find Mr Martin Lockwood's first petition to be in order.

**3.11 Martin Charles Lockwood**

We find Mr Martin Lockwood's second petition to be in order.

**3.12 John Armstrong Maddrell**

We find this petition to be in order.

**3.13 Joan Mann**

We find this petition to be in order.

**3.14 David Newton**

We find Mr David Newton's first petition to be in order.

**3.15 David Newton**

We find Mr David Newton's second petition to be in order.

**3.16 Carolyn Susan Nicholson**

We find this petition to be in order.

**3.17 Anne Elizabeth Saria Jill Pilling**

Under Standing Order 6.11(d) a petition should make no reference to any matter the substance of which has been determined by Tynwald in the current session. At the December 2002 sitting of Tynwald Court the Select Committee on Complaints of Maladministration by Mrs A E S J Pilling reported and the Court resolved to accept the Report and its recommendations. We are satisfied that this petition raises matters the substance of which has been determined in the current Session and that, consequently, the petition presented by Mrs Pilling on 7<sup>th</sup> July 2003 clearly contravenes Standing Order 6.11(d).

Furthermore, Standing Order 6.1(5) states that a petition should “contain no reference to any debate in Tynwald or a Branch, nor to any Bill, nor to any intended motion unless notice of such motion stands upon the Order Paper of Tynwald”, but the petition makes explicit reference to the debate in Tynwald Court in December 2002 where the Select Committee Report was accepted.

We find this petition **not** to be in order.

**3.18 David John Quirk**

Mr Quirk’s first petition concerns local commissioners elected in April 2002. Debate upon the Local Government (Miscellaneous Provisions) Bill 2003, which alters the terms of office in such circumstances, has been conducted in the Keys and Council during this Session.

Standing Order 6.1(5) explicitly states that a petition should “contain no reference to any debate in Tynwald or a Branch, nor to any Bill, nor to any intended motion unless notice of such motion stands upon the Order Paper of Tynwald’. Therefore we find this petition **not** to be in order.

**3.19 David John Quirk**

Similarly, the subject matter of Mr Quirk’s second petition on waste management costs has been extensively discussed by this Honourable Court as recently as June 2003. Therefore, again, according to the provision of Standing Order 6.1(5) the petition is excluded. We find this petition **not** to be in order.

**3.20 Joe Rooney**

We find this petition to be in order.

**3.21 Thomas and Frances Thorp**

We find this petition to be in order.

**4 GENERAL OBSERVATIONS**

**4.1** Your Committee is pleased to note that their comment in the 2002 Report on Petitions Presented at Tynwald Hill concerning the requirement that all petitions should be “respectful, decorous and temperate” (Standing Order 6.1(4)) has been heeded in 2003. There were no petitions that failed to meet this requirement.

**4.2** However a number of petitioners seem to have ignored Standing Order 6.11(d) which stipulate that a petition should “contain no reference to any matter the substance of which has been determined by Tynwald in the current Session.” As a consequence of this a number of petitions were ruled out of order. Petitioners must be aware that the Committee has no authority to ignore this or any other requirement laid down in Standing Orders regarding the presentation of petitions.

**4.3** Finally your Committee notes that several petitions presented in 2003 were essentially identical to those presented at Tynwald Day 2002. Whilst this is not contrary to Standing Orders, we feel that it may be unnecessary since petitions presented and found to be in order in 2002 still remain on the table of the Court for any Member to move a motion concerning the petition (and, under Standing Order 6.12, such petitions will so remain for a period of five years after they are presented).

J A Brown (Chairman)

P M Crowe

E G Lowey

H Hannan

G M Quayle

July 2003

# **APPENDIX**

Petitions submitted at St John's on 7th July 2003

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