



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

**PETITIONS FOR REDRESS PRESENTED
ON 5TH JULY 2004**

STANDING ORDERS COMMITTEE OF TYNWALD

The Hon J A Brown SHK (Castletown)

Mrs P M Crowe MLC

Mrs H Hannan MHK (Peel)

Mr E G Lowey MLC

Mr G M Quayle MHK (Middle)

The remit of the Standing Orders Committee is stated by Standing Order 5.6



**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 2004**

1. INTRODUCTION

1.1 The following persons presented Petitions for Redress at Tynwald assembled at St John's on 5th July 2004:

- (i) Thomas Berrington;
- (ii) David Sydney Clucas;
- (iii) Michael Andrew Cooil;
- (iv) Thomas Arthur Cooil;
- (v) Rhiannon Gardner;
- (vi) Richard Christopher Leventhorpe (2 Petitions);

- (vii) David McWilliams;
- (viii) Moorhouse Farm Ltd;
- (ix) Anne Elizabeth Saria Jill Pilling;
- (x) Dante and Joan Spadoni; and
- (xi) Frances and Thomas 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 may find that their petitions fail.
- 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. PETITIONS PRESENTED ON 5TH JULY 2004

3.1 Thomas Berrington

Your Committee finds this petition to be in order.

In Order.

3.2 David Sydney Clucas

Your Committee does not find this petition to be in order. The petition was presented, on behalf of Mr Clucas, by his wife and son, and notification of this was given in a separate letter dated 5th July 2004. According to Standing Order 6.6(1), a person authorised by the petitioner may present the petition, but such authorisation must appear *in* the petition. No such authorisation appears in petition of Mr Clucas.

Not In Order.

3.3 Michael Andrew Cooil

Your Committee finds this petition to be in order.

In Order.

3.4 Thomas Arthur Cooil

Your Committee finds this petition to be in order, and Members may note that it is similar to that of Michael Andrew Cooil.

In Order.

3.5 Rhiannon Gardner

Your Committee finds this petition to be in order.

In Order.

3.6 Richard Christopher Leventhorpe

Your Committee finds Mr Leventhorpe's first petition concerning the Planning Committee of the Department of Local Government and the Environment to be in order.

In Order.

3.7 Richard Christopher Leventhorpe

Your Committee finds Mr Leventhorpe's second petition, concerning the Manx Pension Supplement, to be in order, and Members may note that it is essentially about the same subject as the Petition of Thomas Berrington.

In Order.

3.8 David McWilliams

Your Committee finds this petition to be in order, and Members may note that it does have some degree of similarity with that of Rhiannon Gardner.

In Order.

3.9 Moorhouse Farm Ltd

Your Committee finds this petition to be in order.

In Order.

3.10 Anne Elizabeth Saria Jill Pilling

Your Committee finds this petition to be in order, while noting that this matter has been extensively debated in Tynwald in the past although not within the current Session.

In Order.

3.11 Dante and Joan Spadoni

Your Committee finds this petition to be in order. Although the matter of redress for Mr and Mrs Spadoni has been before the Court in this Session, the Resolution passed at the May 2004 sitting does not determine the substance of the matter raised and there is therefore no conflict with Standing Order 6.11(d).

In Order.

3.12 Frances and Thomas Thorp

Your Committee does not find this petition to be in order, since the substance of the petition was determined by Tynwald Court in this Session, at the October 2003 sitting. It is therefore excluded under Standing Order 6.11(d).

Not In Order.

4. GENERAL OBSERVATIONS

Your Committee is pleased to note that many of the petitioners had availed themselves of the opportunity to discuss the presentation of petitions with the Clerk of Tynwald prior to Tynwald Day. As a result most of the petitions do comply with Standing Orders.

J A Brown (Chairman)

P M Crowe

H Hannan

E G Lowey

G M Quayle

July 2004

APPENDIX

Petitions presented at St John's on 5th July 2004

Parliamentary Copyright

available from:

The Tynwald Library
Legislative Buildings
DOUGLAS
Isle of Man IM1 3PW
British Isles
Tel: 01624 685520
Fax: 01624 685522
e-mail library@tynwald.org.im

July 2004

Price: £2.00