



**JOINT COMMITTEE
ON THE
EMOLUMENTS
OF
CERTAIN PUBLIC SERVANTS**

**FIRST REPORT FOR THE SESSION
2009-2010**

JOINT COMMITTEE ON THE EMOLUMENTS OF CERTAIN PUBLIC SERVANTS FIRST REPORT FOR 2009/10

Constituted 2nd and 30th March 1965 as a Standing Joint Committee to examine the amount of expenses paid to Members and the salaries of Senior Government Officials and Crown Officers. The Keys representatives are the members of the Management and Members' Standards Committee of the House. By its First Report 1992/93 the terms of reference were revised as follows -

- (i) to consider and report to the Council and Keys on -
 - (a) the emoluments of H E Lieutenant Governor, their Honours the First and Second Deemsters and the Judge of Appeal, H M Attorney General, the High Bailiff, the Deputy High Bailiff and the Clerk of Tynwald;
 - (b) the Tynwald Membership Pension Scheme; and
 - (c) in addition to its consultative functions set out in paragraph (i) and as it thinks fit, the emoluments of Members of Tynwald;
- (ii) to carry out its consultative functions under section 6(3) of the Payments of Members' Expenses Act 1989, as the body designated by the Payment Of Members' Expenses (Designation of Consultative Body) Order 1989.

The powers, privileges and immunities relating to the work of a committee of Tynwald are those conferred by sections 3 and 4 of the Tynwald Proceedings Act 1876, sections 1 to 4 of the Privileges of Tynwald (Publications) Act 1973 and sections 2 to 4 of the Tynwald Proceedings Act 1984.

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

The Hon S C Rodan SHK (Garff) (Chairman)
Hon D M Anderson MHK (Glenfaba)
Hon A V Craine MHK (Ramsey)
Mr T M Crookall MHK (Peel)
Mr A F Downie MLC
Mr E G Lowey MLC
Mr G H Waft MLC

**Joint Committee on the Emoluments of Certain Public Servants
First Report for 2009/10**

**To the Honourable N Q Cringle MLC, President of Tynwald,
and the Honourable Members of the Legislative Council**

and

**The Honourable S C Rodan SHK, Speaker of the House of Keys
and the Honourable Members of the Keys**

1. The Committee was established in 1965 as a joint Committee of the Branches by means of a resolution agreed first by the Legislative Council and then by the House of Keys. This structure allowed the Committee's reports to be considered separately by the Branches, and for a long time they routinely did so in private.
2. One of the main functions of the Committee when it was originally set up (as seen from the point of view of the Keys) was to give Members "someone to act as spokesman in regard to remuneration" – remuneration which, although subject to Tynwald approval, was still effectively being determined by the Governor at that time.
3. In 1993 the Committee's remit was revised and it was renamed, but its fundamental constitution as a joint Committee remained.
4. Hansards for the debates in 1965 and 1993 are appended for reference.
5. An earlier version of this report was circulated to all Members of Tynwald for any comments. We are grateful to the three Members who responded and we have taken their comments into consideration.

The case for reform

6. Today private sittings of the Branches are rare, even when reports of the Emoluments Committee are under consideration. The Governor and Deemsters have been removed from the Legislative Council and the Attorney General has lost his vote. Powers such as the making of orders prescribing levels of pay have been transferred from the Governor to the Treasury, which itself has undergone significant reform.

7. The practice of the Emoluments Committee reporting separately to the Branches is now honoured as much in the breach as in the observance. It is true that on some matters the Committee has continued to report separately to the Branches and its reports have been debated separately. Recent examples include debates on judicial pay (20th May 2008) and Members' on-Island travelling expenses (26th May 2009). On the other hand, there have been a number of occasions where Emoluments matters – including significant Emoluments Reports – have been debated in Tynwald Court. On 23rd October 2003 and 20th January 2004 the Committee presented its reports on Members' pay to Tynwald Court. On 19th January 2005 a motion was debated in Tynwald to refer to the Emoluments Committee the question of additional pay for parliamentary roles. On 16th July 2009 Tynwald debated the annual sum for expenses and, in referring the matter to the Emoluments Committee, resolved to have the Committee report back on expenses to Tynwald Court and not to the Branches. There has even been a case where exactly the same proposals have ended up being put before all three Chambers. This happened with the most recent set of technical amendments to the Members' Pension Scheme, which were debated separately by the Branches on 27th January 2009 but subsequently had to be put to Tynwald in a further motion on 21st October 2009.

8. The Committee considers on the basis of this developing experience that the “joint” arrangement has outlived its usefulness, and that it would be more appropriate

today to reconstitute the Emoluments Committee as a Standing Committee of Tynwald.

Purpose and scope of the proposed reform

9. The sole purpose of the proposed reform would be to regularise the Committee's reporting arrangements and to move away from the practice of having two separate debates on the same report. The clearest way to achieve this would be to reconstitute the Committee as a Standing Committee of Tynwald.

10. As for the membership of the Committee, it would still be important for the Committee to have on it four Members of the House of Keys and three Members of the Legislative Council. The appointment of Members to the Committee could continue to be determined by each Branch, as happens already in the case of the Standing Committee of Tynwald on Standards and Members' Interests. At the point of transition we would envisage that the same Members of each Branch would continue to serve on the reconstituted Committee.

11. The remit of the Committee would be unchanged by this reform, except that the new Committee would be required under its remit to report to Tynwald Court as opposed to the Branches.

Implementing the reform

12. As a minimum, the reform would require three resolutions: a resolution of Tynwald to establish a new Standing Committee into the Standing Orders of Tynwald Court; a resolution of the House of Keys to transfer the ongoing work of the Joint Committee to the new Committee and to rescind the 1993 resolution under which the Committee now operates; and a resolution of the Legislative Council to transfer the

ongoing work of the Joint Committee to the new Committee and to rescind the 1993 resolution under which the Committee now operates.

13. We have decided to proceed by making the following recommendation to Tynwald Court in the first instance.

RECOMMENDATION

That Tynwald -

- a. establishes with immediate effect a new "Standing Committee of Tynwald on Emoluments" with a remit the same as that of the existing Joint Committee on the Emoluments of Certain Public Servants but adapted to provide for reporting to Tynwald; and*
- b. requests the Branches to appoint to the new Tynwald Committee the Members of the existing Joint Committee and to transfer to the new Tynwald Committee the ongoing work of the existing Joint Committee.*

14. If Tynwald Court agrees to proceed as recommended, we would propose that resolutions be put to both Branches along the following lines:

- a. the existing Committee's ongoing work and membership to be transferred to the new Committee; and
- b. the resolutions of 1993 establishing the Joint Committee to be rescinded.

15. If these resolutions are approved by Tynwald Court and the Branches, consequential amendments will be needed to the Standing Orders of the House of Keys. (There is nothing in the Standing Orders of the Legislative Council which would require amendment.)

S C Rodan (Chairman)

D M Anderson

A V Craine

T M Crookall

A F Downie

E G Lowey

G H Waft

Appendix

Hansards from previous debates

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REPORT OF PROCEEDINGS OF LEGISLATIVE COUNCIL

Douglas, Tuesday, March 2, 1965.

Present: The Governor (Sir Ronald Garvey, K.C.M.G., K.C.V.O., M.B.E.), Deemster S. J. Kneale, C.B.E., Deemster G. E. Moore, Sir Ralph Stevenson, G.C.M.G., Messrs J. B. Bolton, C. C. McFee and H. H. Radcliffe, with Mr E. R. St. A. Davies, M.B.E., Government Secretary and Clerk to the Council.

APOLOGIES FOR ABSENCE

The Governor: I have received apologies for absence from the Lord Bishop, the Attorney-General, Messrs Nivison, Nicholls and Gale.

FORTHCOMING VISIT OF H.R.H. PRINCESS MARGARET AND THE EARL OF SNOWDON

The Governor: Before we proceed to the agenda, I wish to let you know that Her Royal Highness The Princess Margaret and the Earl of Snowdon have accepted an invitation to visit the Isle of Man on the occasion of the Tynwald Ceremony on the 5th July next. The Manx people yield to none in the British community of nations in their fealty and loyalty to Her Majesty The Queen, Lord of Man, and I am confident that Her Royal Highness and Lord Snowdon will be assured of a warm welcome to this most ancient Parliamentary Assembly of Tynwald, the oldest legislature in the world. I am happy to say that on this, her first visit to the Island, Her Royal Highness has graciously consented to open the Sea Terminal at Douglas. I am also confident that hon. members will join with me in expressing our keen appreciation

of this visit and the opportunity it affords of extending our traditional Manx hospitality to our Royal guests.

JOINT COMMITTEE TO REVIEW SALARIES—SIR RALPH STEVENSON'S RESOLUTION APPROVED

The Governor: We now have the agenda before us, gentlemen, but I understand that there is a matter which Sir Ralph Stevenson wishes to put before the Council.

Sir Ralph Stevenson: I would like to request under Standing Order No. 28, the suspension of Standing Order No. 6 in order to consider the draft of a resolution which has already been circulated to hon. members.

Agreed.

Sir Ralph Stevenson: Your Excellency, this resolution proposes that a joint committee of the two branches consisting of (a) three members of the Council appointed by the Council and (b) the Consultative Committee of the Keys for the time being be constituted:—

- (a) to review at three-yearly intervals the salaries of the following Crown officers and senior officials of Government and to report thereon to the Council and Keys respectively prior to their recommendations being implemented:—

The Lieutenant-Governor
The First Deemster
The Second Deemster
The Attorney-General
The High-Bailiff
The Government Secretary
The Government Treasurer
The Clerk of Tynwald and Secretary of the House of Keys
The Clerks to the Justices;

Apologies for Absence.—Forthcoming Visit of H.R.H. Princess Margaret and the Earl of Snowdon.—Joint Committee to Review Salaries—Sir Ralph Stevenson's Resolution Approved.

- (b) to review at three-yearly intervals the expenses paid to members of the Legislature in terms of the Payment of Members' Expenses Acts, 1937 and 1962, and to recommend to the Lieutenant-Governor variations in the amounts of such payments;
- (c) to undertake the duties of the Governor's Expenses Committee as set out in the report of the committee of Tynwald on the emoluments and official expenses of the Lieutenant-Governor of the Isle of Man dated the 15th April, 1959, and adopted by Tynwald on the 20th May, 1959.
- (2) That the quorum of such committee shall be two members of the Council and four members of the Keys.

The procedure, I understand, Your Excellency, is in the form laid down for joint committees and that the resolution may be passed in either branch and sent to the other for its consideration. I therefore beg to move that the Council adopt this resolution.

Mr McFee seconded.

The Governor: Is that agreed, gentlemen?

Agreed.

BROADCASTING COMMISSION (ISLE OF MAN) BILL—CONSIDERATION OF KEYS' AMENDMENTS

The Governor: Shall we take item 2 on the agenda, Broadcasting Commission (Isle of Man) Bill? This is for consideration of the Keys' amendments and is in the hands of the Attorney-General, who has sent apologies for his absence as he is required to attend the Casino Inquiry. I have, however, approached the learned First Deemster and he has agreed to deal with it.

Deemster Kneale: Yes, sir. Hon. members already have in their hands the amendments which were moved by Mr Kelly in the House of Keys and it is really a matter for us to consider whether or not we are prepared to agree to the amendments. The first is in clause 1 (2) (a) which relates to the constitution of the commission. They suggest the deletion of the words

"appointed by the Governor" and the substitution of the words "to be elected by Tynwald." Is that agreed, sir?

Mr McFee: Who will be the nominating factor?

Deemster Kneale: The Selection Committee.

Mr McFee: Does it say that?

Deemster Kneale: Yes, later on. If you look at sections 10 and 11 of the First Schedule which relates to the appointment of a chairman and the filling of casual vacancies.

The Governor: Is that agreed, gentlemen?

Agreed.

Deemster Kneale: The next, sir, is in clause 1 (2) (b), line 8, they require that instead of four persons there should be an additional member of Tynwald, that is to say the chairman has to be a member of Tynwald, with one other member of Tynwald to be elected by Tynwald, and then in subsection (c) three other persons to be elected by Tynwald, not being members of Tynwald or persons holding offices of profit under the Crown. The effect is that the chairman and vice-chairman are members of Tynwald and therefore answerable to Tynwald.

The Governor: Is that agreed, gentlemen?

Agreed.

Deemster Kneale: Now clause 1 (3) (a), there is a similar alteration here. For the words "the Governor" substitute the word "Tynwald." That is giving the same effect.

The Governor: Are you agreed, gentlemen?

Agreed.

Deemster Kneale: The next, sir, is on line 13. After the word "chairman" insert the words "and Tynwald member." The reason for this is that, as I have already indicated, the Keys have inserted one member to be elected by Tynwald, therefore it is applicable not

with Mr Simcocks when he says that matters of security should be held in private. Mr Simcocks also said that the trouble is that this House is made up of Independents. There he is wrong. It is made up of 24 Independents. Those people who hide under the Party line are the most independent of the lot. Look how they vote. They are never consistent. The Party to which Mr Simcocks belongs, the Manx Democratic Party, flung two members out for voting on a certain line, but Mr Simcocks also voted against the Party line at that time but he was not thrown out.

Mr Colebourn: On a point of information, I was not flung out of any Party, I flung them out.

Mr Kneale: I respect the views expressed by other members and at last I have some support, so some members are looking in the right direction at last. I leave it at that.

The Speaker: I put the resolution to the House, those in favour say Aye, those against say No.

The result of the division was as follows:—

For: Messrs Moore, Callister, Corkish, Bell, Coupe and Kneale—6.

Against: Messrs Corkhill, Macleod, Crowe, Kerruish, Radcliffe, Quayle, H. S. Cain, Simcocks, Matthews, Colebourn, Kaneen, J. M. Cain, Quirk, Kelly and Sir Henry Sugden—15.

The Speaker: I am using my right under Standing Orders to refrain from voting. The resolution has failed, six votes being cast in favour and 15 against.

JOINT COMMITTEE TO CONSIDER OFFICIAL SALARIES

The Speaker: We will proceed to item No. 2 and I call upon the hon. member for Ramsey.

Mr Kelly: I beg to move the resolution standing in my name:—

Whereas at a sitting of Legislative Council held on the 2nd March it was resolved:—

(1) That a Joint Committee consisting of (a) three members of the Council appointed by the Council and (b) the Consultative Committee of the Keys for the time being be constituted—

(a) to review at three-yearly intervals the salaries of the following Crown Officers and Senior Officials of Government and to report thereon to the Council and Keys respectively prior to their recommendations being implemented:—

The Lieutenant-Governor
The First Deemster
The Second Deemster
The Attorney-General
The High-Bailiff
The Government Secretary
The Government Treasurer
The Clerk of Tynwald and Secretary of the House of Keys
The Clerks to the Justices;

(b) to review at three-yearly intervals the expenses paid to members of the Legislature in terms of the Payment of Members' Expenses Acts, 1957 and 1962, and to recommend to the Lieutenant-Governor of the Isle of Man dated the 15th April, 1959, and adopted by Tynwald on the 20th May, 1959.

(2) That the quorum of such committee shall be two members of the Council and four members of the Keys.

And whereas in terms of Standing Order of Tynwald No. 196 the Council has informed the Keys and desired their concurrence.

Resolved,—that this House do concur with the establishment of such Joint Committee.

It is important that the people of the Isle of Man understand the reasons for this resolution. Nearly all the people employed in the Government to-day have someone to act as spokesman in regard to remuneration. There is a committee who report quite regularly in regard to conditions and pay of the police service and we have accepted a policy of payment on a similar basis to that in the United Kingdom. Medical profession has their own organisation to look after the nursing staffs who are employed in hospitals. Teachers, similarly, and other civil services in the

Isle of Man, are looked after by the Council, but from the Governor downwards there is no one to look after their interests and they are entitled to be looked after. Many people will think this will mean an increase. The figures of their remuneration will be looked at after three-yearly intervals and this goes for members of the legislature as well. It is embarrassing to have to ask for a rise at times. Also the duties of the Governor's Expenses Committee will be undertaken as adopted by Tynwald on the 20th May, 1959, and other aspects of government of the Island as far as expenses are concerned. That will be done by this one committee, a joint committee of the Council and the Keys who will look after those interests. I move we accept this resolution.

Mr Coupe seconded.

Mr Callister: While supporting the general suggestion of this resolution, I do think it needs clarifying and I propose to move an amendment to the end of 1 (a) where it states "and to report thereon to the Council and Keys respectively prior to their recommendations being implemented." I think that needs clarifying and without going into what this committee will do, I would like the House to agree to the insertion of new clauses at the bottom of the page after the word "resolved". I propose that we leave out all words after "resolved" and substitute: "(1) That this House approves of the establishment of such joint committee. (2) That all recommendations made by such joint committee shall be subject to the approval of the Council and the Keys." I think it will be realised that this is at present quite ambiguous and my amendment would make it perfectly clear that the House approves of the establishment of the joint committee and all the recommendations made there but that its recommendations will be subject to the approval of the Council and the Keys.

The Speaker: I would point out to the hon. member that we might be getting into difficulty here. You may possibly

contravene one of the matters in the resolution where the Governor has the authority and not the Council and the Keys.

Mr Callister: Is that not what we are trying to put right?

The Speaker: No. I was aware of the result of a private sitting of the House when I agreed to this matter coming on to the agenda paper. It was agreed by the Council and the Keys and it came forward in the proper form. Of course the House has the say but I should point out that the Council may not agree with them. I would point out to the hon. member that the Governor has final decision in relation to certain sections of the Payment of Members' Expenses Act and it may be acting against the intention of the Act to alter this resolution.

Mr Callister: My amendment does not alter the resolution but clarifies it. I am sure the Legislative Council would approve. This House approves the establishment of the joint committee. It has been acknowledged that it should report to the Keys prior to the recommendations being implemented. That, however, is very ambiguous and I feel should be clarified. I fail to see how it can contravene any Act at all.

Mr Kelly: May I point out to the hon. member that this is going to make this very complicated. The Governor has the say under the Payment of Members' Expenses Act for a start. He can implement the recommendations. He does it himself and puts it before Tynwald for approval. It must come before Tynwald under the Act. He can implement it subject to the approval of Tynwald. The other part is like a Whitley Council arrangement. The House will have a say in it and so will the other branch, the Legislative Council. When they make these revisions, they will go back and find out what the Keys wishes to do to follow this up. The same thing can be said with regard to the Legislative Council. The words are

uite clear. It provides for the appointment of a committee to review at three-yearly intervals the salaries of the Crown officers and senior officials and to report thereon to the Council and Keys respectively prior to their recommendations being implemented.

Mr Callister: But you are not asking for the approval of the Council and the Keys.

Mr Kelly: But you are asking for agreement with the Council and the Keys.

Mr Callister: The paragraph says it can be done without the approval of the Council and the Keys.

Mr Kelly: It clearly says it cannot be implemented without this approval: "To report thereon to the Council and Keys respectively prior to their recommendations being implemented."

Mr Callister: They report but it does not say they must have the approval of the Keys and Council. I want them to have the approval of the Council and Keys. All it does now is to provide that they must report to the Council and Keys.

The Speaker: I think I can help to short-circuit this matter. Although the hon. member's amendment has not been seconded, I have to say that it would be out of order under Standing Orders of Tynwald. It is for the branch to concur or not concur on this particular resolution. It is a straightforward issue. The Standing Order I refer to is 192 of Tynwald. I will put the resolution to the House.

The resolution was carried.

ISLE OF MAN CONSTITUTION (AMENDMENT) BILL DEFERRED

The Speaker: Now we come to item 3 on the agenda paper, the Isle of Man Constitution (Amendment) Bill for report of conference with the Council. I

ask the hon. member for Ramsey and the House if they would be prepared to hold over this item until after we re-assemble this afternoon. The reason is that I have just received from the secretary of the Council information relating to the Council's actions on this Bill yesterday and I think that before we consider this matter, it might be desirable for the Consultative Committee, as representatives of the House, to consider what this means.

Agreed.

REJECTION OF ISLE OF MAN CONSTITUTION (AMENDMENT) (NO. 2) BILL

The Speaker: Item No. 4, the Isle of Man Constitution (Amendment) (No. 2) Bill for report of conference with the Council. At the same time I should say that this Bill has been rejected by the Council. The matter need only be very short and sweet. The matter of the Isle of Man Constitution (Amendment) (No. 2) Bill was discussed with the Council on the day of the last sitting of the House and no decisions were taken. The viewpoint of the House was put forward to the Council who agreed to consider the matter. It was considered yesterday and the Bill was rejected.

Mr Callister: May I have permission to introduce something here? I asked in October that the Constitution (No. 3) Bill be deferred until March. I am now asking that the House will allow me to produce a new Bill for these reasons—

The Speaker: If you wish to give notice of introducing a new Bill, I will arrange for this to be done at the appropriate time at the end of this sitting.

Mr Callister: Thank you.

speaker, if indeed there is one, just remind the members of the House that the recommendation is that members be invited to submit comments by the end of September on the issue that has just been spoken to, and I am not in any way seeking to prevent people from speaking to the issue, but what the report is recommending is that comments be made by the members by the end of September so that the committee can come to a decision on the issue. Now, may I call upon the member for Garff to reply?

Dr. Mann: Thank you, Mr. Speaker. I will have to presume that the absence of debate means that the report is acceptable. I think the hon. member for Onchan, in questioning the subject of the length of time that an individual member may have, obviously an individual member, if time was running out for genuine reasons, can come back to this House, as anybody else can come back to this House and ask for consideration and repeating the authority.

As far as why we suggest a time, it is mainly to assist Mr. Speaker in tailoring the future legislative programme. Once a Bill has authority to be introduced, obviously Mr. Speaker has to consider the way in which this fits in with the legislative programme over the months and if we start getting a backlog of a considerable number of Private Members' Bills which the authority has been granted to introduce but then are not introduced, it does cause some difficulty. So I think there are good administrative reasons within the House for at least trying to ensure that these Bills are produced as proposed.

I will not comment on the Bill in the last House. Obviously the mover had other things on his mind as well as that particular Bill.

Mr. Karran: It was not my Bill. It was somebody else's.

Dr. Mann: No, I know it was not your Bill, it was not IRIS either, but I will not refer to his comments about woodworm because I believe the woodworm has returned to the House. Otherwise, Mr. Speaker, I move that the Standing Orders Committee First Report be accepted.

The Speaker: Hon. members, the motion before the House is that the First Report for 1992/93 of the House of Keys Standing Orders Committee be received and the recommendations contained therein be adopted. Will all those in favour please say aye; to the contrary say no. The ayes have it. The ayes have it.

**JOINT COMMITTEE ON THE REMUNERATION OF
CROWN OFFICERS ETC. AND PAYMENT OF
MEMBERS' EXPENSES — FIRST REPORT
1992/93 RECEIVED**

The Speaker: We now turn to the last item on the Agenda and I call upon the member for Castletown.

Mr. Brown: Mr. Speaker, I move:

That the First Report 1992/93: Terms of Reference of the Committee be received and the recommendations contained therein adopted.

Members: Agreed!

Mr. Brown: Mr. Speaker, while it is delightful to have

tremendous support from the north and other areas, I think it is important just to explain a little bit more. The joint committee was first established in 1965 and inherited some of the duties of two committees which had been appointed in 1952 and 1959. Since 1965 the terms of reference of that joint committee have been extended. However, as the annex to our report indicates, the extension of the terms of reference has created a degree of uncertainty which it was felt should be resolved by seeking approval to the revised terms of reference. Our recommended revised terms of reference are set out in paragraph 2 of the report.

The first paragraph of the revised terms of reference would change the name of the joint committee to 'the Joint Committee on the Emoluments of Certain Public Servants'. The present title of the joint committee does not fully reflect its competence. The joint committee, for example, considers not only the expenses of members of Tynwald but also their salaries and pension scheme. It also, for example, considers the salaries and, in some cases, other financial benefits not only of Crown officers but also of those who do not hold Crown appointments, such as the High Bailiff, the Deputy High Bailiff and the Clerk of Tynwald. In the revised title we have proposed the use of the word 'Emoluments' rather than 'Remuneration' and we have proposed to describe the office holders whose emoluments fall under the jurisdiction of the joint committee as 'Public Servants'. This phrase accurately describes all those concerned because they hold public appointments but are of course not civil servants.

Paragraph 2 of the recommended revised terms of reference maintains the present composition of the committee which is three members of the Legislative Council and the Consultative Committee of the Keys which consists of seven members of the House elected by the House.

Paragraph (3), sub-paragraph (i), of the revised terms of reference set out the matters on which the joint committee will report to each branch. These matters are (a) the emoluments of specified public servants; (b) the Tynwald membership pension scheme; and (c) the emoluments of members of Tynwald.

Paragraph (3), sub-paragraph (ii), of the revised terms of reference empower the joint committee to carry out its designated consultative functions under Section 6(3) of the Payment of Members' Expenses Act 1989. An important reason for recommending revised terms of reference to the joint committee is that many of the payments to members of Tynwald and others on which the joint committee reports or is consulted are now regulated by the Payment of Members' Expenses Act 1989. Details of the statutory arrangements are set out in paragraph 3.2 of our report. The recommended revised terms of reference reflect these statutory arrangements.

Mr. Speaker, the recommended revised terms of reference clarify procedural uncertainties about the present competence of the joint committee and reflect the statutory framework of the 1989 Act. They do not alter the composition of the committee nor do they seek to extend its competence. Mr. Speaker, I beg to move the resolution standing in my name.

The Speaker: Thank you, hon. member.

Mr. Cringle: I beg to second, Mr. Speaker.

The Speaker: Thank you, Mr. Cringle. May I put the motion to the House and the motion is that the First Report for 1992/93: Terms of Reference of the Committee be received and the recommendations contained therein be

adopted. Will all those in favour please say aye; to the contrary say no. The ayes have it. The ayes have it.

The House will now adjourn to Tynwald on July 5th at St. John's. Thank you.

The House adjourned at 12.40 p.m.

Supervision Commission and they shall not have effect unless they are approved by Tynwald.

Clause 29 is the interpretation clause which sets out by definition the various statements in the Bill, and Clause 30 is the short title and commencement. Mr. President, I beg to move that Clauses 28, 29 and 30 stand part of the Bill.

Mr. Radcliffe: I beg to second, sir.

The Attorney-General: Mr. President, perhaps I could just follow up a comment made by the hon. member, Mr. Luft, in relation to prosecutions? The essence of this Bill is that a credit union is registered under the 1892 Act as a society under that Act, and the 1892 Act, Section 17, says that the registration of a society shall render it a body corporate on the name described in the certificate of incorporation by which it may soon be sued, and so forth. So although it is a different animal from a limited company under the Companies Act, it is nevertheless a body corporate for the purposes of this legislation, and Section 25 of the 1892 Act also deals with offences by societies of any society formed under this Act which makes default and so forth and then it goes on to say the society may be prosecuted but also directors and so forth, a very similar provision to that which is commonplace now in relation to companies. So for the purposes of the 1892 Act, a credit union would be a body corporate and could be prosecuted although its officers could also be prosecuted in certain circumstances.

Mr. Luft: I notice that Clause 27 indicate it must be a corporate body, because it says a body corporate other than a registered society.

Mr. Lowey: I am grateful to the learned Attorney for that interpretation.

The President: I will put the resolution then, hon. members, that Clauses 24 to 30 inclusive stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Bill read a second time. The third reading, sir.

Mr. Lowey: Yes, Mr. President, I would like to thank the hon. members for their perseverance. The aim of the Bill, as I said, was simple. The Bill is quite complex but that is understandable, but the rules and regulations have been spelt out for the first time, hence the 30 clauses and two schedules dealing with the registration, rules, membership and insurance and the role and the powers of the FSC et cetera. Hon. members, in commending the Credit Unions Bill, I believe it is a small step again to help a section of our society that perhaps the regular financial institutions, banks and building societies perhaps may not be able to service, and I do believe that this Bill will create a framework where people can invest and learn thrift and to be a co-operative society helping one another, and I genuinely believe that the Credit Unions Bill will be a welcome addition on the Isle of Man and I would commend it for its third reading.

Mr. Radcliffe: I beg to second, Mr. President.

The President: Now, does any hon. member wish to speak to the third reading? If not, I will put the resolution that the Credit Unions Bill be now read a third time and do pass. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Bill read a third time.

PROCEDURAL

The President: Now, hon. members, we move on to the next business on the Agenda Paper, which is the Post Office Bill for second reading, and I call upon the hon. Mr. Lowey.

Mr. Lowey: Mr. President, if you will bear with me, sir... I have, it would appear, sir, a difficulty. Perhaps we could move on to the next item and then come back to me, sir, with your permission until I get my papers in order?

The President: If hon. members agree we will follow that course. Is that agreed? *(It was agreed.)* Thank you.

REMUNERATION OF CROWN OFFICERS AND PAYMENT OF MEMBERS' EXPENSES — REPORT OF JOINT COMMITTEE RECEIVED

The President: Item 6, the Joint Committee on the Remuneration of Crown Officers and Payment of Members' Expenses. The hon. member Mr. Radcliffe to move the reception of the report and the adoption of this recommendation.

Mr. Radcliffe: Thank you, Mr. President. I beg to move:

That the First Report 1992/93 : Terms of Reference of the Committee be received and the recommendations contained therein be adopted.

Hon. members will have all had a copy of the report issued by this particular committee, and will have noted in the report a sort of potted history of the committee. The terms of reference of the joint committee have been extended not only formally but, it would appear, informally as well, and there is an account of what has happened over the years in the annexe to these actual reports in the booklet. The statutory framework, as we say in paragraph 1, within which many of the decisions of the joint committee are implemented has changed and they are now found in the Payment of Members' Expenses Act 1989 as amended, and the joint committee has also acquired consultative functions under the 1989 Act.

Now, we met recently and it was a full... and a decision was made without any qualifications that it is desirable that the committee should have and be given revised terms of reference which fully and properly reflect its contemporary position. Now, these are set out in paragraph 2 of the report, the recommended revised terms of reference. I think they are fairly self-explanatory. The considerations which were on the table and which influenced the terms of the recommended revised terms of reference are set out, and I beg to move, sir, that the terms of reference of the Joint Committee on the Remuneration of Crown Officers and Payment of Members' Expenses be received and the recommendations contained therein should be adopted. I beg to move.

Mr. Callin: I beg to second, Mr. President.

The President: Does any hon. member wish to comment on the report? If not, I will put the resolution standing at item 6 on the Agenda Paper, hon. members. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. *(The ayes have it.)*

Procedural

Remuneration of Crown Officers and Payment of Members' Expenses — Report of Joint Committee Received

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