



HOUSE OF KEYS
Y Chiare as Feed

VOTES AND PROCEEDINGS
Reaghyssyn as daaltyn

Douglas
Tuesday 4th March 2008
at 10.00 am

PRESENT: Mr Speaker and twenty three Members; Mr Anderson, Mr Corkish, Mr Henderson and Mr Quayle were absent with leave from later parts of the sitting.

1. PROCEDURAL MOTION

Motion made

That pursuant to Standing Order 2.1(3) the elections to the Legislative Council be taken as the first business.

Mr Anderson

House divided
Motion lost

2. QUESTIONS FOR ORAL ANSWER

Questions 1 – 9 answered orally.

Motion made –

That Standing Order 3.5.1(2) be suspended to permit the remaining Questions for oral answer to be taken at this sitting.

Mr Quirk

House divided
Motion lost

Mr Quirk elected for Question 10 to be answered at the next sitting of the House. Mr Malarkey elected for Question 11 to be answered in writing.

3. QUESTIONS FOR WRITTEN ANSWER

Questions 1 – 7 answered in writing.

4. ELECTION OF FOUR PERSONS TO SERVE AS MEMBERS OF THE LEGISLATIVE COUNCIL FROM 1ST MARCH 2008 FOR A PERIOD EXPIRING ON 28TH FEBRUARY 2013 IN PLACE OF MRS C M CHRISTIAN, MRS P M CROWE, MR E G LOWEY AND MR J R TURNER.

Nominees

Mr David Alexander Callister
Mrs Clare Margaret Christian
Mrs Pamela Mavis Crowe
Mr Simon Graley
Dr Richard Horsnell
Mr Edmund George Lowey
Mr Juan Richard Turner

Proposors

**Mr Gawne
Mr Gill
Mr Teare
Mr Crookall
Mr Karran
Mr Karran
Mr Houghton**

After a ballot, Mrs Christian, Mr Lowey and Mr Turner were elected. Mr Speaker called for nominations for the remaining place in the Legislative Council to be made to the Secretary of the House by 5 pm on Friday 7th March 2008 for a further election at the sitting of the House on 18th March 2008.

5. BILL FOR FIRST READING

5.1 Council of Ministers (Amendment) Bill

Mr Malarkey

Bill read the first time.

6. BILL FOR CONSIDERATION OF COUNCIL AMENDMENT

6.1 Income Tax (Pensions) Bill 2007

Motion made

That the following amendment by the Council be agreed and that the Bill do now pass.

Mr Braidwood

Clause 17

Page 22, after line 14, insert –

“(8) Regulations under subsection (6) shall not come into operation unless they are approved by Tynwald.”

Motion carried

7. REFERENCE OF BILL TO COMMITTEE

Motion made

That the Administration of Justice Bill be referred to a committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report by the end of this Session.

Mr Karran

House divided
Motion lost

8. BILL FOR SECOND READING

8.1 Agricultural Tenancies Bill

Motion made

That the Agricultural Tenancies Bill be read the second time.

Mr Gawne

Motion carried

9. BILL FOR CONSIDERATION OF CLAUSES

9.1 Administration of Justice Bill –

Mr Gill

Clause 1

That clause 1 stand part of the Bill

Amendment made

Page 2 lines 32 and 33 and Page 3 lines 1 to 5: in paragraph (2) delete the substituted paragraphs (8) and (9).

Mr Brown

House divided
Amendment passed

Clause 1 as amended ordered to stand part

Clause 2

That clause 2 stand part of the Bill
Clause 2 ordered to stand part

Clause 3

That clause 3 stand part of the Bill

Amendment made

Page 6: lines 11 to 13 : for paragraph (2)(f) substitute the following paragraph -

“(f) authorise the Judicial Officer to make such award of costs as the Judicial Officer thinks fit, subject to such limit as may be prescribed, at any stage of the proceedings, including after the proceedings have concluded, if a party applies for such an award within 28 days of their conclusion.”.

Mr Houghton

Amendment passed

Clause 3 as amended ordered to stand part

Clause 4

That clause 4 stand part of the Bill

Clause 4 ordered to stand part

Clause 5

That clause 5 stand part of the Bill

Clause 5 ordered to stand part

Clause 6

That clause 6 stand part of the Bill

Clause 6 ordered to stand part

Clause 7

That clause 7 stand part of the Bill

Clause 7 ordered to stand part

New clause [A]

Motion made

That the following new clause [A] be agreed in principle-

“Salaries of certain Crown Appointments

[A] After section 57 of the 1991 Act, insert the following section -

“57A. (1) The salaries of the judges of the High Court and the Attorney General shall be determined by the Governor in Council and shall be charged on, and paid out of, the General Revenues of the Island.

(2) Any salary payable under this section may be increased, but not reduced, by a determination or further determination under this section.”.”, and renumber the subsequent clauses accordingly.

Mr Brown

House divided

New clause [A] agreed in principle

That new clause [A] stand part of the Bill

Mr Brown

House divided

New clause [A] ordered to stand part

Clause 8

That clause 8 stand part of the Bill
Clause 8 ordered to stand part

Clause 9

That clause 9 stand part of the Bill
Clause 9 ordered to stand part

Clause 10

That clause 10 stand part of the Bill
Clause 10 ordered to stand part

Clause 11

That clause 11 stand part of the Bill
Clause 11 ordered to stand part

Clause 12

That clause 12 stand part of the Bill
Clause 12 ordered to stand part

Clause 13

That clause 13 stand part of the Bill
Clause 13 ordered to stand part

Clause 14

That clause 14 stand part of the Bill
Clause 14 ordered to stand part

Clause 15

That clause 15 stand part of the Bill
Clause 15 ordered to stand part

Clause 16

That clause 16 stand part of the Bill
Clause 16 ordered to stand part

Clause 17

That clause 17 stand part of the Bill
Clause 17 ordered to stand part

Clause 18

That clause 18 stand part of the Bill
Clause 18 ordered to stand part

Clause 19

That clause 19 stand part of the Bill
Clause 19 ordered to stand part

Clause 20

That clause 20 stand part of the Bill
Clause 20 ordered to stand part

Clause 21

That clause 21 stand part of the Bill
Clause 21 ordered to stand part

Clause 22 & Schedule 1

That clause 22 & Schedule 1 stand part of the Bill
Clause 22 & Schedule 1 ordered to stand part

Clause 23

That clause 23 stand part of the Bill
Clause 23 ordered to stand part

Clause 24

That clause 24 stand part of the Bill
Clause 24 ordered to stand part

Clause 25

That clause 25 stand part of the Bill
Clause 25 ordered to stand part

Clause 26

That clause 26 stand part of the Bill

Amendment made

Page 21: line 18: after clause 26 insert the following clause –

Provision with respect to costs in civil legal aid cases

27. After section 5(3) of the Legal Aid Act 1986 [c.23] add the following subsection –

“(4) No rule of law that limits the costs recoverable by a party to proceedings to the amount which that party is liable to pay shall affect the entitlement of a person receiving legal aid to costs on the same basis as if the person were not receiving legal aid.”;

and renumber the subsequent clauses accordingly.

Mr Karran

Amendment passed

Clause 26 as amended ordered to stand part

Clause 27

That clause 27 stand part of the Bill
Clause 27 ordered to stand part

Clause 28

That clause 28 stand part of the Bill
Clause 28 ordered to stand part

Clause 29

That clause 29 stand part of the Bill
Clause 29 ordered to stand part

Clause 30

That clause 30 stand part of the Bill
Clause 30 ordered to stand part

Clause 31 & Schedule 2

That clause 31 & Schedule 2 stand part of the Bill

Amendment made

SCHEDULE 2

Page 31: before paragraph 1 insert the following paragraph –

“Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (c.12)(XXp. 452)

1. After section 4(1) insert the following paragraph –

“(1A) For the avoidance of doubt, for the purposes of subsection (1)(a)(v) of this section it shall be contrary to public policy to enforce a judgment in respect of any action that, had it commenced in the Isle of Man, would have been within the scope of sections 1 to 3 of the Privileges of Tynwald (Publications) Act 1973.”.

and renumber the subsequent paragraphs accordingly.

Mr Houghton

Amendment passed

Clause 31 & Schedule 2 as amended ordered to stand part

Clause 32

That clause 32 stand part of the Bill
Clause 32 ordered to stand part

The House rose at 4.24 pm and adjourned
to 11th March 2008 at 10.30 am
in Tynwald Court at Douglas.

Malachy Cornwell-Kelly
Secretary of the House