

4.1 Cabinet Office (Legislative Amendments) Bill 2014 – Clauses considered

The Speaker: Thank you, Hon. Members.

Now we turn to Item 4, Bills for consideration of clauses. The first of those is the Cabinet Office (Legislative Amendments) Bill 2014. I call on the mover, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

The Cabinet Office (Legislative Amendments) Bill 2014 is a short technical Bill resulting from the Modernising Ministerial Government proposals approved at the January sitting of Tynwald. The Bill is the result of one of the report's recommendations relating to the creation of a Cabinet Office consisting of the current Chief Secretary's Office, Economic Affairs Division of Treasury, Information Systems Division of the Department of Economic Development, and the Office of Human Resources.

The Bill is only concerned with references to the Chief Secretary's Office in Manx enactments which require primary legislation to amend. The Bill therefore amends other enactments to substitute references to the Chief Secretary's Office for references to the Cabinet Office. The Bill also deals with references, where applicable, to the Chief Secretary's Office in other legislation – for example, secondary legislation and UK legislation applied to the Island. Any such references are to be read as a reference to the Cabinet Office.

Should the branches of Tynwald support this, it will come into operation on the day that Royal Assent is announced in Tynwald.

Turning then, Mr Speaker, to the seven clauses within the Bill, clause 1 gives the Act resulting from the Bill its short title.

I beg to move that clause 1 do stand part of the Bill.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: I put the motion that clause 1 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 2, please.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 2 amends part I of schedule 1 to the Jury Act 1980 (persons ineligible for jury service), in group C (others concerned with the administration of justice).

Mr Speaker, I beg to move.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: Mr Karran.

Mr Karran: Just asking a question about the issue of eligibility as far as Jury service. Over the last hundred years, it has gone from one extreme to the other – from one time when you virtually had to be the landed gentry to get on it, and now anybody in a position of power and privilege is immune from it. I would just be interested in the justification.

I can understand when you are involved in the justice system, but the likes of the Cabinet Office being given an exemption concerns me, particularly when you think that private enterprise and private business have got to release employees as far as their jury service is concerned and they

have got no immunity. I just wondered, as the mover of the Bill talks about business and about fairness and balance, just why he feels that the periphery of the new Cabinet office that is not involved in the justice system... why there should be this automatic exemption as far as this clause is concerned.

The Speaker: The mover to reply. Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

The Hon. Member for Onchan was kind enough at an earlier stage of this Bill to indicate his concerns in this area to give me the chance to look at the matter in further detail.

Schedule 1 to the Jury Act 1980 provides for certain people or categories of people to be exempt from jury service. One of the categories in group C refers to, and I quote:

‘The Chief Secretary, and those members of the staff of the Chief Secretary’s Office whose work is concerned with the administration of justice and who have been designated as such, in writing, by the Chief Secretary.’

People, incidentally, who fall under group C are exempt for 10 years after they no longer qualify to be exempt. So it does, Mr Speaker, keep the group particular tight and focused. I hope that allays the Hon. Member’s fears.

Thank you, Mr Speaker.

The Speaker: Hon. Members, I put the motion that clause 2 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3, sir.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 3 amends paragraph 8 in the schedule to the Regulation of Surveillance etc Act 2006 (public authorities).

Mr Speaker, I beg to move.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: I put the motion that clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 4 amends section 3(2)(g) of the Personal Liability (Ministers, Members and Officers) Act 2007 (liability of designated persons).

Mr Speaker, I beg to move that clause 4 do stand part of the Bill.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I have not got a problem with this clause, but what I have got a problem with is the complete imbalance of the situation, that as far as the Cabinet Office is concerned they have the protection of immunity, but the situation just highlights the imbalance as

far as the executive Government and the parliamentary system, where there is not the same sort of protection as far as immunity is concerned.

Obviously, some of us are used to threats of litigation on a regular basis, but I do feel that it is somehow unfair. Whilst I would not want to weaken the position of executive Government from having to put up with the horrors of being threatened to be sued on a regular basis, maybe not with the viciousness as has happened in the past... But the issue is that I do feel that executive Government needs to take on board...

Whilst I support this, I think it is a crazy situation when people doing their duties as MHKs have not the same sort of protection or insurance cover. And I am not talking about myself. I remember doing the same when we were talking about protecting married people when redundancy pay... I am talking about other Members who have had to withdraw what they say simply because they cannot afford the insurance... They cannot afford the litigation insurance in the first place. As the only person in here who has ever had it and cannot keep it, I do feel that this needs to be highlighted – that this privilege that they have in this situation needs to be extended to the operations of the legislature Members as far as their protection as well.

The Speaker: Reply, sir.

Mr Robertshaw: Thank you, Mr Speaker.

I am grateful for the Hon. Member for Onchan's support for this particular clause. I hear what he is saying, but I think we need to limit our considerations to the essence of this Bill, and he is trying – and I understand perhaps why – to express views outwith the constraints of the Bill. I nonetheless note his points.

Mr Speaker, I beg to move that clause 4 do stand part of the Bill.

The Speaker: I put the question. Clause 4: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 5 amends paragraph 1(j) of schedule 2 to the Tynwald Commissioner for Administration Act 2011 (listed authorities).

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: Mr Karran.

Mr Karran: Maybe the mover would like to tell this House whether there is any timescale as far as actually getting a Tynwald Commissioner: has anybody said anything about it? Now it is going to a Cabinet Office, is there a time period as far as this becoming a reality for the people of the Isle of Man?

The Speaker: Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

Again, interesting comments from the Hon. Member for Onchan, but again outwith the limited constraints of the Bill. I am happy to talk to him outside the House on that matter.

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

The Speaker: I put the question. Clause 5: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 6 deals with references, where applicable, to the Chief Secretary's Office in other legislation – for example, secondary legislation and UK legislation applied to the Island. Any such references are to be read as references to the Cabinet Office.

Mr Speaker, I beg to move that clause 6 do stand part of this Bill.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: Clause 6: those in favour, say aye; against, no. The ayes have it. The ayes have it. Clause 7.

Mr Robertshaw: Thank you, Mr Speaker.

Clause 7 provides for the automatic repeal of sections 2 to 5 of the Act following the promulgation of the Act. This will not affect the amendments made by those sections.

I would like to thank the Hon. House for its support this morning, and my seconder in this Bill.

Mr Speaker, I beg to move that clause 7 do stand part of this Bill.

The Speaker: Mr Shimmin.

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

That concludes the clauses stage of the Cabinet Office Bill.