

## 5.2. Representation of the People (Amendment) (No. 2) Bill 2015 – Clauses considered

Mr Malarkey to move.

**The Speaker:** Therefore we turn to the Representation of the people Amendment No 2 Bill and I shall call Mr Malarkey to move clauses momentarily, but before I do, I propose to call Mr Watterson to move his amendment to the long title of the Bill, on which his amendment depends. If his amendment to the long title is not successful, his amendment to clause 2 and his new clause fall and I shall not call on him to move them.

Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Mr Speaker, I rise to propose an amendment to the long title of the Bill to allow for an issue which appears to have been missed by everybody during the drafting and passage of the Representation of the People Act. That is, until my friend and colleague, Mr Coleman MLC, raised it in another place during the passage of the Bill there.

It is a simple concept. We as Members of the House of Keys are required to fill in and keep updated our declarations of interest – those bodies we are a member of, companies we hold shares in, property we have interest in and so on. I am sure our newest Members will have been grappling with this recently as part of the paperwork of becoming a Member of this House. The problem lies in the fact that candidates for election are not currently required to make any such declaration. The public, therefore, have no right to know what their interests are until after they are elected and are to be here for up to five years. This is not simply my view; it was put forward by the Tynwald Standards and Members' Interests Committee Report following the Douglas East by-election and was approved by Tynwald on 13th July 2011.

Of course, the membership of this House has changed somewhat since then, but Mr Quirk, Mr Crookall, Mr Teare, Mr Cregeen, Mr Houghton, Mr Malarkey, Mr Shimmin, Mr Speaker, all supported this measure at that time and I would like to think that this would give us the opportunity to put it into legislation quickly ahead of next year's election.

The Tynwald Standards and Members' Interests Committee has already done the hard work and the Bill could easily be amended to ensure that going into next year's election there is a level playing field in terms of declarations of interest between new candidates and incumbents.

I beg to move the amendment to the long title of the Bill:

*Amendment to long title*

*1. In the long title, for 'constituency' substitute 'constituency, and to make provision about the disclosure of election candidate's interests'.*

**The Speaker:** The Hon. Member for Malew and Santon, Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

I am more than happy to second.

**The Speaker:** The Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, I am very traditionalist as far as the old principles of this House when I came in here about letting people have their Private Members' Bill.

I have to say that I believe the Hon. Member should go about it in the right parliamentary process, which is to actually go for leave to introduce. He is a member of the Council of Ministers as far as this issue is concerned: he is fully *au fait* with the Representation of the People's Bill, as he has been part of CoMin and I just feel that the procedure should be that he should go through a Private

Member's Bill. This is *not* relevant to the legislation that is in front of us today as far as this House is concerned.

I think the other thing that we need to realise is that we have to recognise that, obviously, as Members of this House, we have to expose any financial interests in this House, and rightly so, this is something that I have battled for 30 years over in this House – of how things used to be to how things are today, and many of those non-events of winning those arguments have come from the likes of me and a very select few in this House over 30 years.

I am concerned that once a member becomes a Member of this House then they should expose any interests within this House. I do think that we need to reflect, because I think there is a very good point here over transparency over the issue of not having people decide, yet another reason apart from the fact that they will more likely find there will be a note in the Treasury that it is all spent by the time the next administration comes along, that they would have to actually do this beforehand, that might discourage them from standing in the first place. But I am not persuaded one way or the other on the issue. I think the issue, on reflection, if people want to go into public life they need to expose everything beforehand.

But I do think that this thought process needs to be thought about a lot further than just as some carbuncle put on to a piece of legislation that is not really relevant to a Bill to change the name of the West Douglas constituency, as it is now, to the South Douglas constituency.

Hon. Members, I think you should reflect on this amendment and give it plenty of thought, because there will be reasons. Whilst the reasons of transparency are important, I do feel that there are arguments that the individuals are not in public life and if they were to decide to stand for election they might decide that it would be too costly as far as their business is concerned beforehand to stand. If they get in this House then they should have to make that declaration.

I can support the principle of this amendment, but I feel that the procedure is completely wrong and I think it is not the right way of going about it.

**The Speaker:** The Hon. Member for Douglas South, Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

In bringing my Bill forward to this Hon. House, everybody knew what my views were. I was not actually present in this Hon. House when the original Representation of the People Act 2015 went through. Had I been, I would have at that time put my amendment forward to change the West back to South at the time.

I have not got an opinion one way or the other on this today; this is up to this Hon. House. I did not bring this Bill forward to have anything else hung on it but if it is the wish of this House today ... because it is quite an important issue, I was not here, as I said, when it was originally debated. It got missed out then, it is really in the hands of this House.

If you vote now with the mover to change the long title, it will allow him to flow forward. If you do not support his motion going forward, it will revert back to my simple Bill, so I leave it in this House's hands, sir.

**The Speaker:** The Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Just in support of the Hon. Member to bring it forward and I am sure that he will have checked to make sure it is the right way to do it. I accept this particular principle 100% and I cannot see any difficulty of those candidates coming forward because it is quite clear in the amendment that is actually there it does say, 'Requiring candidates to deliver,' and it requires then the returning officer to publish, so I do not see any difficulty in it at all. I do not see it slowing anything down.

We are here to make decisions and a decision needs to be made and I will be supporting this particular amendment to the long title. I am giving it my total support.

**The Speaker:** The Hon. Member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr Speaker.

I have to say I support what Mr Karran has said. This Bill was quite a simple Bill, just a change in name, everybody was in agreement. To add this on, without any discussion, I think it does require – I can see arguments on both sides for this – and I think it needs full discussion. We are not going to have a full discussion here. We are just going to vote for the long title of the Bill.

I think, yes, let's discuss it, but not under this Bill. Let's pass this Bill as it is and then if Members want to discuss it – and it may not be for the next election, I do not know, but I think there is a lot of thought needs to be put into this before one agrees with Mr Watterson's proposal.

**The Speaker:** The Hon. Member for Douglas West, Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.

Without discussing the merits of this particular clause at this stage, I just wanted to remind this Hon. House that we do have scheduled a Representation of the People (Amendment) Bill at the beginning of the next session. And also to remind people that we did actually have an amendment in this session which was carefully considered by Keys and Legislative Council, I am sure, and this was not added at that stage so I am hesitant to support this Bill on that basis.

**Several Members:** *Amendment.*

**The Speaker:** I call on the mover to reply, Mr Watterson.

**Mr Watterson:** Thank you very much, Mr Speaker.

Yes, I could have gone down a leave to introduce route, it would have given people an extra two weeks to consider the merits of this. The point would be that this is a *very* simple concept; it is a single amendment in a single clause so it is quite clear what the intention of it is. The detail of it is set out in regulations and it is about providing a level playing field.

I think we have had some slightly nebulous comments thrown in here about –

**A Member:** A nebulous amendment! (*Laughter*)

**Mr Watterson:** – the fact we have not really had the opportunity to discuss this.

**A Member:** No, we haven't!

**Mr Watterson:** Well, actually, this was the subject of a Select Committee Report back in 2011. It was proposed by that Committee. It was agreed by Tynwald at that. So, it has been discussed and I do appreciate that some Members were not here at that time. However, what I am talking about is really rather clear. It is about making sure that there is a level playing field for not just elected Members who are already in, but people who are looking to stand.

It was fascinating to hear the Hon. Member for Onchan, Mr Karran, who is normally so much for transparency and openness, saying that we 'might put people off standing'. Well, we are talking here about electing people for a five-year term in the House of Keys and we do not necessarily, at that point, know what their business interests are, whether there are things in there that we may be disapproving of, as electors, and that to me is quite a big democratic deficit, I believe. So, this provides that opportunity for greater transparency, for the public to have their say on an informed basis.

As I say, I thank those Members who supported: Mr Quirk and I know, Mr Malarkey, we have talked about this.

Mr Singer has made the point about the Bill originally being a simple concept and I do not necessarily accept that this has not been thoroughly considered and discussed. It was in the Select Committee Report in 2011. That is PP73/11. I accept that some Members were not here for that, but it was something that was agreed by Tynwald at that time and stands as Parliamentary Tynwald policy and this was an opportunity, given that it was a simple Bill, something that was really very plain in its intention, just as Mr Malarkey's Bill is plain in its intention, to bring this in, to allow for the election regulations to require people to deliver a declaration of interest, in exactly the same form as we as Members have to declare. So it really is simple. I do not see that there is an awful lot of in-depth dragging over the coals that is required, but I leave that in the hands of Hon. Members and I beg to move.

**The Speaker:** I put the amendment to the long title to the vote. Those in favour, please say aye; against, no. The ayes have it.

*A division was called for and electronic voting resulted as follows:*

**FOR**

Mr Cannan  
Mr Cregeen  
Mr Gawne  
Mr Harmer  
Mr Houghton  
Mr Malarkey  
Mr Peake  
Mr Quayle  
Mr Quirk  
Mr Shimmin  
Mr Skelly  
Mr Teare  
Mr Watterson

**AGAINST**

Mr Boot  
Mr Hall  
Mr Joughin  
Mr Karran  
Mr Robertshaw  
Mr Singer  
The Speaker  
Mr Thomas

**The Speaker:** With 13 votes for; 8 votes against, the motion therefore carries.  
I now call Mr Malarkey to move clauses to the Bill. Clause 1.

**Mr Malarkey:** Thank you, Mr Speaker.

Clause 1 provides the short title of the resulting Act. In the absence of a provision enabling the making of the Appointed Day Order, the Act will come into operation automatically on the day on which Royal Assent is announced in Tynwald.

**The Speaker:** Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.  
I beg leave to second and reserve my remarks.

**The Speaker:** I put the motion that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Clause 2.

**Mr Malarkey:** Thank you, Mr Speaker.

Clause 2 provides that the resulting Act will expire on the first anniversary of the 2016 General Election, but the expiry date will not affect the continuing effect on the provision of sections 4 and 5.

**The Speaker:** Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.  
I beg leave to second and reserve my remarks.

**The Speaker:** I call Mr Watterson.

**Mr Watterson:** Thank you, Mr Speaker.

The amendment in here just adds in the new provision, so that that too will expire when the Act is brought into force. It is a technical requirement to ensure that this Bill does not remain on the statute books following the passage of the Bill.

I, therefore, beg to move the amendment standing in my name:

*Amendment to clause 2*

*2. Page 3, after line 10 insert—*

*(c) the amendment effected by section 5(1);*

*Renumber the following paragraph of the clause and adjust the cross-reference it contains accordingly.*

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker. I am happy to second.

**The Speaker:** I put the motion. No, I do not.

**Mr Watterson:** The amendment.

**The Speaker:** The amendment. Do you wish to reply, Mr Malarkey?

**Mr Malarkey:** No, thank you, Mr Speaker.

**The Speaker:** Putting the amendment to the vote, those in favour of the amendment, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, please.

**Mr Malarkey:** Thank you, Mr Speaker.

Clause 3 defines the 1995 Act to mean the Representation of the People Act 1995.

**The Speaker:** Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.

I beg leave to second.

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

Clause 4.

**Mr Malarkey:** Mr Speaker, clause 4 renames the constituency of Douglas West as 'Douglas South' and consequently amends section 11A of the 1995 Act.

**The Speaker:** Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker. Seconded.

**The Speaker:** I put the question: clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

**A Member:** New clause.

**The Speaker:** Sorry. New clause –

**Mr Watterson:** Thank you, Mr Speaker.

**The Speaker:** – as is set out in page 8 of the Order Paper and I call on the –

**Mr Watterson:** Thank you, Mr Speaker.

Page 8 of the Order Paper today sets out the new clause.

Firstly may I thank Hon. Members for their support of the principle behind this. Clause 5, as introduced by this clause, just, merely makes provision that:

Election regulations must include provision—

- (a) requiring a candidate to deliver, or cause to be delivered, at the same time as the candidate's nomination papers, a declaration of any matter which, if the candidate were then a member of the Keys, he or she would be required to declare ...

at that time and it also requires that declaration to be published.

Part (2) of that new clause simply reflects that it is effective from the 2016 General Election, onwards.

I beg to move the new clause standing in my name, stand part of the Bill:

*New clause*

*3. Page 3, after line 17 insert —*

*'5 Declarations of interest by candidates: section 22 of the 1995 Act amended*

*(1) At the end of section 22 of the 1995 Act add —*

*(4) Election regulations must include provision—*

*(a) requiring a candidate to deliver, or cause to be delivered, at the same time as the candidate's nomination papers, a declaration of any matter which, if the candidate were then a member of the Keys, he or she would be required to declare by virtue of the Standing Orders of that House; and*

*(b) requiring a returning officer to publish, or cause to be published, such a declaration.*

*(2) For the sake of clarity, the reference in subsection (1) to section 22 of the 1995 Act is a reference to that section as it applies for the general election to the Keys in 2016 and any subsequent election to that House.'*

*Renumber the remaining clause of the Bill accordingly.*

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

I beg to second.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am not against the principle of the proposal, but I would like to have had some more detail, but as we are just nodding things through today, I will just have to put

up with the fact that hopefully we will not end up with a situation where we criminalise people accidentally by this proposal because it has not been thought out.

The principle: I think everyone in this House believes that people should not have a conflict of interest, as far as that is concerned. The problem will be in the practicalities of not demonising people at a later date because they have not put in what they thought they did not have to put in.

It will have an effect and this is what you will have to think about. Where you do have people who have complicated business arrangements, you will find that it might be much more difficult for them to then sort their arrangements out, as far as standing for the House of Keys is concerned, and it might put more blockers on that. But that is the price we pay for transparency.

I have to say, Vainstyr Loayreyder, I am amazed that I would have thought you would have had to have 16 votes today as far as to suspend Standing Orders and not a simple majority, but then things seem to change in this Hon. House as far as these issues are concerned and I would like a ruling on that later.

**The Speaker:** I will give you the ruling now, Hon. Members. There is no requirement to suspend Standing Orders. It is quite a simple motion to amend the long title: quite straightforward, no suspension of Standing Orders; a majority vote. Please resume.

**Mr Karran:** I take issue with that and we will talk –

**The Speaker:** You may take issue as much as you like, sir. I make my ruling.

**Mr Karran:** – about that. And the situation: you are suspending Standing Orders; you are extending the long title of the Bill and in order to do that, you have to do that.

**The Speaker:** Hon. Member, I am getting a little tired of your (**Mr Karran:** I am too.) public challenge to the Chair in this way. No other Member seems to find it necessary to do it. Would you please resume this debate and the matter in hand.

**Mr Karran:** Vainstyr Loayreyder, this is not the right way a parliament should act. The principle of what the Hon. Member wants, I am actually supportive of, but there are good procedures and there are bad procedures. As far as the situation is concerned, I am just concerned about the safeguarding, with people not ending up in the situation where they can actually criminalise themselves.

I will support the new clause as it goes on, but I am concerned about these other implications, as far as that is concerned and we will just have to wait to see whether that is a problem at a later date, as far as that is concerned.

Vainstyr Loayreyder, that is what I am rather concerned about today: the whole procedure of doing it this way.

**The Speaker:** Hon. Member, Mr Thomas.

**Mr Thomas:** Very you much Mr Speaker and, as a candidate who actually voluntarily declared this before both the 2011 and 2013 elections, I have no actual problem with the substance, but I do think this whole episode should be a case study for the investigation of the functioning of the Branches of Tynwald, because we did have a Representation of the People (Amendment) Bill earlier on in this administration. We did have officers look at it. We did have eight or so readings inside both Branches. I do think it is incredible that we actually are making such a profound change as a change to a long title at this stage in another Bill.

Thank you, Mr Speaker.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Thank you, Mr Speaker.

Having voted for this, I am now reserving my right to change my mind on the whole process that we are actually going through here.

There are, potentially, implications that do need to be thoroughly considered with this clause. If we rush it through ... For example, what happens if a Member candidate does not declare by virtue of the Standing Orders of the House; fails to miss something off; fails to miss off a directorship of a company, completely innocuously, innocently and this is pushed through? What repercussions will there be in terms of that candidates' election results, should they be elected?

I think in all honesty, Mr Speaker, this is an addition to the existing 1995 Act and, whilst I agree in principle with the clause, I do think that, having listened to Hon. Members this morning, we do need to debate this properly. I will therefore not be supporting this clause at this stage.

**The Speaker:** I call on the mover to reply to the debate.

**Mr Watterson:** Well, thank you, Mr Speaker, and perhaps to give Hon. Members a little bit of reassurance here, that the bogeyman is not coming over the hill: it would not invalidate an election, purely by virtue of missing out something innocuous, as the Hon. Member says, on your declaration form. The point would be that what this Bill provides for; what this clause provides for is that the election regulations, which would have to come to Tynwald between now and July anyway, will provide the detail. That provides the substance and I think what Members are looking for about: how will it work; what will be included and it will be that point where the detail will come forward in probably January or February next year, when it comes to Tynwald –

**Mr Singer:** Will the Member give way?

**Mr Watterson:** Happily.

**Mr Singer:** Surely you would agree that we are entitled to know the detail or the approximate detail now and not just approve an amendment of the title and literally know nothing else?

**Mr Watterson:** I struggle to know what else I could possibly provide to the Hon. Member inasmuch as the way that election regulations work is well known. The form that is the declaration of interest is well known. All the information – (**Mr Singer:** Penalties?) The penalties are already set out in the Bill and are the same –

**Mr Singer:** I cannot see them here.

**Mr Watterson:** Sorry, they are set out in the Representation of the People Act 1995, which this Bill is amending. They are not changing any of these things. What we are requiring is a declaration of interest alongside the nomination papers. (*Interjection by Mr Karran*) Those who have filled in the form will know how simple it is. And it is in the regulations that will be coming forward –

**Mr Karran:** Which we cannot amend.

**Mr Watterson:** But that will be the place to either accept or reject the ... That would be the place where you would accept or reject how this works.

So I think it is a really simple principle. I think Members are trying to overcomplicate it, when the impact on the Bill is very simple. The impact in election regulations will be seen going forward and I would imagine that the Cabinet Office will be going out to consultation on election regulations,

because they are such important symptoms of the production of the Bill. This really simply deals with Members having to declare their interests.

I thank Hon. Members for their support of the principle.

I beg to move.

**The Speaker:** Now, Hon. Members, we are voting on the principle of the new clause. Therefore, I put the question that the new clause form part of the Bill. Those in favour, please say aye; against, no. The noes have it.

*A division was called for and electronic voting resulted as follows:*

**FOR**

Mr Cregeen  
Mr Gawne  
Mr Harmer  
Mr Houghton  
Mr Karran  
Mr Malarkey  
Mr Peake  
Mr Quayle  
Mr Quirk  
Mr Ronan  
Mr Shimmin  
Mr Skelly  
Mr Teare  
Mr Watterson

**AGAINST**

Mr Boot  
Mr Cannan  
Mr Hall  
Mr Joughin  
Mr Robertshaw  
Mr Singer  
The Speaker  
Mr Thomas

**The Speaker:** With 14 votes for; 8 votes against, the motion therefore carries.

I now call on Mr Watterson to move the new clause in detail.

**Mr Watterson:** Mr Speaker, I think the principle having been debated, the new clause having been debated and given the simplicity of it, I beg to move the new clause stand part of the Bill. Graham!

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** I beg to second.

**The Speaker:** The question –

**Mr Karran:** We are going to debate it, aren't we?

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I support the principle of what the Hon. Member is doing. What I am concerned about and what I think people need to realise in this House is, as a parliamentary assembly, it is about debating and discussion and argument. (**Mr Watterson:** Hear, hear.)

Now, the situation is, what we have got now, as the hon. mover of the amendment has said 'We are now going to have regulations. You can take them or leave them.' (**Mr Watterson:** Yes.) You cannot amend them. What you should be doing in a proper parliamentary process is you should be having that sort of debate, that sort of discussion in this House. And that is my argument. My argument is not against transparency, but I do feel that it is about fairness.

As a Corporation joiner, coming into this House 30-odd years ago, I had very little pecuniary interest, but if you have a business, as far as that is concerned, what we want to do is we do not

want to end up ... We want transparency and we want fairness, but we want to be responsible. We do not want to criminalise people. My concern is, with the process you have gone through today, you have now got a take it or leave it ... I know Hon. Member is going mad with the nodding, but the point is that you have given away your scrutiny. You now have to take the executive line: either take it or leave it, as far as the Tynwald regulations are concerned. That is my concern. My concern is not to innocently demonise somebody who comes off the street to want to become an MHK.

There need to be checks and balances. I am all for transparency. I voted for the principle of this Bill. It is not the principle I argue about; it is the process. The process that you have now just given an open chequebook to executive Government, as far as legislation is concerned, because all you can do now in Tynwald is either agree that amendment or throw it out and the fact is, as you know, your suspension of Standing Orders, if you have not got executive Government vote on an issue in this House, you cannot get anything through as far as that is concerned.

My concern is, my argument is not against that principle; it is against the principle that we need to recognise there are very privileged things that we need to do. The principle of what the Member wants, I am all for. What I am concerned about is the blank chequebook of putting something onto a Bill which is totally irrelevant to what the original Bill was. (**A Member:** Hear, hear.) As I say, I disagree with the Hon. Member when he says we are only given two weeks. You would have leave to introduce; you would have had to come back with much more detail; we would have had a Second Reading and you would have had clauses. This way it is on the hoof.

Hon. Members, my point is about bad parliamentary procedure. It is not against the principle, but I worry that you might find yourselves actually doing things that you do not really contemplate by voting for this proposal.

It is my interest. It is in my interest to support this, as far as that is concerned. I am not a businessman. I have not got business interests, but I can see the issues of why you need to make sure you thoroughly think about these things.

I will support the proposal as far as the principle is concerned, but the way you have done this is totally bang out of order, in my opinion, Vainstyr Loayreyder.

**The Speaker:** Hon. Member for Douglas West, Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.

I just wanted the Hon. Minister, the Hon. Member for Rushen, to persuade me in three or four areas.

The first one is that I wanted him to give me a persuasive case why this issue did not come forward in, in fact, the two previous amendment of the Representation of the People Act which we have had in the last three years? We have had two occasions where this could have been put down and it has not come forward until this late stage. So I want that explained.

The second point is my understanding is that, when the election regulations come in January – and I am very sceptical that there can be consultation as has been suggested – we will be voting on all the election regulations, not just the part that covers this. So we could be risking the whole of an election in the sense that we would be faced with the option or the choice or the need to actually reject all the election regulations, rather than just this one, and how would that look? So, persuade me that that is not the case.

The third point is I do think we have got the risk here of complicating ... We have actually got some other elections coming up on 28th April and recently we had a case where it emerged that the situation was different for local authority elections and national general elections. Conceivably we are creating differences which we have not had chance to examine between the more immediate elections on the 28th April and the ones later on 22nd September, which we need more time to investigate.

The final point is really can the Minister stand here today and say, 'This cannot wait until we actually have ... '? He already announced a wholesale review of the Representation of the People

Act, to deal with all the issues that come up in local elections; all the issues that come up in national elections; all the other possibilities for registration and the like, that we will consider properly in the first year of the next administration. Is this such a pressing issue that it has to be dealt with in this way, that might damage the reputation of this legislative process and this House?

**A Member:** Hear, hear.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Thank you, Mr Speaker.

So, again, building on some these points, the clause actually states:

- (a) requiring a candidate to deliver, or cause to be delivered [such information as] he or she would be required to declare by virtue of the Standing Orders of the House; and
- (b) requiring a returning officer to publish, or cause to be published, such a declaration.

Well, I am just having a quick look through my Standing Orders for the House of Keys and trying to find the specific clauses, which I am struggling with. Perhaps the Secretary to the House might be able to assist me, but just turning to one. It is:

**Pecuniary interest**

10.1 (1) A Member may not take part in the discussion or vote, either in the House or in a committee, upon any question upon which that Member or any partner or any company of which the Member is a director has a direct pecuniary interest not held in common with the general public of the Isle of Man ...

(2) No Member shall take part in the discussion of or vote upon any matter with regard to which the Member or any partner is acting, or has in any way acted professionally ...

And the Standing Orders, therefore, apply to 'partner' meaning:

- a partner in any business or profession, and any of the following:
  - husband or wife;
  - son or daughter;
  - stepson or stepdaughter;
  - father or mother;
  - stepfather or stepmother;
  - brother or sister;
  - half brother or half sister;
  - grandparent or grandchild;
  - step-grandparent or step-grandchild;
  - uncle or aunt;
  - nephew or niece;
  - son-in-law or daughter-in-law.

So, what are we actually saying here? Has anyone actually given us some clear guidance (*Laughter*) in terms of what this actually means when it is required he or she would be required to declare by virtue of the Standing Orders of that House? Where does this start and where does this end? That is very clear, so how does that Standing Order 10.1, clauses (1), (2) and (3) actually impact on this particular clause here, more specifically were that somehow to impact on a policy that a candidate might be promoting, for example, in their manifesto, were that policy potentially to impact on the partner, meaning a partner in any business or profession of which a family member or half-brother or half-sister, grandparent or grandchild that may be impacted on. Surely we should actually ...

Under Standing Orders, would that therefore mean that one should not or be very careful about promoting a policy in a manifesto which potentially may result subsequently in the award of a contract or financial reward to any of these people? Because that is what it says in Standing Orders: you must declare that interest.

I might be being pedantic, Members, (*Interjection*) and you may think that I am going a bit too far, but, seriously, we have not actually given detailed consideration to exactly what this encompasses and I share the concerns ... I very rarely share the concerns of the Hon. Member for Onchan, but I am today. (*Laughter*) Maybe, we might just be pushing something through which has

not been properly considered and may possibly, accepting the transparency argument, impact on someone's decision – who may otherwise be a well-qualified candidate and should be encouraged to stand as a Member of his Hon. House – or may cause them some issues at a later stage.

So I have to say, it seems to be a very transparent and easy issue to support but, as per usual with all these things, unless we have given proper consideration to it, (**A Member:** Hear, hear.) then one feels that we may be in danger of creating a rod for our own back and I think we need to ensure that we are not doing anything that may discourage people, good candidates – because God knows we need them occasionally, Mr Speaker – to come forward at election time, simply because they are afraid of having to declare information that they may regard may impact on their broader or wider family and they may feel, at that stage, reluctantly do so.

So, some clarification on those points, certainly, Mr Speaker.

**The Speaker:** Hon. Members, what I propose to do, in view of the fact that a very valid question has been raised as to the definition of the Standing Orders referred to in this new clause, I shall ask legal counsel and the Secretary of the House to clarify the matter.

**The Secretary:** Mr Speaker, Mr Cannan makes rather a good point, actually. If I can draw your attention – I suppose Members will not have come with the Tynwald Standing Orders with them, but I do have a copy with me. On page 64, Tynwald Standing Orders, under the Schedule, section 4, paragraph 4.6, instructs me, as Registrar of Members' Interests. It says:

The Registrar of Members' Interests shall maintain a register, to be known as the Register of Members' Interests.

And it is under the Tynwald Standing Orders, as Mr Cannan has correctly pointed out, that the arrangements for all of you to declare an interest are placed. They are not in the Standing Orders of the House of Keys. No doubt the Second Chamber, were you to agree this provision, would wish to make an amendment accordingly, but actually at the point that you are at the present, Mr Cannan makes a perfectly valid point, which is that it is not actually an appropriate reference.

**Two Members:** Withdraw.

**The Speaker:** Does anyone else wish to ... ?

**The Speaker:** Mr Hall.

**Mr Hall:** The only thing I would say, Mr Speaker, it does appear, building on Mr Cannan's points and the points he is raising, I invite the Minister to withdraw.

**A Member:** Hear, hear.

**A Member:** Yes.

**The Speaker:** I call on the mover to reply.

**Mr Watterson:** Mr Speaker, Members' ability to obfuscate the obvious in here is exemplary.

The principle and the way that we deal with our Members' Interest are well known to Members and what you have to declare and what you do not. Further detail is provided in election regulations and election Regulations deal with all of the mechanics of how to operate a general election. Within the election regulations are the timeframes; the issues of writ; the validity of nomination papers; how the poll is to be conducted; what happens in the event of the death of a candidate; what equipment has to be provided in the polling stations; how the vote is counted; the declaration; the return; what happens in the time periods for contested elections. The mechanics of an election are

in the Election Regulations – that is how it works, that is how our Representation of the People Act works. This is adding another requirement into the election regulations ...

Yes, certainly, I will give way.

**The Speaker:** Mr Harmer.

**Mr Harmer:** I completely agree with you, Hon. Member for Rushen, about the principle. But I do really feel that this is not appropriate and this is incorrect. (**Several Members:** Hear, hear.) This is something I am worried about, and if we rush into these things we will pay the cost.

And I really recommend that we withdraw the amendment. Whilst I approve the principle, I cannot support this.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I am not entirely sure what the Hon. Member is concerned about (*Laughter*) because ... I do take the point, and I thank Hon. Members –

**Mr Hall:** Would the Hon. Member, give way, please?

**Mr Watterson:** Let me just make a little bit of progress and then I will come back to you.

I do thank Hon. Members for highlighting the difference between the Keys Standing Order and the Tynwald Standing Order – and that is an important differentiation. But that is a one-word difference that can be amended and corrected. (*Interjection*)

And again the important point is the principle of this. The simplicity of the system that we know, that is the declaration of interest system and how it is added to ... Tynwald has approved this principle.

I am grateful for the words which should have been ‘the Standing Orders of Tynwald’ rather than ‘that House’, and I will hold my hand up to that. But that does not undermine the principle and application of the whole thing. And I cannot believe that Members would be willing to throw away an important principle for something that can be so simply adjusted. If that is the biggest problem that Members have with it, then I would suggest that you go with it today, because the Legislative Council could sort that *minor* issue out.

I do not believe this is demonising people just because they have to declare interests. And to Mr Thomas’s point on why this was not introduced in the previous two Bills ... I struggled to work out why, as well, that this was missed out.

It all adds into the election regulations, which have got to come before Tynwald anyway. There is a big difference between local authority and national elections in terms of pecuniary interests and that is why it is only added into here; if you wanted to add it at local authority level later then I see no problem with that, personally, but I think there is a difference in standing. And, as I say, this is already settled Tynwald policy.

What we are talking about here is the delivery mechanism; and the delivery mechanism, as per many other things in election legislation, is the election regulations which will have to come before us *anyway* under the revised Representation of the People Act. We are required to have those anyway.

So, for that reason, I still beg to move the clause stand part of the Bill.

**The Speaker:** Hon. Members before I put the matter to the vote, I want to say something that I have said in the past. That it is the duty of this House to be absolutely certain about the integrity of the legislation that leaves this House (**Several Members:** Hear, hear.) before going to Legislative Council for possible revision. It is our duty to do so.

Hon. Member.

**Mr Watterson:** Could I just ... it may well be anyway that Legislative Council would put this in and return it, so –

**The Speaker:** I have made the point and I am sure (*Interjections*) Members will reflect that the accuracy and integrity of legislation that leaves this House is paramount.

I leave Members to reflect on that – (**A Member:** Hear, hear.) a matter that, as I say, will be familiar to the ears of this House.

I put the vote that the new clause in the name of Mr Watterson do stand part of the Bill. Those in favour, please say aye; against, no. The noes have it.

*A division was called for and electronic voting resulted as follows:*

**FOR**

Mr Cregeen  
Mr Gawne  
Mr Peake  
Mr Quayle  
Mr Quirk  
Mr Shimmin  
Mr Skelly  
Mr Teare  
Mr Watterson

**AGAINST**

Mr Bell  
Mr Boot  
Mr Cannan  
Mr Hall  
Mr Harmer  
Mr Houghton  
Mr Joughin  
Mr Karran  
Mr Malarkey  
Mr Robertshaw  
Mr Ronan  
Mr Singer  
The Speaker  
Mr Thomas

**The Speaker:** There are 9 votes for, and 14 votes against. The motion therefore fails and the new clause fails.

I turn now to clause 5 of the Bill. Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

Clause 5 makes transitional and supplemental provision in connection with the renaming of the constituency, so as to provide a seamless transition in relation to the name of the constituency and the electoral process for the 2016 General Election so far as it affects the constituency. Clause 5(3) provides that no new map or designation of electoral wards is required for the constituency by virtue only of its renaming.

I beg to move.

**Mr Thomas:** Thank you, Mr Speaker.

I beg leave to second and reserve my remarks.

**The Speaker:** The Hon. Member for Michael.

**Mr Cannan:** Thank you, Mr Speaker.

I just need to clarify with the Hon. Member, *why* we are not producing a map. It would appear this is saying we are not going to have a map with the renamed constituency on it – which in itself appears to be confusing.

And also it says:

affect the continuing validity of the Polling Districts ... Order 2015 ...

Does that mean that when the relevant statutory notifications are placed in the newspaper that the constituency is *not* going to appear under its new name?

It says:

the continuing validity of the Polling Districts (Keys 12 Elections) Order 2015 so far as it relates to the 13 renamed constituency.

What implications does that have in terms of the public presentation of the constituency name? I would just like some clarification to that.

In other words, my concern is that it is going to be published under the name Douglas West, and not Douglas South. Just some clarification please.

**The Speaker:** I call on the mover to reply.  
Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

With regard to the map: the map was redrawn under the present legislation but it was *renamed* Douglas West, rather than keeping Douglas South. All we are doing here is changing the name, not the boundaries, because the new boundaries have now been set out.

But for the purpose of clarification, should somebody now declare that they were going to stand before this Bill, hopefully, goes through – the current new naming of Douglas West – there will be a transition which will automatically take that Douglas West declaration over to the new Douglas South, once this Bill becomes an Act.

It is only to cover ourselves with regard to expenses, so that somebody can say, ‘I have spent a couple of thousand pounds saying I am going to stand for Douglas West next year’ – and then suddenly when Douglas West gets renamed back to Douglas South they cannot turn round and say, ‘Well, that £2,000 I spent over there does not matter anymore. We will start afresh with the new area.’

It is purely a transition to allow the renaming from West back to South, should anybody declare in the meantime. It is hoped that this Bill – and I get leave to suspend Standing Orders today – that we get this through quickly enough, there will be no publications done with Douglas West on it. Hopefully this will be through in time before any publication is done and it will be published as Douglas South to avoid any confusion.

If the Member is not happy with that, I am happy for him to come back to me with regard to this. There are no boundary changes, this is a one-word change in the document because the original document had gone through; and for some reason it was decided they were going to rename Douglas South to Douglas West, which has confused a lot of constituents – including those living in Douglas West at the moment – to say the least.

With that I beg to move, Mr Speaker.

**The Speaker:** I put the motion that clause 5 do stand part of the Bill. Those in favour, say aye; against, no.

*A division was called for and electronic voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Bell	None
Mr Boot	
Mr Cannan	
Mr Cregeen	
Mr Gawne	
Mr Hall	
Mr Harmer	
Mr Houghton	
Mr Joughin	

Mr Karran  
Mr Malarkey  
Mr Peake  
Mr Quayle  
Mr Quirk  
Mr Robertshaw  
Mr Ronan  
Mr Shimmin  
Mr Singer  
Mr Skelly  
Mr Teare  
The Speaker  
Mr Thomas  
Mr Watterson

**The Speaker:** There are 23 votes for, and no votes against. The motion therefore carries.