



LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 13th November 2018

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Present:

The President of Tynwald (Hon. S C Rodan)

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Attorney General (Mr J L M Quinn QC),
Miss T M August-Hanson, Mr D C Cretney, Mr T M Crookall, Mr R W Henderson,
Mrs M M Hendy, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mr J D C King, Clerk of the Council.

Business transacted

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1. Payment of Members' Expenses (Amendment) Bill 2018 – First Reading approved	43
Payment of Members' Expenses (Amendment) Bill 2018 – Second Reading approved	44
<i>The Council adjourned at 10.38 a.m.</i>	<i>45</i>

Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Moghrey mie, good morning, Hon. Members.

Members: Moghrey mie, Mr President.

5 **The President:** The Lord Bishop will lead us in prayer.

PRAYERS

The Lord Bishop

Order of the Day

1. Payment of Members' Expenses (Amendment) Bill 2018 – First Reading approved

Mr Cretney to move:

That the Payment of Members' Expenses (Amendment) Bill 2018 be read a first time.

The President: Hon. Members, the business before Council this morning is the First Reading of the Payment of Members' Expenses (Amendment) Bill 2018, and I call on the mover, Hon. Member of Council, Mr Cretney.

10 **Mr Cretney:** Thank you, Mr President.

The Standing Orders Committee of Tynwald reported in May on the suspension of Members and incorporated in its report this Bill, which I now move to be read a first time.

15 The Bill has passed through the Keys without amendment or dissent. Tynwald agreed unanimously that this Bill be brought before the House of Keys to amend the law to provide for loss of expenses as to find in the Payment of Members' Expenses Act 1989, including any additional sums payable to certain office holders. The Bill deals with the circumstances where a Member is called on to apologise for his misconduct and refuses to do so and is suspended until he or she complies with the order of Tynwald. Tynwald resolves that any Member who is suspended and continues because of a failure to comply with an order of Tynwald, should not be eligible to receive any allowances for
20 expenses or other work on the basis that they will not be able to carry out their functions in an appropriate way. This follows a previous resolution of Tynwald in June 2017 that all cases of suspension should involve loss of payment of expenses, including any additional sums payable to certain office holders.

25 Legislation is required to bring Tynwald resolutions into effect. Accordingly, on behalf of the Standing Orders Committee of Tynwald, I move this Bill to give effect to the previous resolutions of Tynwald. I beg to move the Bill be read a first time.

The President: Mr Henderson.

30 **Mr Henderson:** I beg to second, sir, and reserve my comments.

The President: I put the motion that the Payment of Members' Expenses (Amendment) Bill be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Payment of Members' Expenses (Amendment) Bill 2018 –
Second Reading approved**

Mr Cretney to move:

That the Payment of Members' Expenses (Amendment) Bill 2018 be read a second time.

35 **Mr Cretney:** Mr President, could I seek leave of the Legislative Council and yourself to move the Second Reading at this stage?

The President: Is that agreed, Hon. Members?
Mr Henderson.

40 **Mr Henderson:** I certainly will second that motion, Eaghtyrane.

The President: Is that agreed, Hon. Members?

Members: Agreed.

45 **The President:** Thank you.
Mr Cretney.

50 **Mr Cretney:** Thank you very much to Members for that.
This is an unusual Bill; it is not one which I see being used regularly. I thank Hon. Members for the unanimous support and I beg to move that the Bill be read a second time.

The President: Mr Henderson.

55 **Mr Henderson:** I beg to second, sir, and reserve my remarks.

The President: I put the motion that the Payment of Members' Expenses (Amendment) Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Mr Cretney.

60 **Mr Cretney:** Mr President, may I push my luck? *(Laughter)*

As I described earlier, this is a very unusual Bill, it is one which has been unanimously accepted both in the Keys and at two previous First and Second Readings here. Would Council be prepared, on this occasion, to allow me to move the clauses?

65

Mr Henderson: I beg to second that motion, Eaghtyrane.

Mr Crookall: Mr President, if I may.

I would rather we did not on this occasion. I think we should leave it that period and there is something I want to check up on and confirm before we get to clauses stages, if you do not mind.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I think if Mr Crookall has a specific point that he would like to check then I think we should respect that. I was going to contribute that I thought this Bill is reasonably short, it is amending one piece of legislation and its amendments seem to be quite clear so personally, on this occasion, I would have been comfortable to move to clauses, but I think if any Member of the Council has something specifically that they wish to check on further before we look at clauses, then that is the correct thing to do, in my view.

The President: One moment, Hon. Members. *[The President consulted with the Clerk.]*

What we are debating currently is not the suspension of Standing Orders because the clauses stage automatically follows from the Second Reading. So I will hear a motion that the clauses stage be delayed until the next sitting, and if that is agreed that would be the appropriate way to address Mr Crookall's desire for a delay.

Mr Crookall: Okay then, Mr President.

I would beg to move a motion that clauses stage be suspended until the next sitting.

The President: Is that seconded?

Miss August-Hanson.

Miss August-Hanson: I would like to second and reserve my remarks.

The President: Thank you.

Is that agreed, Hon. Members?

Members: Agreed.

The President: Thank you very much.

In that case, that concludes the business before Council this morning. The next sitting of Council will take place at 10.30 a.m., Tuesday 20th next.

Thank you, Hon. Members.

The Council adjourned at 10.38 a.m.