



LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 17th December 2019

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Present:

The President of Tynwald (Hon. S C Rodan OBE)

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 Maska, Mrs K A Lord-Brennan, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mrs J Corkish, Third Clerk.

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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.

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

PRAYERS

The Lord Bishop

Order of the Day

1. Children and Young Persons (Amendment) Bill 2019 – Second Reading and clauses – Not moved

Mrs Sharpe to move:

That the Children and Young Persons (Amendment) Bill 2019 be read a second time.

The President: Hon. Members, we turn to our Order Paper. Item 1, Children and Young Persons (Amendment) Bill 2019, will not be moved, as advised by Mrs Sharpe.

2. Limitation (Childhood Abuse) Bill 2019 – Second Reading approved

Mrs Sharpe to move:

That the Limitation (Childhood Abuse) Bill 2019 be read a second time.

10 **The President:** We turn to the Limitation (Childhood Abuse) Bill 2019, Second Reading.
Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President.

Hon. Members, at the First Reading of the Bill I outlined its purpose and scope. This was, in essence, to facilitate access to justice for victims of childhood abuse by removing the present
15 limitation period for bringing a civil action for damages for personal injuries in such cases. There would, if the Bill was passed, be no limitation period for bringing an action for damages for personal injuries where the action relates to abuse, the person who sustained the injuries was a child at the time of the abuse and the person who sustained the injuries is the person who is bringing the action.

20 As explained at the First Reading, if a person wishes to bring a claim for damages in respect of personal injuries, the person must bring the claim within three years of the cause of action arising or, if later, three years from the date of knowledge of the person injured. After this time period has expired, the burden is on the person bringing the claim to persuade the court to permit the claim to be brought out of time. This can be very burdensome in the specific context
25 of childhood abuse, where it can take many years before a person feels able to bring a claim for damages.

The Bill removes the barrier of the limitation period for this very specific group of childhood abuse survivors and places on the defendant, the person against whom the claim is made, the burden of showing why a claim should not proceed.

30 The removal of the three-year time limit for childhood abuse claims applies to claims which accrued before the Bill comes into operation and to certain claims which have already been subject to litigation. This gives the provisions in the Bill retrospective application.

The aims of the Bill are achieved by making amendments to the Limitation Act 1984 for this specific group of claimants in childhood abuse actions.

35 I stress again to Hon. Members of Council, as I did at the First Reading, the Bill seeks to amend the law on limitation only. It does not alter what is capable of being a cause of action for which a claim in damages may be brought. The Bill does not change the existing law on establishing liability in a claim. A successful cause of action depends on the person claiming the abuse being able to show that the behaviour falling under the definition of abuse has caused an
40 actionable injury —the liability of the defendant still has to be established under the present law.

With your agreement, Mr President, I should like to move clauses 1 and 2 together. I am happy to have them voted on separately if Hon. Members wish.

45 **The President:** First of all, you need to move the Second Reading.

Mrs Sharpe: I apologise, Mr President. I beg to move that the Second Reading of the Bill do stand.

50 **The President:** Thank you. Do we have a seconder? Mr Henderson.

Mr Henderson: I beg to second, sir.

55 **The President:** I put the motion that the Limitation (Childhood Abuse) Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Limitation (Childhood Abuse) Bill 2019 –
Clauses considered**

The President: Clauses, Mrs Sharpe.

60 **Mrs Sharpe:** Thank you, Mr President.

I should like to move clauses 1 and 2 together. I am happy to have them voted on separately if Hon. Members wish.

The President: Is that agreed, Hon. Members?

65

Members: Agreed.

Mrs Sharpe: The clauses comprise Part 1 of the Bill and are introductory.

70 Clause 1 gives the short title of the resulting Act of Tynwald. Clause 2 provides for the resulting Act, other than clauses 1 and 2, to be brought into operation by one or more Appointed Day Orders made by the Council of Ministers. The power includes provision to make consequential, incidental, supplementary and transitional provisions in connection with commencement.

Mr President, I beg to move that clauses 1 and 2 stand part of the Bill.

75

The President: Mr Henderson.

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

80 **Mrs Sharpe:** Mr President, with your leave –

The President: One moment.

Hon. Members, I put the motion that clauses 1 and 2 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

85

Clause 3, Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President.

90 With your leave, I will now move to Part 2, which comprises clauses 3 and 4, makes amendments to the Limitation Act 1984 – the 1984 Act – and forms the substantive Part of the Bill.

Clause 3 inserts new sections 11ZA to 11ZD into the 1984 Act. These new provisions closely mirror sections 17A to 17D of the Prescription and Limitation (Scotland) Act 1973, which were inserted into that Act of Parliament by the Limitation (Childhood Abuse) (Scotland) Act 2017, which is an Act of the Scottish Parliament.

95

Clause 11ZA(2) removes the limitation periods in the 1984 Act for claims in damages if all the conditions in clause 11ZA(1) are met. Those conditions are: (a) the damages are in respect of personal injuries; (b) the person who suffered the injuries was a minor on the date the act or omission which caused the injuries occurred – or began, where the act or omission was a continuing one; (c) the act or omission which caused the injuries constitutes abuse of the person harmed; and (d) the claim is brought by the person who suffered the injuries.

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Clause 11ZA(3) gives a non-exhaustive definition of ‘abuse’, covering a wide range of abusive behaviour. The intention is to recognise that abused persons have suffered a wide range of abuse and to permit the courts to make the necessary judgment as to whether the behaviour alleged in each case constitutes abuse. The aim of the Bill is to enable sufferers of child abuse, where the abuse has caused personal injury giving rise to the right to make a claim for damages,

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to make a claim without the present restrictions on the period within which a claim can be brought.

110 The person who suffered the injuries must have been a 'minor' on the date the act or omission which caused the injuries occurred – or began, where the act or omission was a continuing one. A 'minor' is a term already used in the 1984 Act and, in accordance with the Family Law Reform (Isle of Man) Act 1971 means a person under 18. There are some transitional provisions in the 1984 Act, at Schedule 2, paragraph 5, which provide that a person under 21 is a 'minor' in relation to a cause of action arising before 1st April 1972, when the age of majority was lowered.

115 The second condition in clause 11ZA(1) provides that the person must have been a minor on the date the act or omission – that is, the abuse – which caused the injuries took place. It does not specify that the resulting injury must have occurred at that time. This allows for a situation where the abuse occurred when the victim was a child, but the injury manifests itself at a later date.

120 As I stated at the First Reading and have stressed again today, the Bill seeks only to remove the limitation period for the specific group of people who satisfy the conditions in the proposed clause 11ZA. It does not change the existing law on establishing liability for a claim in damages. A claimant taking advantage of the new provisions to bring a claim, which might be out of time under the current law, would still have to prove that the actions of the alleged abuser caused the personal injury giving rise to a claim in damages.

125 Clause 11ZB provides that clause 11ZA also applies to a right of action arising before clause 11ZA commences. The intention is to permit current survivors of abuse who have not made a claim to be able to rely on the new legislation. As I said at the First Reading of the Bill, it can take a long time before survivors of child abuse reach the point where they feel able to bring an action for damages. The legislation needs to be applied to existing rights of action otherwise survivors of past abuse who have reached the point of considering starting a civil action would not benefit, and the benefits of the legislation could take many years to have any practical effect. This would thwart the aim of the Bill to remove a barrier to access to justice for historic abuse.

135 It should be remembered that the removal of the limitation period is only to apply to those who suffered the abuse – only they may make a claim without a limitation period under the conditions in clause 11ZA.

Mr President, clause 11ZB provides an important element to the aim of the Bill to facilitate access to justice for existing survivors of child abuse who have yet to make a claim.

140 Clause 11ZC permits those who have made a claim, but who never had the claim decided by a court because the claim was either found by a court to be time-barred or was settled in the belief it would have been time-barred, to benefit from the new legislation by making a fresh claim. Where clause 11ZC applies, a person may bring a claim in damages under clause 11ZA, if, of course, the conditions in that clause are satisfied, for 'relevant personal injuries' – that is, injuries sustained as a result of childhood abuse – and so bring a claim without the hurdle of the limitation period, despite having previously brought a claim in damages for the childhood abuse.

145 There are restrictions on the ability to start a fresh claim, as set out in clause 11ZC(2). Firstly, the claim made previously – the 'initial action' – has to have been brought before clause 11ZA commences. A person cannot bring repeated claims on the same issue. A claim can only be brought again if there was a claim made and disposed of before clause 11ZA came into operation. If a claim is made after clause 11ZA comes into operation, clause 11ZC does not allow the claimant to bring yet another claim.

155 Secondly, the initial action must have been disposed of by the court either under section 11 of the 1984 Act, as being time-barred under the present law on limitation, or under a relevant settlement. A 'relevant settlement' is defined in 11ZC(4)(b) to be: (a) an agreement between the parties to that initial action; (b) entered by the claimant in the reasonable belief that the initial action was likely to have been time-barred under section 11; and (c) a settlement under which

the claimant did not receive any financial compensation other than the costs of bringing and settling the initial action.

160 Clause 11ZC(5) clarifies that if the settlement terms included payment of sums which were anything other than reimbursement of the claimant's costs in bringing and settling the initial action, that initial action would not meet the third criterion required for its settlement to be a 'relevant settlement'.

165 A person can only rely on clause 11ZC to re-litigate a claim if the court did not make a decision on the merits of the claim and the reason the initial action was unsuccessful was the limitation period. A person cannot rely on clause 11ZC if under a relevant settlement they received any financial compensation other than the recovery of costs.

170 Clause 11ZD provides for circumstances in which a claim made under clause 11ZA must not go ahead. Clause 11ZD(2) ensures that, where a childhood abuse claim is brought using clause 11ZA – that is, without any limitation period – the court must not allow the claim to go ahead if the defendant proves to the court a fair trial is not possible. The burden is on the defendant to show a fair trial is not possible. The clause protects a defendant's right to a fair trial and shows clearly that the ability to bring a childhood abuse claim without any limitation period does not override this right. The courts must ensure that the new provisions are construed as being

175 compatible with the rights under the European Convention on Human Rights – the 'Convention'.

Clause 11ZD(3) provides a further circumstance in which the court must not permit a childhood abuse claim brought under 11ZA to go ahead. This is where the defendant proves to the court that the defendant would be substantially prejudiced if the claim were to go ahead, as a result of the operation of 11ZB or 11ZC. That is, the prejudice to the defendant comes from the retrospective application of 11ZA – either in bringing a claim for harm that arose before 11ZA comes into operation, or in re-litigating a claim defeated in the past on limitation. If the defendant proves substantial prejudice because of the retrospective application of the law under 11ZB or 11ZC, the court has to be satisfied that the prejudice is such that the claim should not go ahead. In making this determination, the court must have regard to the claimant's

180 interest in the claim proceeding.

185 With the inclusion of clause 11ZD, the Bill aims to strike a fair balance between facilitating access to justice for the very specific and vulnerable group of victims of child abuse and protecting a defendant's Convention rights.

190 Mr President, I beg to move that clause 3 stand part of the Bill.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. I beg to second and reserve my remarks.

195 **The President:** I put the question 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.

Mrs Sharpe: Clause 4 makes some consequential amendments to the 1984 Act.

200 Clause 4(1) disapplies the time limits in section 14 of the 1984 Act for actions under the new provisions.

205 Clause 14(2) makes amendments to paragraph 6 of Schedule 2 to the 1984 Act. It excepts actions to which the new provisions apply from the effect of paragraph 6(1), which provides that the 1984 Act does not enable actions to be brought which were barred by the Statute of Limitations 1891 before the 1984 Act commenced. It has been disapplied so that it does not inadvertently act to time-bar claims which could otherwise be brought as a result of the new provisions.

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

210 **The President:** Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. I beg to second, sir, and reserve my remarks.

215 **The President:** I put the question that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Thank you, Hon. Members.

3. Registration of Business Names (Amendment) Bill 2019 – Second Reading approved

Mr Henderson to move:

That the Registration of Business Names (Amendment) Bill 2019 be read a second time.

The President: We turn now to Item 3, Registration of Business Names (Amendment) Bill 2019, Second Reading.

I call on the mover, Mr Henderson.

220

Mr Henderson: Gura mie eu, Eaghtyrane.

As outlined at the First Reading, the main purpose of this short Bill is to extend the statutory requirement to register business names in the Island to companies that are registered under the Companies Act 2006. This will be achieved by a minor amendment to the Registration of Business Names Act 1918.

225

The Bill also provides for the crystallisation of any registrations previously made by 2006 companies purportedly under the 1918 Act, and it includes a transitional period of three months after the coming into operation of the legislation for any unregistered 2006 companies to make their registration arrangements.

230

Eaghtyrane, I beg to move that the Registration of Business Names (Amendment) Bill 2019 be read a second time.

The President: Mr Crookall.

235

Mr Crookall: I beg to second, Mr President, and reserve my remarks.

The President: I put the question that the Registration of Business Names (Amendment) Bill be read for a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Registration of Business Names (Amendment) Bill 2019 – Clauses considered

240 **The President:** We turn to clauses, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

With Hon. Members' agreement I would like to move clauses 1 and 2 together.

Clause 1 gives the Bill –

245

The President: Is that agreed, Hon. Members?

Members: Agreed.

250 **Mr Henderson:** Gura mie eu, Eaghtyrane.

I thank Hon. Members for their agreement and I was getting slightly ahead of myself there.

Clause 1 gives the Bill its short title and clause 2 provides for the Bill to be brought into force by order and the making of transitional provisions in connection with the Act's commencement if considered appropriate.

255 Eaghtyrane, I beg to move that clauses 1 and 2 stand part of the Bill.

The President: Mr Crookall.

Mr Crookall: I beg to second, Mr President, and reserve my remarks.

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The President: I put the question that clauses 1 and 2 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

265 **Mr Henderson:** Gura mie eu, Eaghtyrane.

Clause 3 seeks to address the lacuna in section 3 of the Registration of Business Names Act 1918, by making it a requirement that businesses registered under the 2006 Companies Act must comply with that Act.

Eaghtyrane, I beg to move that clause 3 stands part of the Bill.

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The President: Mr Crookall.

Mr Crookall: I beg to second, Mr President.

275 **The President:** I put clause 3. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Henderson: Gura mie eu, Eaghtyrane.

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Clause 4 provides that any 2006 companies that have not previously made a registration under the 1918 Act will have a transitional period three months after the coming into operation of this Bill to do so.

Clause 4 also includes retrospective provisions which provide that any registrations already held for 2006 companies that were made purportedly under the 1918 Act can be retained and re-registrations will not be necessary.

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Eaghtyrane, I beg to move that clause 4 stands part of the Bill.

The President: Mr Crookall.

290 **Mr Crookall:** I beg to second, Mr President.

The President: I put clause 4. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

That completes Item 3.

**Registration of Business Names (Amendment) Bill 2019 –
Standing Orders suspended to take Third Reading**

295 **Mr Henderson:** Eaghtyrane, if I may, sir, I did flag up at the earlier stages of the meeting that I would like to seek permission to suspend Standing Orders to take the Third Reading of this very short Bill and see it on its way and have its effect in sooner rather than later.

300 **The President:** You so move? Is there a seconder? Mr Crookall.

Mr Crookall: I beg to second, Mr President.

305 **The President:** I put that motion to the Council. Those in favour of suspending Standing Orders to enable the Third Reading stage to be taken, say aye; against, no. The ayes have it. The ayes have it.

**Registration of Business Names (Amendment) Bill 2019 –
Third Reading approved; Bill passed**

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

310 I must thank you and Hon. Members for their forbearance in this and for allowing me to take the Third Reading

Eaghtyrane, I would like to thank all Hon. Members for their careful consideration of this short Bill. I would like to thank my seconders as well, Eaghtyrane, on its passage through the Legislative Council.

315 The Registration of Business Names (Amendment) Bill 2019 is a short technical Bill which addresses a gap identified in the application of the original 1918 Act.

The amendments provided by this Bill before us today will bring the requirements for 2006 companies to register their business names in the Island into line with those applicable to other businesses operating in the Island.

320 Eaghtyrane, I beg to move that the Third Reading of the Registration of Business Names (Amendment) Bill 2019 be so read.

The President: Mr Crookall.

325 **Mr Crookall:** I beg to second, Mr President.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

330 Just a minor question really, because of the time that is allowed – three months for any company that has not previously registered, to register once the Appointed Day Order (ADO) becomes operational – I just wondered whether there will be any additional publication of that date when the ADO takes effect? I know it will be a public document but it is just what further notice will be provided, if any, to allow companies who need to register to know the clock is ticking.

335 **The President:** Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

340 As far as I am aware and from liaising with our legal side, there is an ongoing situation where companies are being made aware that this is in progress and I believe that the Registry will do all that it can within its powers to ensure that so affected companies or possible affected companies will be notified and be aware of the information.

Mrs Poole-Wilson: Thank you.

345

The President: I put the question that the Registration of Business Names (Amendment) Bill be read for the third time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

4. Tynwald Proceedings (Amendment) Bill 2019 – First Reading approved

Mr Cretney to move:

That the Tynwald Proceedings (Amendment) Bill 2019 be read a first time.

The President: We turn now to Item 4, Tynwald Proceedings (Amendment) Bill.

350 That Bill completed all its stages in the House of Keys this morning, together with an amendment to clause 4 which you should have in front of you, which alters the wording of clause 4 as set out.

So with that in mind, I turn to the mover, Mr Cretney, for the First Reading.

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

The background to this Bill, which has been passed by the House of Keys so quickly, as you have just stated, is that there are live proceedings which make it necessary to settle in statute the privileges of Tynwald on the same basis as enjoyed by parliaments throughout the Commonwealth.

360 Parliamentary privilege is the area of the law that allows parliaments to function. This means: freedom of speech and debate; and 'exclusive cognisance', i.e. the right for internal affairs not to be interfered with by outside agencies, governments or the courts.

365 Without this protection, parliamentary committees would not be able to guarantee confidentiality to witnesses and others who bring matters to their attention; nor to keep confidential all minutes, correspondence and other internal information and retain control over it. Inquiries on sensitive topics would not be able to proceed successfully without being able to give such guarantees. Work in areas such as these might have to cease without such protection.

Although the law on privilege applies to Tynwald, the case law in this area is limited and it is appropriate to ensure that Tynwald's privileges are better understood.

370 Her Majesty's Attorney General has been consulted about this Bill and supports the move to legislate in this area, although the initiative for this Bill is the advice of the Clerk of Tynwald.

I beg to move that the Bill be read a first time.

The President: Miss August-Hanson.

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Miss August-Hanson: Thank you, Mr President. I would like to second and reserve my remarks.

380 **The President:** I put the question that the Tynwald Proceedings (Amendment) Bill be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Tynwald Proceedings (Amendment) Bill 2019 –
Standing Orders suspended to take remaining stages**

Mr Cretney to move:

That Standing Orders be suspended to take the remaining stages of this Bill at this sitting.

The President: Mr Cretney.

385 **Mr Cretney:** Mr President, I am grateful to Council for giving a First Reading to this important Bill. I mentioned earlier the reasons why this Bill is urgent. I therefore move that Standing Orders be suspended to take the remaining stages of this Bill at this sitting.

The President: Miss August-Hanson.

390 **Miss August-Hanson:** I would like to second, sir, and reserve my remarks.

The President: I put the motion for the suspension of Standing Orders. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Tynwald Proceedings (Amendment) Bill 2019 –
Second Reading approved**

395 **The President:** Mr Cretney.

Mr Cretney: Thank you, Mr President. I beg to move that the Bill be read a second time.

The President: Miss August-Hanson.

400 **Miss August-Hanson:** I beg to second and reserve my remarks, Mr President.

Mr Henderson: Eaghtyrane.

405 **The President:** Mr Henderson.

Mr Henderson: I think it needs to be put on record that this is an important piece of legislation, albeit small, but it does rectify a situation – an urgent situation – and it also brings us into line with other Commonwealth parliaments and not before time, I suppose, as well given the other parliamentary procedures.

410 I would just like to put that on record, Eaghtyrane.

The President: Thank you.

415 **Mr Cretney:** In response to the Hon. Member, I thank him for his comments. I would suggest it is more 'clarify' rather than 'rectify'. There are powers, but this will make it absolutely clear and I thank him for his comments.

The President: Thank you.

420 I put the motion that the Tynwald Proceedings (Amendment) Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Tynwald Proceedings (Amendment) Bill 2019 –
Clauses considered**

The President: We turn to clauses. Mr Cretney.

Mr Cretney: Thank you, Mr President.

425 If I could have permission, please, to move clauses 1 and 2 together?

The President: Is that agreed?

Members: Agreed.

430 **Mr Cretney:** I thank you.

Clauses 1 and 2 give the Bill its short title and explain that the Bill amends the Tynwald Proceedings Act 1876. I beg to move that clauses 1 and 2 do stand part of the Bill.

435 **The President:** Miss August-Hanson.

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

440 **The President:** I put the question that clauses 1 and 2 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 3.

Mr Cretney: Thank you, Mr President.

445 Clause 3 updates the terminology in the 1876 Act. At present the Act refers to the House of Keys and the Legislative Council as 'Houses'. Clause 3 changes this to refer to them as 'Branches'. This is the normal terminology in use today.

I beg to move that clause 3 do stand part of the Bill.

The President: Miss August-Hanson.

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

The President: I put clause 3. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

455 Clause 4, Mr Cretney.

Mr Cretney: Thank you, Mr President.

Clause 4 contains the substantive content of the Bill. As I explained in the First Reading, the Bill proposes to settle in statute the privileges of Tynwald on the same basis as enjoyed by

460 parliaments throughout the Commonwealth. It does this by adding two new sections to the Tynwald Proceedings Act 1876.

The proposed new section 6A deals with the 'exclusive cognisance' of Tynwald. This makes it clear that Tynwald and the Branches are free to organise their own affairs, without being challenged in the courts.

465 The proposed new section 6B deals with freedom of speech and debate in Tynwald. It replicates in Manx law the provisions of Article 9 of the Bill of Rights 1688. Article 9 is the basis of freedom of speech in parliament, in the UK and throughout the Commonwealth and other common law jurisdictions.

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

470 **The President:** Miss August-Hanson.

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

475 **The President:** In doing so, we note that on page 6, lines 3 and 28, the words 'or tribunal' are inserted after 'court'.

Mr Cretney: Yes, I am sorry, Mr President, I should have indicated my support for the amendment.

480 **The President:** Yes, thank you.

I put clause 4. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Mr Cretney.

**Tynwald Proceedings (Amendment) Bill 2019 –
Third Reading approved; Bill passed**

Mr Cretney: Thank you, Mr President.

485 I do think it is on an exceptional basis that we take all such proceedings in the one sitting; it is exceptional. I am grateful to Council for agreeing the clauses. I beg to move that the Bill be read a third time and do pass.

The President: Miss August-Hanson.

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Miss August-Hanson: Thank you, Mr President.

Being that this is an eminently sensible piece of legislation, both in effect and in its technical wording, I fully support the Bill. It is an imperative measure that makes clear protections for those giving evidence to our parliament. So I would like to second, Mr President.

495 Thank you.

The President: Mr Henderson.

Mr Henderson: Eaghtyrane, I would just like to add my comments again at this point.

500 I am very happy to progress this piece of legislation, given its importance, and the fact that it clarifies the situation of, importantly, parliamentary privilege and in respect of bringing us in line with other parliaments of the Commonwealth.

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

Mr Cretney: I thank my seconder throughout and Mr Henderson for his interest and comments in these matters.

510 If the Council agrees to the Third Reading, the intention is to send the Bill to the Ministry of Justice for a speedy decision about Royal Assent; the aim is to enable Royal Assent to be announced in Tynwald at the earliest opportunity, which would be the sitting on 21st January 2020.

I beg to move.

515 **The President:** I put the question that the Tynwald Proceedings (Amendment) Bill be read for the third time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Season's good wishes

The President: Hon. Members, that completes the business on the Order Paper. Thank you for the efficient dispatch of what we had to do.

520 I take the opportunity to wish you all and your families a very Happy Christmas. The Council will therefore stand adjourned until the next sitting which will take place in Tynwald Court on 21st January.

Mr Henderson: Eaghtyrane, if I could take the liberty, from us all, best wishes for the season and a Happy Christmas and New Year to yourself too.

525 **Members:** Hear, hear!

The President: Very kind. Thank you to you all.

The Council adjourned at 11.07 a.m.