

TYNWALD Tinvaal



ORDER PAPER Claare Obbyr

DOUGLAS
Tuesday 17th November 2020
at 10.30 am

1. To lay before the Court –

Equality Act 2017

Equality Act 2017 (Services and Public Functions) (Amendment) Order 2020
[\[SD No 2020/0460\]](#) [\[MEMO\]](#)

European Union and Trade Act 2019

Copyright and Performers' Protection (Amendment) Regulations 2020
[\[SD No 2020/0434\]](#) [\[MEMO\]](#)

Burundi Sanctions (Application) Regulations 2020 [\[SD No 2020/0455\]](#)
[\[MEMO\]](#)

Counter-Terrorism Sanctions (Application) Regulations 2020
[\[SD No 2020/0456\]](#) [\[MEMO\]](#)

Guinea Sanctions (Application) Regulations 2020 [\[SD No 2020/0448\]](#)
[\[MEMO\]](#)

Republic of Guinea-Bissau Sanctions (Application) Regulations 2020
[\[SD No 2020/0447\]](#) [\[MEMO\]](#)

Chemical Weapons Sanctions (Application) Regulations 2020
[\[SD No 2020/0452\]](#) [\[MEMO\]](#)

Cyber Sanctions (Application) Regulations 2020 [\[SD No 2020/0451\]](#) [\[MEMO\]](#)

Bosnia and Herzegovina Sanctions (Application) Regulations 2020
[\[SD No 2020/0453\]](#) [\[MEMO\]](#)

Nicaragua Sanctions (Application) Regulations 2020 [[SD No 2020/0449](#)] [[MEMO](#)]

Lebanon Sanctions (Assassination of Rafiq Hariri and Others) (Application) Regulations 2020 [[SD No 2020/0454](#)] [[MEMO](#)]

Mali Sanctions (Application) Regulations 2020 [[SD No 2020/0450](#)] [[MEMO](#)]

Social Security Contributions and Benefits Act 1992

Social Security (Contributions) (Amendment) (No. 3) Regulations 2020 [[SD No 2020/0458](#)] [[MEMO](#)]

Airports and Civil Aviation Act 1987

Civil Aviation (Aviation Security) (Application) (Amendment) Order 2020 [[SD No 2020/0446](#)] [[MEMO](#)]

Fair Trading Act 1996

Fair Trading (Exclusion of Course of Conduct) (Isle of Man Post Office) Order 2020 [[SD No 2020/0505](#)] [[MEMO](#)]

Highways Act 1986

Old Railway Line, Ramsey (Public Path) Order 2020 [[SD No 2020/0384](#)] [[MEMO](#)]

Income Tax Act 1970

Taxes (Finland) (Amendment) Order 2020 [[SD No 2020/0464](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Legislation (Benefits) (Application) (No. 5) Order 2020 [[SD No 2020/0487](#)] [[MEMO](#)]

Pension Schemes Act 1995

Pension Schemes Act 1993 (Application) (Amendment) (No. 2) Order 2020 [[SD No 2020/0488](#)] [[MEMO](#)]

Welfare Reform and Pensions Act 1999 (Application) (Amendment) Order 2020 [[SD No 2020/0489](#)] [[MEMO](#)]

Reports

Voluntary Gas Regulation Heads of Terms [[GD No 2020/0066](#)]

Ecclesiastical Committee of Tynwald First Report for the Session 2020-2021 – Draft Church (Miscellaneous Provisions) Measure (Isle of Man) [[PP No 2020/0169](#)] [[PP No 2020/0169](#)]

Isle of Man Borders Framework 2020 [[NN No 2020/0047](#)]

Stay Responsible: the Isle of Man Government's long term framework for COVID-19 [[NN No 2020/0048](#)]

The remaining items are not the subject of motions or debates on the Order Paper

Items subject to negative resolution

Immigration Act 1971

Statement of Changes in Immigration Rules [[SD No 2020/0467](#)] [[MEMO](#)]

Insurance Act 2008

Insurance Intermediaries (General Business) Regulations 2020 [[SD No 2020/0439](#)] [[MEMO](#)]

Insurance Intermediaries (Restriction on Advertising) Regulations 2020 [[SD No 2020/0440](#)] [[MEMO](#)]

Documents subject to no procedure

Air Navigation (Isle of Man) Order 2015

Air Navigation (Restriction of Flying) (Isle of Man Airport) (Revocation) Regulations 2020 [[SD No 2020/0424](#)] [[MEMO](#)]

Currency Act 1992

Currency (A Christmas Carol) £2 Coin Collection Order 2020 [[SD No 2020/0507](#)]

Insurance Act 2008

Insurance Intermediaries (Conduct of Business) (General Business) Code 2020 [[SD No 2020/0437](#)] [[MEMO](#)]

Insurance Intermediaries (Corporate Governance) (General Business) Code 2020 [[SD No 2020/0438](#)] [[MEMO](#)]

Appointed Day Order

Insurance (Amendment) Act 2017 (Appointed Day) (No.3) Order 2020 [[SD No 2020/0444](#)]

Reports

Annual Report of the Manx Heritage Foundation trading as Culture Vannin incorporating the report of the Gaelic Broadcasting Committee [[GD No 2020/0062](#)]

Members' Report and Financial Statements of the Manx Heritage Foundation trading as Culture Vannin [[GD No 2020/0063](#)]

Detailed Government Accounts 2019-20 [[GD No 2020/0065](#)]

Council of Ministers Response to the Report of the Select Committee on the Fireworks 2004 (Public Petition) 2019-2020 [[GD No 2020/0067](#)]

Report to Tynwald on Health and Social Care Complaints 2017-2020 [[GD No 2020/0068](#)]

Tynwald Management Committee First Report for the Session 2020-21: Tynwald Auditor General [[PP No 2020/0190](#)]

Social Affairs Policy Review Committee First Report for the Session 2020-21 Grandparents' Rights (Petition for Redress of Grievance) [[PP No 2020/0189](#)]

Constitutional and Legal Affairs and Justice Committee First Report for the Session 2020-21: Legal Services - Volume 1 [[PP No 2020/0191\(1\)](#)]

Constitutional and Legal Affairs and Justice Committee First Report for the Session 2020-21: Legal Services - Volume 2 [[PP No 2020/0191\(2\)](#)]

2. Questions

See Question Paper.

3. Financial Motion

The Minister for the Treasury to move –

That Tynwald authorises the Treasury to expend from the Capital Transactions Account:

1. In respect of the year ended 31st March 2020:
 - a. £332,626 additional Capital Budget in respect of excess expenditure incurred by departments during the 2019-20 financial year;
 - b. £642,202 to be brought forward from the 2020-21 Capital Budget into the 2019-20 financial year in respect of the Heritage Rail budget, relating to a timing difference between years; and
2. In respect of the year ended 31st March 2021:

- a. approves additional Capital Budget not exceeding £227,085 in respect of the pool hall refurbishment project at the National Sports Centre. [[MEMO](#)]

4. Gas Regulation

The Minister for Policy and Reform to move –

That Tynwald:

1. approves the Heads of Terms [[GD No 2020/0066](#)] that defines the intended key terms of the Voluntary Regulatory Agreement negotiated between the Cabinet Office and Manx Gas Limited; and
2. instructs the Cabinet Office to finalise a legally binding Regulatory Agreement with Manx Gas Limited by 31st December 2020 for commencement on 1st January 2021.

5. Emoluments of Members of Tynwald (Combined Vote)

Extract from the October 2020 Votes and Proceedings –

Motion made –

That the Report of an Independent Panel on the Emoluments of Members of Tynwald [[PP No 2019/0158](#)] be received and that the necessary action be taken by the Treasury and the Public Sector Pensions Authority to implement the proposal set out at Annex 2A of the Report; and that the proposal should be implemented in accordance with the consultation and transition arrangements outlined at paragraph 55 of the Report.

Mr Watterson

Amendment moved –

To leave out all the words after “be received” and add:

“and that Tynwald considers it appropriate that Members’ salaries, pensions and expenses, as well as Members’ Standards, be set and judged independently; and that provision for a body responsible for these matters be brought forward by the Emoluments Committee by February 2021 ”.

Mr Cannan

Amendment moved –

To add at the end the words:

“and that Tynwald considers it appropriate that Members’ salaries, pensions and expenses be set and judged independently; and that provision for a body responsible for this be brought forward by the Emoluments Committee by February 2021 ”.

Mr Hooper

Amendment moved –

“To leave out all the words after “be received” and add:

“and that Tynwald considers it appropriate that Members’ salaries, pensions and expenses, be set and judged independently; and that provision for a body responsible for these matters be brought forward by the Emoluments Committee by February 2021 ”.

Ms Edge

Mr Cannan’s amendment, by leave of the Court, withdrawn.

Ms Edge’s amendment –

Court divided.

In the Keys – Ayes 13, Noes 10

For: Mr Moorhouse, Mr Baker, Mr Boot, Mr Cannan, Mrs Christian, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Peake, Mr Quayle, Mr Quine, Mr Shimmins, Mr Thomas

Against: Dr Allinson, Mrs Barber, Mrs Caine, Mr Callister, Mr Harmer, Mr Hooper, Mr Perkins, Mr Robertshaw, Mr Skelly, Mr Speaker

In the Council – Ayes 3, Noes 6

For: Mr Henderson, The Lord Bishop, Mrs Lord-Brennan

Against: Miss August-Hanson, Mr Greenhill, Mrs Maska, Mr Mercer, Mrs Poole-Wilson, Mrs Sharpe

Amendment lost.

Ms Edge gave notice under Standing Order 3.19(1) of her intention to move her amendment for a combined vote at the November sitting.

6. Tynwald Management Committee

The Chairman of the Tynwald Management Committee (Mr Speaker) to move –

That:

1. a Tynwald Auditor General function should be established with effect from 1st April 2021, with an annual budget not to exceed £855,000 per annum;
2. the Council of Ministers should make the necessary Appointed Day Order to the Tynwald Auditor General Act;
3. a mechanism be established to monitor and report on whether identified savings are delivered;
4. the Tynwald Auditor General function be targeted to identify savings in excess of its costs after three years of operation;
5. the Tynwald Auditor General function be run at arm's length from the Clerk of Tynwald's Office, with a separate budget; and
6. the position be reviewed after five years, including an assessment of the cashable savings made.

[[PP No 2020/0190](#)] is relevant to this item.

7. Ecclesiastical Committee of Tynwald

The Chairman of the Ecclesiastical Committee of Tynwald (Mr Cannan) to move –

That the First Report for the Session 2020-2021 – Draft Church (Miscellaneous Provisions) Measure (Isle of Man) [[PP No 2020/0169](#)] be received and the following recommendation be approved:

Recommendation

That the Draft Church (Miscellaneous Provisions) Measure (Isle of Man) (PP No 2020/0169A) in the form laid before Tynwald be presented to Her Majesty for Her Royal Assent, as required by Schedule 1 to the Church Legislation Procedure Act 1993.

8. Select Committee of Tynwald on the Fireworks Act 2004

The Chairman of the Select Committee of Tynwald on the Fireworks Act 2004 (Mrs Caine) to move –

That the Report of the Select Committee of Tynwald on the Fireworks Act 2004 [[PP No 2020/0145](#)] be received and the following recommendations be approved:

Recommendation 1

That guidance and information about how to be more considerate of both animals and people when letting off fireworks be published on the existing Government “Fireworks displays” webpage.

Recommendation 2

That the requirement for notification of displays be amended to allow for notification by means of an appropriate medium.

Recommendation 3

That the Department of Home Affairs publish all notices of firework displays on the existing Government “Fireworks displays” webpage, specifying the date, street name and postcode of the planned display.

Recommendation 4

That guidance be issued encouraging everyone to give notice to the Department of Home Affairs of any planned firework displays, even when there is no legal requirement to do so.

Recommendation 5

That the exempted dates around Bonfire Night be reduced from ten days to seven days; from 2nd November to 8th November.

Recommendation 6

That the offence at section 5 of the Fireworks Act 2004 should be extended to cover the letting off of fireworks in any location.

Recommendation 7

That the Department of Home Affairs review the classifications of fireworks that are permissible for use in both private and professional displays, particularly in regard to the use of rockets.

[[GD No 2020/0067](#)] is relevant to this item.

9. Town and Country Planning Act 1999

The Minister for Policy and Reform to move –

That Tynwald:

1. Approves the Town and Country Planning (Area Plan for the East) Order 2020 [[SD No 2020/0430](#)] [[MEMO](#)];
2. Notes that Section 1(a) of the Town and Country Planning Act 1999 states that ‘the Cabinet Office shall keep under review the matters which may be expected to affect the development of the Island’, and that Section 2(c) of the Act lists one of those matters to be kept under review and examined as

‘the size, composition and distribution of the population of the Island (whether resident or not)’.

10. Development

The Minister for Enterprise to move –

That Tynwald:

1. notes the provision of interim funding from the Economic Recovery Group and capital funding from 2021 to 2023 to support the implementation of a Development Agency; and
2. resolves that the Department for Enterprise should establish an Isle of Man Development Corporation by 31st March 2021 with a focus on developing urban unoccupied sites. [[MEMO](#)]

11. Equality Act 2017

The Minister for Policy and Reform to move –

That the Equality Act 2017 (Services and Public Functions) (Amendment) Order 2020 [[SD No 2020/0460](#)] [[MEMO](#)] be approved.

12. European Union and Trade Act 2019

The Minister for Enterprise to move –

That the Copyright and Performers’ Protection (Amendment) Regulations 2020 [[SD No 2020/0434](#)] [[MEMO](#)] be approved.

13. Airports and Civil Aviation Act 1987

The Minister for Enterprise to move –

That the Civil Aviation (Aviation Security) (Application) (Amendment) Order 2020 [[SD No 2020/0446](#)] [[MEMO](#)] be approved.

14. Fair Trading Act 1996

The Chairman of the Isle of Man Post Office (Ms Edge) to move –

That the Fair Trading (Exclusion of Course of Conduct) (Isle of Man Post Office) Order 2020 [[SD No 2020/0505](#)] [[MEMO](#)] be approved.

15. Highways Act 1986

The Minister for Infrastructure to move –

That the Old Railway Line, Ramsey (Public Path) Order 2020 [[SD No 2020/0384](#)] [[MEMO](#)] be approved.

16. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Burundi Sanctions (Application) Regulations 2020 [[SD No 2020/0455](#)] [[MEMO](#)] be approved.

17. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Counter-Terrorism Sanctions (Application) Regulations 2020 [[SD No 2020/0456](#)] [[MEMO](#)] be approved.

18. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Guinea Sanctions (Application) Regulations 2020 [[SD No 2020/0448](#)] [[MEMO](#)] be approved.

19. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Republic of Guinea-Bissau Sanctions (Application) Regulations 2020 [[SD No 2020/0447](#)] [[MEMO](#)] be approved.

20. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Chemical Weapons Sanctions (Application) Regulations 2020 [[SD No 2020/0452](#)] [[MEMO](#)] be approved.

21. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Cyber Sanctions (Application) Regulations 2020 [[SD No 2020/0451](#)] [[MEMO](#)] be approved.

22. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Bosnia and Herzegovina Sanctions (Application) Regulations 2020 [[SD No 2020/0453](#)] [[MEMO](#)] be approved.

23. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Nicaragua Sanctions (Application) Regulations 2020 [[SD No 2020/0449](#)] [[MEMO](#)] be approved.

24. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Lebanon Sanctions (Assassination of Rafiq Hariri and Others) (Application) Regulations 2020 [[SD No 2020/0454](#)] [[MEMO](#)] be approved.

25. European Union and Trade Act 2019

The Minister for the Treasury to move –

That the Mali Sanctions (Application) Regulations 2020 [[SD No 2020/0450](#)] [[MEMO](#)] be approved.

26. Social Security Contributions and Benefits Act 1992

The Minister for the Treasury to move –

That the Social Security (Contributions) (Amendment) (No. 3) Regulations 2020 [[SD No 2020/0458](#)] [[MEMO](#)] be approved.

27. Income Tax Act 1970

The Minister for the Treasury to move –

That the Taxes (Finland) (Amendment) Order 2020 [[SD No 2020/0464](#)] [[MEMO](#)] be approved.

28. Social Security Act 2000

A Member of the Treasury (Mr Peake) to move –

That the Social Security Legislation (Benefits) (Application) (No. 5) Order 2020 [[SD No 2020/0487](#)] [[MEMO](#)] be approved.

29. Pension Schemes Act 1995

A Member of the Treasury (Mr Peake) to move –

That the Pension Schemes Act 1993 (Application) (Amendment) (No. 2) Order 2020 [[SD No 2020/0488](#)] [[MEMO](#)] be approved.

30. Pension Schemes Act 1995

A Member of the Treasury (Mr Peake) to move –

That the Welfare Reform and Pensions Act 1999 (Application) (Amendment) Order 2020 [[SD No 2020/0489](#)] [[MEMO](#)] be approved.

31. Declarations by persons of influence

The Hon. Member for Onchan (Ms Edge) to move –

That Tynwald is of the opinion that the related party transactions disclosed in the Government's audited accounts may underestimate the extent to which the Government's ability to operate independently may be constrained; that further investigation should be undertaken to uncover transactions which should have been declared but have not been; and that a system should be put in place for

similar declarations to be made where persons in positions of potential influence are in receipt of a Government salary rather than a Government contract.

32. COVID-19 policy framework review

The Hon. Member for Douglas Central (Mr Thomas) to move –

That Tynwald receives the documents Isle of Man Borders Framework 2020 [[NN No 2020/0047](#)] and Stay Responsible: the Isle of Man Government's long term framework for COVID-19 [[NN No 2020/0048](#)]; notes the Council of Ministers' intention to bring forward regulations under the Public Health Act 1990 to put in place entry restrictions when the current Emergency Powers (Coronavirus) (Entry Restrictions) Regulations cease to have effect; and welcomes regular and continuing review of the Borders and Stay Responsible policy frameworks and the Government's approach to living with COVID-19, considering the risks and different scenarios arising from the evolving local and global COVID-19 pandemic situations.