

# TYNWALD Tinvaal



## ORDER PAPER Claare Obbyr

**DOUGLAS**  
**Tuesday 20<sup>th</sup> April 2021**  
**at 10.30 am**

**1. Suspension of Standing Orders (virtual sitting)**

*(If restriction on movement remains)*

*Mr Speaker to move –*

*That Standing Orders be suspended to the extent necessary to take this sitting virtually.*

**2. To lay before the Court –**

European Union and Trade Act 2019

Food Information (Amendment) Regulations 2021 [[SD No 2021/0088](#)]  
[[MEMO](#)]

Water Pollution Act 1993

Water Pollution (Bathing Water Standards and Objectives) Scheme 2021  
[[SD No 2021/0086](#)] [[MEMO](#)]

Highways Act 1986

Highway Diversion (Footway No.90, Ramsey) Order 2021  
[[SD No 2021/0052](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 4) Order 2021 [[SD No 2021/0097](#)] [[MEMO](#)]

Customs and Excise Act 1993

Customs and Excise Acts (Application) (Amendment) Order 2021 [[SD No 2021/0100](#)] [[MEMO](#)]

Taxation (Cross-border Trade) Act 2018 (Application) (Amendment) Order 2021 [[SD No 2021/0091](#)]

## **Report**

Tynwald Management Committee Third Report for the Session 2020-21: Tynwald Honours [[PP No 2021/0052](#)]

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

### ***Items subject to negative resolution***

Interpretation Act 2015

Harbour (Fees) Order 2021 [[SD No 2021/0032](#)] [[MEMO](#)]

Value Added Tax Act 1996

Value Added Tax Act 1996 (Reduced Rate) (Amendment) Order 2021 [[SD No 2021/0104](#)] [[MEMO](#)]

### ***Documents subject to no procedure***

Social Security Contributions and Benefits Act 1992

Notice by Treasury – Coronavirus (COVID-19) Manx Earnings Replacement Allowance (No. 5) [[GC No 2021/0056](#)]

Notice by Treasury - Coronavirus (COVID-19) Manx Earnings Replacement Allowance (No. 4) [[GC No 2021/0026](#)]

Coronavirus (COVID-19) Business Support Scheme 2020

Notice by Treasury - Coronavirus (COVID-19) COVID-19 Salary Support Scheme: Excluded Sectors (Paragraph 3 as amended by SD 2020/0305) [[GC No 2021/0024](#)]

Notice by Treasury - COVID-19 Salary Support Scheme: Increase in Maximum Amount of Grant (Paragraph 7(2) as amended by SD 2020/0358 and SD 2021/0084) [[GC No 2021/0062](#)]

Manx Care Act 2021

Manx Care Staff Transfer Scheme 2021 [[SD No 2021/0113](#)] [[MEMO](#)]

Public Health Protection (Coronavirus) Regulations 2020 as amended

Direction by the Council of Ministers under Regulation 30 of the Public Health Protection (Coronavirus) Regulations 2020 relating to Educational Institutions [[GC No 2021/0057](#)]

Direction by the Council of Ministers under Regulation 30 of the Public Health Protection (Coronavirus) Regulations 2020 relating to child care service providers [[GC No 2021/0058](#)]

Direction by the Council of Ministers under Regulation 30 of the Public Health Protection (Coronavirus) Regulations 2020 relating to closure of premises [[GC No 2021/0059](#)]

Prohibition Notice by the Council of Ministers under regulation 26C of the Public Health Protection (Coronavirus) Regulations 2020 (exceptions from regulation 26B: general) relating to the circumstances in which a person may not leave his or her home [[GC No 2021/0060](#)]

Direction by Council of Ministers under Part 7A of the Public Health Protection (Coronavirus) Regulations 2020 relating to the circumstances in which persons may not gather together outside of their household [[GC No 2021/0061](#)]

Direction by Council of Ministers under Part 7A of the Public Health Protection (Coronavirus) Regulations 2020 relating to the circumstances in which persons may not gather together outside of their household [[GC No 2021/0063](#)]

Prohibition Notice by the Council of Ministers under regulation 26C of the Public Health Protection (Coronavirus) Regulations 2020 (exceptions from regulation 26B: general) relating to the circumstances in which a person may not leave his or her home [[GC No 2021/0064](#)]

Direction by Council of Ministers under Part 7A of the Public Health Protection (Coronavirus) Regulations 2020 relating to the circumstances in which persons may not gather together outside of their household [[GC No 2021/0065](#)]

Social Security Act 2000

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2021 [[SD No 2021/0117](#)] [[MEMO](#)]

Social Security Pensions Act 1975 (an Act of Parliament)

Pensions Increase (Annual Review) Order 2021 [[SD No 2021/0110](#)]

Bank Holidays Act 1989

Bank Holidays (Amendment) Order 2021 [[SD No 2021/0124](#)]

Water Pollution (Bathing Water Standards and Objectives) Scheme 2021 – Policy for the designation of bathing waters in the Isle of Man [[GD No 2021/0011](#)]

## **Reports**

Financial Provisions and Currency Act 2011 Annual Report 2020 [[GD No 2020/0019](#)]

Council of Ministers Response to the Tynwald Constitutional and Legal Affairs and Justice Committee – First Report for the Session 2020-2021 on Legal Services [[GD No 2021/0010](#)]

Equality Act 2017 Statutory Code of Practice on Services, Public Functions and Associations [[GD No 2021/0019](#)]

Isle of Man Financial Intelligence Unit Annual Report 2019-2021 [[GD No 2020/0015](#)]

Tynwald Commissioner for Administration Statement of Reasons for Failure to Investigate a Complaint TCA 1824 [[TCA 1824](#)]

Tynwald Commissioner for Administration Report on case TCA 1904 [[TCA 1904](#)]

Public Accounts Committee First Report for the Session 2020-21 - Salisbury Street [[PP No 2021/0012](#)]

Public Accounts Committee Second Report for the Session 2020-21 - Tynwald Auditor General Governance Proposal [[PP No 2021/0080](#)]

### **3. Questions**

See Question Paper.

### **4. COVID-19**

Statement to be made by the Chief Minister.

## **5. Tynwald Standing Orders Committee**

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

That the Tynwald Standing Orders Committee First Report for the Session 2020-2021 – Management of Business [[PP No 2020/0211](#)] be received and that its recommendations be approved.

## **6. Constitutional and Legal Affairs and Justice Committee: Legal Services**

The Chair of the Constitutional and Legal Affairs and Justice Committee (Mrs Poole-Wilson) to move –

That the Constitutional and Legal Affairs and Justice Committee's First Report for the Session 2020-21: Legal Services [[PP No 2020/0191\(1\)](#)] [[PP No 2020/0191\(2\)](#)] be received; and that Tynwald is of the opinion that:

1. The Manx legal system is in urgent need of reform;
2. The training system for Manx advocates is out of date and insufficient;
3. The system for qualification should be brought into line with the qualification system in England and Wales;
4. There should be a system of practising certificates for Manx advocates and others practising on the Island;
5. The process for re-qualifying as a Manx advocate for barristers and solicitors from other common law jurisdictions should be simplified;
6. It should be possible for legal practitioners to be given automatic temporary licences, giving them right of audience in Isle of Man courts, if they are briefed by a Manx advocate;
7. Registered Legal Practitioners should be classed as Manx advocates with a restricted licence, based on demonstrable experience and expertise;
8. A system of Continual Professional Development should be introduced;
9. The Law Society should not be the representative body and the regulator;
10. The disciplinary system for advocates should be reformed and, in particular, the Advocates' Disciplinary Tribunal in its current form should be abolished; and

11. That the Council of Ministers should commission an independent review of the regulation of legal services in the Isle of Man, chaired by a person who has not practised law in the Isle of Man. The review should consider options for implementing the reforms identified in this Report, in particular:

- The development of better resources for training advocates;
- Introduction of practising certificates;
- A new, faster route to requalification as a Manx advocate for foreign-qualified lawyers;
- Keeping qualification in step with England and Wales;
- The abolition of the category of Registered Legal Professional;
- A definition of the 'provision of legal services in the Isle of Man';
- The separation of regulation from representation; and
- A more transparent, user-friendly complaints system, ideally with a single point of entry, which is able to provide proper guidance as to the standards of conduct expected of all lawyers practising on the Isle of Man.

The Review should report by July 2022.

*[\[GD No 2021/0010\]](#) is relevant to this item.*

## **7. Tynwald Honours**

Mr Speaker to move –

That the Tynwald Management Committee Third Report for the Session 2020-21: Tynwald Honours [\[PP No 2021/0052\]](#) be received and the following recommendation be approved –

That Mr A.L. Ian Cottier be awarded the Tynwald Honour for his public service and charitable work on 5<sup>th</sup> July 2021.

## **8. European Union and Trade Act 2019**

The Minister for Environment, Food and Agriculture to move –

That the Food Information (Amendment) Regulations 2021 be approved [\[SD No 2021/0088\]](#) [\[MEMO\]](#).

## **9. Water Pollution Act 1993**

The Minister for Environment, Food and Agriculture to move –

That the Water Pollution (Bathing Water Standards and Objectives) Scheme be approved [[SD No 2021/0086](#)] [[MEMO](#)].

## **10. Highways Act 1986**

The Minister for Infrastructure to move –

That the Highway Diversion (Footway No.90, Ramsey) Order 2021 [[SD No 2021/0052](#)] [[MEMO](#)] be approved.

## **11. Social Security Act 2000**

The Minister for the Treasury to move –

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 4) Order 2021 [[SD No 2021/0097](#)] [[MEMO](#)] be approved.

## **12. Customs and Excise Act 1993**

The Minister for the Treasury to move –

That the Customs and Excise Acts (Application) (Amendment) Order 2021 [[SD No 2021/0100](#)] [[MEMO](#)] be approved.

## **13. Customs and Excise Act 1993**

The Minister for the Treasury to move –

That the Taxation (Cross-border Trade) Act 2018 (Application) (Amendment) Order 2021 [[SD No 2021/0091](#)] [[MEMO](#)] be approved.

## **14. Adoption of Confederation of Passenger Transport Code by Bus Vannin**

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

That Tynwald is of the opinion that Bus Vannin should adopt the non-statutory voluntary Code of Best Practice for bus operators, which was developed jointly by the Confederation of Passenger Transport and the UK Department for Transport as the industry standard for the use and acceptance of approved mobility scooters intended for footpath or pavement use only with a maximum

speed limit of 4mph, in order to help people with mobility difficulties to use low floor buses that are adapted to carry wheel chairs.

## **15. Tynwald Commissioner for Administration**

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

That a Committee of three Members of the Legislative Council be appointed to review the working of the Tynwald Commissioner for Administration Act, with special reference to i) governance; ii) scope of duties; iii) adequacy of financing; iv) operations; v) system for reporting; vi) cooperation from bodies which are investigated and vii) follow up by listed authorities of investigations and reports of the Tynwald Commissioner for Administration; and, notwithstanding the provisions of Standing Order 5.5(2), that the members of the Committee continue beyond the Dissolution of the House of Keys in 2021 and that the Committee report with recommendations by April 2022.

*The following documents are relevant to this item.*

*Tynwald Commissioner for Administration Third Annual Report July 2020*  
[\[PP No 2020/0153\]](#)

*Tynwald Commissioner for Administration Second Annual Report July 2019*  
[\[PP No 2019/0104\]](#)

*Tynwald Commissioner for Administration First Annual Report July 2018*  
[\[PP No 2018/0119\]](#)

*Tynwald Commissioner for Administration Report on a Complaint made against the Department of the Environment, Food and Agriculture* [\[TCA1801\]](#)

*Response to Tynwald Commissioner Case TCA1801* [\[GD No 2019/0036\]](#)

*Tynwald Commissioner for Administration Report on Case 1806* [\[TCA1806\]](#)

*Tynwald Commissioner for Administration Refusal to investigate a Complaint – Statement of Reasons* [\[TCA 1810\]](#)

*Tynwald Commissioner for Administration Report on a Complaint Made Against the Department of Environment, Food and Agriculture (DEFA) Case TCA 1818*  
[\[TCA 1818\]](#)

## **16. Election observation for the September General Election**

The Hon. Member for Garff (Mr Perkins) to move –

That the Council of Ministers should consider inviting a CPA Election Observation Team for the September General Election; and should report to the July sitting of Tynwald.



## **17. Armed Schooner “Peggy”**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to move – That Tynwald notes with concern the delay in returning the armed schooner “Peggy” to public display in Castletown; and asks the Chief Minister to report by July 2021 on the following issues:

1. What plans and timescale were put in place by Manx National Heritage, prior to the “Peggy” being removed from Castletown in 2015, to accommodate her return to Castletown.
2. The reasons for the continuing delay in returning the “Peggy” to public view in Castletown.
3. The production of a realistic timeline to secure the return of the “Peggy” with a specific and easily identifiable staging posts for when the “Peggy” will be returned to Castletown for public viewing.
4. The plans to secure adequate funding to provide appropriate premises within the area of the Nautical Museum in Castletown within a reasonable timescale, in order to safeguard this important part of the Island’s history, including the public display of the “Peggy” for the enjoyment and education of future generations.

## **18. Senior Race Day**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to move – That Tynwald is of the opinion that Senior Race Day 2021 should return to its original calendar date to encourage the creation of a two week celebration of Island life.

## **19. Department of Health and Social Care complaints process**

The Hon. Member for Middle (Mr Shimmins) to move –

That Tynwald is of the opinion that the Department of Health and Social Care (DHSC) complaints process is long overdue an overhaul and recognises that this is a departmental priority; recognises the need for an effective complaints process for both DHSC and Manx Care; notes that effective processes for complaints, whistleblowing, raising concerns and duty of candour rely on an open and transparent process for communicating between all stakeholders; believes that the revised complaints regulations, following public consultation, should be brought to Tynwald for approval by November 2021; and asks the Department to restructure the Independent Review Bodies (IRB) to provide for one body to cover both health and care, and in so doing to review the IRB procedures.

## **20. Amendment of Standing Order 3.5(2)**

The Hon. Member for Douglas Central (Ms Corlett) to move –

That Standing Order 3.5(2) be amended to add the words “; but a majority of members present and voting may determine that the time shall be extended”.

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The amended Standing Order would read:

*(2) Subject to Standing Order 2.2(5), unless the President directs by notice set out on the Question Paper, the time allotted for tabled Questions shall be two and a half hours; but a majority of members present and voting may determine that the time shall be extended.*

## **21. Manx Telephone Boxes**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to move –

That Tynwald is of the opinion that Manx Telecom should publish its strategy for maintaining the remaining Red Phone boxes on the Island; recognises the historical nature of the iconic Red Phone box and the opportunities to enhance Manx life by repurposing some boxes in their current location; encourages Manx Telecom to find alternative ways to cover the costs of retaining the telephone boxes; notes with dismay the rushed nature of the current policy to remove the telephone boxes from various sites and the failure to adhere to agreements with local companies and Commissioners to preserve iconic telecoms infrastructure for the safety and wellbeing of local people; and calls on the Council of Ministers to raise concerns with Manx Telecom over its failure to adhere to the Telecoms code with specific reference to the Public Notice placed in several Public Call boxes.

## **22. Charity Banking Services**

The Hon. Member for Rushen (Mr Speaker) to move –

That Tynwald:

1. Commends the work of small charities as part of the fabric of Manx life;
2. Notes with dismay the increasing trend for charging small charities for basic banking services;
3. Calls upon Treasury to bring forward legislation to make basic banking services free of charge for registered charities and not-for-profit clubs and associations; and

4. Calls on the Financial Services Authority to determine a mechanism to ensure all registered banks on the Island undertake a fair share of the administration of small charities.

**23. General Debate (Funding for nursing care, residential care, and care at home)**

The Hon. Member for Onchan (Ms Edge) to move a General Debate on funding for nursing care, residential care, and care at home.

**24. Motion to hear witnesses**

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move –

That the following witness be heard at the bar of Tynwald Court during the General Debate on Myalgic Encephalomyelitis:

Dr Helen Greg.

**25. General Debate (Myalgic Encephalomyelitis)**

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move a General Debate on ME (Myalgic Encephalomyelitis).

**26. General Debate (Manx Care Mandate)**

The Hon. Member for Douglas North (Mr Ashford) to move a General Debate on the Manx Care Mandate.

*DHSC Mandate to Manx Care Service Year 2021 – 2022 [[GC No. 2021/0021](#)] is relevant to this item.*