



STANDING ORDERS
COMMITTEE OF TYNWALD
THIRD REPORT FOR THE SESSION
2014-2015

Petitions for Redress

REPORT OF THE STANDING ORDERS COMMITTEE OF TYNWALD
THIRD REPORT FOR THE SESSION 2014-2015

Petitions for Redress

There shall be a Standing Orders Committee of the Court to carry out the duties imposed upon it by Standing Orders 6.8 and 9.1, and to make recommendations to the Court for the revision of Standing Orders.

The Committee shall be composed of the Speaker of the House of Keys, who shall be the chairman, two Members of the Keys and two Members of the Council.

- 6.8 (1) *The person presiding under Standing Order 3.29 shall, on receipt of a Petition for Redress refer the petition to the Standing Orders Committee.*
- (2) *It shall be the duty of the Standing Orders Committee to examine every Petition for Redress to ascertain whether it is in order, and report to Tynwald.*
- 9.1 (1) *The President and Deputy President shall be elected in accordance with the Constitution Act 1990 and, so far as applicable, Standing Order 5.3.*
- (2) *The President, in addition to the powers and duties set out in these Standing Orders, may exercise any other power necessary to the office.*
- (3) *If any case shall arise for which provision is not made by these Standing Orders, the procedure shall be such as the President shall at the time determine.*
- (4) *Any Member dissatisfied by a determination of the President may refer the principle of the issue involved to the Standing Orders Committee which shall report thereon to Tynwald.*

The powers, privileges and immunities relating to the work of a committee of Tynwald are those conferred by sections 3 and 4 of the Tynwald Proceedings Act 1876, sections 1 to 4 of the Privileges of Tynwald (Publications) Act 1973 and sections 2 to 4 of the Tynwald Proceedings Act 1984.

Committee Membership

The Hon S C Rodan SHK (Garff) Chairman

Mr P Karran MHK (Onchan)

Mr R H Quayle MHK (Middle)

Mr J R Turner MLC

Mr T P Wild MLC

Copies of this Report may be obtained from the Tynwald Library, Legislative Buildings, Finch Road, Douglas IM1 3PW (Tel 01624 685520, Fax 01624 685522) or may be consulted at www.tynwald.org.im

All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas IM1 3PW.

Table of Contents

I. PETITIONS FOR REDRESS PRESENTED IN 2015	1
II. PETITIONS FOR REDRESS PRESENTED IN THE PREVIOUS FOUR YEARS	2
APPENDIX 1 PETITIONS FOR REDRESS PRESENTED IN 2015: FULL TEXT	3
APPENDIX 2 PETITIONS FOR REDRESS PRESENTED IN THE PREVIOUS FOUR YEARS: ANNOTATED LIST	17
PETITIONS FOR REDRESS PRESENTED IN 2014	19
PETITIONS FOR REDRESS PRESENTED IN 2013	20
PETITIONS FOR REDRESS PRESENTED IN 2012	21
PETITIONS FOR REDRESS PRESENTED IN 2011	21



To: The Hon Clare M Christian MLC, President of Tynwald,
and the Hon Council and Keys in Tynwald assembled

**STANDING ORDERS COMMITTEE OF TYNWALD
THIRD REPORT FOR THE SESSION 2014-2015**

Petitions for Redress

I. PETITIONS FOR REDRESS PRESENTED IN 2015

1. The six Petitions for Redress reproduced at Appendix 1 were presented at Tynwald assembled at St John's on 6th July 2015. We have considered these in the light of the relevant Standing Orders.
2. We note that of the six petitions, all are in order. We continue to encourage petitioners to seek the advice of the Clerk of Tynwald in a timely fashion in order to ensure that their petitions comply with Standing Orders. We also draw attention to the revised Guidance for Potential Petitioners at Tynwald Hill (PP 0075/12) issued by the Office of the Clerk of Tynwald in May 2012.
3. Our conclusions in respect of this year's Petitions are set out in the following table:

Petition of	Committee's finding
Charles Guard	In order
Craig Morris	In order

Petition of	Committee's finding
Residents of Harcroft Meadows	In order; however, we note that the signatures on the second page are not under a repeat of the prayer of the Petition. This rules the extra signatures out of consideration, but it does not invalidate the Petition itself.
John Ffynlo Craine & Annie Andree Jeannine Hommet	In order
The Reverend Canon Dr Jules Gomes (a)	In order
The Reverend Canon Dr Jules Gomes (b)	In order

II. PETITIONS FOR REDRESS PRESENTED IN THE PREVIOUS FOUR YEARS

4. At Appendix 2 is an annotated list of the Petitions for Redress presented in the previous four years going back to 2011. Under Standing Order 6.12 those which are in order and which have not been the subject of a resolution may still be picked up by a Member.

S C Rodan

P Karran

R H Quayle

J R Turner

T P Wild

July 2015

APPENDIX 1

PETITIONS FOR REDRESS PRESENTED

IN 2015: FULL TEXT

IN TYNWALD

6th July 2015

To the Honourable Members of the Tynwald Court

The humble petition of

Charles Guard,
15, Highfield Crescent,
Onchan,
Isle of Man IM3 3BL

Sheweth that

Whereas the Manx Government, in signing up to the Council of Europe Convention for the Protection of the Architectural Heritage of Europe, stated that (in Planning Policy Statement 1/01):

‘Whatever our role in Island life.....the quality of our historic environment touches us all, often to a degree which is not immediately evident. The distinctive and unique character of our townscapes and rural landscape possesses an almost intangible quality that is the result of thousands of years of natural formation and development, as modified by man’s inhabitation of the land’;

and

‘It is fundamental to the Government’s responsibilities for environmental stewardship that there should be effective protection for all aspects of the historic environment....as a central part of our cultural heritage and our sense of national identity’;

and

‘It is important that Conservation should not be regarded as a negative process - it goes beyond the ability to prevent the destruction of our built heritage, although that is crucial; Conservation involves actively caring for our buildings, maintaining them in good physical condition and enabling them to be readily accessible for study, enjoyment, recreation, tourism and nowadays, the Island’s developing film industry’;

and

‘We must, accordingly, ensure that the means are available to identify what is special in the historic environment, so that when proposals come forward for change or new development, we are able to assess their impact on the historic environment, and give it full weight, alongside other considerations’.

Whereas also at least 275 buildings are waiting to be registered and deemed by the DEFA (formerly the DoI) to be worthy of registration; that there is no longer a Conservation Officer or assistant Conservation Officer and that, although the Minister for DoI stated in the Keys in March of 2015 that recruiting for that post was in process, no such advertisement has been forthcoming; that historic and vitally important buildings and estates such as the Nunnery, the Wool Centre and the Bridge Control Building in Douglas are either not registered or are proposed to be sold;

and

that under the 1999 Town and Country Planning Act it states that:

40 Involvement of outside organisations in planning

(1) The Council of Ministers shall in accordance with regulations establish a body (“the consultative body”) for the purpose of obtaining the views of organisations in

the Island appearing to the Council of Ministers to be concerned with any of the following matters —

- (a) the environment,
- (b) the economy of the Island, or
- (c) the planning of development.

no such body has ever been set up;

and

Whereas the Island's Historic Environment Record falls well below the minimum European standards and practices

and

Whereas in a modern democracy a Government has a responsibility for maintaining a diverse range of services

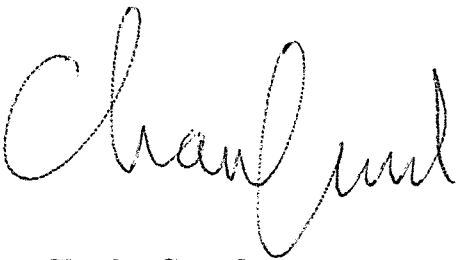
and

Whereas also the Conservation Grant Budget which was designed to assist with the protection and preservation of Registered Buildings is no longer available, it is deemed that the Government is failing in its duties to protect and maintain the historic built environment of the Island.

Wherefore your petitioner seeks that

a Select Committee of Tynwald be set up to examine the success of the Government's stewardship of the historic built environment; to identify those areas where improvements might be made; to examine any conflict between the concepts of commerce and conservation; to consider whether a system of graded listings is preferable to the current single grade of registration; and to identify ways in which the registration of buildings will be seen, by both the public and their owners, as being a positive rather than a negative act.

Signed



Charles Guard.

IN TYNWALD

6th July 2015

To the Honourable Members of Tynwald Court

I authorise Juan Watterson, MHK (Rushen) to present this Petition on my behalf.

Signed: *Craig Morris*Dated: *5.5.15***The humble petition of**

Craig Morris of The Beaches, Gansey Point, Port St Mary, Isle of Man. IM9 5LA

Sheweth that

Having recently been subjected to divorce without the possibility of mediation or negotiation, and too ill with ME/CFS to do anything but agree, I call upon Tynwald to redress the disparity between the law on divorce as written and practised and to reduce the unnecessary harm the current law causes by introducing the possibility of "no-fault divorce" with a greatly reduced period of separation than the current two years required.

In practice, asking for a divorce is reason enough for it to be granted, so removing the need to create legal fictions by parties who want to evade statutory limitations would bring greater honesty to the system, eliminate the need for perjury, collusion and fraud, and make the process much less adversarial and damaging to both parties and any children involved. Divorcees often have children and a one wins and one loses solution harms families and relationships irreparably, most unfortunately regarding relationships with children.

The simpler, fairer and more transparent the law can be, the less it will be an exclusive tool for the legally trained, healthy and wealthy and the better it can balance the needs of all of those involved.

Wherefore your petitioner seeks that

Tynwald build on the recommendation from the 2010 Select Committee of Tynwald on Legal Aid in family matters and establish a Select Committee to investigate and report on whether no-fault divorce with a reduced period of separation would better serve the Manx people than the current divorce laws.

Signed: *Craig Morris*



IN TYNWALD

To the Honourable Members of Tynwald Court

The Humble Petition of residents of Harcroft Meadows

Sheweth that

Residents of Harcroft Meadows were assisted in buying their houses by way of a Government grant in a First Time Buyer Scheme; the residents signed up to the scheme, most of them acting on the advice of the advocates who were also acting for the Government in the sale, without realising the precise terms of the agreement (which was couched in complicated language); the agreement ties them in to repaying 30 per cent of the sale price of their houses to the Government if they sell within 21 years. No allowance is made for any improvements which owners may have made to their houses, such as adding extensions. This situation means that many owners cannot afford to move house and it is creating an obstacle to the houses being sold, even though they are highly suitable for first time buyers. There is no court remedy available.

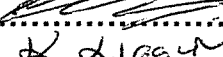
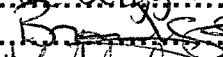
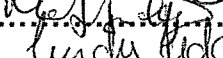
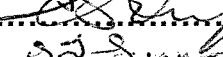
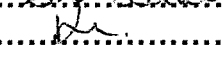
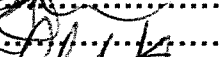
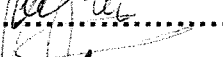
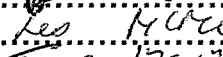
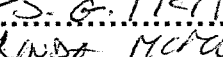
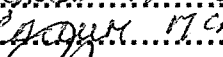
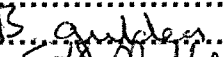
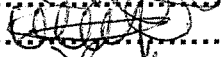
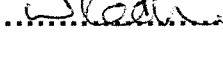
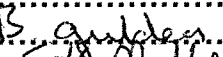
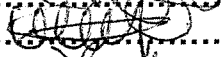
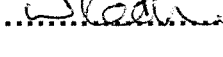
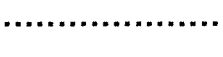
Wherefore your Petitioner seeks that

Tynwald establish a Select Committee to examine the provisions of the first time buyer scheme made by the Government and the residents of Harcroft Meadows; and to report.

Signed: HEATHER CAINE
No 4 Elaine 26.5.15.
No 34 YVONNE GROLAN 26.6.15 [Type your name(s) here]
No 23 Linda McMurdo 26.6.15
No 23 [Signature] 26-6-15
RES. LINDA MCMURDO

30/6/2015.

page 2

Name Sharon Cain	No: 33	Signature	
Name Peter May	No: 33	Signature	
Name Kelly Liggins	No: 29	Signature	
Name Brian Liggins	No: 29	Signature	
Name Martin Judge	No: 28	Signature	
Name Cindy Judge	No: 28	Signature	
Name John Summers	No: 21	Signature	
Name Chris Quaine	No: 27	Signature	
Name Sarah Summers	No: 21	Signature	
Name Rachel Kay	No: 22	Signature	
Name Clifton	No: 36	Signature	
Name Neil Hughes	No: 41	Signature	
Name Maria Parsons	No: 42	Signature	
Name Michelle McGovern	No: 44	Signature	
Name Adam Kelly	No: 52	Signature	
Name Diane Volante	No: 51	Signature	
Name Charlotte Knight	No: 58	Signature	
Name Marion Boyd	No: 51	Signature	
Name Terry Boyd	No: 51	Signature	
Name Sean Cullen	No: 42	Signature	
Name Mark Stewart	No: 50	Signature	
Name Mark Stewart	No: 50	Signature	
Name Stephen Varey	No: 48	Signature	
Name Roger Wilson	No: 42	Signature	
Name Leo McMurdo	No: 23	Signature	
Name Samie McMurdo	No: 23	Signature	
Name Rob McMurdo	No: 23	Signature	
Name Callum McMurdo	No: 23	Signature	
Name Michael Murphy	No: 32	Signature	
Name Brian Murphy	No: 32	Signature	
Name	No: 40	Signature	
Name	No: 39	Signature	
Name	No: 38	Signature	
Name John Higgins	No: 37	Signature	
Name Sharon Miller	No: 69	Signature	
Name Tom Miller	No: 69	Signature	
Name Swakmen	No: 68	Signature	
Name	No:	Signature	
Name Valerie Robinson	No: 63	Signature	
Name Heather Cane	No: 4	Signature	
Name Tom Lavery	No: 4	Signature	
Name Caroline Wines	No: 5	Signature	
Name Ross Murren	No: 5	Signature	
Name Dawn Reemund	No: 6	Signature	
Name	No: 6	Signature	
Name	No:	Signature	
Name	No:	Signature	

(4)

IN TYNWALD
6th July 2015

To the Honourable Members of Tynwald Court

The humble petition of John Ffynlo Craine and Annie Andrée Jeannine Hommet
of Mwyllin Squeen, Ballaugh.

Sheweth that

currently an erroneous or malicious property registration can be carried out covertly without any need to inform the owners of neighbouring properties. This is in direct contrast with Planning procedure where any application legally requires advertisement and a conspicuous public notice to be posted at the property concerned, thus ensuring transparency.

Once a property has been registered, there is no provision for rectifying any error in the registration other than by the provisions of section 65 of the Land Registration Act, which requires that an application be made either to the Registrar or the Land Commissioner as circumstances dictate.

Some time ago your petitioners discovered by chance that part of their property and of the occupation road leading to it had been registered as part of a neighbour's property. Upon application under Section 65, the Land Commissioner ultimately agreed that the registration in question was defective. As they received no notice at the time of registration, your petitioners had no possibility of pointing out at an early stage that the registration was defective, when it could have been corrected without the years of stress and considerable expense that actually ensued.

Notice to persons desirous of objecting is dependent upon the discretion of the Registrar, but in turn depends upon disclosure by the registering Advocate to the Registry. The provisions for Cautions against First Registration are ineffective in such cases as they expect persons desirous of objecting to have anticipated a defective registration before one is lodged. Any objector is therefore at a serious procedural disadvantage.

Wherefore your petitioners seek that

the Land Registration Act 1982 and/or the Land Registration Rules 2000 be amended so that applications for the First Registration of property are advertised in a similar manner to Planning Applications and that a more efficient and equitable complaint handling procedure be established regarding such First Registrations.

Signed John Ffynlo Craine

:



Annie Andrée Jeannine Hommet :



IN TYNWALD

To the Honourable Members of Tynwald Court

The Humble Petition of The Reverend Canon Dr Jules Gomes, Vicar of the Parish of Arbory and Castletown, Canon Theologian of St German's Cathedral, Peel, Isle of Man, of The Vicarage, Arbory Road, Castletown, Isle of Man IM9 1ND

Sheweth that

The law in the Isle of Man governing the employment rights of clergy and in particular protection against bullying and harassment in the workplace is insufficient.

Wherefore your Petitioner seeks that

Tynwald establish a Select Committee to examine the law relating to the employment rights of clergy, with special reference to (a) bullying and harassment in the workplace (b) security of tenure and (c) clergy discipline and to report.

[Add your signature here]

The Reverend Canon Dr Jules Gomes



IN TYNWALD

To the Honourable Members of Tynwald Court

The Humble Petition of The Reverend Canon Dr Jules Gomes, Vicar of the Parish of Arbory and Castletown, Canon Theologian of St German's Cathedral, Peel, Isle of Man, of The Vicarage, Arbory Road, Castletown, Isle of Man IM9 1ND

Sheweth that

There is insufficient protection in Manx law from racial harassment and acts of racial hatred;

Wherefore your Petitioner seeks that

Tynwald establish a Select Committee to examine the law relating to racial harassment and acts of racial hatred on the Island and to report on ways of improving legal protection against such acts.

[signature(s) here]

The Reverend Canon Dr Jules Gomes

APPENDIX 2

PETITIONS FOR REDRESS PRESENTED

IN THE PREVIOUS FOUR YEARS:

ANNOTATED LIST

Petitions for Redress presented in 2014

Samantha A Blackford seeking that Tynwald appoint a Select Committee to investigate the technical feasibility of introducing sustainable and low cost flood protection infrastructure in Castletown.

In order.

Millie Blenkinsop-French seeking that Tynwald appoint a Select Committee to consider the law relating to “Assisted Dying”.

In order.

Joseph Rae Hamilton seeking that Tynwald appoint a Select Committee to consider an independent tribunal/authority to be established with mandatory powers to manage complaints against Local Authority Members or its Officers.

In order.

Roseleen Harrison seeking that Tynwald appoint a Select Committee to consider bringing in legislation equivalent to the United Kingdom Animal Welfare Act 2006.

In order. Select Committee appointed on 19th November 2014.

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into alleged failures in the General Registry in matters relating to children.

In order.

Philip Donald and Kirrie Anne Jenkins seeking that Tynwald appoint a Select Committee to consider the ambiguity and weaknesses in the practices and laws relating to planning building control and connected matters.

In order.

Christopher McEvoy seeking that Tynwald appoint a Select Committee to review methods of amending the membership of Tynwald to ensure that only elected Members continue to sit and vote.

In order. Debated 22nd October 2014. Motion to appoint a Committee lost.

James David Moore seeking that Tynwald appoint a Select Committee to review the criteria for farmers to receive Government financial support currently under the Countryside Care Scheme.

In order.

Petitions for Redress presented in 2013

Amy Burns and Lisa Morris seeking that Tynwald commit to make available 15 hours of free pre-school education to all eligible children in the year prior to their admission to school.

In order.

Michael Henthorn and others seeking that Tynwald appoint a Select Committee to investigate means by which Members of the public may be able to ensure there is compliance with Planning Conditions.

In order.

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into matters in the Family Division of the High Court in relation to children.

Not in order.

David McWilliams seeking that Tynwald appoint a Select Committee to examine welfare provision for the vulnerable.

In order.

Michael Geoffrey Speers seeking that Tynwald appoint a Select Committee to conduct a review of the processes used by the Independent Review Body and Noble's Hospital.

In order. Debated 10th December 2013 and adjourned sine die.

Philip James Walmsley seeking that Tynwald appoint a Select Committee to review the law relating to care and upbringing of children in cases of broken marriages and relationships.

In order. Select Committee appointed on 10th December 2013. Report [PP 2014/0121] debated on 22nd October 2014.

Sarah Lee Watterson seeking that Tynwald appoint a Select Committee to investigate laws relating to all property matters.

In order. Select Committee appointed on 10th December 2013. Report [PP 2015/0012] laid before Tynwald on 17th March 2015.

Petitions for Redress presented in 2012

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into the feasibility of creating a position of Children's Commissioner in the Isle of Man.

In order.

Graeme John Nash seeking that Tynwald appoint a Select Committee to look into the responsibilities of buyers and sellers in the property transaction process.

In order.

Christopher Charles Thomas seeking that Tynwald appoint a Select Committee to investigate the fairness of human resource selection by government departments, bodies and associated organisations.

In order.

Petitions for Redress presented in 2011

Neil Alan Cushing and others seeking that Tynwald appoint a Select Committee on the route and design specifications of a Peel by-pass.

Not in order.

Aileen Fraser and Marion Ashcroft seeking that Tynwald appoint a Select Committee on the constitution of the Advocates Disciplinary Tribunal and Appeals Panel.

In order.

Joseph Rae Hamilton seeking that Tynwald appoint a Select Committee on the responsibilities of local authorities where declarations of interest are concerned.

In order. Select Committee appointed on 15th November 2011. Report [PP107/12] debated on 16th October 2012.

Robert Powell Hendry seeking that Tynwald set up a Select Committee on the conduct of the Department of Community, Culture and Leisure and its predecessor body in relation to historic rolling stock owned by the Isle of Man Railway and Tramway Preservation Society Limited.

In order.

Stephen Holmes seeking that Tynwald appoint a Select Committee on access to justice in cases involving children.

In order.

Tristram Llewellyn Jones seeking that Tynwald appoint a Select Committee on Children and Families Social Services.

In order.

David Nicholas Sykes and others seeking that Tynwald establish a Select Committee on the risk of flooding.

In order. Debated 15th November 2011. Motion to appoint a Committee lost.

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July 2015

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