

# TYNWALD

## Tinvaal



## VOTES AND PROCEEDINGS

### Reaghyssyn as daaltyn

**DOUGLAS**  
Tuesday 18<sup>th</sup> July 2017

#### IN THE COUNCIL

**PRESENT** President of Tynwald, HM Attorney General, Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

#### IN THE KEYS

**PRESENT** Speaker of the House of Keys, Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Robertshaw, Mr Shimmins, Mr Skelly, Mr Thomas

It was agreed that Standing Order 1.2(3) be suspended to allow the Court to sit until 10pm that evening.

#### **Bills signed –**

Bills of Exchange (Amendment) Bill 2017

Equality Bill 2016

Fraud Bill 2017

Income Tax Legislation (Amendment) Bill 2017

Insurance (Amendment) Bill 2017

Police (Detention and Bail) Bill 2017

#### **1. Laid before the Court –**

Terrorism and Other Crime (Financial Restrictions) Act 2014

Terrorism and Other Crime (Financial Restrictions) Act 2014 (Designated Person) (Amendment) Order 2017 [[SD No 2017/0207](#)] [[MEMO](#)]

Petroleum Act 1986

Petroleum (Revocation) Regulations 2017 [[SD No 2017/0209](#)] [[MEMO](#)]

Animal Health Act 1996

Bovine Viral Diarrhoea (Amendment) Order 2017 [[SD No 2017/0199](#)]  
[[MEMO](#)]

Harbours Act 2010

Registration of Pleasure Craft Regulations 2017 [[SD No 2017/0136](#)]  
[[MEMO](#)]

Harbour (Dues and Charges) (Amendment) Regulations 2017  
[[SD No 2017/0197](#)] [[MEMO](#)]

Local Government Act 1985

Onchan General Byelaws 2017 [[SD No 2017/0184](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Legislation (Benefits) (Application) (No.4) Order 2017  
[[SD No 2017/0201](#)] [[MEMO](#)]

Jobseekers Act 1995 (Application) (Amendment) Order 2017  
[[SD No 2017/0202](#)] [[MEMO](#)]

Social Security Legislation (Benefits) (Application) (Amendment) (No.2)  
Order 2017 [[SD No 2017/0203](#)] [[MEMO](#)]

Social Security Administration Act 1992 (Application) (Amendment) Order  
2017 [[SD No 2017/0206](#)] [[MEMO](#)]

Social Security Contributions and Benefits Act 1992

Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations  
2017 [[SD No 2017/0204](#)] [[MEMO](#)]

Employed Person's Allowance (General) (Amendment) (No.2) Regulations  
2017 [[SD No 2017/0205](#)] [[MEMO](#)]

## **Reports**

Council of Ministers' Procurement Policy for Government [[GD No 2017/0026](#)]

Isle of Man Arts Council Joint National Development Strategy for Culture and  
the Arts on the Isle of Man [[GD No 2017/0032](#)]

Chief Constable's Annual Report 2016 – 2017 [[GD No 2017/0020](#)]

National Infrastructure Strategy [[GD No 2017/0025](#)] [[MEMO](#)]

Strategic Sea Services Agreement [[GD No 2017/0027](#)]

Interim Report of the Select Committee on the Functioning of Tynwald – Remit and Work Plan [[PP No 2017/0120](#)]

***Documents subject to no procedure***

Ecclesiastical Offices (Terms of Service) Measure 2009

Ecclesiastical Offices (Terms of Service) (Isle of Man) (Amendment) Regulations 2017 [[SD No 2017/0214](#)]

**Appointed Day Orders**

Treasure Act 2017

Treasure Act 2017 (Appointed Day) Order 2017 [[SD No 2017/0200](#)]

**Reports**

Council of Ministers Single Legal Entity Sub-Committee - Continuing Evolution of the Isle of Man Government - Interim Report [[GD No 2017/0030](#)]

Detailed Government Accounts 2016/17 [[GD No 2017/0024](#)]

Treasure Code of Practice Isle of Man [[GC No 2017/0005](#)]

Financial Provisions and Currency Act 2011 Annual Report to July 2017 [[GD No 2017/0023](#)]

Department of Health and Social Care Financial Sustainability Briefing Paper [[GD No 2017/0028](#)]

Report of the Police Complaints Commissioner for the year ended 31<sup>st</sup> March 2017 [[GD No 2017/0021](#)]

Select Committee on the Organization and Operation of the General Election Supplementary Report 2016-17 [[PP No 2017/0108](#)]

Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 1 [[PP No 2017/0113\(1\)](#)]

Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 2 [[PP No 2017/0113\(2\)](#)]

Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 3 [[PP No 2017/0113\(3\)](#)]

Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 4 [[PP No 2017/0113\(4\)](#)]

**2. Questions**

Questions 1 to 26 were answered orally. Questions 27 to 51 were answered in writing.

**3. Funding of Nursing and Residential Home Care**

Statement made by the Minister for Policy and Reform as Chair of the Council of Ministers' Social Policy and Children's Committee.

**4. Report of an investigation, on behalf of Tynwald, into allegations relating to the management of case files and relationships with service users in the Department of Health and Social Care, Children and Family Services**

Statement made by the Minister for Policy and Reform as Chair of the Council of Ministers' Social Policy and Children's Committee.

**5. Planning Policy**

Statement made by the Minister for Policy and Reform.

**6. Single Legal Entity**

Statement made by the Minister for Policy and Reform.

**7. Department of Health and Social Care Financial Sustainability**

Statement made by the Minister for Health and Social Care.

**8. Pension Freedoms**

Statement made by the Minister for the Treasury.

## 9. Discount Rates for Personal Injury Claims

Statement made by the Minister for the Treasury.

## 20. Select Committee on the Functioning of Tynwald

Motion made –

That the First Interim Report of the Select Committee on the Functioning of Tynwald – Remit and Work Plan [[PP No 2017/0120](#)] be received and the following recommendations be approved:

That the Select Committee on the Functioning of Tynwald should have the authority to consider the following issues when deliberating:

1. Whether Members of Legislative Council should be able to vote on the appointment of the Chief Minister or on a vote of confidence in either the Chief Minister or the Council of Ministers;
2. Whether the Lord Bishop should retain his vote;
3. Whether a sitting Member of the House of Keys should be eligible to be nominated as a Member of Legislative Council;
4. And whether the following changes to draft Bill procedure be adopted:
  - i. Draft legislation be automatically referred to the relevant principal committee instead of being subject to the existing formal consultation procedure; but that the relevant principal committee seek the views of the public;
  - ii. In considering the draft Bill, the committee take evidence from experts in the field and from persons who may be affected by the proposed legislation;
  - iii. Amendments to the Long Title of a Bill be authorized by an instruction moved immediately after second reading (which instruction would be open to amendment);
  - iv. Amendments to the Long Title of a Bill be taken at the end of the clauses stage.

Mr Speaker

Court divided.

**In the Keys – Ayes 23, Noes 1**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Robertshaw, Mr Skelly, Mr Speaker, Mr Thomas

Against: Mr Shimmins

**In the Council – Ayes 8, Noes 0**

For: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Against: None

Motion carried.

**10. Replacement of Eastcliffe Resource Centre and the Construction of a new Day Services Centre**

Motion made –

That Tynwald approves of the Department of Health and Social Care incurring expenditure not exceeding £5,030,000 in respect of the Replacement of Eastcliffe Resource Centre and the construction of a new Day Services Centre, Braddan.

Mrs Beecroft

Motion carried.

**11. Clagh Vane Redevelopment – Projects 7 and 8 – New Build**

Motion made –

That Tynwald approves the Department of Infrastructure incurring expenditure not exceeding the sum of £8,240,000 in respect of the redevelopment of Projects 7 and 8, Clagh Vane Estate, Ballasalla.

Mr Harmer

Motion carried.

## **12. Douglas Promenade Refurbishment**

Motion made –

That Tynwald approves the Department of Infrastructure incurring expenditure not exceeding £20,730,000 in respect of works associated with the reconstruction of the highway from Peveril Square to Strathallan Crescent at Douglas Promenade.

Mr Harmer

Court divided.

### **In the Keys – Ayes 24, Noes 0**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Robertshaw, Mr Shimmins, Mr Skelly, Mr Speaker, Mr Thomas

Against: None

### **In the Council – Ayes 7, Noes 1**

For: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Against: Mr Crookall

Motion carried.

## **13. Supplementary Capital Authorities for 2016-17**

Motion made –

That Tynwald authorises the Treasury to expend from the Capital Transactions Account in respect of the year ended 31st March 2017:

Sums not exceeding £4,499,737 in payment of the items set out in Column 6 of the Schedule hereto (incurred due to timing differences in the Capital Programme)

Sums not exceeding £2,768,295 incurred in respect of the items set out in Column 7 of the Schedule hereto.

Mr Cannan

## Capital Schedule

### SUPPLEMENTARY CAPITAL AUTHORITIES

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7
Dept.	Item	Description	Vote 2016-17	Actual 2016-17	Excess vote required for 2016-17	Additional amount Required
DEC	1	Nobles New Primary School	2,373,000	2,475,223	(102,223)	-
DHSC	2	Endoscopy Decontamination Unit	590,000	(102,159)	692,159	97,903
DHSC	3	Day Care Services - Eastcliffe	-	282,432	(282,432)	196,175
DHA	4	Minor Capital Works	100,000	125,238	(25,238)	11,593
DHA	5	Live Fire Training	-	452,388	(452,388)	20,078
DOI	6	Off-street Car Parking - Douglas	112,000	-	112,000	226,070
DOI	7	Office Site Feasibility Study	50,000	95,184	(45,184)	-
DOI	8	Douglas & Peel Cofferdam	106,000	197,876	(91,876)	-
DOI	9	Quarry Plant Replacement Programme	1,030,000	1,359,430	(329,430)	-
DOI	10	Strategic Structural Maintenance	1,540,000	1,602,500	(62,500)	62,500
DOI	11	Gov Estate Planned Maintenance	950,000	1,227,584	(277,584)	-
DOI	12	Plant & Vehicle Replacement	1,799,000	2,179,699	(380,699)	-
DOI	13	Strategic Highway Refurbishment	1,600,000	1,953,976	(353,976)	353,976
DOI	14	Purchase of Land	-	2,770,178	(2,770,178)	-
DOI	15	Bus/Rail Ticketing System	-	52,195	(52,195)	-
DOI	16	Asset Replacement System	-	24,861	(24,861)	-
HR	17	DSC Planned Maintenance	1,600,000	1,653,132	(53,132)	1,800,000
<b>TOTAL</b>					<b>(4,499,737)</b>	<b>2,768,295</b>

#### NOTES TO SCHEDULE

Endoscopy Decontamination Unit – The project is in receipt of a number of charitable donations hence the positive expenditure figure during 2016/17. At present, this project is showing expenditure beyond the total vote approved of £97,903 however, it is hoped that this will be reduced by further donations beyond this financial year.

Accommodation for Day Care Services – Eastcliffe – Although there was some remaining budget in place for Eastcliffe in earlier years, 2016-17 overspent due to enabling works advancing much quicker than expected. It is intended that these amounts will be recovered through the Financial Motion at the July Tynwald.

DHA Minor Capital Works – The Department have confirmed that they intend to address this through a reduction in future budgets therefore the 2018/19 budget will be amended as part of this year's budget process. This will ultimately be a timing issue.

Live Fire Facility – The overspend of £20,078 is primarily due to an increased cost of the containers used which was in excess of the original estimates.

Offstreet Car Parking – A historical adjustment for overspends pre-2016/17. This is a miscoding in relation to the Ramsey Transport Interchange which occurred pre-2015/16 and therefore requires retrospective adjustment. This will be reflected in the 2018/19 budget process.

Strategic Structural Maintenance & Strategic Highways Replacement Programme – Overspend incurred due to the acceleration of several schemes intended to serve and protect the public. This includes Peveril Jetty remediation, Alfred Pier spray concrete, Glen Road Laxey Retaining Wall, emergency repairs to the Castletown Breakwater and the replacement of a number of footbridges. The Department have confirmed that they intend to address this through a reduction in future budgets therefore the 2018/19 budget will be amended as part of this year's budget process. This will ultimately be a timing issue.

DSC Planned Maintenance – This scheme is funded by the Housing Reserve. The approved vote for 2013/14 was omitted from the 2016/17 budget therefore retrospective approval is required for £1.8m in relation to historical expenditure.



Motion carried.

#### **14. Council of Ministers Directive – Tynwald Policy Decisions Removal of Decisions**

Motion made –

That Tynwald approves:

(i) The closure of the following ten Tynwald policy decisions:

- (1) Recommendation 3 The refurbishment of the two Donegal railcars presently in the possession of the Department of Tourism & Leisure should proceed *[TPDR Ref 18/08]*
- (2) Recommendation 1 That the proposals set out in section 3 and section 4 of the Report should form the general framework for updating Manx enactments in respect of the functions of the Governor and the Governor in Council *[TPDR Ref 09/11]*
- (3) Recommendation 2 That legislation to progress updating Manx enactments in respect of the functions of the Governor and the Governor in Council should be included in the Government's legislative programme for the 2011 – 2016 session; and *[TPDR Ref 09/11]*
- (4) Recommendation 3 That draft primary legislation in respect of transferring functions of the Governor and Governor in Council should be subject to full consultation in accordance with the Isle of Man Government's Code of Practice on Consultation. *[TPDR Ref 09/11]*
- (5) Recommendation 6 The Council of Ministers should consider: opportunities for further reforming the criminal justice system; the potential benefits that could be achieved by streamlining certain corporate services and regulatory functions; whether there is merit in creating the Isle of Man Government as a single legal entity, and report to Tynwald on these matters by July 2014. *[TPDR Ref 15/14]*
- (6) Recommendation 1 That Tynwald is of the opinion that the rules of court and the legal aid rules should incorporate a requirement that mediation must be attempted as a matter of course as a precondition for access to the court and to legal aid; and that both sets of rules should set out clearly the adverse consequences of any failure to come to mediation in good faith. *[TPDR Ref 53/14]*

- (7) Recommendation 3 That the offer by the Children’s Centre or any other suitably accredited and qualified contact centre to report directly to the court in private law family disputes, as a means of relieving pressure on the Family Court Welfare Service and reducing delay, should be taken up. *[TPDR Ref 55/14]*
- (8) That Tynwald receives the report into Government as a Single Legal Entity [GD No 2014/0075] by Sir John Elvidge and requests the Council of Ministers to report to Tynwald, by no later than June 2015, with recommendations in respect of the proposals contained in the Report *[TPDR Ref 65/14]*
- (9) That the Treasury should at the earliest opportunity report to Tynwald with its recommendations for introducing a transparent policy in respect of the drawing down of administrative expenses from the National Insurance Fund. *[TPDR Ref 68/14]*
- (10) Recommendation 2 - Requires that the Report by Envision and the Report by the Council of Ministers be put out to public consultation; and that subsequently further work is undertaken in order to provide the new administration with options for how the planning system could be reformed considering Key Principles and Key Messages set out in this stage of the review. *[TPDR Ref 33/16]*

and (ii) a change of the date by which a response is required in relation to the following two Tynwald policy decisions:

- (1) Recommendation 2 research should be undertaken to establish whether there would be any significant economic benefit to the Island to be derived from the transfer of commuter traffic from car (or bus) travel to rail travel; *[TPDR Ref 18/08]*
- (2) Recommendation 4 a Report on the issues which the possibility of commuter rail travel raises should be made by the Department of Tourism & Leisure to the sitting of Tynwald in July 2009. *[TPDR Ref 18/08]*

Mr Quayle

Motion carried.

## 15. Isle of Man Government Procurement Policy

Motion made –

That Tynwald receives the Council of Ministers' Procurement Policy for Government [[GD No 2017/0026](#)] and approves its key policy objectives of:

- (1) Achieving best value for the Isle of Man from Government purchasing whilst ensuring Government's purchasing power is used to spend locally wherever possible.
- (2) Purchasing through fair and open competition.
- (3) Making selling to Government as simple and straightforward as possible.

Mr Cannan

Court divided.

### **In the Keys – Ayes 23, Noes 0**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly, Mr Thomas

Against: None

### **In the Council – Ayes 8, Noes 0**

For: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Against: None

Motion carried.

## 16. Joint National Development Strategy for Culture and the Arts

Motion made –

That Tynwald approves the Joint National Development Strategy for Culture and the Arts on the Isle of Man [[GD No 2017/0032](#)].

Mr Corkish

Motion carried.

## 17. Chief Constable

Motion made –

That the Chief Constable's Annual Report 2016 – 2017 [[GD No 2017/0020](#)] be received.

Mr Malarkey

Court divided.

### **In the Keys – Ayes 23, Noes 0**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly, Mr Thomas

Against: None

### **In the Council – Ayes 8, Noes 0**

For: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Against: None

Motion carried.

## 18. The National Infrastructure Strategy

Motion made –

That Tynwald receives and approves the National Infrastructure Strategy [[GD No 2017/0025](#)].

Mr Harmer

Motion carried.

## 19. Strategic Sea Services

Motion made –

That Tynwald, whilst noting the terms of the offer of the Isle of Man Steam Packet Company Ltd dated 3<sup>rd</sup> March 2017 for a New Strategic Sea Services Agreement, instructs the Department of Infrastructure to continue negotiations

with the Company and to consider all other options for achieving a more effective solution that offers greater benefit to the Island [[GD No 2017/0027](#)].

Mr Harmer

Motion made – that the question be now put.

Mr Hooper

Closure motion carried.

Court divided.

**In the Keys – Ayes 23, Noes 0**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mrs Caine, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly, Mr Thomas

Against: None

**In the Council – Ayes 6, Noes 1**

For: Mr Coleman, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Against: Mr Anderson

Motion carried.

**21. Isle of Man War Pensions Committee Regulations 2002**

Motion made –

That in accordance with the Isle of Man War Pensions Committee Regulations 2002, Tynwald approves the appointment, by the Council of Ministers, of the following:

Mr Brendan Byrne  
Mr Stephen Christie  
Squadron Leader Robert Clucas  
Mrs Ann C Cottier  
Rt Revd Peter Andrew Eagles  
Mr Ernest Ray Ferguson  
Dr Anthony Green

Mr David Handscombe  
Mr Donald Hulme  
Mrs Jill Kelly  
Ms Elizabeth Kewley  
Mrs Lillian Leece  
Mr Thomas Malcolm Lord MBE  
Mr Keith Manktelow  
Mrs Sheila Pilling  
Lady (Sharrone B) Walker  
Major Charles Wilson

to the Isle of Man War Pensions Committee for a term of five years.

Mr Quayle

Motion carried.

## **22. Gambling Supervision Act 2010**

Motion made –

That Tynwald, in accordance with Section 4(2) of the Gambling Supervision Act 2010, approves the Treasury's appointment of Mr David Reynolds as a Member of the Gambling Supervision Commission.

Mr Cannan

Motion carried.

## **23. Terrorism and Other Crime (Financial Restrictions) Act 2014**

Motion made –

That the Terrorism and Other Crime (Financial Restrictions) Act 2014 (Designated Person) (Amendment) Order 2017 [[SD No 2017/0207](#)] be approved.

Mr Thomas

Motion carried.

## **24. Petroleum Act 1986**

Motion made –

That the Petroleum (Revocation) Regulations 2017 [[SD No 2017/0209](#)] be approved.

Mr Skelly

Motion carried.

**25. Animal Health Act 1996**

Motion made –

That the Bovine Viral Diarrhoea (Amendment) Order 2017 [[SD No 2017/0199](#)] be approved.

Mr Boot

Motion carried.

**26. Harbours Act 2010**

Motion made –

That the Registration of Pleasure Craft Regulations 2017 [[SD No 2017/0136](#)] be approved.

Mr Harmer

Court divided.

**In the Keys – Ayes 17, Noes 4**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Mr Cannan, Mrs Corlett, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Malarkey, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly, Mr Thomas

Against: Miss Bettison, Mrs Caine, Mr Callister, Mr Hooper

**In the Council – Ayes 5, Noes 1**

For: Mr Anderson, Mr Coleman, Mr Corkish, Mr Cretney, Mr Henderson,

Against: Mr Turner

Motion carried.

**27. Harbours Act 2010**

Motion made –

That the Harbour (Dues and Charges) (Amendment) Regulations 2017 [[SD No 2017/0197](#)] be approved.

Mr Harmer

Motion carried.

**28. Local Government Act 1985**

Motion made –

That the Onchan General Byelaws 2017 [[SD No 2017/0184](#)] be approved.

Mr Harmer

Motion carried.

**29. Social Security Act 2000**

Motion made –

That the Social Security Legislation (Benefits) (Application) (No.4) Order 2017 [[SD No 2017/0201](#)] be approved.

Mr Peake

Motion carried.

**30. Social Security Act 2000**

Motion made –

That the Jobseekers Act 1995 (Application) (Amendment) Order 2017 [[SD No 2017/0202](#)] be approved.

Mr Peake

Motion carried.

Motions made –

**31. Social Security Act 2000**

That the Social Security Legislation (Benefits) (Application) (Amendment) (No.2) Order 2017 [[SD No 2017/0203](#)] be approved.

**32. Social Security Contributions and Benefits Act 1992**

That the Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2017 [[SD No 2017/0204](#)] be approved.

**33.** That the Employed Person's Allowance (General) (Amendment) (No.2) Regulations 2017 [[SD No 2017/0205](#)] be approved.

Mr Peake



Item 31 –  
Motion carried.

Item 32 –  
Motion carried.

Item 33 –  
Motion carried.

#### **34. Social Security Act 2000**

Motion made –

That the Social Security Administration Act 1992 (Application) (Amendment) Order 2017 [[SD No 2017/0206](#)] be approved.

Mr Peake

Motion carried.

#### **35. Knottfield Children's Home**

Motion made –

That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.

Mr Baker

Amendment moved –

*To leave out all the words after "That Tynwald notes" and to insert the words "that allegations of historical child abuse at the former Knottfield Children's home were investigated by the Isle of Man Constabulary and resulted in a prosecution; encourages all victims of abuse, historical or current, to report their allegations to the police for investigation; and further notes that the Island's services for children and young people, including 'looked after children' have undergone independent review, including the 2006 Everall Commission of Inquiry into the Care of Young People and the two Scottish Care Inspectorate reports into services for children and young people in 2014 and 2016, and that the Island's Safeguarding Children Board provides rigorous and independently chaired*

*oversight of all matters relating to the safety and care of vulnerable young people”.*

Mrs Beecroft

Court divided.

**In the Keys – Ayes 13, Noes 10**

For: Mrs Beecroft, Mr Boot, Mr Cannan, Mr Cregeen, The Deputy Speaker, Mr Harmer, Mr Malarkey, Mr Peake, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly, Mr Thomas

Against: Dr Allinson, Mr Ashford, Mr Baker, Miss Bettison, Mrs Caine, Mr Callister, Mrs Corlett, Ms Edge, Mr Hooper, Mr Moorhouse

**In the Council – Ayes 1, Noes 7**

For: Mr Anderson

Against: Mr Coleman, Mr Corkish, Mr Cretney, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Amendment lost.

Motion carried.

**36. Swearing-in ceremony of the Lieutenant Governor**

Motion made –

That Tynwald is of the opinion that the swearing-in ceremony of the Lieutenant Governor should be held in Castle Rushen.

Mr Cregeen

Motion carried.

**37. Functioning of Tynwald (Bishop’s vote)**

Motion made –

That Tynwald is of the opinion that the Bishop should not retain his vote; and refers this opinion to the Select Committee on the Functioning of Tynwald to report with recommendations to Tynwald on the changes required for its implementation.

Mr Hooper

Court divided.

**In the Keys – Ayes 10, Noes 13**

For: Dr Allinson, Mr Ashford, Mrs Beecroft, Miss Bettison, Mrs Caine, Ms Edge, Mr Hooper, Mr Peake, Mr Shimmins, Mr Thomas

Against: Mr Baker, Mr Boot, Mr Callister, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Mr Harmer, Mr Malarkey, Mr Moorhouse, Mr Perkins, Mr Quayle, Mr Skelly

**In the Council – Ayes 2, Noes 6**

For: Mr Cretney, Mrs Poole-Wilson

Against: Mr Anderson, Mr Coleman, Mr Corkish, Mr Crookall, Mr Henderson, Mr Turner

Motion lost.

**38. Functioning of Tynwald (Legislative Council voting for Chief Minister etc.)**

Motion made –

That Tynwald approves the recommendation in the Report by Lord Lisvane that Members of the Legislative Council should not vote on the appointment of the Chief Minister, or on a vote of confidence in the Chief Minister or the Council of Ministers; and refers this recommendation to the Select Committee on the Functioning of Tynwald to report with recommendations to Tynwald on the changes required for its implementation.

Mr Hooper

Court divided.

**In the Keys – Ayes 17, Noes 6**

For: Dr Allinson, Mr Ashford, Mrs Beecroft, Miss Bettison, Mrs Caine, Mr Callister, Mr Cannan, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Hooper, Mr Moorhouse, Mr Peake, Mr Perkins, Mr Shimmins, Mr Skelly, Mr Thomas

Against: Mr Baker, Mr Boot, Mrs Corlett, Mr Cregeen, Mr Malarkey, Mr Quayle,

**In the Council – Ayes 2, Noes 6**

For: Mr Cretney, Mrs Poole-Wilson

Against: Mr Anderson, Mr Coleman, Mr Corkish, Mr Crookall,  
Mr Henderson, Mr Turner

Motion lost.

### **39. Functioning of Tynwald (Members' pay)**

Motion made –

That Tynwald notes the recommendation in the Report by Lord Lisvane that an independent review of all Members' pay and allowances be undertaken; and refers this recommendation to the Select Committee on the Functioning of Tynwald to report with recommendations on the terms of reference of such a review.

Mr Hooper

Court divided.

#### **In the Keys – Ayes 18, Noes 5**

For: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mrs Caine, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Ms Edge, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Peake, Mr Perkins, Mr Skelly, Mr Thomas

Against: Mr Boot, Mr Callister, Mr Moorhouse, Mr Quayle, Mr Shimmins,

#### **In the Council – Ayes 3, Noes 5**

For: Mr Anderson, Mr Cretney, Mrs Poole-Wilson

Against: Mr Coleman, Mr Corkish, Mr Crookall, Mr Henderson, Mr Turner

Motion lost.

Mr Hooper gave notice under Standing Order 3.19(1) that he intended to move the same motion for a combined vote at the October 2017 sitting.

#### **40. Protection of the historic built environment (Petition for Redress)**

Motion made –

That a committee of three Members be appointed to consider and to report to Tynwald on the Petition for Redress of Charles Guard presented at St John's on 5<sup>th</sup> July 2015 in relation to protection of the historic built environment.

Mr Cretney

Court divided.

##### **In the Keys – Ayes 5, Noes 18**

For: Mrs Caine, Mr Callister, Ms Edge, Mr Peake, Mr Thomas

Against: Dr Allinson, Mr Ashford, Mr Baker, Mrs Beecroft, Miss Bettison, Mr Boot, Mr Cannan, Mrs Corlett, Mr Cregeen, The Deputy Speaker, Mr Harmer, Mr Hooper, Mr Malarkey, Mr Moorhouse, Mr Perkins, Mr Quayle, Mr Shimmins, Mr Skelly,

##### **In the Council – Ayes 2, Noes 6**

For: Mr Coleman, Mr Cretney

Against: Mr Anderson, Mr Corkish, Mr Crookall, Mr Henderson, Mrs Poole-Wilson, Mr Turner

Motion lost.

##### **Announcement of Royal Assent**

Bills of Exchange (Amendment) Act 2017

Equality Act 2017

Fraud Act 2017

Income Tax Legislation (Amendment) Act 2017

Insurance (Amendment) Act 2017

Police (Detention and Bail) Act 2017

Safeguarding and Clergy Discipline Measure (Isle of Man) 2017

## **Supplementary Order Paper**

### **1. Laid before the Court –**

*Documents subject to no procedure*

#### **Appointed Day Order**

The Equality Act 2017 (Appointed Day)(No. 1) Order 2017 [*SD No 2017/0221*].

#### **Report**

Standing Orders Committee of Tynwald Third Report for the Session 2016-17:  
Petitions for Redress [[PP No 2017/0100](#)]

The Court adjourned at 10:23pm.

**The Hon Stephen Charles Rodan  
President of Tynwald**