

# TYNWALD Tinvaal



## VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

**DOUGLAS – VIRTUAL SITTING**  
**Tuesday 19<sup>th</sup> May 2020**  
**at 10.30 am**

### **IN THE COUNCIL**

**PRESENT** President of Tynwald, The Lord Bishop, HM Attorney General, Miss August-Hanson, Mr Greenhill, Mr Henderson, Mrs Lord-Brennan, Mrs Maska, Mrs Poole-Wilson, Mrs Sharpe

**ABSENT WITH LEAVE** Mr Mercer

### **IN THE KEYS**

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

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

Motion made –

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

Mr Speaker

Motion carried.

## 2. Laid before the Court –

Oil Pollution Act 1986

Merchant Shipping (MARPOL Annex II - Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020 [[SD No 2020/0231](#)] [[MEMO](#)]

Employment Act 2006

Flexible Working Regulations 2020 [[SD No 2020/0168](#)] [[MEMO](#)]

European Union and Trade Act 2019

European Union and Trade Act 2019 (Deficiencies) (Sanctions) Regulations 2020 [[SD No 2020/0236](#)] [[MEMO](#)]

European Communities (Isle of Man) Act 1973

European Union (Yemen Sanctions) (Amendment) Order 2020 [[SD No 2020/0239](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Legislation (Benefits) (Application) (Amendment) (No. 2) Order 2020 [[SD No 2020/0089](#)] [[MEMO](#)]

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020 [[SD No 2020/0207](#)] [[MEMO](#)]

Jobseekers Act 1995 (Application) (Amendment) Order 2020 [[SD No 2020/0208](#)] [[MEMO](#)]

Social Security Legislation (Benefits) (Application) (Amendment) (No. 5) Order 2020 [[SD No 2020/0209](#)] [[MEMO](#)]

**The remaining items were not the subject of motions on the Order Paper**

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

Bank Holidays Act 1989

Bank Holidays (Amendment) Order 2020 [[SD No 2020/0285](#)]

### ***Item subject to Negative Resolution***

Immigration Act 1971

Immigration (Variation of Leave) Order 2020 [[SD No 2020/0210](#)] [[MEMO](#)]

Immigration (Variation of Leave) (No.2) Order 2020 [[SD No 2020/0255](#)] [[MEMO](#)]

Value Added Tax Act 1996

Value Added Tax (Finance) Order 2020 [[SD No 2020/0145](#)] [[MEMO](#)]

Value Added Tax (Zero-rating) (Coronavirus) Order 2020 [[SD No 2020/0286](#)] [[MEMO](#)]

European Communities (Isle of Man) Act 1973

Official Controls (Plant Health) (No. 2) Regulations 2020 [[SD No 2020/0266](#)]  
[[MEMO](#)]

Somalia Sanctions (Arms Embargo, etc) (Amendment) (No. 2) Regulations 2020  
[[SD NO 2020/0205](#)] [[MEMO](#)]

Yemen Sanctions (Amendment) Regulations 2020 [[SD No 2020/0240](#)] [[MEMO](#)]

### **Appointed Day Order**

Church Representation and Ministers Measure (Isle of Man) 2020

Church Representation and Ministers Measure (Isle of Man) 2020 (Appointed  
Day) Order 2020 [[SD No 2020/0253](#)]

### **Reports**

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

Tynwald Commissioner for Administration Report on Case TCA 1823 [[TCA 1823](#)]

Tynwald Commissioner for Administration Refusal to Investigate a Complaint  
Statement of Reasons TCA 1901 [[TCA 1901](#)]

### **Royal Assent announced**

Isle of Man Loans (Amendment) Act 2020

### **3. Questions**

Questions 1 to 4 were answered orally. Questions 5 to 7 were answered in writing.

### **4. Coronavirus (COVID-19)**

Statement made by the Chief Minister.

### **5. Political Appointments – Statutory Boards and Bodies**

Motion made –

That Tynwald approves the appointment of:

(a) Mr T S Baker MHK as Chair of the Manx Utilities Authority

(b) Mr P A Greenhill MLC as Vice Chair of the Manx Utilities Authority [[MEMO](#)]

Mr Quayle

Motion carried.

**6. Public Appointment – Isle of Man Gambling Supervision Commission Gambling Supervision Act 2010**

Motion made –

That Tynwald approves, in accordance with paragraph 1(1) of Schedule 1 to the Gambling Supervision Act 2010, the Treasury's appointment of Mr G Petts, Mr D Butterworth, Mr J Allen and Mrs S Collins as members of the Isle of Man Gambling Supervision Commission for a period of five years. [[MEMO](#)]

Mr Cannan

Motion carried.

**7. Oil Pollution Act 1986**

Motion made –

That the Merchant Shipping (MARPOL Annex II - Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020 [[SD No 2020/0231](#)] [[MEMO](#)] be approved.

Mr Skelly

Motion carried.

**8. Employment Act 2006**

Motion made –

That the Flexible Working Regulations 2020 [[SD No 2020/0168](#)] [[MEMO](#)] be approved.

Mr Skelly

Motion carried.

**9. European Union and Trade Act 2019**

Motion made –

That the European Union and Trade Act 2019 (Deficiencies) (Sanctions) Regulations 2020 [[SD No 2020/0236](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

**10. European Communities (Isle of Man) Act 1973**

Motion made –

That the European Union (Yemen Sanctions) (Amendment) Order 2020 [[SD No 2020/0239](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

**11. Social Security Act 2000**

Motion made –

That the Social Security Legislation (Benefits) (Application) (Amendment) (No. 2) Order 2020 [[SD No 2020/0089](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

**12. Social Security Act 2000**

Motion made –

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020 [[SD No 2020/0207](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

**13. Social Security Act 2000**

Motion made –

That the Jobseekers Act 1995 (Application) (Amendment) Order 2020 [[SD No 2020/0208](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

**14. Social Security Act 2000**

Motion made –

That the Social Security Legislation (Benefits) (Application) (Amendment) (No. 5) Order 2020 [[SD No 2020/0209](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

## 15. Tynwald Management Committee

Mrs Maska and Mr Mercer were proposed and seconded.

After a ballot, Mr Mercer was elected.

### Ballot results

|           |    |
|-----------|----|
| Mrs Maska | 8  |
| Mr Mercer | 23 |

#### Mrs Maska:

Mr Ashford  
Mr Cannan  
Mrs Corlett  
Mr Cregeen

Ms Edge  
Mr Harmer  
Mr Moorhouse  
Mr Quayle

#### Mr Mercer:

Dr Allinson  
Miss August-Hanson  
Mr Baker  
Mrs Barber  
Lord Bishop  
Mr Boot  
Mrs Caine  
Mr Callister  
Miss Costain  
Mr Greenhill  
Mr Henderson  
Mr Hooper

Mrs Lord-Brennan  
Mrs Maska  
Mr Peake  
Mr Perkins  
Mrs Poole-Wilson  
Mr Robertshaw  
Mrs Sharpe  
Mr Shimmins  
Mr Skelly  
Mr Speaker  
Mr Thomas

## 16. Select Committee on Whistleblowing

Mrs Sharpe was proposed, seconded and elected.

### Urgent Question

Mrs Barber asked an Urgent Question under Standing Order 3.5(4) that was answered orally by the Chief Minister:

Why it was felt appropriate to decline the presence of the Public Service Broadcaster at the biggest announcement of changes since the coronavirus proclamation period commenced; and what commitment he gives to ensuring access by all media at future announcements of major changes?

## Supplementary Order Paper No. 1

### 1. Suspension of Standing Orders

Motion made –

That Standing Orders be suspended to the extent necessary to allow items 2 to 12 on Supplementary Order Paper No 1 to be taken.

Mr Quayle

Motion carried.

### 2. Laid before the Court –

Emergency Powers Act 1936

Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.6) Regulations 2020 [[SD No 2020/0299](#)] [[MEMO](#)]

Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.7) Regulations 2020 [[SD No 2020/0294](#)] [[MEMO](#)]

Emergency Powers (Coronavirus) (Prohibitions on Movement) (Amendment) (No.5) Regulations 2020 [[SD No 2020/0295](#)] [[MEMO](#)]

Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.8) Regulations 2020 [[SD No 2020/0297](#)] [[MEMO](#)]

Emergency Powers (Prohibitions on Movement) (Amendment) (No.6) Regulations 2020 [[SD No 2020/0309](#)] [[MEMO](#)]

Emergency Powers (Coronavirus) (Local Government) Regulations 2020 [[SD No 2020/0277](#)] [[MEMO](#)]

Financial Provisions and Currency Act 2011

Coronavirus Public Service Employees Dependants Benefit Scheme 2020 [[SD No 2020/0284](#)] [[MEMO](#)]

COVID 19 Salary Support (Amendment) (No.4) Scheme - [[SD No 2020/0305](#)] [[MEMO](#)]

Social Security Act 2000

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.7) Order 2020 [[SD No 2020/0292](#)] [[MEMO](#)]

**The remaining items were not the subject of motions on the Order Paper**

***Document subject to no procedure***

Emergency Powers Act 1936

Proclamation by the Governor in Council [[SD No 2020/0296](#)]

## Reports

2020 Revised Isle of Man Government Legislation Programme [[GD No 2020/0017](#)]

Standing Committee of Tynwald on Public Accounts Emergency Scrutiny Third Report for the Session 2019-20: Macro Economic Effect of the Emergency and Financial Support Schemes [[PP No 2020/0107](#)]

### 3. Statement – Revised Legislation Programme 2020

Statement made by the Minister for Policy and Reform.

### 4. Emergency Powers Act 1936

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.6) Regulations 2020 [[SD No 2020/0299](#)] [[MEMO](#)].

Dr Allinson

Court divided.

#### **In the Keys – Ayes 23, Noes 0**

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

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

For: Miss August-Hanson, Mr Greenhill, Mr Henderson, The Lord Bishop, Mrs Maska, Mrs Poole-Wilson, Mrs Sharpe  
Against: Mrs Lord-Brennan

Motion carried.

### 5. Emergency Powers Act 1936

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.7) Regulations 2020 [[SD No 2020/0294](#)] [[MEMO](#)].

Mr Skelly

Motion carried.



**6. Emergency Powers Act 1936**

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Prohibitions on Movement) (Amendment) (No.5) Regulations 2020 [[SD No 2020/0295](#)] [[MEMO](#)].

Mr Cregeen

Motion carried.

**7. Emergency Powers Act 1936**

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.8) Regulations 2020 [[SD No 2020/0297](#)] [[MEMO](#)].

Mr Skelly

Motion carried.

**8. Emergency Powers Act 1936**

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Prohibitions on Movement) (Amendment) (No.6) Regulations 2020 [[SD No 2020/0309](#)] [[MEMO](#)].

Mr Skelly

Motion carried.

**9. Emergency Powers Act 1936**

Motion made –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Local Government) Regulations 2020 [[SD No 2020/0277](#)] [[MEMO](#)].

Mr Harmer

Amendment moved –

*AMENDMENTS TO REGULATION 7*

- 1. In paragraph (2), for “Manx legislation” substitute “the 1985 Act or the 1986 Act”.*
- 2. In paragraph (2)(a), after “by a member of the public” insert “under the 1985 Act or the 1986 Act”.*

3. *In paragraph (2)(b), after “by a person” insert “under the 1985 Act or the 1986 Act”.*
4. *In paragraph (2)(c), after “public notice” insert “under the 1985 Act or the 1986 Act”.*

Ms Edge

Court divided.

**In the Keys – Ayes 16, Noes 7**

For: Dr Allinson, Mr Ashford, Mr Baker, Mr Boot, Mrs Caine, Mr Cannan, Mrs Corlett, Mr Cregeen, Ms Edge, Mr Harmer, Mr Moorhouse, Mr Peake, Mr Quayle, Mr Robertshaw, Mr Skelly, Mr Thomas

Against: Mrs Barber, Mr Callister, Miss Costain, Mr Hooper, Mr Perkins, Mr Shimmins, Mr Speaker

**In the Council – Ayes 6, Noes 2**

For: Mr Greenhill, Mr Henderson, The Lord Bishop, Mrs Lord-Brennan, Mrs Maska, Mrs Sharpe

Against: Miss August-Hanson, Mrs Poole-Wilson

Motion carried.

Amended motion –

That Tynwald approves the continuance of the Emergency Powers (Coronavirus) (Local Government) Regulations 2020 [[SD No 2020/0277](#)] [[MEMO](#)] subject to the following amendments to Regulation 7:

1. In paragraph (2), for “Manx legislation” substitute “the 1985 Act or the 1986 Act”.
2. In paragraph (2)(a), after “by a member of the public” insert “under the 1985 Act or the 1986 Act”.
3. In paragraph (2)(b), after “by a person” insert “under the 1985 Act or the 1986 Act”.
4. In paragraph (2)(c), after “public notice” insert “under the 1985 Act or the 1986 Act”.

Amended motion carried.

**10. Financial Provisions and Currency Act 2011**

Motion made –

That the Coronavirus Public Service Employees Dependents Benefit Scheme 2020 [[SD No 2020/0284](#)] [[MEMO](#)] be approved.

Mr Thomas

Motion carried.

## **11. Financial Provisions and Currency Act 2011**

Motion made –

That the COVID 19 Salary Support (Amendment) (No.4) Scheme [[SD No 2020/0305](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

## **12. Social Security Act 2000**

Motion made –

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.7) Order 2020 [[SD No 2020/0292](#)] [[MEMO](#)] be approved.

Mr Cannan

Motion carried.

## **Supplementary Order Paper No. 2**

### **1. Suspension of Standing Orders**

Motion made –

That Standing Orders be suspended to the extent necessary to allow item 2 on Supplementary Order Paper No 2 to be taken.

Mr Quayle

Motion carried.

### **2. Emergency Powers Act 1936**

Motion made –

That, having regard to the Proclamation of Emergency made by the Governor in Council on 15<sup>th</sup> May 2020, the Regulations made under the Emergency Powers Act 1936 which were in operation when the Proclamation of Emergency made by the Governor in Council on 15<sup>th</sup> April 2020 ceased to have effect, be approved and continue in effect.

Mr Quayle

Court divided.

### **In the Keys – Ayes 22, Noes 1**

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

Against: Mr Robertshaw

**In the Council – Ayes 7, Noes 1**

For: Miss August-Hanson, Mr Greenhill, Mr Henderson, The Lord Bishop,  
Mrs Maska, Mrs Poole-Wilson, Mrs Sharpe

Against: Mrs Lord-Brennan

Motion carried.

The Court adjourned at 3.55 pm.

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