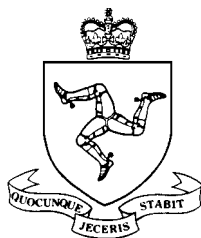


LEGISLATIVE COUNCIL Y Chooneil Slattyssagh



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS – VIRTUAL SITTING
Wednesday 24th March 2021
at 10.30am

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

1. Suspension of Standing Orders

Motion made –

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

– Mrs Lord-Brennan

Motion carried.

2. Laid before the Council –

First Report of the Standing Orders Committee of the Legislative Council for the Session 2020-21: Legislative Stages and Other Matters [[PP No 2021/0060](#)]

At the request of Mrs Poole-Wilson

Climate Change Bill 2020 - Briefing note for Legislative Council by the Climate Change Transformation Team and DEFA Legislation Team [[NN No 2021/0003](#)]

3. Statute Law Revision Bill 2020

Motion made –

That the Council do agree with the Keys' amendments.

– HM Attorney General

Motion carried.

4. Road Traffic Legislation Bill 2020

Motion made –

That this Bill be read a Third time and do pass.

– Mrs Maska

Motion carried.

5. Climate Change Bill 2020¹

Amendment 1 moved.

Mr Mercer

Council divided.

For: Lord Bishop, Miss August-Hanson, Mr Mercer

Against: Mr Greenhill, Mrs Lord-Brennan, Mrs Maska, Mrs Poole-Wilson,
Mrs Sharpe

Amendment lost.

Motion made –

That Clause 1 do stand part of the Bill.

– Mrs Poole-Wilson

Motion carried.

Motion made –

That Clause 3 do stand part of the Bill.

– Mrs Poole-Wilson

Amendments 5 and 6 moved.

– Miss August-Hanson

Amendments carried.

Clause 3, as amended, carried.

¹ The amendments referred to were circulated on 24 March 2021 and are published as [PP 2021/0076](#).

Motions made –

That Clause 4

Clause 5

Clause 6

Clause 7

do stand part of the Bill.

– Mrs Poole-Wilson

Motions carried.

Motion made –

That Clause 8 do stand part of the Bill.

– Mrs Poole-Wilson

Amendment 7 moved.

– Miss August-Hanson

Amendment carried.

Clause 8, as amended, carried.

Motions made –

That Clause 9

Clause 10

Clause 11

do stand part of the Bill.

– Mrs Poole-Wilson

Motions carried.

Motion made –

That Clause 12 do stand part of the Bill.

– Mrs Poole-Wilson

Amendment 10 moved.

– Miss August-Hanson

Amendment carried.

Clause 12, as amended, carried.

Motions made –

That Clause 13

Clause 14

do stand part of the Bill.

– Mrs Poole-Wilson

Motions carried.

Motion made –

That Clause 15 do stand part of the Bill.

– Mrs Poole-Wilson

Amendment 11 moved.

– Miss August-Hanson

Amendment carried.

Clause 15, as amended, carried.

Motion made –

That Clause 16 do stand part of the Bill.

– Mrs Poole-Wilson

Motion carried.

Motion made –

That Clause 17 do stand part of the Bill.

– Mrs Poole-Wilson

Amendment 12 moved.

– Miss August-Hanson

Amendment carried.

Clause 17, as amended, carried.

Motion made –

That Clause 18 do stand part of the Bill.

– Mrs Poole-Wilson

Amendment 13 moved.

– Miss August-Hanson

Amendment carried.

Clause 18, as amended, carried.

Motions made –

That Clause 19

Clause 20

do stand part of the Bill.

Motions carried.	– Mrs Poole-Wilson
Motion made –	
That Clauses 21 and 22 do stand part of the Bill.	
	– Mrs Poole-Wilson
Amendment 14 moved.	
	– Miss August-Hanson
Amendment carried.	
Clauses 21 and 22 (as amended) carried.	
Motion made –	
That Clause 23 do stand part of the Bill.	
	– Mrs Poole-Wilson
Amendment 15 moved.	
	– Mr Mercer
Amendments 16 and 17 moved.	
	– Mrs Lord-Brennan
Debate on Clause 23 adjourned to 31 st March 2021.	
Motions made –	
That Clause 28	
Clause 29	
do stand part of the Bill.	
	– Mrs Poole-Wilson
Motions carried.	
Motion made –	
That Clause 37 and the Schedule do stand part of the Bill.	
	– Mrs Poole-Wilson
Amendment 32 moved.	
	– Mrs Lord-Brennan
Amendment carried.	
Clause 37 and the Schedule (as amended) carried.	

6. International Co-operation (Protection from Liability) Bill 2020

Motion made –

That this Bill be read a Second time.

– Mr Henderson

Motion carried.

Motions made –

That Clause 1, 2 and 3

Clause 4 and the Schedule

Clause 5

do stand part of the Bill.

– Mr Henderson

Motions carried.

7. Standing Orders Committee

Motion made –

That the First Report of the Standing Orders Committee of the Legislative Council for the Session 2020-21: Legislative Stages and Other Matters [[PP No 2021/0060](#)] be received and that the following recommendations be approved:

Recommendation 1

That Standing Order 2.1 be replaced with the words –

“(1) The business of the Council shall be set out in an Order Paper prepared by the Clerk of the Council and issued under the authority of the President.

(2) The Order Paper shall be circulated to Members at least five days before the sitting, unless the President authorises a delay.

Example: when the Council sits on a Tuesday, the Order Paper is to be circulated to Members on or before the preceding Thursday; but the President could allow it to be delayed to the Friday or later.

(3) Business to appear on the Order Paper must be submitted to the Clerk of the Council at least seven days before the sitting.

Example: when the Council sits on a Tuesday, business which is to appear on the Order Paper must be submitted on or before the preceding Tuesday.

- (4) Business which does not appear on the Order Paper may not be taken except by leave of the Council.

Example: an amendment drafted and circulated the day before a sitting could be taken, but the Member wishing to move it would first have to seek the leave of the Council”;

that in Standing Order 4.1, the words “or a memorandum of the amendments” and the words “where practicable” be left out;

that Standing Order 4.3 be replaced with the words –

“General

- (1) Written evidence relevant to a Bill may be laid before the Council at any time during the consideration of that Bill or for up to six months thereafter.
- (2) Subject to Standing Orders 5.3A and 5.4, oral evidence relevant to a Bill may be heard during the Evidence Stage or at any other time during the consideration of the Bill.
- (3) At any time during the consideration of a Bill, the Council may refer particular Clauses or Schedules, or the whole Bill, to a Select Committee.

Principles Stage

- (4) The Member in charge of the Bill shall move “That the Council is in agreement with the general principles of the Bill and that the Bill shall proceed to the Clauses Stage”.
- (5) The following amendment may be moved –

To add at the end the words “after evidence has been heard”.
- (6) If the motion is carried without amendment, the Bill shall proceed to the Clauses Stage. The time between the Principles Stage and the Clauses Stage shall be at least two weeks.

- (7) If the motion is amended and then carried in its amended form, the Bill shall proceed to the Evidence Stage. The time between the Principles Stage and the first day of the Evidence Stage shall be at least one week.
- (8) If the motion is lost, the Bill is lost.

Evidence Stage

- (9) Witnesses nominated by Members may be scheduled by the Clerk of the Council, under the authority of the President, to appear at one or more sittings.
- (10) Before any scheduled witness is heard, the Member in charge of the Bill shall move formally “That the Bill do now proceed to the Clauses Stage”.
- (11) After any scheduled witnesses have been heard, the motion shall be debated.
- (12) A Member may move that the motion be adjourned to a specified date to allow for the scheduling or consideration of further evidence, or for any other purpose.
- (13) If the motion is carried, the Bill shall proceed to the Clauses Stage. The time between the last day of the Evidence Stage and the first day of the Clauses Stage shall be at least two weeks.
- (14) If the motion is lost, the Bill is lost.

Clauses Stage

- (15) The Member in charge of the Bill shall move “that” each Clause and Schedule “do stand part of the Bill”. Clauses and Schedules may be considered together in groups; or they may be subdivided and considered in subsections or paragraphs.
- (16) Amendments and New Clauses may be moved.
- (17) The procedure for new clauses shall be as follows:
 - (a) the proposer shall move that the new clause be approved in principle;

- (b) if the new clause is approved in principle, the President shall give Members an opportunity to indicate whether they are considering proposing an amendment to the new clause;
 - (c) if no Member wishes to propose an amendment, then a motion may immediately be made “that the new clause do stand part of the Bill”;
 - (d) if any Member does wish to propose an amendment, then a motion “that the new clause do stand part of the Bill” shall not be moved until the next but one sitting.
- (18) When all the Clauses and Schedules have been considered, the Bill shall proceed to the Final Stage. The time between the last day of the Clauses Stage and the Final Stage shall be at least one week.

Final Stage

- (19) The Member in charge of the Bill shall move “That the Bill do now pass”.
- (20) Amendments may be moved, but shall not be carried unless they have the support of at least six Members”;

that the following text be inserted before Standing Order 5.4 –

- 5.3A The procedure for the appearance of a Member of the House of Keys before the Council shall be in accordance with Section 9 of the Isle of Man Constitution Act 1961, which reads:

(1) Notwithstanding anything which may from time to time be contained in the Standing Orders of the Council or of the Keys —

(a) when a Bill which has been passed by the Keys is before the Council for consideration it shall be competent for a member of the Keys, with the authority of the Speaker and the consent of the President, to appear before the Council upon the whole of such Bill, or upon such part or aspect thereof as may be agreed between the President and the Speaker;

(b) such member of the Keys shall have the right to be heard by the Council at such stage or stages of the debate as may be agreed between the President and the Speaker and at such other stages as the President may authorise;

(c) such member of the Keys may, at any time when he is present in the Council during the debate, be requested by a member of the Council, with the leave of the President, to answer questions or to give explanations relating to the Bill, and such questions or explanations need not be confined to the matters agreed between the President and the Speaker under paragraph (a) of this subsection;

(d) save as aforesaid such member of the Keys shall not intervene in the debate or in any proceedings of the Council, and he shall, at the request of the President, withdraw from the Council at any stage of the debate, but shall not be requested to do so at the stage or any of the stages agreed between the President and the Speaker under paragraph (b) of this subsection unless, in the opinion of the President, he is disregarding the authority of the President.

(2) The member of the Council in charge of the Bill may at any time request the President to approach the Speaker with a view to a member of the Keys appearing before the Council under the provisions of this section;"

that in Standing Order 7.2(1)(ii) the word "special" be left out;

and that the section titled "Annex: The Stages of a Bill" be left out.

Recommendation 2

That the changes to Standing Orders in this resolution shall come into effect on 1st October 2021.

– Mrs Sharpe

Motion carried.

The Council adjourned at 1.02 pm.

JONATHAN KING
Clerk of the Legislative Council
Cleragh y Chooneil Slattyssagh