

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS

Reaghyssyn as daaltyn

DOUGLAS
Tuesday 26th April 2022
at 10.30am

IN THE COUNCIL

PRESENT President of Tynwald, HM Solicitor General, Miss August-Hanson, Mr Craine, Mr Greenhill, Mr Henderson, Mrs Kelsey, Mrs Maska,* Mr Mercer, Mrs Sharpe.

IN THE KEYS

PRESENT Speaker of the House of Keys, Dr Allinson, Mr Ashford, Mrs Barber, Mr Cannan, Mrs Caine, Mr Callister, Mrs Christian, Mrs Corlett, Mr Crookall, Ms Edge, Ms Faragher, Mr Glover, Dr Haywood, Mr Hooper, Mr Johnston, Ms Lord-Brennan, Mrs Maltby, Mr Moorhouse, Mrs Poole-Wilson, Mr Peters, Mr Smith, Mr Thomas, Mr Wannenburgh.

ABSENT WITH LEAVE The Lord Bishop.

The Member marked * participated by audio link for this sitting.

1. Laid before the Court –

Items subject to motion that had had 6 weeks on the Register of Business:

Road Traffic Act 1985

Driving Licence and Tests (Amendment) Regulations [\[SD 2022/0011\]](#) [\[MEMO\]](#)

Customs and Excise Act 1993

Customs and Excise Acts (Application) Amendment Order 2022 [\[SD 2022/0030\]](#)
[\[MEMO\]](#)

Plastic Packaging Tax (Application) (Amendment) Order 2022 [\[SD 2022/0093\]](#)
[\[MEMO\]](#)

Taxation (Cross-Border Trade) Act 2018 (Application) (Amendment) Order 2022
[\[SD 2022/0094\]](#) [\[MEMO\]](#)

Customs (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2021
(Application) Order 2022 [\[SD 2022/0096\]](#) [\[MEMO\]](#)

European Union and Trade Act 2019

Afghanistan Sanctions (Application) Regulations 2022 [\[SD 2022/0033\]](#) [\[MEMO\]](#)

Social Security Act 2000

Social Security Contributions and Benefits Act 1992 (Application) (Amendment)
Order 2022 [\[SD 2022/0043\]](#) [\[MEMO\]](#)

Value Added Tax Act 1996

Value Added Tax Act 1996 (Amendment) Order 2022 [\[SD 2022/0044\]](#) [\[MEMO\]](#)

Hydrocarbon Oil Duties Act 1986

Hydrocarbon Oils Duties Act 1986 (Amendment) Order 2022 [\[SD 2022/0095\]](#)
[\[MEMO\]](#)

Airports and Civil Aviation Act 1987

Civil Aviation (Aircraft Registration and Marking) Order 2022 [\[SD 2022/0073\]](#)
[\[MEMO\]](#)

Civil Aviation (Aerodromes) Order 2022 [\[SD 2022/0074\]](#) [\[MEMO\]](#)

Civil Aviation (Miscellaneous Amendments) Order 2022 [\[SD 2022/0075\]](#) [\[MEMO\]](#)

Financial Provisions and Currency Act 2011

Douglas Promenade Support (No.2) (Amendment) Scheme 2022 [\[SD 2022/0099\]](#)
[\[MEMO\]](#)

Enterprise Development (Amendment) Scheme 2022 [\[SD 2022/0100\]](#) [\[MEMO\]](#)

Items not subject to motion that had had 6 weeks on the Register of Business:

Documents subject to negative resolution

Finance Act 2021

Plastic Packaging Tax (Descriptions of Products) Regulations 2022 [\[SD 2022/0038\]](#)
[\[MEMO\]](#)

Finance Act 2003

Customs (Contravention of a Relevant Rule) (Amendment) Regulations 2022
[\[SD 2022/0047\]](#) [\[MEMO\]](#)

Value Added Tax Act 1996

Value Added Tax (Imported Goods) Relief (Amendment) Order 2022
[\[SD 2022/0092\]](#) [\[MEMO\]](#)

Value Added Tax (Amendment) Regulations 2022 [\[SD 2022/0045\]](#) [\[MEMO\]](#)

Taxation (Cross-border Trade) Act 2018

Customs and Excise (Miscellaneous Amendments) Regulations 2022
[\[SD 2022/0017\]](#) [\[MEMO\]](#)

Taxation (Cross-border Trade) Act 2018 & Finance Act 2003

Free Zones (Customs and Excise) Regulations 2022 [\[SD 2022/0046\]](#) [\[MEMO\]](#)

Customs and Excise Management Act 1986

Customs (Safety and Security Procedures) Regulations 2022 [\[SD 2022/0021\]](#)
[\[MEMO\]](#)

Documents subject to no procedure

Airports and Civil Aviation Act 1987

Civil Aviation (Restriction of Flying) (Russian Aircraft) Regulations 2022
[\[SD 2022/0097\]](#) [\[MEMO\]](#)

Payment of Members' Expenses Act 1989

Payment of Members' Expenses (Specified Bodies) (Amendment) Order 2022
[\[SD 2022/0041\]](#)

Social Security Pensions Act 1975 (an Act of Parliament)

Pensions Increase (Annual Review) Order 2022 [\[SD 2022/0105\]](#)

Reports

Isle of Man Gambling Supervision Commission, Annual Report 2020/2021
[\[GD 2021/0097\]](#)

Culture Vannin, Annual Review 2020/2021 of the Manx Heritage Foundation (trading as Culture Vannin), incorporating the report of the Gaelic Broadcasting Committee
[\[GD 2022/0003\]](#)

Tynwald Commissioner for Administration Report on Case TCA 2006 [\[TCA 2006\]](#)

Communications and Utilities Regulatory Authority, Annual Gas Regulation Report 2021-22 [\[GD 2022/0029\]](#)

The Treasury, 2021 Report for the purposes of Section 65 of the Terrorism and Other Crime (Financial Restrictions) Act 2014 [\[GD 2022/0032\]](#)

Office of Human Resources, Impact on Employee Structures of the Removal of the Personnel Control Mechanism in 2015 [\[GD 2022/0030\]](#)

Department of Home Affairs, Annual Report of the Surveillance Commissioner for 2021 [\[GD 2022/0031\]](#)

Isle of Man Financial Intelligence Unit, Annual Report 2020/21 [\[GD 2021/0033\]](#)

Items not subject to motion that had not had 6 weeks on the Register of Business:

Documents subject to negative resolution

Airports and Civil Aviation Act 1987

Civil Aviation (Restriction of Flying) (Manx Grand Prix) Regulations 2022 [\[SD 2022/0071\]](#) [\[MEMO\]](#)

Civil Aviation (Restriction of Flying) (Tynwald Day) Regulations 2022 [\[SD 2022/0072\]](#) [\[MEMO\]](#)

Civil Aviation (Restriction of Flying) (TT - Red Arrows Display) 2022 [\[SD 2022/0134\]](#) [\[MEMO\]](#)

Civil Aviation (Restriction of Flying) (Isle of Man TT Races) Regulations 2022 [\[SD 2022/0070\]](#) [\[MEMO\]](#)

2. Questions

Questions 1 to 19 were asked and answered orally.

3. The financial situation

Statement made by the Minister for the Treasury.

4. Independent Review into the Government's handling of the Covid-19 pandemic

Motion made –

That Tynwald approves the terms of reference for an independent review into the Isle of Man Government's handling of the coronavirus pandemic; covering the period December 2019, when the first case of Covid-19 was reported in China, to the end of September 2021, the end of the term of office of the 2016-2021 administration, with a report to be published to Tynwald by the last day of December 2023. [\[GD 2022/0033\]](#)

Mr Cannan

Motion carried.

5. Tynwald Policy Decisions Report

Motion made –

That Tynwald (i) notes the Tynwald Policy Decisions Report 2021 [[GD 2021/0088](#)]; and (ii) resolves that progress reports shall continue to be provided annually until Tynwald resolves that they have been implemented or otherwise superseded.

Mr Speaker

Amendment moved –

To leave out part (ii) and to add in its place the words: “(ii) further notes that the Council of Ministers intends to submit the report for approval each year, with a motion detailing those resolutions that have been closed or implemented.”

Mr Cannan

Amendment carried.

Amended motion –

That Tynwald (i) notes the Tynwald Policy Decisions Report 2021 [[GD 2021/0088](#)]; and (ii) further notes that the Council of Ministers intends to submit the report for approval each year, with a motion detailing those resolutions that have been closed or implemented.

Amended motion carried.

6. Bank charges for charities

Motion made –

That Tynwald instructs the Government to bring forward legislation to prohibit banks from imposing charges on charitable or philanthropic organisations.

Mr Glover

Amendment moved –

To delete all words and replace with: That Tynwald recognises the significant role that charities and voluntary organisations play on the Isle of Man and the contribution they make to our community and recognises that Government will continue to work with the banking sector to enable charitable or philanthropic organisations to have ongoing fair access to bank accounts and online services.

Court divided.

In the Keys – Ayes 21, Noes 2

For: Dr Allinson, Mr Ashford, Mrs Barber, Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mr Crookall, Ms Edge, Ms Faragher, Mr Glover, Dr Haywood, Mr Hooper, Mr Johnston, Ms Lord-Brennan, Mrs Maltby, Mr Peters, Mrs Poole-Wilson, Mr Smith, Mr Thomas, Mr Wannenburg.

Against: Mr Moorhouse, Mr Speaker.

In the Council – Ayes 8, Noes 0

For: Miss August-Hanson, Mr Craine, Mr Greenhill, Mr Henderson, Mrs Kelsey, Mrs Maska, Mr Mercer, Mrs Sharpe.

Amendment carried.

Amended motion –

That Tynwald recognises the significant role that charities and voluntary organisations play on the Isle of Man and the contribution they make to our community and recognises that Government will continue to work with the banking sector to enable charitable or philanthropic organisations to have ongoing fair access to bank accounts and online services.

Court divided.

In the Keys – Ayes 22, Noes 1

For: Dr Allinson, Mr Ashford, Mrs Barber, Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mr Crookall, Ms Edge, Ms Faragher, Mr Glover, Dr Haywood, Mr Hooper, Mr Johnston, Ms Lord-Brennan, Mrs Maltby, Mr Moorhouse, Mr Peters, Mrs Poole-Wilson, Mr Smith, Mr Thomas, Mr Wannenburg.

Against: Mr Speaker.

In the Council – Ayes 7, Noes 1

For: Mr Craine, Mr Greenhill, Mr Henderson, Mrs Kelsey, Mrs Maska, Mr Mercer, Mrs Sharpe.

Against: Miss August-Hanson.

Amended motion carried.

7. Resettlement of displaced people

Motion made –

That Tynwald is of the opinion that arrangements should be put in place to enable the Island to take in refugees; that the Council of Ministers should explore how this could be achieved and should submit a report to Tynwald by the last day of July 2022; and that as part of the preparation of that report, evidence should be sought from the Governments of the UK and Ireland as to what it would take to allow the Island to participate in resettlement schemes operated by those nations.

Ms Faragher

Amendment moved –

To leave out all the words after “That Tynwald” and to add in their place the words: “is of the opinion that the Island would benefit from a transparent and updated policy regarding the acceptance of refugees that takes into account lessons learned from the process of accepting those fleeing the current conflict in Ukraine; and that the Council of Ministers should explore how this could be achieved and should submit a report to Tynwald by the last day of July 2023.”

Ms Lord-Brennan

Amendment carried.

Amended motion –

That Tynwald is of the opinion that the Island would benefit from a transparent and updated policy regarding the acceptance of refugees that takes into account lessons learned from the process of accepting those fleeing the current conflict in Ukraine; and that the Council of Ministers should explore how this could be achieved and should submit a report to Tynwald by the last day of July 2023.

Amended motion carried.

8. Built heritage

Motion made –

That Tynwald –

1. Recognises the importance of the Island’s Historic Built Heritage and that its role contributes positively to our UNESCO International Biosphere status;
2. Agrees that in order to protect our Historic Built Environment for future generations and our Biosphere status, Government should take a cross-

Departmental approach, to identify ways of ensuring we give appropriate financial and other support to conserve (preserve and enhance) this aspect of our built environment;

3. Accepts that the since the withdrawal of the Historic Buildings Conservation Scheme, in 2013, the absence of any form of financial support for such properties, has put them increasingly at risk of falling into disuse, disrepair or demolition;
4. Appoints a Select Committee of three Members:-
 - a. to assess options for incentives and penalties to address the challenges facing owners, local and national Government and other stakeholders;
 - b. to assess what policies, schemes and measures exist elsewhere and how these should be adopted by Government; and
 - c. to publish by the last day of December 2022 a report to Tynwald with recommendations.

Mrs Maska

Amendment moved –

To leave out paragraphs 2, 3 and 4 and in their place to add the words:

“2. Agrees that in order to protect our historic built environment for future generations, and acknowledging its role within our Biosphere status, Government should take a cross-departmental approach in its aims to conserve, preserve and enhance this aspect of our built environment;

3. Acknowledges that the Historic Buildings Conservation Scheme provided a level of support to assist owners of historic buildings with repairs to their buildings.

4. Appoints a Select Committee of three Members:-

a. to assess options for incentives and penalties to address the challenges facing owners, local and national Government and other stakeholders;

b. to assess what policies, schemes and measures exist elsewhere and how these could be adopted by Government; and

c. to publish by the last day of December 2022 a report to Tynwald with recommendations.”

Mrs Christian

Amendment carried.

Amended motion –

That Tynwald –

1. Recognises the importance of the Island’s Historic Built Heritage and that its role contributes positively to our UNESCO International Biosphere status;

2. Agrees that in order to protect our historic built environment for future generations, and acknowledging its role within our Biosphere status, Government should take a cross-departmental approach in its aims to conserve, preserve and enhance this aspect of our built environment;
3. Acknowledges that the Historic Buildings Conservation Scheme provided a level of support to assist owners of historic buildings with repairs to their buildings.
4. Appoints a Select Committee of three Members:-
 - a. to assess options for incentives and penalties to address the challenges facing owners, local and national Government and other stakeholders;
 - b. to assess what policies, schemes and measures exist elsewhere and how these could be adopted by Government; and
 - c. to publish by the last day of December 2022 a report to Tynwald with recommendations.

Amended motion carried.

Mrs Caine, Mr Callister, Mr Craine, Mr Henderson, Mrs Maltby, Mrs Maska and Mr Moorhouse were proposed and seconded.

Ballot results

Mrs Maska 31

Mr Henderson 15

Mrs Caine 13

Mr Moorhouse 13

Mr Craine 12

Mr Callister 6

Mrs Maltby 6

Mrs Maska: Dr Allinson, Mr Ashford, Miss August-Hanson, Mrs Barber, Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mrs Corlett, Mr Craine, Mr Crookall, Ms Edge, Ms Faragher, Mr Glover, Mr Greenhill, Dr Haywood, Mr Henderson, Mr Hooper, Mr Johnston, Mrs Kelsey, Ms Lord-Brennan, Mrs Maltby, Mrs Maska, Mr Mercer, Mr Moorhouse, Mr Peters, Mrs Poole-Wilson, Mrs Sharpe, Mr Smith, The Speaker, Mr Wannenburgh

Mr Henderson: Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mr Crookall, Mr Greenhill, Dr Haywood, Mr Henderson, Mr Hooper, Mrs Maska, Mr Moorhouse, Mr Peters, Mrs Sharpe, The Speaker, Mr Wannenburgh

Mrs Caine: Mr Ashford, Miss August-Hanson, Mr Craine, Ms Edge, Mr Greenhill, Dr Haywood, Mr Johnston, Mrs Kelsey, Mrs Maltby, Mr Moorhouse, Mrs Sharpe, Mr Smith, Mr Thomas

Mr Moorhouse: Dr Allinson, Mr Ashford, Mrs Barber, Mr Callister, Mr Cannan, Mrs Corlett, Mr Crookall, Mr Glover, Mr Hooper, Mr Johnston, Ms Lord-Brennan, Mrs Poole-Wilson, The Speaker

Mr Craine: Mrs Caine, Mr Craine, Ms Faragher, Mr Glover, Mr Henderson, Mrs Kelsey, Ms Lord-Brennan, Mrs Maska, Mr Peters, Mrs Poole-Wilson, Mr Smith, Mr Thomas

Mr Callister: Miss August-Hanson, Mrs Barber, Mrs Christian, Mr Mercer, Mr Thomas, Mr Wannenburgh

Mrs Maltby: Dr Allinson, Mrs Corlett, Ms Edge, Ms Faragher, Mrs Maltby, Mr Mercer

Mrs Maska was elected and Mrs Maltby and Mr Callister were not elected.

Ballot results (second ballot)

Mr Henderson 20

Mr Moorhouse 16

Mrs Caine 15

Mr Craine 11

Mr Henderson: Dr Allinson, Miss August-Hanson, Mrs Barber, Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mr Crookall, Mr Greenhill, Dr Haywood, Mr Henderson, Mr Hooper, Mrs Maska, Mr Mercer, Mr Moorhouse, Mr Peters, Mrs Sharpe, The Speaker, Mr Thomas, Mr Wannenburgh

Mr Moorhouse: Dr Allinson, Mr Ashford, Mrs Barber, Mr Callister, Mr Cannan, Mrs Christian, Mrs Corlett, Mr Crookall, Ms Edge, Mr Glover, Mr Hooper, Mr Johnston, Mrs Poole-Wilson, The Speaker, Mr Thomas, Mr Wannenburgh

Mrs Caine: Mr Ashford, Miss August-Hanson, Mrs Corlett, Mr Craine, Ms Edge, Ms Faragher, Mr Greenhill, Dr Haywood, Mr Johnston, Mrs Kelsey, Mrs Maltby, Mr Mercer, Mr Moorhouse, Mrs Sharpe, Mr Smith

Mr Craine: Mrs Caine, Mr Craine, Ms Faragher, Mr Glover, Mr Henderson, Mrs Kelsey, Mrs Maltby, Mrs Maska, Mr Peters, Mrs Poole-Wilson, Mr Smith

Mr Henderson was elected and Mr Craine was not elected.

Ballot results (third ballot)

Mr Moorhouse 18

Mrs Caine 14

Mr Moorhouse: Dr Allinson, Mrs Barber, Mrs Caine, Mr Callister, Mr Cannan, Mrs Christian, Mrs Corlett, Mr Crookall, Mr Glover, Dr Haywood, Mr Henderson,

Mr Hooper, Mr Johnston, Mrs Lord Brennan, Mrs Poole-Wilson, The Speaker, Mr Thomas, Mr Wannenburg

Mrs Caine: Mr Ashford, Miss August-Hanson, Mr Craine, Ms Edge, Ms Faragher, Mr Greenhill, Mrs Kelsey, Mrs Maltby, Mrs Maska, Mr Mercer, Mr Moorhouse, Mr Peters, Mrs Sharpe, Mr Smith

Mr Moorhouse was elected.

9. Road Traffic Act 1985

Motion made –

That the Driving Licence and Tests (Amendment) Regulations [\[SD 2022/0011\]](#) [\[MEMO\]](#) be approved.

Mr Crookall

Motion carried.

10. Customs and Excise Act 1993

Motion made –

That the Customs and Excise Acts (Application) (Amendment) Order 2022 [\[SD 2022/0030\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

11. European Union and Trade Act 2019

Motion made –

That the Afghanistan Sanctions (Application) Regulations 2022 [\[SD 2022/0033\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

12. Social Security Act 2000

Motion made –

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2022 [\[SD 2022/0043\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

13. Value Added Tax Act 1996

Motion made –

That the Value Added Tax Act 1996 (Amendment) Order 2022 [\[SD 2022/0044\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

14. Customs and Excise Act 1993

Motion made –

That the Plastic Packaging Tax (Application) (Amendment) Order 2022 [\[SD 2022/0093\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

15. Customs and Excise Act 1993

Motion made –

That the Taxation (Cross-Border Trade) Act 2018 (Application) (Amendment) Order 2022 [\[SD 2022/0094\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

16. Hydrocarbon Oil Duties Act 1986

Motion made –

That the Hydrocarbon Oils Duties Act 1986 (Amendment) Order 2022 [\[SD 2022/0095\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

17. Customs and Excise Act 1993

Motion made –

That the Customs (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2021 (Application) Order 2022 [\[SD 2022/0096\]](#) [\[MEMO\]](#) be approved.

Mr Ashford

Motion carried.

18. Airports and Civil Aviation Act 1987

Motion made –

That the Civil Aviation (Aircraft Registration and Marking) Order 2022 [\[SD 2022/0073\]](#) [\[MEMO\]](#) be approved.

Dr Allinson

Motion carried.

19. Airports and Civil Aviation Act 1987

Motion made –

That the Civil Aviation (Aerodromes) Order 2022 [\[SD 2022/0074\]](#) [\[MEMO\]](#) be approved.

Dr Allinson

Motion carried.

20. Airports and Civil Aviation Act 1987

Motion made –

That the Civil Aviation (Miscellaneous Amendments) Order 2022 [\[SD 2022/0075\]](#) [\[MEMO\]](#) be approved.

Dr Allinson

Motion carried.

21. Financial Provisions and Currency Act 2011

Motion made –

That the Douglas Promenade Support (No.2) (Amendment) Scheme 2022 [\[SD 2022/0099\]](#) [\[MEMO\]](#) be approved.

Dr Allinson

Motion carried.

22. Financial Provisions and Currency Act 2011

Motion made –

That the Enterprise Development (Amendment) Scheme 2022 [\[SD 2022/0100\]](#) [\[MEMO\]](#) be approved.

Dr Allinson

Motion carried.

The Court adjourned at 7.30pm.

**The Hon Laurence David Skelly
President of Tynwald**