



LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 29th June 2021

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Present:

The President of Tynwald (Hon. S C Rodan OBE)

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Attorney General (Mr J L M Quinn QC),
Miss T M August-Hanson, Mr P A Greenhill, Mr R W Henderson, Mrs K A Lord-Brennan,
Mrs M M Maska, Mr R J Mercer, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mr J D C King, Clerk of the Council.

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Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Moghrey mie, good morning, Hon. Members.

5 **Members:** Moghrey mie, Mr President.

The President: The Lord Bishop will lead us in prayer.

PRAYERS

The Lord Bishop

Order of the Day

1. Housing (Miscellaneous Provisions) (Amendment) Bill 2021 – Third Reading approved with amendments; Bill passed

Mrs Poole-Wilson to move:

That the Housing (Miscellaneous Provisions) (Amendment) Bill 2021 be read for a third time.

10 **The President:** Hon. Members, as we enter the last sitting of the legislative session, our business begins with the Housing (Miscellaneous Provisions) (Amendment) Bill for Third Reading, and I call the Hon. Member of Council, Mrs Poole-Wilson, to move.

Mrs Poole-Wilson: Thank you, Mr President.

15 I would like to thank Hon. Members for their consideration of this Bill so far. As has been previously outlined, the Bill addresses a single aspect of leasehold reform; namely to enable long leaseholders of residential flats to apply collectively to acquire management rights over the block of flats their leasehold property is in.

It is anticipated that this change in legislation will be of benefit to a number of long leaseholders on the Island and the responses to the public consultation were overwhelmingly in support of making the change.

20 As has also been highlighted through the Bill's passage, there is further work to do in the space of leasehold reform and recent reports by the Law Commission in England and Wales offer worthwhile food for thought in informing further reform. Thus, Hon. Members, whilst this Bill does not seek to address other aspects of potential reform, it is, I believe, a welcome start to work needed on this area of law.

25 At this Third Reading stage there are some minor technical amendments that my hon. colleague, Miss August-Hanson, is kindly moving. It should be noted that these do not affect

the substance of the Bill and they have my full support and that of the Hon. Member for Ramsey, Mr Hooper, the promoter of this Private Member's Bill. I hope that Hon. Members will also support these technical amendments to enable the Bill to be improved before it leaves this Branch.

30 I would like to thank my seconder, Mrs Lord-Brennan, for her support, Mrs Maska for her contributions and Miss August-Hanson for moving the amendments today.

With that, Mr President, I beg to move that the Housing (Miscellaneous Provisions) (Amendment) Bill 2021 be read for a third time.

35 **The President:** Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President. I beg to second.

The President: Miss August-Hanson.

40 **Miss August-Hanson:** Thank you, Mr President.

Amendments numbered 1 to 4 relate to clause 8 of the Bill. Clause 8 replaces section 20 of the 2011 Act with a new section 20 that restates the original section 20. In doing so, there are a couple of typographical errors that just needed correcting as well as two incorrect cross-references.

45 Amendments 1 and 2 correct the typographical errors mentioned. Amendments 3 and 4 replace the incorrect cross-references with correct cross-references. Amendment number 5 to clause 10 is to assist with increasing some clarity and understanding which sections of the 2011 Act apply to the management orders and to the new specific management order, which is made in favour of the RTM company.

50 Clause 9 of the Bill inserts new sections 20A to 20G. All of those are concerned with the RTM companies. That is made clear with the cross-heading of the Bill, which is at the start of clause 9. Existing section 21 of the 2011 Act is concerned with the discharge of the management order other than one that has been granted to an RTM company that helps with making all of this clear.

55 Amendment 5 introduces a cross-heading that sits above section 21 of the same Act, the cross-heading being the 'Provision inapplicable to RTM companies'. Section 22 of the 2011 Act applies to 'all management orders,' general and specific. The cross-heading – that amendment then inserts ahead of section 22.

So, Mr President, I beg to move:

Amendments to clause 8

1. Page 7, line 40, after "give" insert «a».
2. Page 7, line 41, for "matters" substitute «matter».
3. Page 8, line 29, for "18(2A)" substitute «18(2)(d)».
4. Page 8, line 33, for "18(2)(d)" substitute «18(2)(e)».

Amendment to clause 10

5. Page 14, lines 18 to 21, for the existing text substitute the following —
«10 Insertion of new cross-headings
The 2011 Act is amended by inserting —
(a) the following cross-heading immediately above section 21 —
"Provision inapplicable to RTM companies"; and
(b) the following cross-heading immediately above section 22 —
"Provision applicable to all management orders".

60 **The President:** Thank you.
Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

65 **The President:** Thank you.
Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President. I have nothing further to add to my initial remarks, other than to thank again Miss August-Hanson for her help today. I beg to move.

70

The President: Thank you.

I therefore first put the question that the amendments do form part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I formally put that the amendments stand part of the Bill. Those in favour, say aye; against, no.
75 The ayes have it. The ayes have it.

I put the question that the Housing (Miscellaneous Provisions) (Amendment) Bill do now pass. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members.

2. Clerk of the Legislative Council – Mrs Joann Corkish appointed

Mr Mercer to move:

That Mrs Joann Corkish be appointed Clerk of the Legislative Council with effect from 13th September 2021, the appointment to continue during pleasure.

The President: Item 2, Mr Mercer to move.

80

Mr Mercer: Thank you, Mr President.

I wish to move that Mrs Joann Corkish be appointed Clerk of the Legislative Council, with effect from 13th September 2021, the appointment to continue during pleasure.

I am pleased to bring this motion on behalf of the Tynwald Management Committee who have unanimously recommended this appointment following interviews, personal profile assessments and submissions from prospective candidates.

Mrs Corkish brings with her a broad set of skills and abilities, which we think will complement those of the new Clerk of Tynwald. She has a strong track record of delivery which we think will stand her in good stead as she steps up to the Deputy Clerk role.

90 I hope Hon. Members can join me in supporting this motion.
Mr President, I beg to move.

The President: Hon. Member, Mr Henderson.

95 **Mr Henderson:** Gura mie eu, Eaghtyrane.

I am absolutely delighted to second this motion. I have known Jo since she started work in the Clerk of Tynwald's Office many years ago and I have watched her work hard and diligently through all those years, coming to know all the Tynwald procedures, Standing Orders, writing of reports and so on; and on many occasions she is actually in earlier than I am myself, Eaghtyrane, which shows her dedication to service. I am sure her family will be very proud of this new position and I am very happy to second.

The President: Mrs Poole-Wilson.

105 **Mrs Poole-Wilson:** Thank you, Mr President.

I just want to say that one of the happiest aspects of joining Tynwald has been to be reconnected with Mrs Corkish, who I happened to go to school with several moons ago! I, too, have been hugely impressed by her service and dedication to work, clerking a number of committees that I have had the privilege to sit upon, so I think this is a very welcome appointment.

110 Thank you, Mr President.

The President: Thank you.
Mr Mercer, do you have anything to add?

115 **Mr Mercer:** Nothing further to add. Thank you, Mr President.

The President: I put the question that Mrs Joann Corkish be appointed Clerk of Legislative Council, with effect from 13th September 2021, the appointment to continue during pleasure. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Standing Orders suspended
to take further business**

120 **The President:** Hon. Members, that was one of the shortest sittings on record – the last sitting of Legislative Council! *(Laughter)*

Mr Henderson: Eaghtyrane.

125 **The President:** Mr Henderson.

Mr Henderson: The business of Legislative Council is not finished yet, sir.

130 I wish to put a proposal to Council that we suspend Standing Orders to such an extent to allow further business to be taken, important business that I feel the Council needs to consider at this moment, and I therefore beg to move, sir.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I beg to second, Mr President.

135

The President: The motion for the suspension of Standing Orders having been put, those in favour, say aye; against, no. The ayes have it. The ayes have it. *(Laughter)*

**Farewell tribute to retiring President of Tynwald,
Hon. S C Rodan OBE**

The President: Mr Henderson.

140 **Mr Henderson:** Gura mie eu, Eaghtyrane, and I thank Hon. Members for their support in this unusual step, but an important one.

145 We have two items of business before us as exceptional matters, Eaghtyrane. One is – and I would like to call on the Clerk to present to Council Members a special document for signature. If Mr King could bring the document round to each Member's desk I would be most grateful, so that we are able to sign that document.

A special card was circulated for signature.

Mr Henderson: While we do that, sir, I wish to formally recognise that this is your last sitting in this Chamber as our Presiding Officer for the Legislative Council and I have a few words to say, Eaghtyrane.

150 I do not intend to repeat Mr Speaker's words in Tynwald just gone, nor their length, but I do intend to say something to recognise this occasion and on behalf of all the Legislative Council so assembled.

155 Eaghtyrane, you have had a remarkable career, hitting many significant milestones on that journey – a journey that has taken you from Glasgow to Edinburgh, then to Elgin, Inverness and thence to Bermuda, and, finally, the Isle of Man, where you have made your home ever since. A Glaswegian, a 'Weegie' at heart; 'Bermoothe', if I can quote Shakespeare, for a while; and finally an honorary Manxman. But we note, Eaghtyrane, where your heart lies, and what better example of that than your love for the Scottish pipes!

160 You came to Tynwald in 1995 as the constituency Keys Member for Garff then became our Loayreyder in 2006 for 10 years and our Tynwald President in 2016 – a great achievement in a 26-year *tour de force* of parliamentary service to this year *Anno Domini* 2021. Accomplishments that were not unnoticed by the Lord of Mann, awarding you the CBE in 2019 in just recognition for outstanding service and dedication to the Isle of Man, which includes a personal commitment to our community, culture and heritage.

165 Eaghtyrane, I am absolutely certain when you were a young Scottish student in the 1970s, politically active in those days, you would have reacted in disbelief and incredulity if someone had mentioned to you that one day you would become the President of a Celtic parliament – a world-famous one at that. For Tynwald is not just a parliament, it is *the* parliament – with over a thousand years of unbroken lineage. A President of our parliament, Tynwald, is a President in the true sense of the word as we are virtually the only legislature in the world with our history, where
170 upper and lower houses come together regularly on a monthly basis and on our national day as a complete political entity as Tynwald for the Presiding Officer to direct and manage. I have no doubt that your original chosen profession in the mysterious and ancient arts of *alchemista*, which you still practice, have something to do with this. (*Laughter*)

175 Eaghtyrane, all your colleagues in Council really do appreciate the huge effort that you have applied to your duties, from your early years as a Keys backbencher to your ministerial and Government duties, that of Loayreyder and your role in Tynwald as President and the Presiding Officer of Legislative Council, and for this service we sincerely thank you. I probably more than most know this, being elected not long after yourself, sir, and having nearly as much dust under my collar.

180 Steve, we just want to thank you genuinely and say how much we have all enjoyed working with you and appreciate all that you have done and achieved, not just personally, but for Tynwald and the Island, holding our ancient institution dear to your heart. Your family, sir, must be justifiably very proud. Noorey vie ort! Good luck to you, sir!

185 Eaghtyrane, we have a small presentation to make to you now, and I will just finish the formal process ... [*signing the card*]. And hopefully we have another (**The President:** Goodness!) – it could be said it is a document, Eaghtyrane, but we have two items to present to you, sir.

The President: My word, this is ... Oh, my goodness!

190 **Mr Henderson:** On behalf of the Legislative Council, I wish to present to you a Tynwald picture, a family tree.

The President: Oh! (*Laughter*) Thank you very much! Thank you very, very much. Thank you, Bill.

195

Mr Henderson: And that is a special presentation card.

The President: That is wonderful.

The items were presented to the President and photographs were taken.

The President: That is wonderful. Goodness me! You have been in the archives here!
200 *(Laughter)*

Well, please, Hon. Members, thank you very much indeed. That is wonderful.

Hon. Members, I really cannot thank you enough. Thank you for your words, which I will always treasure and remember, and thank you, Hon. Members, for a magnificent gift and this very special card. You went to a lot of thought; it is really appreciated. Thank you very much.

205 It is a very strange feeling. Bill dug into the past, my history, a bit, but you are absolutely right, little did I dream, particularly in coming to the Isle of Man, that I would have the pleasure of your company and be a Member of this institution, which must be for any Manx-born person one of the highest aspirations one can have, so one can imagine what it is like for a comeover!

210 There used to be a law when I first came here, I was reminded of, that you were allowed to shoot a Scotsman at sight on the beach! *(Laughter)* Now, Mr Attorney, I do not know if that law was ever repealed!

The Attorney General: It was at one time.

215 **Mrs Poole-Wilson:** It was.

The President: How recently?

220 **Miss August-Hanson:** Very recently, I think! *(Laughter)*

Mrs Maska: In my lifetime!

The Attorney General: Quite recently, I think! *(Laughter)*

225 **Mrs Sharpe:** It was very recently.

The Attorney General: When you took office, sir, we made sure we ...! *(Laughter)*

230 **Mr Mercer:** Wasn't there an error somewhere in the Bill?!

The President: Shot on the beach at dawn, I think it was. Well, I am very relieved to know, although it does not make much difference now politically, that that law has been rescinded!

235 Legislative Council itself has been an absolute joy to be a Member of. It is hard to believe that when I first sat in this chair in 2016, the only Members in this Chamber there at the time was the learned Attorney and Mr Henderson. In the last five years, you have all joined and, my word, you have made a contribution, all of you, to this Island that is second to none!

240 People have had, and will continue to have, mixed views about the value of Legislative Council and what it does, but because it has cleverly evolved, I think its worth has been in no greater way proved than the way you, Hon. Members, have used your role and promoted the value of Legislative Council in the governance of this Island. There is no question about that.

I really am a bit lost for words – which is not typical.

Mr Henderson referred to the art of alchemy or being an apothecary, as it used to be called. Well, the dark arts of politics, if we do not practise them we see them. The art of looking for trouble, finding it everywhere, applying the wrong solution, then finding someone else to blame!

245 *(Laughter)* Now whether you take part in that dark art, I do not know; some certainly do. But the Island is in good hands with Tynwald as an institution and with this vital component of a Legislative Council. It has been an absolute privilege to be a Member and this particular, my final sitting is ...

It has even got the Glasgow coat of arms on the front! *(Laughter)* What research!

250 That has really capped my political career, which has been a long one, quite varied in places, but if one can leave office with this same sense of fulfilment that I have had, if you are able to do that ... because not everyone can or does; it is an uncertain career, politics, and those that go into it are to be highly commended. You have put yourself for elected office, you have an electorate and a record to defend. So to you, whatever the future holds in this place – maybe not in this place – I wish you all the very best and thank you for making this last sitting so memorable. Thank
255 you *very* much. Thank you, Hon. Members. *[Applause]*

I look forward to seeing you at lunchtime!

Hon. Members, Council will now stand adjourned until the next sitting, which will take place in Tynwald Chamber on Tuesday, 20th July. Thank you, Hon. Members.

The Council adjourned at 10.56 a.m.