

TYNWALD Tinvaal



ORDER PAPER Claare Obbyr

DOUGLAS
Tuesday 17th May 2016
at 10.30 am

1. To lay before the Court –

Public Sector Pensions Act 2011

[Tynwald Membership Pension Scheme \(Amendment\) Scheme 2016](#)
[\[SD No 2016/0131\]](#)

[Public Sector Pensions \(Admission\) Regulations 2016](#) [\[SD No 2016/0132\]](#)

European Communities (Isle of Man) Act 1973

[European Union \(Al-Qaida Sanctions\) \(Amendment\) Order 2016](#)
[\[SD No 2016/0137\]](#) [\[MEMO\]](#)

[European Union \(North Korea Sanctions\) \(Amendment\) Order 2016](#)
[\[SD No 2016/0139\]](#) [\[MEMO\]](#)

[European Union \(Central African Republic Sanctions\) \(Amendment\) Order 2016](#) [\[SD No 2016/0153\]](#) [\[MEMO\]](#)

Disability Discrimination Act 2006

[Disability Discrimination \(Services and Premises\) Regulations 2016](#)
[\[SD No 2016/0130\]](#)

Customs and Excise Act 1993

[Customs and Excise Acts \(Application\) \(Amendment\) Order 2016](#)
[\[SD No 2016/0110\]](#) [\[MEMO\]](#)

Customs and Excise Management Act 1986

[Customs and Excise Management Act 1986 \(Mutual Assistance\)](#)
[\(Amendment\) Order 2016](#) [\[SD No 2016/0115\]](#) [\[MEMO\]](#)

Income Tax Act 1970

[Double Taxation Arrangement \(United Kingdom\) \(Amendment\) Order 2016](#) [\[SD No 2016/0121\]](#) [\[MEMO\]](#)

Income Tax Act 1970

[Taxes \(Cayman Islands\) \(Amendment\) Order 2016 \[SD No 2016/0122\]](#)
[\[MEMO\]](#)

Reports

[Second Report of the Standards and Members' Interests Committee for the Session 2015/16 \[PP No 2016/0073\]](#)

[Guidance \(on matters to be taken into account in determining questions relating to the definition of disability\) \[GD No 2016/0022\] \[MEMO\]](#)

The remaining items are not the subject of motions on the Order Paper

Documents subject to negative resolution

European Communities (Isle of Man) Act 1973

[Al-Qaida Sanctions \(Amendment\) Regulations 2016 \[SD No 2016/0138\]](#)
[\[MEMO\]](#)

[European Union \(North Korea Sanctions\) \(Amendment\) Regulations 2016 \[SD No 2016/0140\] \[MEMO\]](#)

[Central African Republic Sanctions \(Amendment\) Regulations 2016 \[SD No 2016/0154\] \[MEMO\]](#)

Documents subject to no procedure

Administration of Estates Act 1990

[Probate \(Amendment\) Rules 2016 \[SD No 2016/0108\] \[MEMO\]](#)

Douglas Bay Tramway Act 1876

[Douglas Bay Tramway Determination of Promoter's Powers Order 2016 \[SD No 2016/0156\]](#)

Customs and Excise Management Act 1986

[Isle of Man Freeport Free Zone Designation Order 2016 \[SD No 2016/0116\]](#)

Value Added Tax 1996

[Value Added Tax \(Increase of Registration Limits\) Order 2016 \[SD No 2016/0162\]](#)

Control of Employment Act 2014

[Control of Employment \(Amendment of Schedule 1\) Regulations 2016 \[SD No 2016/0158\] \[MEMO\]](#)

Appointed Day Order

Consumer Protection (Amendment) Act 2016

[Consumer Protection \(Amendment\) Act 2016 \(Appointed Day\) Order 2016 \[SD No 2016/0151\]](#)

Reports

[Notice by the Registrar of Members' Interests under Rule 6\(1\)\(iv\) \[PP No 2016/0061\]](#)

[Social Affairs Policy Review Committee First Report for the Session 2015/2016 Social Care Procurement \[PP No 2016/0072\]](#)

[Environment and Infrastructure Policy Review Committee Second Report for the Session 2015-2016 - Statutory Procedure for Complaints Against Local Authorities \[PP No 2016/0065\]](#)

[Disability Discrimination Act 2006 - Code of Practice - Rights of Access - Goods, Facilities, Services and Premises \[GD No 2016/0025\] \[MEMO\]](#)

[Isle of Man Film Limited - Directors' Report and consolidated financial statements for the year ended 31 March 2015 \[GD No 2016/0024\]](#)

[Isle of Man Film \(DOI\) Limited – Directors' report and financial statements for the year ended 31 March 2015 \[GD No 2016/0023\]](#)

[Council of Ministers – Response to the Select Committee on Animal Welfare \(Petition for Redress\) 2015-16 \[GD No 2016/0021\]](#)

[Report of the Select Committee on the Registration of Land \(Petition for Redress\) 2015-16 \[PP No 2016/0078\]](#)

[Report of the Select Committee on Planning and Building Control \(Petition for Redress\) 2015-16 \[PP No 2016/0076\]](#)

2. Questions

See Question Paper.

3. Standards and Members' Interests Committee

A Member of the Standards and Members' Interests Committee (Mr Robertshaw) to move –

That the Second Report of the Standards and Members' Interests Committee for the Session 2015/16 [\[PP No 2016/0073\]](#) be received and the following recommendation be approved –

That, under Schedule 1 paragraph 4.3A of the Standing Orders of Tynwald Court, Mr Houghton is required to apologise.

4. Select Committee on Animal Welfare (Petition for Redress)

The Chairman of the Select Committee on Animal Welfare (Petition for Redress) (Mrs Beecroft) to move –

That the Report of the Select Committee on Animal Welfare (Petition for Redress) [PP No 2016/0005 ([1](#)) ([2.1](#)) ([2.2](#))] be received and the following recommendations be approved –

Recommendation 1

That the Department of Environment, Food and Agriculture should establish a forum, comprising representatives with a variety of experience in relation to different types of animal, to assist during the drafting of an Animal Welfare Bill.

Recommendation 2

That the Department of Environment, Food and Agriculture should ensure that any proposed extension of protection of animal welfare applies to all animals.

Recommendation 3

That the forum which is to be established to consult on the draft legislation should be developed into a ‘Manx Welfare Advisory Body’ whose members would provide expertise under the Act, either as trained, empowered inspectors or as advisors to those with such powers.

Recommendation 4

That the Department of Environment, Food and Agriculture shall draft an Animal Welfare Bill, which they should recommend shall be introduced during the 2016/17 legislative year, based around the Current Recommendations outlined in their Detailed Proposals paper, taking account of local issues e.g. feral animals and best practice in other jurisdictions and the Recommendations in this report.

Recommendation 5

That the Department’s legislative proposals should include a requirement for a public Register of Offenders to record those convicted of offences under the Act who are barred from keeping animals.

Recommendation 6

That Tynwald notes with concern that there is no legislation to cover the health of companion animals imported to or exported from the Isle of Man and asks the Department of Environment, Food and Agriculture to refer the matter to the animal welfare advisory body, when formed, to see if a solution can be found.

Recommendation 7

That the Department of Environment, Food and Agriculture should ensure that its proposed animal welfare legislation applies to the welfare of animals during their transport to and from the Isle of Man.

Recommendation 8

That the Department of Environment, Food and Agriculture should ensure that its proposed animal welfare legislation shall include powers to make regulations in respect of conditions or circumstances, which may arise, if it is identified that animal welfare may be compromised.

Recommendation 9

That the Department should progress its proposals for compulsory microchipping of dogs.

Recommendation 10

That a statutory requirement should be introduced for the provision of a 24/7 dog warden service.

Recommendation 11

That the Department of Environment, Food and Agriculture should revise the Cruelty to Animals Act 1997 to ensure that no testing on animals is permitted unless it is for the specific purpose of protecting or improving the welfare of the animals.

Recommendation 12

That the Department of Environment, Food and Agriculture should either amend the Wildlife Act 1990 or produce an explanatory notice for the public, which sets out clearly what is and is not permitted with respect to the use of snares.

[GD No 2016/0021](#) is relevant to this item.

5. Public Sector Pensions Act 2011

The Vice Chairman of the Public Sector Pensions Authority to move –

That the Public Sector Pensions (Admission) Regulations 2016 be approved under section 3(4)(a) of the Public Sector Pensions Act 2011 [[SD No 2016/0132](#)] [[MEMO](#)].

6. Public Sector Pensions Act 2011

The Vice Chairman of the Public Sector Pensions Authority to move –

That the Tynwald Membership Pension Scheme (Amendment) Scheme 2016 be approved [[SD No 2016/0131](#)] [[MEMO](#)].

7. European Communities (Isle of Man) Act 1973

The Minister for Policy and Reform to move –

That the European Union (Al-Qaida Sanctions) (Amendment) Order 2016 [[SD No 2016/0137](#)] [[MEMO](#)] be approved.

8. European Communities (Isle of Man) Act 1973

The Minister for Policy and Reform to move –

That the European Union (North Korea Sanctions) (Amendment) Order 2016 [[SD No 2016/0139](#)] [[MEMO](#)] be approved.

9. European Communities (Isle of Man) Act 1973

The Minister for Policy and Reform to move –

That the European Union (Central African Republic Sanctions) (Amendment) Order 2016 [[SD No 2016/0153](#)] [[MEMO](#)] be approved.

10. Disability Discrimination Act 2006

The Minister for Health and Social Care to move –

That the Disability Discrimination (Services and Premises) Regulations 2016 [[SD No 2016/0130](#)] [[MEMO](#)] be approved.

11. Disability Discrimination Act 2006

The Minister for Health and Social Care to move –

That the Guidance on matters to be taken into account in determining questions relating to the definition of disability [[GD No 2016/0022](#)] [[MEMO](#)] be approved.

12. Customs and Excise Act 1993

A Member of the Treasury (Mr Anderson) to move –

That the Customs and Excise Acts (Application) (Amendment) Order 2016 [[SD No 2016/0110](#)] [[MEMO](#)] be approved.

13. Customs and Excise Management Act 1986

A Member of the Treasury (Mr Anderson) to move –

That the Customs and Excise Management Act 1986 (Mutual Assistance) (Amendment) Order 2016 [[SD No 2016/0115](#)] [[MEMO](#)] be approved.

14. Income Tax Act 1970

The Minister for the Treasury to move –

That the Double Taxation Arrangement (United Kingdom) (Amendment) Order 2016 [[SD No 2016/0121](#)] [[MEMO](#)] be approved.

15. Income Tax Act 1970

The Minister for the Treasury to move –

That the Taxes (Cayman Islands) (Amendment) Order 2016 [[SD No 2016/0122](#)] [[MEMO](#)] be approved.

16. Douglas Promenade (Combined vote under Standing Order 3.19(1))

(Extract from the April 2016 Votes and Proceedings)

Motion made –

That Tynwald is of the opinion that until the long term future of the Douglas Horse Trams is secured, no plans for the Promenade or its walkway should be drawn up which include the horse trams.

Mr Singer

Amendment moved –

To leave out all the words after “That Tynwald” and add the words “views with concern the dangerous state of the Douglas Promenade; and is of the opinion that if the work on the Promenade cannot be started within the next three months, then it should be refurbished without altering its current design; and that the Department for Infrastructure should return with proposals for repair of the sea wall at a later time.”

Mr Karran

Court divided.

Amendment lost.

Court divided.

Motion lost.

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

17. Voting for the Chief Minister

The Hon. Member for Douglas West (Mr Thomas) to move –

That Standing Orders be amended to modify the election procedure for Chief Minister set out in Standing Orders 3.17A and 5.3(5) to (7), (10), (11) and (13) to the extent that in any ballot under Standing Order 3.17A(2)(a), notwithstanding any other provisions in Standing Orders –

- (a) the Keys votes shall be cast first and the results read out before the Council votes are cast and their results read out; and
- (b) the results to be read out at each stage shall include not only the number of votes recorded for each candidate but also for which candidate each Member has voted and whether any Member has cast an invalid vote.

18. Functioning of Public Accounts Committee

The Hon. Member for Onchan (Mr Karran) to move –

That Tynwald views with concern the inability of the Public Accounts Committee to function resulting from conflicts of interest affecting its members; and that after the General Election the Standing Orders Committee should consider and report on:

- (a) making members of Departments and Statutory Boards ineligible for election to the Public Accounts Committee; and
- (b) appointing four lay members of the public to the Public Accounts Committee to ensure transparency and public accountability.