

Our Ref: IK/MC/Misc-2021

11th March 2021

Mr W. Greenhow
Chief Secretary
Cabinet Office
Government Office
Bucks Road
Douglas, IM1 3PN

By Post & By Email: will.greenhow@gov.im

Open Correspondence

Dear Mr Greenhow

RE: Steam Packet Employees - Island Entry Exemption

We have been contacted by a number of persons who have raised serious concerns in relation to the Government's handling of the recent Steam Packet Entry Exemption issue.

It has been suggested that a Direction Notice or Entry Certificate or series of such Direction Notices/Entry Certificates were issued to the Isle of Man Steam Packet Company over the last 11 months providing exemption from entry restrictions into the Isle of Man for Manx crew working on the Island's ferry and fast craft.

We are aware that the Chief Minister, Mr Howard Quayle, asked for the matter to be investigated and was subsequently advised that there should not be any prosecutions. We are also aware that the Chief Minister has recently requested that you appoint a person to carry out a review of this matter.

We would be grateful if you could respond to the following questions:-

- i) Was the Steam Packet Company issued with a Direction Notice/Exemption Certificate with regard to entry restrictions on the Island?
- ii) Have a number of Direction Notices or Entry Certificates subsequently been issued by the Cabinet Office to the Steam Packet Company, reflecting the various legal amendments to the Island's border policy over the last 11 months?

- iii) If so, how many and were they Direction Notices or in fact Exemption Certificates?
- iv) Were the Direction Notices or Entry Certificates issued to the Company rather than to named individuals?
- v) Did all such Direction Notices or Entry Certificates state that Steam Packet Manx crew must at all times self-isolate at premises when not at work, and if so was such self-isolation stated as only being permitted with persons in the travelling party or alone?
- vi) Alternatively, were there any explicit clauses in the legal documentation exempting Manx crew (as distinct from UK crew) from self-isolation requirements?
- vii) Were the Direction Notices or Entry Certificates issued to the Steam Packet on the basis of Manx crew being key workers or on the basis of being returning Island residents?
- viii) Was it the Cabinet Office or the Attorney General's Chambers who was responsible for drafting the relevant Direction Notices or Entry Certificates?
- ix) Who at the Steam Packet Company were the Direction Notices or Entry Certificates sent to?
- x) Given that the Steam Packet is a state owned company with Directors appointed by Tynwald, can you confirm that the Directors were aware, from March 2020, of the self-isolation requirements for Manx crew when off-shift.
- xi) Were any checks made by telephone or in person on Steam Packet Manx crew by the Travel Notification Service or other authorised persons to ensure adherence to the conditions stated in the Direction Notices or Entry Certificates.
- xii) With regard to the initial investigation instigated by the Chief Minister, who carried out such investigation?
- xiii) Did the Chief Minister consult with the Council of Ministers regarding such investigation?
- xiv) Were minutes kept of any such meetings or consultation?
- xv) Direction Notices and Entry Certificates are made under the Public Health Protection (Coronavirus) Regulations 2020. Breach of such Regulations is a criminal offence. Accordingly, were the Isle of Man Constabulary asked to be involved in any investigation into potential criminal offences being committed

by the Steam Packet crew in breach of the Direction Notices or Entry Certificates?

- xvi) Was the Chief Constable or any other Police Officers spoken to in relation to such investigation or if not, why not?
- xvii) Was the Chairman of the Steam Packet Company, Mr Lars Ugland, or any of the Directors of the Steam Packet or its management requested by the Government to carry out an investigation?
- xviii) Is there a written report of the findings in relation to such investigation and if so can you provide us with a copy of such report?
- xix) Was advice sought by you or any Minister from the Attorney General's Chambers in relation to whether to prosecute persons for breach of a Direction Notice or Entry Certificate issued to the Steam Packet Company?
- xx) If such advice was given, what was that advice?
- xxi) If advice was not taken from the Attorney General's Chambers into potential criminal offences, why not?
- xxii) Alternatively, was independent legal advice sought and if so, from whom?
- xxiii) The Chief Minister stated that he had taken advice, "*On whether there is any prosecution that can be made on this and the answer was no*". Who gave such advice to the Chief Minister?
- xxiv) Do you have any concerns as to whether any aspects of the Ministerial Code have been breached by the actions of the Chief Minister in this matter or whether he has acted unconstitutionally or unlawfully?
- xxv) Do you any concerns as to whether the statutory duties and responsibilities of Steam Packet Directors have been fully complied with?
- xxvi) Was the principle of cabinet collective responsibility engaged in this matter?
- xxvii) Who has been appointed to carry out the review of this matter, as requested by the Chief Minister?

The above information is requested on the grounds of legitimate public interest, given the considerable public attention this matter has attracted and given that the current Covid outbreak has been directly attributed by the Director of Public Health to the index Steam Packet employee case from 18th February 2021.

Please note that we reserve the right to formally refer this matter to the Chief Constable ourselves, given that we consider the pertinent issues to be of national importance.

Please may we receive a substantive response from you no later than Thursday 18th March 2021.

Yours sincerely

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