

REPORT OF PROCEEDINGS OF LEGISLATIVE COUNCIL

Douglas, Tuesday, June 3, 1969

Present: The Governor (Sir Peter Stallard, K.C.M.G., C.V.O., M.B.E.), the Lord Bishop (the Right Rev. George Eric Gordon, M.A.), Deemster S. J. Kneale, C.B.E., the Attorney-General (Mr D. D. Lay, T.D.), Sir Ralph Stevenson, G.C.M.G., Messrs J. B. Bolton, J. H. Nicholls, O.B.E., C. C. McFee, with Mr W. B. Kennaugh, Clerk to the Council. (Mr P. Hulme, Assistant Clerk to the Council).

APOLOGIES FOR ABSENCE

The Governor: We have apologies from Mr Nivison, Mr Radcliffe and Mr Corkhill. I don't know whether they are ill or on holiday. I am told that Mr Nivison is on holiday and that Mr Corkhill and Mr Radcliffe are ill.

LOCAL GOVERNMENT AND HOUSING BILL —COMMITTEE TO MEET THE KEYS

The Governor: The first item is a committee to meet the Keys on the Local Government and Housing Bill. If you remember, we re-wrote that and when it went back to the Keys they were given a new print and no explanation of why it was so different, and so they declined to accept the what was more or less a new Bill, and I suggest that, really, a committee of the Attorney-

General and myself might meet them and explain the reasons.

Deemster Kneale: But when we have a conference they meet the whole Council.

The Governor: They don't want to see the whole Council; they want to meet a committee. There is no need for them to see the whole Council.

The Attorney-General: They only want to have a talk.

The Governor: They want to have a talk as to why we have done it. We would have saved ourselves a lot of trouble if we had told them why, and I would suggest that in future whenever we do make big amendments we tell, at least, the sponsor of the Bill.

Deemster Kneale: We had a memorandum explaining the amendments.

The Governor: They were not given the memorandum, you see; they were given a new Bill. Has anybody read the Hansard of the House of Keys? They honestly hadn't any idea why it happened.

Sir Ralph Stevenson: I don't think they definitely disagreed with a view to a conference; they didn't do that.

The Governor: No, they wanted to—

Sir Ralph Stevenson: An explanation.

The Governor: Yes. It was only Mr

Callister who objected. Would you agree to a committee of the Attorney and myself? There is not much point in dragging other people in, Agreed?

It was agreed.

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LOCAL GOVERNMENT BILL
—FIRST READING APPROVED—

The Governor: The Local Government Bill, from the Keys, for first reading. The learned Attorney-General.

The Attorney General: This, Your Excellency, in my submission, is a Bill which has long been needed. At present the drainage connection fees are fixed by order of the Isle of Man Local Government Board and the current rate, shall I say, is £60. If anybody is aggrieved at being called upon to pay £60, his remedy is to go to the High Court, and although the local authority may heartily agree with him that in the special circumstances of the case, £60 is far too large a fee, the local authority cannot agree with the property owner and say, "Right, we will let you off with £20, because of the special circumstances of the case." They simply have to submit to being taken to the High Court—the High Court finding that £20, for the sake of argument, is the appropriate fee in this particular instance—and then the local authority accepts the £20, which it was always perfectly willing to accept, but has to pay the cost of the High Court as well. The intention of this Bill is to give to the Local Government Board the power to provide for the varying, reducing or exempting from the payment of fees as the Board, in what they consider appropriate cases, shall think fit. If the local authority and the property owner come along to the Board and say, "Look, we are agreed that the appropriate fee in this instance is £20, and not £60," and if the Board agrees to that, the Board can say, "Yes, we

agree," and the whole thing can be settled. If, on the other hand, the Board don't agree to it, or if the house owner and the local authority cannot agree on what they believe to be the fair price, the house owner, the property owner, may then apply to the High Court for a determination. It does give a chance for the thing to be settled. There have been a number of these cases in recent years and they are an embarrassment, to say the least of it, and very hard lines on the local authority. Also, sir, the Bill removes the limit on the drainage rate for the Douglas (Braddan and Onchan) Drainage District. At present there is a limit of 2s. 6d., and that, at the request of the Local Government Board is to be taken away by this Bill. I beg to move the first reading.

Deemster Kneale: I beg to second, Your Excellency.

Mr Bolton: I would like to suggest that when we come to the second reading, I would like some information on the matter of the charges for connection. The original arrangement of £60 many, many years ago was that it was really in lieu of the cost to a householder of providing a septic tank. It costs a lot more than £60 these days to provide a septic tank. I just begin to wonder whether or not the charges that are being made are commensurate with the cost to Government or other authorities in putting in sewers, in many cases very expensive sewers, and whether or not some alteration to this matter should not be made. It has been discussed, but there seems to be some reluctance to increase the charge of £60. I quite agree that it is reasonable for the Local Government Board to be able to do these things, particularly in the case of very big estates where the development may be taking place covering quite a lot of houses, but at the same time I think we want to be quite sure that Government is not in fact subsidising this development by providing

sewers and then undercharging the people who make these up.

Mr McFee: Your Excellency, I think it is in the interest of all authorities, and particularly the Local Government Board, that this Bill should go forward. I do believe that it must have been a very difficult Bill to draft and to find a fair conclusion, but it does seek to make the drainage question much more flexible which is a good thing. The responsibility of main sewerage lies with the local authority or the Local Government Board in their particular areas and the Bill, or at least the Statute which the hon. member, Mr Bolton, has quoted is really one concerning special districts, not contained in the 1916 Consolidation Act. It is contained in the Special Drainage Act where special drainages are deliberately created in probably non-economic villages and country areas where the £60 was levied as a fee because they provided the whole drainage, but there is a condition as well that every drainage authority within 100 feet of a dwelling must provide a sewer. Now in all the developments that are taking place today the main developer himself is providing thousands and thousands of pounds worth of main sewerage and at the same time, while he is providing the sewerage, he is asked to pay, at the same time, in lieu, a £60. He is paying twice. I think after a lot of . . . there must have been a lot of thought, I know the Attorney-General must have had a lot of difficulty and whoever helped to draft this Bill, and it is one that is really required, and I am quite happy to support it, sir.

Deemster Kneale: I was just wondering whether there was any urgency, Your Excellency?

Mr McFee: Yes, there is.

Deemster Kneale: It is holding up local authorities in relation to charging connection fees.

The Governor: We will see whether the Council will agree to the first reading.

It was agreed.

The Governor: If we have got time after tea we might take the second reading.

Mr Nicholls: I take it, sir, that this Bill has passed the Keys?

The Governor: Yes, it did—without amendment.

INTERPRETATION BILL —FIRST READING APPROVED

The Governor: The Interpretation Bill, for first reading. The Attorney-General. There were two amendments in the Keys.

The Attorney-General: Your Excellency, this Bill is simply increasing the scope of the existing Interpretation Act, which is now 20 years old. You will see that anything new has been inserted in italics, and every definition that is an existing definition is in ordinary print. I don't think that at this stage there is any point in going into it, sir, in any depth. I completely accept the Keys' deletion of clause 32, and I am not at all sure that I accept, or find acceptable, their amendment to the definition of "coin" in clause 2. I would like to give that consideration. It must be borne in mind, Your Excellency, by everybody that these definitions only prevail if there is nothing in the subject or context inconsistent with that definition, or unless it is expressly provided that, in fact, in the Local Government Bill the word "coin" means something else. I might say that this is a most invaluable Act, and it saves endless clauses in all legislation, and it also gives Your Excellency and other persons power to

remedy difficulties which crop up from time to time. I recommend the Bill to the Council, and I beg to move the first reading.

Deemster Kneale: I beg to second.

The Governor: When we come to the second reading of this perhaps you could tell us where it is likely to be embarrassing — the term “coin legally current in the Republic of Ireland.” I entirely agree with the Keys here.

The Attorney-General: I say, sir, that I am in doubt about this and I think what—

The Governor: Would you tell us why?

The Attorney-General: I will tell you why at this stage, sir.

The Governor: It is not making it legal tender here.

The Attorney-General: No, I know, sir. I was going to consult with the learned First Deemster on this before deciding one way or the other. The point of an Interpretation Act is to save time and to save having to interpret things in other Acts. What I am nervous of, and it is no more than a nervousness at the moment, is that the addition of “coin legally current in the Republic of Ireland” will more often require a Bill which refers to coinage in it, to say “other than coinage of the Republic of Ireland.” I think that the times when we are going to have to except coinage of the Republic of Ireland will be more often than we will have to add, say, coinage or coin including coin of the Republic of Ireland. That is my fear. I don't say that it is necessarily going to be—

The Governor: In three years here we have met the word “coin” once in my

experience, and that is today. I don't think that will happen very often.

The Attorney-General: There is no point, sir, with respect, in putting in a definition which is going, even only in a lifetime, to give me more work on three occasions. There is no point in it. I don't know — as I said, I will have to consider it, sir.

The Governor: Well, perhaps by tea-time you will have done that.

The Lord Bishop: Could I just mention something, Your Excellency?

The Governor: Yes.

The Lord Bishop: I don't think there is such a body as the Ecclesiastical Commissioners now — on page 4. It is the Church Commissioners who have taken the place of the Ecclesiastical Commissioners.

Mr McFee: References in statutes, maybe?

The Lord Bishop: It says “for the time being.” There is no such body as the Ecclesiastical Commissioners, they have joined on the Queen Anne's bounty and become the Church Commissioners. I think you can check this with the Vicar-General, but I am sure you will find this is so.

The Attorney-General: The easiest thing to do in that case is to delete the definition of the Ecclesiastical Commissioners.

The Lord Bishop: You would still want Church Commissioners. They have absorbed and succeeded them.

Mr Nicholls: Couldn't an alternative be the Ecclesiastical or the Church—

The Governor: We can do that by amendment.

Deemster Kneale: It is not a matter that you could deal with off the cuff, sir.

The Governor: No — it could be done at the committee stage.

The Attorney-General: I would like to consult the Vicar-General on this, sir. I accept without doubt what the Lord Bishop says.

The Governor: Are there any other comments? Is it agreed that we give it a first reading?

It was agreed.

BETTING BILL CONSIDERATION OF CLAUSES

The Governor: Item 3 — the Betting Bill. We were in the First Schedule, I think.

The Attorney-General: We were, sir.

The Governor: We resume at paragraph 20 of the First Schedule, and then continue the Bill from clause 3.

The Attorney-General: Your Excellency, at the last sitting of the Council we had, as you said, reached paragraph 20 of the First Schedule, where the learned First Deemster had moved an amendment and that amendment, quite obviously, ran itself astray in sub-paragraph (5) of it. So I have produced a new amendment sheet, which I trust all members have before them. The one which is current is the one with a note at the top. It replaces the former one. Paragraphs (1), (2), (3) and (4) are precisely the same as we have already agreed and considered, and paragraphs (5), (6) and (7), which you see on top of page 3 of the amendment sheet — first of all paragraph (5) states what the court may do on hearing an appeal.

Paragraph (6) is that the justice shall not act in the hearing and determination of an appeal from any decisions in which he took part. Members of the Isle of Man Gaming Board of Control are, of course, some of them, justices of the peace, and if he is a justice of the peace he may not sit on a court of summary jurisdiction appealing from his own decision. Then, for the purpose of paragraphs 29 and 30 of this schedule, the grant or renewal of a permit or licence by a court shall be treated as if it were a grant or renewal by the Board. I think we might leave that point aside until we reach paragraphs 29 and 30. We could say paragraph 29 provides for the personal representative of the deceased bookmaker to carry on his business until such time as the renewal of his permit or licence is necessary, and paragraph 30 requires the Board to keep a register of permits and licences. I beg to move that paragraph 20 stand part of the first schedule.

The Governor: As amended.

The Attorney-General: Yes, as amended, sir.

The Governor: Is that agreed?

It was agreed.

The Governor: Paragraph 21.

The Attorney-General: Paragraph 21, sir, requires the holder of a bookmaker's permit, where the holder is a limited company, to notify the Board, the Chief Constable and the Collector of Customs of any change in the directors of the company. It is merely so that they can keep tabs on them.

The Governor: Is that agreed?

It was agreed.

The Governor: Paragraph 22.

The Attorney-General: Twenty-two, sir, makes provision for the cancellation of a bookmaker's permit by the Board on the application of any person, being, of course, a person who produces evidence that the bookmaker in question is not a proper person to hold a permit. In the first instance, one member of the Board considers the application. If he considers it to be frivolous he dismisses it; but if he thinks it is not and it is a genuine one, he refers it to the whole Board.

Mr McFee: One person? How many are there on the Board?

The Attorney-General: Five.

Mr McFee: It is dangerous to have one.

The Attorney-General: The hon. member, I think, sir, will appreciate that it is the kind of thing where all kinds of people will be complaining about things because they say that they have produced a most complicated bet which the bookmaker has failed to honour and, in fact, there are no grounds for it at all. Anybody can see that it is frivolous. I believe there was one the other day which, in fact, reached the appropriate tribunal, whatever it is, in the United Kingdom — a man complaining about a bookmaker because he refused to accept bets from this particular man. He had won too much, and the bookmaker just couldn't afford to go on accepting bets from him. So he went and complained to the equivalent of the Gaming Board.

Mr McFee: I will rely on legal advice here, sir. It is a technical point.

The Attorney-General: It is the same in the United Kingdom.

Mr McFee: I think one out of five is not a very strong quorum.

Mr Nicholls: Could I say, sir, that

from experience, the Gaming Board have, in the past had an awful lot of very small points referred to them which you couldn't justify calling a meeting to be set up, and the practice has been for a sub-committee of two members to deal with these matters, which are usually pretty urgent.

The Governor: Agreed?

It was agreed.

The Governor: Twenty-three. There is an amendment here.

The Attorney-General: There are two amendments, which the learned First Deemster has here. Paragraph 23 sets out the procedure to be followed by the Board under such a reference as aforesaid, and paragraph 24 provides that a bookmaker whose permit is forfeited and cancelled by virtue of such an application may appeal to a court of summary jurisdiction. I beg to move, sir.

Deemster Kneale: The words "or the collector" are to be inserted, Your Excellency, on page 22, after the words "Chief Constable," and the additional words to be added in 23 (4) (a), "and for this purpose the Board shall have regard to any failure of the holder of the permit to pay any amount due from him by way of general betting duty or". It is simply an improvement on the clause as drafted.

The Attorney-General: Yes, sir, the Customs and Excise wanted that point.

The Governor: Twenty-four (2). You are taking these two clauses together?

Deemster Kneale: You are taking 24 (2). Then in 24 (3) there is a new paragraph put in, sir.

Sir Ralph Stevenson: Is that new paragraph quite grammatical? "Paragraph 20 shall apply . . . as they apply,

for purposes of an appeal." Should it not read "it applies"?

The Governor: For the purposes — it is presumably the purposes apply.

Deemster Kneale: The new paragraph, paragraph 20, shall apply.

The Attorney-General: Well, it goes on to say "as they apply."

Sir Ralph Stevenson: "As they apply for the purposes of an appeal against." It should be "it applies".

The Attorney-General: Yes. I am obliged to the hon. member.

The Governor: Are those two clauses agreed as amended?

It was agreed.

The Governor: Twenty-five.

The Attorney-General: I would like to take, sir, paragraphs 25 to 29. Paragraphs 25 to 29 inclusive relate to the duration of a bookmaker's permit or a betting office licence which is normally to the 31st day of May following, not less than three nor more than 15 months after the date of the grant, with a special provision that in the case of a first grant under this Act for not less than three nor more than 15 months there shall be substituted "not less than six nor more than 18 months". Now that seems extremely complicated. It is to avoid . . . the 31st May is your sort of date, but it is to avoid a bookmaker's licence being granted on the 1st April and expiring on the following 31st May. He is to get at least three months under his first licence, but he is not to get more than 15 months, except in the case of a grant of a new one, when a new bookmaker is to get at least six months but not more than 18 months. He gets the appropriate 31st May. Paragraph 29, sir, provides that a personal representative, as I have mentioned already, can carry on his business.

The Governor: Is that agreed?

It was agreed.

The Governor: Paragraph 30.

The Attorney-General: We have already dealt with that, sir. I will just formally move it. It requires the Board to keep a register.

The Governor: Agreed?

It was agreed.

The Governor: Thirty-one.

The Attorney-General: That is just the ordinary service of documents provision, sir. I beg to move.

The Governor: Agreed?

It was agreed.

The Governor: Now we go back to clause 3 on page 2.

The Attorney-General: Clause 3 — oh, I should at this stage, sir, move that the first schedule stand part of the Bill.

It was agreed.

The Attorney-General: Clause 3, sir, provides that a licensed betting office shall be managed in accordance with the rules set out in schedule 2, with a penalty of £100 for contravention. By subsection (2) a betting office licensee may expel drunks and other undesirables and by subsection (3) a constable is empowered to assist him in this. Subsection (4) empowers constables under a penalty of £10 to enter and inspect licensed premises and subsection (5) prohibits the advertising of betting offices otherwise than in accordance with such regulations as may be prescribed. I beg to move, sir, that clause 3 stand part of the Bill and I would suggest we could move on to schedule 2.

Mr McFee: I am against the Bill, but if the Bill becomes law, then it should

be properly controlled and as such I will support the controlling clause.

The Attorney-General: Anything nasty to the bookmaker you would support. (Laughter.)

The Governor: The second schedule is on page 24.

The Attorney-General: The second schedule provides that betting offices shall be closed on Good Friday, Christmas Day and on every Sunday and also on all weekdays except between such hours as the Governor with the approval of Tynwald may by order determine. Despite what I said on the first reading, I am advised that it would be better if Council were to leave the determination of the hours of opening on weekdays to a resolution of Tynwald. I think, quite frankly, it is rather a weak-kneed way of doing it, but I am told that it is the only way. Paragraph 2 of the second schedule, sir, prohibits persons under the age of 18 to be on the premises of betting offices. Paragraph 3 relates to the display of betting office licences and any prescribed notices. Four prohibits the encouragement of persons to bet; five prohibits loitering; six prohibits television or radio on the premises, and seven prohibits all persons except the licensee and his servants from having access to other premises. The point of that is that you have a perfectly good betting office to which the public are admitted but there is a neat little passage through into the back where privileged punters can pass through and have such awful crimes as television and all these things that are prohibited and notices encouraging them to bet—this is to stop that. They can only go into the public place.

Mr McFee: You know all these little alleys. (Laughter.)

The Attorney-General: I have never been in a betting shop in my life. I beg

to move, sir, that the second schedule stand part of the Bill.

Mr Bolton: Could I ask one question, sir? Is it quite clear that the words in paragraph 1, "except between such hours as the Governor may," etc., etc., apply only to the word "weekdays"? Is that clear?

The Attorney-General: I think so.

Mr Bolton: Good Friday, Christmas Day, every Sunday and on weekdays—

Sir Ralph Stevenson: I think that is quite clear.

The Governor: I will give an undertaking that so long as I am occupying this chair I will refuse to sign the order for Sundays and Good Fridays and Christmas Day.

Mr McFee: You have had it, John.

The Governor: Agreed?

Sir Ralph Stevenson: This schedule does not affect the power of a bookmaker to refuse bets. He can do that at any time for no reason.

The Attorney-General: For no reason at all, bearing in mind that he might have a complaint against him.

It was agreed.

The Attorney-General: Clause 4, in view of the fact that the Bill authorises cash betting, this clause increases the penalty for street corner betting to £100 for the first offence; £200 for a second offence and for a third offence £200 and or imprisonment for three months. The existing penalties are respectively £10, £20 and £50, and in the latter case six months' imprisonment and £30. This provision is not to come into operation until six months after licensed betting offices are permissible. That is a provision, sir, taken from the United Kingdom legislation and I can only assume that its intent is to allow sufficient time

for an appropriate number of betting shops to become established. Until then if Mr McFee wants to lay a bet on a street corner he will only risk a £10 penalty.

Mr McFee: Would it allow me to bet by proxy — send somebody else?

The Attorney-General: Oh, I don't know.

Mr McFee: I could send the wife. (Laughter.)

The Attorney-General: I beg to move, Your Excellency, that clause 4 stands part of the Bill.

The Governor: Is that agreed?

It was agreed.

The Governor: Clause 5.

The Attorney-General: Clause 5, sir, prohibits betting with young persons and the employment of young persons in betting transactions. The penalties for that are, sir, contained in clause 8. I beg to move clause 5 stand part of the Bill.

The Governor: He is under the age of 18 years or who is apparently under the said age, it can't be an offence to do this with a person who looks 17 but is actually 15.

The Attorney-General: The point, sir, is that that you cannot put up as a defence: "I am staggered to find that this boy is only 15 years of age, I believed him to be 18." If he is apparently under the age of 18, then you have no excuse. If, in fact he is 23, no matter what he looks like, he would never be prosecuted, but that is the reason for this.

Mr McFee: Is that not the same with the liquor law?

The Attorney-General: No, the liquor doesn't have that, you see. It is no defence to say that they look 18.

The Governor: He wouldn't be prosecuted, but on the other hand you are making it an offence to have a betting transaction with somebody of 23 who looks as if he is 17.

The Attorney-General: Exactly, sir. If a boy appears to be about 16 years of age, he comes before the court, and if there isn't a birth certificate available — well perhaps the boy doesn't come before the court, if he is not available either having run away, but there is ample evidence as to who he is, if he is apparently under the age of 18 then the court will convict.

Mr Nicholls: The learned Attorney-General, sir, has referred to boys. I think the bookmaker would find it very much more difficult to decide on the age of girls.

The Governor: You might first of all have to decide whether it is a boy or a girl. (Laughter.)

The Attorney-General: If it is actually proved that a person apparently under the age of 18 is in fact 18 years old, it is a perfect defence. I beg to move clause 5 stand part of the Bill.

The Governor: Agreed?

It was agreed.

The Governor: 6.

The Attorney-General: Six, sir, makes provision for the cancellation and disqualification of a bookmaker's permit, the provisions for which are all set out in subsection (1). I beg to move, Your Excellency, that clause 6 stand part of the Bill.

The Governor: Agreed?

It was agreed.

The Governor: Seven.

The Attorney-General: Clause 7 prohibits the employment by a bookmaker

of a person known by him to be disqualified for holding a bookmaker's permit, and by subsection (2) penalises the holder of a permit for not producing it to a constable when required. In other words you could envisage the position where in the Isle of Man every bookmaker was disqualified except one and he was just employing by some arrangement, employing all these disqualified bookmakers as a sort of front man. It is to stop that. I beg to move, sir, that clause 7 stand part of the Bill.

The Governor: Agreed ?

It was agreed.

The Governor: Clause 8.

The Attorney-General: Clause 8, sir, sets out the penalties for a person convicted of an offence under the Act with the usual provision as to bodies corporate. I beg to move clause 8 stand part of the Bill, sir.

It was agreed.

The Attorney-General: Clause 9, Your Excellency, creates the general betting duty which is to be 5 per cent. of the amount staked or as Tynwald may from time to time determine. There are various provisions relating to the chances on which duty is to be paid and the provisions of schedule 8 contain the supplementary rules relating to the duty. His Honour, Your Excellency, has a couple of amendments to this clause.

Deemster Kneale: On page 9, the heading "Duties relating to betting and gaming. Strike out the words "and gaming" and in—

The Governor: Where are we ?

Sir Ralph Stevenson: Page 7.

The Governor: Yes, but which page of these amendments ?

The Attorney-General: No. 3. sir. I am

sorry, it is No. 2, sir, of these amendments.

The Governor: You want betting only.

Deemster Kneale: Yes, and the side-note should be 1966 for 1963.

The Governor: That was a printer's error, was it ?

The Attorney-General: It was not really that, sir, but what happens is it is the effluxion of time. The Bill has been charging about for so long in different forms.

Mr McFee: You will have to alter it again by the looks of it.

The Governor: Is that agreed ?

It was agreed.

The Governor: Clause 10.

The Attorney-General: Could we go to schedule 3, sir ?

The Governor: No, surely schedule 3 is as the result of clause 10, not 9. If you look at the supplemental provisions set out in the third schedule in this Act it is paragraph 5 of clause 10.

The Attorney-General: Very well, Your Excellency.

The Governor: We should take clause 10 first.

The Attorney-General: There are several amendments to clause 10, sir.

Deemster Kneale: You could specify them.

The Attorney-General: All right. By subsection (1) where a person collects stakes for a bet for transmission to the person liable to pay the duty on that bet, but does not in fact so transmit the stakes, the bet is deemed to have been made, but the duty paid by the person who should have transmitted the stake.

If in, shall I say, a betting office an employee is given money to lay a bet to transmit it to his employer and he doesn't in fact do so, and he embezzles it, the bet is deemed to be made for the purposes of the duty, but the duty is paid by the embezzling clerk and not by the bookmaker's victim. Subsection (2) applies—

Sir Ralph Stevenson: There are two amendments in subsection (1), aren't there?

The Attorney-General: Yes, we will deal with that in a minute. Subsection (2) applies to section 4 of the 1961 Act, that is the pool duty, to the general betting duty. Section 4 of the 1961 Act is designed to prohibit certain activities which could evade the payment of the duty. There are four amendments to clause 10, Your Excellency. The first one is an error of some sort. "Stakes" on line 20 should be in the singular.

The Governor: So "are" should be "is."

The Attorney-General: Yes.

The Governor: And again 1963 needs to be altered to 1966.

The Attorney-General: In the side-note, yes. In subsection (2) after the words "general betting."

The Governor: Wait a minute, line 24, there is another "are" that should be "is."

The Attorney-General: It should be "it" as well.

The Lord Bishop: What does the phrase "holds himself out" mean?

Deemster Kneale: It is a legal phrase and means representing himself to be something which he is not.

The Lord Bishop: I see, it is a technical term.

The Attorney-General: In subsection (2) line 32 the word "duty" has been omitted and should be inserted after the words "general betting." For clause 3, or rather paragraph (a) of subsection (3), you want to substitute this new paragraph. It looks an enormous amendment. In fact it is purely a matter of paragraphing. If you will look, sir, at the print in (ii) after it comes to "or coupon betting . . . or pool betting or coupon betting" in line 10, all the rest of that sub-paragraph (ii) should come out towards the margin to apply both to (i) and to (ii), and that is how it is set out, Your Excellency, as you will see in the amendment.

Mr Bolton: I am sorry, sir, but could I go back again to the first paragraph. I am sure we are wrong in altering this "are" to "is." I think there is no doubt that "stake" should be in the singular, but the word "particulars" comes first, "where particulars of an intended bet on which the general duty . . ." and so-and-so "will be, and the stake contract bet . . .". Now if we alter that to "is" where do we get "where particulars of an intended bet," it gets lost in the words somewhere or other; it does not make sense.

The Governor: The whole thing seems pretty nonsensical when you read it.

Sir Ralph Stevenson: But particulars are not collective for transmission, anyhow.

Mr Bolton: But the "where particulars," the first line—

Sir Ralph Stevenson: Yes, I know, but I don't think that alters the fact that "stake" is collective.

Mr Bolton: I agree. It doesn't.

The Governor: Where is the verb of "where particulars"?

Mr Bolton: It is not there, sir.

The Governor: It does not have any.

Mr McFee: It has got lost!

The Attorney-General: Could we leave that over, sir?

The Governor: Let's have a quick look now and try and make sense of it.

Deemster Kneale: What we want to get is the English Act, sir.

The Governor: This was re-printed, was it?

The Attorney-General: Yes, sir.

The Governor: If we could get the typescript that we had in Executive Council.

Mr Bolton: Something after the word "chargeable" on line 20 seems to have been omitted. I think that is where it is lost.

The Governor: All right, well we will carry on with—

The Attorney-General: I might say, sir, I don't know whether we will get all the assistance we would like from the actual English enactment.

The Governor: Well we will start on this other amendment now.

The Attorney-General: Very well, sir. Well, sir, I beg that that is acceptable. It is purely a question of paragraphing.

The Governor: Agreed?

It was agreed.

The Governor: Now we turn to the third schedule. Yes, the third schedule refers to paragraph 10.

The Attorney-General: Yes, now, the third schedule, sir—

The Governor: And there is an amendment.

The Attorney-General: Paragraph 1 provides that "the duties shall be under the care and management of the Commissioners and shall be paid and accounted for as the Governor may direct by regulations. By virtue of paragraph 16 all regulations under the schedule are subject to the approval of Tynwald." I might say that that paragraph is somewhat conditioned by the new clause 11 which was inserted elsewhere. However, we can deal with that when we come to it, and I don't think they conflict, in fact I am satisfied they don't.

Sir Ralph Stevenson: The betting duty is not under the care and management of the Board?

The Attorney-General: No, sir. Now then, you will see that in paragraph 1 (2) (a) on page 26, for the word "stamp" substitute the word "stamps" in the plural.

The Governor: On the other hand it could be argued that by means of stamp or otherwise?

The Attorney-General: No, sir, Your Excellency, it is the title of the Act in paragraph 2.

The Governor: Yes, I know, but reading the previous line it could well be argued that these have got transposed.

The Attorney-General: Not at all, Your Excellency, with the greatest respect.

The Governor: I can pay by a 10s. stamp, and it is the singular.

The Attorney-General: Yes, sir, but there is a capital "S" to—

The Governor: I am not arguing that one, I am arguing the previous one that would be singular.

The Attorney-General: By means of stamps or otherwise.

The Governor: Yes, it could be by means of stamp or—

The Attorney-General: Yes, I know, sir, but that is the very purpose of the Interpretation Act, instead of having to put a stamp or stamps, the Interpretation Act covers the point that words in the singular includes the plural and vice versa, save where the context otherwise requires.

Mr McFee: They will be able to lick the stamp better? (Laughter.)

The Governor: Two (1).

The Attorney-General: Yes, sir, we are in paragraph 2 (1). That applies with modifications, sir, paragraphs 2 and 3 of the schedule to the Pool Betting (Isle of Man) Act, 1961, as if references to those paragraphs—references in those paragraphs to the Pool Betting Duty—included references to the General Betting Duty, instead of reproducing them here, sir. The paragraphs referred to “require a bookmaker to notify the Commissioners before he begins to carry on his business and also to keep and retain adequate books and records and to permit their inspection”; and there is a reference, sir, there is—I beg your pardon—an amendment to that in paragraph 2 (1) for the figure “6” there should be substituted the figure “5.” Now, sir, paragraph 3, sir, “enables an officer of Customs and Excise who suspects that a person other than a licensed bookmaker is carrying on bookmaking and has become liable to pay duty to enter his premises and inspect the books and records, etc., with a view to obtaining evidence.” Paragraph 4 “enables the Commissioners to estimate the amount of duty due in a case where the bookmaker has not kept or produced proper records.” Paragraph 5 “enables the Governor to make regulations to assist the Commissioners in the enforcement of their duty.”

The Governor: Will these have to go to Tynwald?

The Attorney-General: Yes, sir. Paragraph 6 applies section 14 of the 1961 Act, that is the Pool Betting (Isle of Man) Act, and paragraphs 4 and 5 of the schedule to that Act, to the general betting duty. Section 14 of that Act is the usual provision relating to offences by a corporation, and paragraphs 4 and 5 relate to penalties for failing to pay pool betting duty, obstructing officers, etc. Paragraph 7 “enables a court before whom a person is convicted of an offence under paragraph 4 to order the forfeiture or cancellation of the betting office licence that will be effective for at least 12 months”; and paragraph 8—there are two amendments, Your Excellency.

The Governor: Where is this about it being “effective for at least 12 months”?

The Attorney-General: Paragraph 7. It is in sub-paragraph (3), sir, starting at four lines from the bottom of sub-paragraph (3). “The Board shall refuse any application by that person for the grant of a new betting licence, new betting office licence in respect of those or any other premises made less than 12 months after the forfeiture and cancellation.”

The Governor: So it is not like a driving licence that can be taken away for—

The Attorney-General: No, sir. For at least 12 months before he can apply, and at the expiration of 12 months he can apply and the Board will consider it. Paragraph 8, sir, there is an amendment here, two amendments in fact, and this empowers a justice to issue search warrants in respect of any premises where there is reasonable cause to suspect that an offence in connection with the general betting duty is being carried on. And in sub-para-

graph (a) on page 30, after the word "instrument," the comma and the words "gaming machine" should be struck out, it has nothing to do with gaming machines; and in paragraph 8 (b) after the word "bookmaking," the words "or as the case may be" to the end of the sub-paragraph, should be deleted.

The Governor: All those words?

The Attorney-General: Yes, from "or as the case may be" — there should be a full stop after "bookmaking."

The Lord Bishop: Just why is that?

The Attorney-General: Because this relates solely to bookmaking and that provision there, "or as the case may be, concerned in the organisation or management of gaming," this Bill has, in fact, nothing to do with gaming. They are words that have escaped, as it were.

The Lord Bishop: They would not be allowed to have—

The Attorney-General: Fruit machines! No.

The Lord Bishop: One-armed bandits?

The Attorney-General: No. It is nothing to do with it.

The Lord Bishop: I see.

The Attorney-General: Paragraph 9 provides "for the recovery of unpaid betting duty lawfully due in the same manner as a High Court execution could be enforced" with safeguards in case the amount has been innocently over-estimated. Paragraph 10 makes any amount due for the general betting duty a preferential payment—like income tax. Paragraph 11 to which there are two amendments saves Customs officers acting in pursuance of proper in-

structions from prosecution if, to enforce the provisions of the Act they have to commit what would otherwise amount to an offence against the Act. There are two amendments to that, sir, it is the same, exactly the same thing, after the words "relating to betting" insert a comma and delete the words "or gaming."

Sir Ralph Stevenson: Is that in 11?

The Attorney-General: Eleven, page 31.

Sir Ralph Stevenson: Could we have "betting" spelt in the right way in the third line?

The Attorney-General: Oh, yes, I have it underlined here. That is a misprint that needs correcting.

Sir Ralph Stevenson: "Beting."

The Attorney-General: Yes, on the third line.

Mr McFee: Very significant! (Laughter.)

Sir Ralph Stevenson: And insert the reference "Finance Act"?

The Attorney-General: Yes. This is only, of course, a very unimportant little thing, but the whole of this schedule is taken from the Finance Act, 1966, schedule III, until you come to paragraph 11 where we want to insert "Finance Act, 1968, schedule 5 (I.P.)". It is hardly a matter for the Council to have to do, but it is just to make sure that it is done.

Deemster Kneale: It is important. For anyone dealing with the Act it is invaluable.

The Attorney-General: It is.

The Governor: Right, now 12.

The Attorney-General: I am sorry, sir, I beg your pardon—12 requires a bookmaker to keep records of bets re-

ceived by any person acting as his agent; 13 requires that books and records shall be kept in such form as the commissioners may direct; 14 empowers an officer to stay on the premises while they are being used, or are likely to be used, for the conduct of betting operations, and 15 applies the provisions of section 14—that is offence by corporations—and 4 and 5 of the schedule to the 1961 Act, to contravention of paragraphs 12 to 14 of this schedule, and paragraph 16 is the one that says “any regulations made by the Governor under this schedule would have to go to Tynwald”. I beg to move, sir, that schedule III stand part of the Bill.

The Governor: Is that agreed?

It was agreed.

The Governor: Now back to 11.

Deemster Kneale: Would you like to make that 10 now, sir.

The Governor: Oh, 10, yes.

Deemster Kneale: I compared it, and subsection (1) is word for word the English Act.

The Governor: Well, will you tell us what it means.

Deemster Kneale: Where the “particulars” and “the stake” are collected.

The Governor: Oh, well, yes, where “the particulars” and “the stake” are collected.

Mr McFee: Yes, I think it is plural myself.

The Governor: Yes. Then transmitting “them” and “are”—“them” and “are” stay. That’s it—“the particulars and the stakes”.

The Attorney-General: It is just that “stake” is made singular and the rest is all right.

Deemster Kneale: It is as printed.

The Governor: Is that agreed?

It was agreed.

The Governor: We have done 10—now new clause 11.

The Attorney-General: This is, of course, a clause inserted in another place.

Mr Bolton: We were quite right there, sir, all these singulars go back to plurals.

The Attorney-General: You only have a stake.

Deemster Kneale: You only have one stake, not two.

The Governor: New clause 11.

The Attorney-General: First of all, sir, it needs a sidenote which I suggest should read “Provisions as to revenue arising under Act”.

Deemster Kneale: I was going to make it much shorter for you. I was going to say “Application of revenues”.

The Attorney-General: More simple!

The Governor: Application of revenues. This is a sidenote to a new clause 11 which was put in by the Keys. Some people have not got that so that you had better read it out.

The Attorney-General: The whole of clause 11?

The Governor: Yes. It is all right, we have it now.

The Attorney-General: Now clause 11, sir, there is a new sidenote, or a sidenote, and it is “The revenue—

Sir Ralph Stevenson: What is the sidenote?

Deemster Kneale: Application of revenues.

Sir Ralph Stevenson: Application of revenue.

The Attorney-General: Yes, of revenues. This clause, sir, provides: "The revenue shall be paid to the Treasurer who shall himself pay it into the general revenue." Sub-section (2) deals with the expenses of the Board and the Commissioners which are to be defrayed by the Treasurer out of moneys provided by Tynwald, and subsection (3) empowers Tynwald each year to appropriate out of the general revenue such sums as may be necessary to enable the Tourist Board to carry out the duties imposed on that Board by the Fourth Schedule.

The Governor: We now go to the fourth schedule.

The Attorney-General: Now the fourth schedule, sir, substitutes certain duties of the Board—

Mr Nicholls: Which Board in this case, sir?

The Attorney-General: Tourist Board.

The Lord Bishop: What has the Tourist Board got to do with all this?

The Attorney-General: Precious little.

The Lord Bishop: Well, why is it in?

The Governor: Because somebody in another place moved that all the revenue coming from this should be paid into a special fund called "The Island Sports Fund".

The Attorney-General: Exactly, and that was not accepted and this was produced as a substitute. I do not like the way it has been done at all, but I do not feel that we should alter it unnecessarily.

The Lord Bishop: Can I just get this clear — is it that all the profits on this exercise are now going to be paid to the Tourist Board?

The Attorney-General: No, no.

The Lord Bishop: Could I be told what is going to happen to it — where the Tourist Board comes in precisely?

The Attorney-General: Well, the revenue goes to the Treasurer and into the general revenue, and then Tynwald is empowered each year to appropriate out of the general revenue such sums as may be necessary to enable the Tourist Board to carry out the duties imposed on that Board by the Fourth Schedule, which I don't think is very good. The duties are not imposed by the Fourth Schedule for a start.

The Governor: No, it gives the Tourist Board a weapon of not much effect when they meet the chairman of the Finance Board with their estimates.

The Lord Bishop: Is it going to encourage the Tourist Board to say to the world: "Come and bet here freely, because then this will help the Island to be a better place"?

The Governor: No. It is going to encourage the Tourist Board to say to the Finance Board: "You have made so much money out of this betting that you may now give us money for a swimming pool for the South."

Deemster Kneale: It is to promote activities in the Island — both new and existing sporting activities. It is all there in the Fourth Schedule.

The Lord Bishop: Well, it is there anyhow, whether we put it in or not, isn't it? That is the duty of the Board.

The Attorney-General: No, it is not the duty of the Board to promote new and existing sporting activities in the Isle of Man and to encourage and assist Manx sport.

Deemster Kneale: They do it — unofficially.

The Governor: This was really a

compromise to stop all the money being swallowed up by a special fund for sporting activities?

Deemster Kneale: It is to assist Manx sportsmen who participate in sporting activities in the Isle of Man or elsewhere. It might well be the Empire Games.

Mr McFee: It is dangerous to earmark.

The Attorney-General: Apart from the fact that it is not really sinister, and I don't want to go messing it about more than it has been messed about, I would not care to support that.

Mr Bolton: I think it is clear, sir, that in a new clause it does lay down that the betting duties shall form part of the general revenue. It goes on to say that Tynwald shall, in particular, have power each year to appropriate out of the general revenue such sums as may be necessary to so-and-so. Well, Tynwald has that power in any case.

Deemster Kneale: But I see why it is in — it is in relation to these sporting activities.

Mr McFee: A little bit of a lever really.

The Governor: Well, also it means that betting duty is not——

Mr McFee: Normal.

The Governor: We are looking for betting duties for our normal revenue. We will use it as——

Mr Bolton: But we are not, in fact, allocating this at all.

The Governor: No. Is that agreed?

Mr Nicholls: I am against that, sir.

Mr Bolton: I don't like it at all.

The Attorney-General: There is just one thing, sir. Could we insert in paragraph 2 of the Fourth Schedule, in (p)

— three lines from the bottom — before the word “provided”, could the full stop be turned into a colon?

The Lord Bishop: Sir, could the opponents of this spell out why they don't like it? Two people have said they don't like it. Could they tell us why they don't like it?

The Attorney-General: Well, two of the reasons I don't like it — first of all you are amending the Isle of Man Publicity Act, 1951, by the Betting Act, 1969, which is quite the wrong way of doing it; and then for years now — I think ever since the formation of the Finance Board — the Finance Board has been trying to get away from funds being earmarked for this, that and the other. Everything should go into the General Revenue, and not the product of dog licences going to maintain the highways, and that kind of thing. These are my objections to it.

Mr Bolton: The objections I have, sir, is that it is a sly way of suggesting, without real authority, that this money is available for a particular purpose, and it is bad policy altogether that any part of the general revenue should be allocated for any specific purpose. Now, this does not do it, but it does give some authority for an argument that Tynwald had this in mind, or when we passed this Bill the Branches had it in mind. I think this business on (iii) of the new clause 11 is a little bit silly really — “Without prejudice to the generality of subsection (1)” — which means the money goes into general revenue — “Tynwald shall have power to appropriate out of general revenue such sums as may be necessary.” Tynwald can do that now, without any question. Now, when they come to altering the Fourth Schedule — i.e., the powers and duties of the Tourist Board — then they should not do it in this particular Bill. If they want to extend the powers out of general revenue, they can do it. They can promote——

The Governor: The real point, though, was that it was the lesser of two evils.

Mr Bolton: I quite agree, sir, but I think if one evil is out, the other evil might well be taken out, too, because—

The Governor: The danger is you may be putting back a greater evil by refusing this.

The Lord Bishop: A greater evil, sir, was that it will all go to some other fund?

The Governor: It would all be put into a special sporting fund.

Deemster Kneale: It is very naughty to put this in this form to amend it.

Sir Ralph Stevenson: I don't think the idea of that is bad. The basic idea of using proceeds of betting for promotion of sport is a good one.

The Lord Bishop: I think it is a thoroughly bad one. Your Excellency, because it is using this corrupt medium to help something good fundamentally.

Sir Ralph Stevenson: You are using it for the promotion of tourism.

Mr McFee: It is also meaning that the means of exchange in the country is being defined under one Act for one special thing, when taxation should generally be on the transfer of currencies—

Deemster Kneale: But this is not doing that. If it had been it would obviously be wrong. All I think we really ought to consider is, in the Fourth Schedule, whether or not we are agreeable to the extension of these powers to the Tourist Board — whether it is right or wrong we should have it in this statute.

Mr Nicholls: Your Excellency, the Lord Bishop asked what were the reasons for the objections on the part

of certain members. Well, my objection to it is this. I think that the principle as to whether betting shops should be permitted in the Island should be a clear issue and not be tied to something like this, which seems to me to be an attempt on the part of some members to salve their consciences, to say: "Oh, well, if it had not been for this, you know — to raise money for tourism — I would have voted against the Bill." I don't like that part of it at all. It should be a clear-cut issue — are you in favour of having betting shops or are you not? But to qualify it by putting in, as it were, a sop, to say: "Oh well, we can do with the money to help sport." I don't like that at all.

The Lord Bishop: And nor do I.

The Attorney-General: Well, Your Excellency, as is my bounden duty, I move that clause 11 and the Fourth Schedule stand part of the Bill.

Deemster Kneale: You will have to leave 11.

Mr Bolton: Haven't we got to leave "11" in, or does it say anywhere else

Deemster Kneale: You must leave it.

Mr Bolton: We must leave it in with a deletion of subsection (3). I would move, sir, that in section 11, paragraph (3) be deleted and the fourth schedule be deleted.

Mr McFee: Leave it to straightforward taxation.

The Governor: You want section 11 — well the amendment is to delete paragraph 3 of new clause 11 and the whole of schedule 4. Those in favour of that amendment say aye, those against say no.

Deemster Kneale: My point of view is that if it is lost, as it appears to be

then it is up to the Tourist Board in precisely the same way. The only objection I have is that I don't like this being tied up with betting.

The Governor: And it is agreed we put in the side title of "Application of Revenues."

It was agreed.

The Attorney-General: Clause 12, I think it is, Your Excellency. This is the interpretation clause, Your Excellency. I don't think there is anything in particular in it, but there is an amendment in the definition of "pool betting" in subsection 1. It should be — the reference should be — to section 2 of the Pool Betting (Isle of Man) Act, 1961, instead of the reference to section 6.

The Governor: Where is that?

The Attorney-General: Page 12, sir, line 27.

The Governor: Section 12. Agreed?

It was agreed.

The Governor: Thirteen.

The Attorney-General: Thirteen, sir, is the citation and commencement. This is again where events have overtaken us. In subsection 1, sir, on line 16 there is a reference to the Lotteries Acts, 1907-1962, that is now 1967-1907-1967. I move clause 13 as amended stand part of the Bill. Now, Your Excellency, there are some amendments which we overlooked when we . . . they are amendments to the first schedule, and the first one, sir, is number 10, at the top of page 2.

Deemster Kneale: You mean page 16 of the Bill?

The Attorney-General: Yes, in page 16 of the Bill, sir, paragraph 10 of the first schedule, the words "other than an application to which sub-paragraph

(b) of paragraph 11 of this schedule applies" — those need striking out.

The Governor: But not the comma? Are you leaving the comma in?

Deemster Kneale: The comma is in before that. The comma is after "aforesaid."

The Governor: No, after "applies."

The Attorney-General: It is there after "aforesaid," sir.

The Governor: Yes, as I say, you did not mention the comma.

The Attorney-General: No, sir, well I did not strike out the comma. I beg to move that amendment, sir, to paragraph 10. It is a most curious coincidence those words being there because, well nevermind, there it is. The next, sir, is on the amendment sheet, number 12 on the amendment sheet.

The Governor: But we have done number 11 on the amendment sheet.

The Attorney-General: Number 11 we did, sir. We did that, sir.

The Governor: Number 13, paragraph 15 (f).

The Attorney-General: No, sir, number 12 we want. The first schedule, paragraph 15 (b) page 18, for the words "subsection (3) of section 8 of the Gaming and Betting Act, 1960," substitute the words "subsection (4) of section 11 of the Betting, Gaming and Lotteries Act, 1963."

The Governor: Agreed?

It was agreed.

The Attorney-General: And amendment number 13, sir, first schedule, paragraph 15 (f), on page 18 of the print, for the words "paragraph 28 of the first schedule to the Gaming and Betting Act, 1960" substitute the words "paragraph 27 of the first schedule to

the Betting, Gaming and Lotteries Act, 1963.”

The Governor: Agreed ?

It was agreed.

The Attorney-General: Those are all, sir. I move the Council do now resume.

The Governor: Yes. Well now, could we possibly take the third reading and get rid of this ?

Deemster Kneale: I think so, yes.

Mr Nicholls: It will have to go back to the Keys

The Governor: It will have to go back to the other Branch, and I suggest that with it goes an explanation of why that was deleted, and especially the schedule.

The Attorney-General: Yes, sir, do you wish me to prepare that ?

The Governor: Well, the Clerk to the Council could do it, but we want to make quite certain that they are told.

Mr Bolton: I think it would be inadvisable to take the third reading, sir, if I may say so.

The Governor: All right, well we will take it next—

Mr Bolton: If we take a count, I think that you will find that instead of going back to the Branch it would go out.

Mr McFee: It will. You haven't got a majority for the third reading.

Deemster Kneale: We need six.

Mr McFee: Are you sure you are all going to vote for third reading ?

Deemster Kneale: Well, there is one, two three, four—

The Governor: Well, it only depends on whether you have a third—

The Lord Bishop: I feel there is no reason why we are hurrying it on at all, sir.

The Governor: Right. Well we will

Mr McFee: I am not trying to hurry it on, but I thought in fairness to the promoters of the Bill that you would be wise—

The Governor: It would not be defeated if we refused to suspend Standing Orders.

Deemster Kneale: No. The House of Commons can take three readings right off but not us. Oh, no, we must go through the long—

The Governor: Well, we can take it next week.

ISLE OF MAN CONSTITUTION
BILL—FIRST, SECOND AND THIRD
READINGS—APPROVED

The Governor: Constitution Bill. Mr McFee.

Mr McFee: Here again, sir, this is a very important Bill, and it is unfortunate that certain members of the Council are unable to attend today, but there are certain things that—I think in a Constitutional Bill of this kind—that should be said, and if members of the Council have read the verbatim reports of the other Chamber they will have noticed that factual statements have been made claiming that since 1865 when the House of Keys became a popular House the accent of the form has been centred upon a more democratic type of legislative Council representation. Not necessarily to destroy its conscience, sir, as an organ of Government, and neither to deprive the Island of wise and experienced leadership and its political ability in—I hope—economic stability. But as a mem-

ber of the Council I read from the debates that the House of Keys themselves recognise the dangers which could follow a general election with a number of new members lacking legislative experience, making hasty decisions and not possessing a second chamber with wisdom and delaying powers to protect the interests of the Island. And so while more revolutionary reform could have been contemplated, this Bill does not go so far, not even as far as His Excellency himself suggested in his budget speech, when he said that he looked forward to the day when the Governor himself would be relieved of much of his legislative duties, and I will give a Manx term for the new man that will take your place, sir, the ard dooinney mooar or toshiagh, that means the chief or the head, or the Prime Minister. The ard dooinney mooar — the big chief man!

Mr Nicholls: Why not govag?

Deemster Kneale: Govag is the right word.

Mr McFee: Perhaps the Attorney would like to move this in his long list of amendments to the Bill, sir. Your idea might be embodied in the amendments. The moderate form contained in this Bill is (a) to relieve the Governor of his power to appoint two members to the Council; (b) to transfer this power of appointment of two further members elected by the Keys, thus the membership would remain the same in numbers; (c) the Attorney-General will retain a seat purely as a legal adviser in the Council with power of speech, but I hope it does not take the power of speech away even, and make him speechless, with no vote. You may say — is the reform more democratic? My answer would be yes, in this sense. The Keys directly represent the people, and are now exercising in this Bill their responsibility to elect a Council as they see fit to be a responsible second chamber who would wisely carry out the

will of the people. It does not weaken, but rather strengthens the policy of a two-chamber government. It does not seek to destroy its time-honoured position in Tynwald Court, nor does it seek to destroy its useful historic traditions or its effectiveness in that chamber. The mover in the Keys effectively quoted the terms of appointment laid down in the 1919 Isle of Man Act, as amended by the 1961 Act, showing the qualifications of an appointed member varied somewhat from that of an elected member, where there exists a salary bar to the appointed membership. As a Council can we trust an inexperienced House of Keys to elect responsible people? My answer to that is yes. Only once or twice have the Keys at any time — or even the Governor, if it comes to that — gone outside their own ranks, and only then because of special reason and ability of the particular person, and as such I could quote the case of Sir Ralph himself, as an honour and in recognition of his tremendous experience internationally, and I don't think there was one voice in the Isle of Man raised in objection to that appointment when it was made, sir. We were very proud to have a Manxman such as Sir Ralph representing the Island internationally, representing his country and now coming back to his own Island, it was a natural thing that when a vacancy occurred that he was a suitable man for that purpose. Although, generally speaking, most members of the Council have fought three general elections successfully before the House has thought them fully experienced and democratic, we need have no fears about irresponsibility. I am sure Mr Bolton has fought three, four. I have fought three, you have fought — how many — three, two, Mr Nicholls, so in that sense the Keys have always acted fairly responsibly with regard to the type of persons they have sent along. I do not think, Your Excellency, this Bill is aimed at any personalities or, it could quite well be that

very shortly my own head will fall, anyway. Who knows what the Keys will do — they may find somebody more able to represent them than myself. The safeguard of the 13 majority votes is retained before any election takes place and may I say in finishing, the country gets the government it deserves in this Bill, and not one imposed upon them. Like it or not, the so-called establishment is going, the voice of the people will prevail, good or bad, we will have to accept it. This Bill says that the appointed day is more or less immediate upon the passing of it and will shortly become effective. I know that amendments are being moved by the Attorney-General which represents a finding of a joint committee on the Bill but, with respect, it is my intention not to vote for the amendments but to force the Bill through, if possible, on its own merits, and therefore I have pleasure, sir, in moving the second reading of the Bill.

The Governor: Does anybody second?

The Attorney-General: Yes, sir, I will second it formally, and without necessarily intending to support all of it. I second it to be allowed to be debated, sir.

Mr McFee: Well, I move, sir, that the Council resolve into committee.

The Governor: Well we haven't passed the second reading yet. Shall we give it a second reading and debate it clause by clause?

This was agreed.

The Governor: Clause 1.

Mr McFee: We go into committee, sir, and I move clause 1 be part of the Bill — the appointed members to cease to be members of the Council, and the power of the Governor to appoint persons as members of the Council shall terminate. The effective day will be de-

termined later in clause 7. I move clause 1 stand as part of the Bill.

This was agreed.

The Governor: Clause 2.

Mr McFee: This increases the number of elected members from five to seven, thus leaving the odd number and the quorum will not be affected — it will be two-thirds of the number — the quorum will still be six where the number of the Council will be nine without the vote of the Attorney. I move clause two stand as part of the Bill.

The Governor: Is that agreed?

The Attorney-General: No, sir. There is a difficulty there, I think. Supposing that we pass the clause, and clause 6 of the Bill in due course, you will have a quorum of six still required and only nine, which I think is a very high figure to find. You see you will only have nine to produce a quorum of six. I believe Sir Henry Sugden tried to remedy that point in another place.

The Governor: Is our quorum set out by Standing Orders, or—

The Attorney-General: Standing Orders, sir. Standing Orders of Tynwald and Council.

The Governor: We can always amend Standing Orders.

The Lord Bishop: I thought the Attorney-General was still to remain a member and therefore—

The Attorney-General: It is covered at the top of page three.

The Lord Bishop: Oh, I see.

Sir Ralph Stevenson: He couldn't very well, if he doesn't have a vote, he can't form part of a quorum.

The Governor: No, we are not really discussing quorums. Clause 2, I think

Mr McFee: I was pointing out that the membership need not necessarily upset our existing quorum. If it should it can be altered.

The Governor: Clause 2. Is that agreed?

It was agreed.

The Governor: Clause 3.

Mr McFee: Three is for the election of the sixth and seventh elected members for the purpose of bringing the number of elected members up to seven. The Keys shall, at a meeting of the Keys to be held within 14 days after the effective day, elect two persons to serve as elected members of the Council and the provisions of section 8 of the principal Act shall apply to such elections. This is giving power to the

The Attorney-General: Just machinery.

Mr Bolton: For information, sir, as we are talking about quorums, the quorum is the Governor and five, or the person sitting in for the Governor and five.

The Lord Bishop: In Tynwald it is six, isn't it?

The Governor: But Tynwald can change that.

Mr Bolton: That is Tynwald's Standing Orders, isn't it?

The Attorney-General: I will second clause 3 — it is pure machinery.

The Governor: Is that agreed?

It was agreed.

The Governor: Now we come to the crunch — 4.

The Attorney-General: Your Excellency, I wonder if I could mention here that the position — doubtless Your Excellency has read the debate in the Keys, too. Clause 4 depends on clause 7. The whole thing, sir, is the date of the effective day in clause 7. If the effective day is amended, as I suggest it should be then clause 4 will need to be amended and there will be no argument as to the amendment to clause 4.

Mr McFee: I am quite prepared to take 7.

The Attorney-General: If clause 7 is not amended as I suggest then I will not move the amendment to 4.

The Governor: Well then I think we had better take clause 7 immediately.

Mr McFee: I move clause 7, sir, the effective day means the day next following the conclusion of the sitting of Tynwald, at which this Act shall come into operation.

The Attorney-General: Can I second and move an amendment?

The Governor: No.

Deemster Kneale: I will second it, sir, to enable the Attorney-General to move the amendment.

The Attorney-General: Well, Your Excellency, I am going to move the amendment appearing on the agenda sheet, that for the definition of "effective day" there should be substituted the following definition, "effective day means the 21st day of October, 1970." The whole principle of this, sir, is that I appreciate and I understand and I face the simple facts. The appointed members are going, there is no shadow of doubt about that, but I will never consent, as I said at the first reading,

to the chopper coming down on their necks the day this Bill—the Royal Assent to the Bill—is announced to Tynwald, and they, and at the end of that particular day, out they walk, cut off in their prime, cut off in the middle, cut off—

Mr McFee: Not necessarily so.

The Attorney-General: —before the expiration of the term that they were entitled to anticipate they would enjoy, or otherwise. Now this amendment, a precisely similar amendment, was moved elsewhere and the decision reached elsewhere is—we will let this Bill . . . pass this Bill as printed, if amendments on the lines indicated are made in the Council then we will be glad to consider them. The mover of the Bill himself recognised the position that, whether they accepted it or not, it probably would not alter the outcome in the end, and, in fact, if I read the proceedings elsewhere correctly I am satisfied that if we make this amendment it will be accepted by them. I read that from the debate and I have been told it privately, and accordingly I move the amendment.

The Governor: Well, I think you might make the point, or shall I make the point that on the 31st day of October, 1970 there will be a general election very, very shortly after that.

The Attorney-General: Yes.

Sir Ralph Stevenson: A year after.

Mr McFee: Two others come out.

The Attorney-General: On the 31st of October two elected members retire.

Sir Ralph Stevenson: It would be very convenient to have all four re-tiring together.

The Attorney-General: Yes, and the

mover of the Bill elsewhere said, the latest date that we can accept is the 21st of October, 1970.

The Governor: Will you accept the amendment?

Mr McFee: No, sir. I am not accepting the amendment. I feel it is fair seeing that this is a Constitutional Bill that has come written from the Keys, it is very important in that sense, and that also I felt that as the Attorney moved his amendments, that he, instead of basing it on principles, based it on personalities—that the chopper was going to come down on two experienced heads. I do not think for one moment that it was, or is the intention of the Keys to seek out personalities and knock their heads off.

The Attorney-General: I never suggested it was.

Mr McFee: The inference seemed to be there as you were speaking, sir. I may have taken it up wrongly. In that sense I stand by the clause and ask for a division.

Mr Nicholls: Your Excellency, the views of the learned Attorney-General are identical with my own views, and, of course, as far as the amended actual date is concerned, if no one else had moved it I would have moved that myself, but I was interested to note, Your Excellency, your comment about the number of bye-elections. I don't think it was mentioned at all during the debate in the other Branch that it will mean that three and possibly four bye-elections will have to be held for the sake of one year of service. Now, several members have expressed the view—and I think it is a valid one—that with almost certainty one of the members whose head is going to be chopped would be returned by the Keys—that is pretty certain. But still you can't depend upon that, and it could

mean that there will be bye-elections in four constituencies for the sake of one year's service. As far as the two retiring members — members who automatically retire — that is Mr Corkhill and myself.

Mr McFee: No, no — me.

Mr Nicholls: I thought it was Mr Corkhill.

Mr McFee: No — you and me.

The Governor: No. Mr Corkhill was put up in 1966.

Mr Nicholls: Oh, I was under the impression — in my case certainly there is no question of my seeking re-election at all, and I amend my views to say that almost certainly Mr McFee — as certain as we can be sure of in these times — that Mr McFee would be re-elected by the Keys; I feel sure of that. But it seems to me to be a rather costly and cumbersome way of changing the Constitution, to have bye-elections for the sake of one year.

The Lord Bishop: What, sir, would Mr Nicholls' alternative date be?

Mr Nicholls: It was only a comment; I have no proposal to make.

Deemster Kneale: He has no objection to the amendment.

Mr Nicholls: No, I have not. I am in favour of the amendment.

Deemster Kneale: He is in favour of the amendment.

The Lord Bishop: Well, could we make it 1971, or something like that?

Deemster Kneale: No.

The Attorney-General: That would never be acceptable, because, you see, the Keys could force the Bill through in this form by the same date — October 1970. They could force it through. But we do not want to have Bills forced

through if we can reach a reasonable compromise, and, as I say, I think the Keys — the attitude of some of the most militant of the Keys — was "We will be reasonable about it."

Mr McFee: You are not suggesting I am unreasonable, are you?

The Governor: Well, I will put the amendment first. Those in favour of the amendment say aye. Those against say no. The ayes have it. Now clause 7, as amended. Those in favour say aye—

Sir Ralph Stevenson: There is another amendment, I think.

The Governor: That has been done.

The Attorney-General: It has just been done.

Deemster Kneale: It has been done by the Keys.

The Governor: Clause 7 we have agreed. Now we go back to four, and you wish to move your—

Mr McFee: I was going to formally move clause 4 as written.

The Governor: Are you prepared to accept the amendment?

Mr McFee: I think one is dependent upon the other.

The Attorney-General: Entirely dependant on each other.

The Governor: Four as amended — is that agreed?

It was agreed.

The Governor: Five.

Mr McFee: I move — was this amended? I have not got—

The Governor: Yes. That was deleted, yes.

The Attorney-General: Would you like to borrow mine?

Mr McFee: This is new clause 5.

The Governor: As put in by the Keys.

Mr McFee: Yes. "Section 12 of the principle Act shall be amended by the substitution for the words 'be resident within this Isle' the following words— '(a) resident within this Isle; and (b) not being a person in receipt of a salary payable by the Imperial or Insular Government'." That brings it in line, doesn't it, with what the Governor's terms of appointment were.

The Attorney-General: Well, I think what this does, is it not, is that when they were starting — in 1921, is it? — when they — the Constitution Act then — when they created these appointed members and elected members of the Council, they got rid of the Receiver-General and others—

Sir Ralph Stevenson: The Water-Bailiff.

The Attorney-General: The Water-Bailiff, the Vicar-General, and the Archdeacon, and somebody else—

Deemster Kneale: Uncle Tom Cobley!

The Attorney-General: Uncle Tom Cobley and all, and they substituted a number of elected members by the Keys and two members to be appointed by His Excellency. Now, they put in as the qualification for an appointed member that he should not be a person in receipt of a salary payable by the Government. That was to stop His Excellency from having in the Council — from immediately putting back—the Water-Bailiff and the Archdeacon, and so they did that. It never occurred to the Keys in those days that they were putting a similar bar on themselves appointing a person, perhaps the Archdeacon or the Water-Bailiff, as elected members, and so now this has been noticed and this amendment which

really has nothing to do with the principle and the rest of the Bill, but is common sense and which I will support, has been put in.

The Governor: Agreed?

It was agreed.

The Governor: Six.

Mr McFee: I move clause 6 stand as part of the Bill — the Attorney-General not to vote in Tynwald or Council. I will say nothing more.

The Attorney-General: Well, I will second, sir, in order to have it debated.

The Lord Bishop: It seems to me, sir that—

Deemster Kneale: I don't understand this. I don't know why they wanted to do this sort of thing. If a man is the Attorney-General he ought to be entitled to vote. He is not a legal adviser in that sense; he is a Crown officer, who carries out official duties, including the drafting of Acts, and a man who is simply going to be a mere advocate in the Tynwald Court — you are simply reducing him to being an ordinary legal adviser. It is wrong fundamentally from the position of an Attorney-General. It may have been taken from the Isles of Guernsey and Jersey, which have only one-tiered government. The situation is entirely different with the Bailiff and everybody there, you see, and a lot of legal people on it so that, Your Excellency, I do not understand why they should put this in. I don't think — I think they are retrograde steps, and I shall vote against this clause. I am sure it is not right to do it, in my view.

The Attorney-General: Well, as I have said before, sir, from my own personal point of view, I would welcome this; but I have been told by practically everybody who has spoken to me about it

that they regard it as entirely wrong, and I suppose in the circumstances I shouldn't let my personal feelings in the matter handicap future Attorney-Generals. I would be glad to be rid of the necessity of voting, but I appreciate what has been said by the learned Deemster, and I appreciate what has been said to me by a number of other people.

Deemster Kneale: You must take the responsibility, surely? You must be in on these things, and you must vote.

The Governor: I would have thought you would have preferred to vote but not to speak! (Laughter).

Deemster Kneale: He is supposed to be your spokesman!

Mr Bolton: How far would the questions that have been raised in the last two years relative to the appointment of the Attorney-General affect this issue? I somehow believe that a lot of the feeling behind this is that the Attorney-General is rather representative of Whitehall — I am not using my own views — than he is a part of the Government of the Isle of Man. Now, I believe this to be the feeling that is at the back of this move.

The Governor: How little they know of Whitehall who say that.

Mr Bolton: I agree. I do not express my own views, but I know these feelings exist, and I feel that if the Attorney-General is to be a member, then he must vote. Otherwise it is nothing but a farce to say that he is a member but with no vote.

Deemster Kneale: Of course he must!

Sir Ralph Stevenson: The origin of the Attorney-General's vote was as the mouthpiece of the Governor, was it not?

Deemster Kneale: That is correct.

Sir Ralph Stevenson: Is that the reason why it is being cut out now?

Deemster Kneale: No. Because in other Legislatures the Attorney-General does not vote.

Sir Ralph Stevenson: The Attorney-General — does he vote in the House of Commons?

Deemster Kneale: Of course he votes in the House of Commons. He doesn't in Jersey or Guernsey.

Sir Ralph Stevenson: In Jersey or Guernsey, I see.

Mr Bolton: Oh, he doesn't vote there.

Deemster Kneale: No.

The Governor: The Lord Chancellor has a vote for instance, or the leader of the House of Lords — or rather the law Lords.

Deemster Kneale: Of course they do.

Mr McFee: The unfortunate part in the Isle of Man — the Manx have no say in the Attorney's appointment, have they?

Mr Nicholls: Not yet.

Mr McFee: That would have helped.

Mr Nicholls: Yes, I think it would.

The Attorney-General: That was what the hon. member Mr Bolton is saying. That is one of the subjects, surely, which is open for further discussion under the Working Party.

Mr McFee: I think what has been shown in this Bill is the fact that they do recognise the value and the need of an Attorney at Council and Tynwald level. In fact, it should be further than that — it should be in the Keys sometimes, as they could very well do with an Attorney's advice. But it also reveals the weakness in the Manx system of government, where there is no party system. Where you have a party system,

the Attorney is part of the ruling Government at the time, what party is in power. Then, of course, the Attorney is an elected member of that party; but here in the Isle of Man it is completely different, and this is where the hiatus has arisen.

Deemster Kneale: The Attorney-General here in the Isle of Man has got very responsible duties to perform, and there is no doubt whatsoever about that. And he is not like the Attorney-General in England, who follows a party line. The Attorney-General takes quite a— as he ought to do — a broader view of these things, and obviously he should vote — it's part of the responsibility. It is not fair, either, to the Attorney-General.

The Attorney-General: It is a great pity, Your Excellency, that my advice was not accepted on this, and the Bill split into two pieces, one being the "Constitution — Abolition of the Attorney-General's Vote Bill" type of thing, and the other being the Abolition of the Elected Members Bill, because we are going to fall out on this.

Mr McFee: Well, I would say, sir, that it should be put to the vote, and if there is a dispute a conference between the Keys and Council should take place.

Deemster Kneale: Yes.

The Governor: Well, those in favour of clause six please say aye. Those against say no.

A division was called for and voting resulted as follows:—

For: Mr. McFee — 1.

Against: The Lord Bishop, Deemster Kneale, the Attorney-General, Messrs Bolton, Nicholls and Sir Ralph Stevenson — 6.

Sir Ralph Stevenson: That is whether we want a conference?

The Governor: No, this cuts out clause 6.

The Attorney-General: We are hoping that they will ask for a conference.

Sir Ralph Stevenson: If they want one.

Mr McFee: I think it would be nice to indicate that—

The Governor: I think we had a body, didn't we, who discussed this with them, and I suggest that the same body — before it is taken in the Keys — explain what we have done to this Bill and why.

Mr Nicholls: The chairman of the Council representatives is Mr Nivison, and he is not present.

The Governor: But he will have the verbatim.

Mr Bolton: May I mention again, sir, that in subsection (2) of this clause 6 there is a reference to a quorum. I have looked it up, and a quorum of Tynwald is the same as a quorum in Council — five members with the Governor. I think we are under a misapprehension.

The Governor: I think it is — if you wish to suspend Standing Orders, it is not a quorum: it says, thirteen of the Keys and six of the Council. It doesn't use the word "quorum."

Mr Bolton: No, this is the point. We keep using the word "quorum," and when we go in and say there is no quorum it is not the same thing as suspending Standing Orders, but it only needs five members.

The Governor: Yes, but very often after tea we cannot get five. There are so many smokers!

Sir Ralph Stevenson: I thought it had been amended recently.

The Attorney-General: No, that was the amendment to the third reading.

The Governor: Right. Anyway that has been defeated. Seven we have passed. Eight.

Mr McFee: Eight refers to repeals.

It was agreed.

The Governor: Nine.

Mr McFee: Citation and commencement.

The Governor: No amendments to those?

Mr McFee: Well, there will be consequential amendments.

Deemster Kneale: Oh yes, the amendment to the schedule.

The Governor: That has been done by the Keys.

Mr McFee: I see. Oh yes, that is right. I move the schedules.

The Governor: That is perfectly factual.

Mr McFee: It was amended by the Keys.

The Governor: Is that agreed?

It was agreed.

The Governor: Now there is a certain amount of urgency over this as we have changed it. I think perhaps you would like to take the third reading.

Mr McFee: I would like if Council would resume, sir, and take the third reading and I move that the third reading of the Bill be taken.

Mr Nicholls: I second that.

The Governor: It is agreed that we are going to take the third reading?

It was agreed.

The Governor: You have moved for-

mally the third reading and it has been seconded. Does anybody wish to speak? It is agreed is it? Thank you very much.

LICENSING BILL — SECOND AND THIRD READINGS — APPROVED

The Governor: Now the Licensing (No. 2) Bill. The Attorney-General.

The Attorney-General: Yes, sir, I beg to move. I think I did explain this Bill fully on the first reading and so I will just formally move the second reading and get on with the clauses.

Deemster Kneale: I second, sir.

The Governor: Agreed?

It was agreed.

The Governor: Clause 1.

The Attorney-General: Clause 1, sir, the main part of the whole Bill and it inserts a new section 110A into the Licensing Act, 1961 — that is the principle Licensing Act. Now by subsection (1) of the new section the licensing court may apply the new section to a public house which is already licensed under the Music and Dancing Act, 1961. In other words, it must be a public house and it must hold a licence under the Music and Dancing Act, 1961, and the Licensing Bench may, on application made to them, say, right we are going to apply section 111A to this particular public house. It is rather a peculiar way of doing this but it is following the drafting of other sections in the 1961 Act, where an establishment which holds a public house licence and provides substantial meals for people, then under a section of that 1961 Act they may have additional hours, an extra half-hour so that the meal can have a drink with it. The same rather clumsy wording is used — the licensing court may apply that section to that particular hotel. Well this is the same thing — it is a pure

formality. Now then, coming to subsection (2)—

Sir Ralph Stevenson: It need not be a public house?

The Attorney-General: Yes.

Sir Ralph Stevenson: No, surely it could be a restaurant. Licensed restaurant?

The Attorney-General: No. This is a public house.

Sir Ralph Stevenson: It can only be a public house?

The Attorney-General: Yes.

The Governor: "The holder of a public house licence . . ." and the licensing court need not. If you read the Interpretation Act—or the Bill debated in another place—you are likely to find "may" as not meaning "shall".

The Attorney-General: By subsection (2) the Court before applying the section is to be satisfied that the premises are used, or intended to be used, and are fit so to be used, for providing entertainment as defined in subsection (8), which briefly is cabaret type entertainment. The court must also be satisfied that the sale or supply of intoxicating liquor is ancillary to the entertainment.

Mr Bolton: It does say too "for the purpose of habitually providing for the accommodation of persons frequenting the premises." Now then, does that mean it is not applicable to a public house that does not offer board and lodging?

The Attorney-General: No, it doesn't mean that, it means accommodation, not using it in the sense of putting you up, but for the pleasure, if you like, of persons habitually frequenting the premises or who are not habitually frequenting the premises.

Mr Bolton: Why does it use the word "accommodation"?

The Attorney-General: Well, in the first place—for a public house—the Empress Hotel on the Promenade is a public house—

Mr Bolton: Agreed, but it does accommodate people.

The Attorney-General: Well, if you will only look later on you will see on line 30 of the next page, page 2—

Mr Bolton: That is the condition—then accommodation does mean that they stay there?

The Attorney-General: It does mean it. It means precisely what it says.

Mr Bolton: When I asked you, you said, "No."

The Attorney-General: It doesn't mean accommodation in the way of putting people in a room—

Mr Bolton: It must do. They have to take 50 persons.

The Attorney-General: It's got nothing to do with it.

The Governor: Right, well carry on.

The Attorney-General: Subsection (3) says that where the section has been applied the permitted hours may be extended for waiter service only for a period of one hour after the ordinary permitted hours or, half-an-hour after the entertainment concludes, whichever may be the earlier. So, if the permitted hours expire at 11 o'clock then waiter service can only go on until midnight, unless the entertainment concludes at, say, 11 o'clock, in which case the waiter service can only go on until half-past-eleven. Now subsection (4) enables the court to impose conditions. Subsection (5) prohibits the court from applying the section unless the Tourist Board first certifies as to the matters set out in paragraphs (a) to (d). Kindly note

that on line 35, (b) that appears at the beginning of it should be (d), and those conditions are the Tourist Board has got to certify that the premises comply with the requirements of subsection (2); that the premises provide full board for not less than 50 resident persons for not less than 50 resident guests. The Tourist Board say the nature of the entertainment proposed, and the part of the premises to be used therefor, and that the Board itself—

The Governor: Itself, it should be the Board itself supports the application, isn't it?

The Attorney-General: The Isle of Man Tourist Board . . . ?

The Governor: Well the Isle of Man Tourist Board certifies that the Isle of Man Tourist Board—it is a bit . . . ?

The Attorney-General: I don't think so, sir, with respect. I think that is all right. Now subsection (6) makes provision, sir, in respect of public houses to which section 110 of the 1961 Act has been applied. Section 110 is the one that enables public houses which habitually provide substantial meals to increase their permitted hours on weekdays by an additional half-hour. This subsection enables that half-hour to be further extended to cover the period, permitted under section—under this new section that we are inserting. Subsection (7) says in effect that just because a public house has had this section applied to it, it does not have to keep open during the extended hours if it does not wish to do so. Now, sir, subsection (8) defines "entertainment". Subsection (9) provides that the additional hours permitted under this section shall not apply on a day when entertainment is not provided for a substantial period preceding the expiration of the normal permitted hours. That is to stop them, where the public house closes at 11 o'clock, just to get an extra hour's

drinking, starting off 15 minutes before 11 o'clock with a cabaret type of entertainment. Subsection (10) prohibits the consumption of intoxicating liquor by persons who were not on the premises before the end of the ordinary permitted hours, in other words people cannot come in. Subsection (11) requires the publican to maintain a notice on the premises to say that the provisions of this section have been applied, and subsection (12) provides a £30 penalty for the contravention of the provisions of this section or any order made thereunder. I beg to move, Your Excellency, that clause 1, stand part of the Bill.

Deemster Kneale: I second, sir.

Mr Corkhill: Have we taken the first and second reading?

Deemster Kneale: We have taken the second reading.

The Attorney-General: We are on the clauses.

Mr McFee: I see.

The Governor: This is to give effect to a recommendation of the Tourist Accommodation Committee.

Mr McFee: Well I am certainly against the extension of any further drinking hours, which I think are liberal enough in the Island, sir, and I will vote against this one. I think the question of cabaret is only the bait and the only feature about it is, if it has a feature at all, it is helping to break the monopoly of the Casino which at present uses the particular bait of "bunny girls" and with the necessary sparklers in their most limited degree—not that I have been there, but I read the papers, sir, and I can see pictures occasionally. (Laughter.)

The Attorney-General: Everything you read in the papers is not always correct.

Mr McFee: But it is in a sense, it is still selective because it must have fifty bedrooms, this Bill I believe. It means the majority of the little pubs are not able to benefit but the few bigger ones, as long as they use this particular bait of semi-nude girls and all the rest of the jumping about at 11 o'clock at night. It will have the effect probably of somewhat breaking the monopoly of the Casino in this respect. I have never been there but I think—it mentions drinking hours in Jersey and England—well there is no comparison between the drinking hours in England and the drinking hours in the Isle of Man as normal drinking hours, none at all.

The Attorney-General: You can drink round the clock in the United Kingdom.

Mr McFee: I know, but not under the law, sir.

The Attorney-General: Yes, under the law.

Mr Bolton: What I feel about this matter, sir, it has been represented to me by a number of people that it may be necessary for more entertainment to be available at various places and the trend is for the entertainment to be provided in hotels rather than in halls set apart for this purpose. The thing that strikes me most about it is this that if we decide that we should allow some extension of drinking facilities in order to entertain the people and to attract visitors to the Island then we seem as though we are really sticking every difficulty in the way of operating it. This business of saying that nobody shall come in and that they shall only partake in that part which is set aside for this particular purpose and so on, it all means that it will make it extremely difficult for any licensee to operate it and we are going to make him liable to all kinds of penalties if he slips up. It seems to me that rather than say we are going to do something and then

make it as difficult as possible for anybody to do it, we should try and loosen up some of the tight portions of the proposals.

Deemster Knesle: This is typical of our licensing laws. You give it to them with one hand but there are strings attached.

The Attorney-General: I have been listening to the hon. member and it is the first time I have heard him speak with a truly liberal mind. It has always been my complaint that Tynwald will conceive something and say: Yes, let us have a Casino; let us have a lottery; let us have this, that and the other. Now, how can we make it impossible for them to work it? And that is perfectly true, and it is absolutely what they did with the lottery. They killed it stone dead before it got an inch off the ground.

Mr Bolton: Not at all.

The Attorney-General: Yes they did. I entirely agree with the hon. member and if he will come forward with a number of amendments to this I shall be delighted to accept them.

The Lord Bishop: It would be nice to think that the Attorney-General would really prefer the lottery not to get off the ground and all these other things. I was just reading his mind I thought.

The Governor: Well, does anybody wish to move an amendment to any part of this? Where is it that it says that nobody may come in, because—

Mr Bolton: Your Excellency, I wonder . . . it is subsection 10, "during the period for which the permitted hours are extended by an order made under this section, intoxicating liquor shall be sold or supplied to any person only for consumption during that period and in that part of the premises stipulated in the order, and only to such persons as

were in that part of the premises prior to the commencement of that period and during such period, and no person shall consume or permit to be consumed any intoxicating liquor except as provided in this section and any conditions appearing in the order made thereunder."

Mr McFee: It is to save a rush from the other pubs when they close. They all rush then for the last half-hour in that particular one.

Mr Nicholls: There is a precedent already in the Casino, where undoubtedly it isn't until after the pubs shut, the ordinary pubs shut, that they are busy.

Mr Bolton: They go there until midnight and afterwards.

The Attorney-General: As a matter of fact and to be perfectly honest, although I would not oppose any amendment, any particular amendment, by the hon. member, I think that subsection (10) is reasonable.

The Bishop: Otherwise it undoes all the other licences.

Deemster Kneale: Exactly.

The Lord Bishop: When the other pubs shut there is this—

The Attorney-General: It is only in the place to which the order relates the drink can be served. That is where the cabaret is taking part. There mustn't be some bar down in the vaults where they can be drinking away after normal hours.

The Governor: Yes, but I think Mr Bolton's point is that if one is in the room where the cabaret is, when it starts anyone who is a minute late is committing an offence.

Mr Bolton: Yes.

Mr Nicholls: And you are going to need a huge army of police to see that that is carried out.

The Governor: It only needs to cut out those words "and only to such persons that were in that part".

The Attorney-General: I accept that, although I think it is reasonable enough as it is.

Mr McFee: I think it is dangerous to remove those words.

Mr Bolton: The words "as were in that part of the premises prior to the commencement of that period, and during such period no person shall consume or permit to be consumed any intoxicating liquor except as provided in this section"—it stays in. It is just cutting out that bit "such persons as were in that part of the premises prior to the commencement of that period."

Deemster Kneale: That is it.

The Governor: Yes.

Mr Bolton: You could well have it, the Attorney-General has mentioned The Empress Hotel with which I am connected. They may go down from the upstairs portion, down into the bar below. The Mermaid Bar closes and the entertainment takes place upstairs and they are not allowed to come back.

Mr Nicholls: I agree. A person could be, say, in the bar, in the public bar of an hotel at twenty minutes or half-past ten shall we say, and one would wish to go into the other part. Now he is all right but if he delays until after a quarter to eleven he can't go in.

The Governor: They could be playing bridge quite harmlessly in a room and instead of being able to finish the hand they have to go in a rush.

Mr McFee: Your Excellency, don't

put idea into their heads, sir. (Laughter.)

The Lord Bishop: Your Excellency, I thought the object of this thing was to encourage cabaret and to allow people who are at cabarets to drink — not to allow people to fly hither and thither within the building to have a drink, but it is an accessory to cabaret, this.

Mr Bolton: Yes, but they couldn't go into the cabaret.

The Governor: It is really to let tourists do what they want.

Mr McFee: They will find all sorts of ideas.

Mr Nicholls: It could apply in the other direction. It could very well drive people out of the pub entirely. It would in my case, from what I have seen of the so-called cabarets.

Mr Bolton: That is a very sad thought.

Mr Nicholls: I would certainly go somewhere else — go home.

Mr McFee: It is similar to the request for extensions, special permissions and what not, for dancing. It is not the dance, it is the drink, because you do not give the drink if there is no dance, and the idea of the cabaret is the entertainment and the way for the drink.

Deemster Kneale: No, it is giving value for money.

Mr McFee: Let them all have the same. Abolish the lot.

The Attorney-General: Yes, abolish the lot and stand back and wait for it.

The Governor: You have moved the amendment. The amendment is on page 4, to delete lines two and three and the words "of that period" on line four.

The Lord Bishop: Just one question. One gets a bit foggy at this hour of the morning after working so hard that . . . if we do, I do not want to be awkward but if we do delete these words does it mean that people can come in off the street and from the pubs and fill this place up? Does it in fact mean that?

The Governor: Yes.

The Attorney-General: It means that people, supposing the cabaret is going on until midnight, somebody could come in at a quarter to midnight, into the room where the cabaret was taking place, sit down, summon a waiter and order a large whisky.

Sir Ralph Stevenson: Can come in straight off the street?

The Attorney-General: Straight off the street.

Mr Nicholls: What about the words "in that part of the premises"?

Deemster Kneale: Only to "such persons as were on the premises."

The Governor: Cut out "that part." That, I think, is fair enough.

Mr Nicholls: I would move that, sir.

Mr McFee: I am not accepting it, sir.

The Governor: No, well do you wish a division?

Mr McFee: Yes, I do.

Mr Nicholls: All that we are deleting is "that part of".

The Governor: Just "that part of".

Deemster Kneale: And it would read "were in the premises prior to the commencement of that period."

The Governor: Yes.

Deemster Kneale: "In the premises." So you can go elsewhere and come back.

Mr McFee: Time to be home and in bed at that time.

Mr Nicholls: Well I certainly am.

The Governor: That amendment, is it agreed? We will not have a division, but will register one against.

It was agreed.

The Governor: Clause 1 as amended, is that agreed?

Mr McFee: Against, sir.

The Governor: Well we will note that Mr McFee is against, so it will be in the record. You are on the side of the angels.

Sir Ralph Stevenson: Is the Lord Bishop against?

The Lord Bishop: No, I am for this. We are leaving the three words out.

The Governor: Clause 2.

The Attorney-General: Your Excellency, clause 2 is on an entirely different subject.

The Governor: This is something quite different.

The Attorney-General: At the moment, Your Excellency, applications for the annual licensing sessions in the four towns of the Isle of Man have to be rendered to the High-Bailiff's office by the 31st December. It is then . . . now that is a very bad time of the year for the big breweries, as it were, who have a lot of licences to put forward.

Deemster Kneale: Bad for everybody.

The Attorney-General: It is a bad time of the year for the advocates who have a lot of licences to put forward, and it is a bad time of the year for anything of that nature. So by the 31st December all these applications, and there are hundreds and hundreds and hundreds of them, arrive in the High-Bailiff's office. They then have to be vetted most carefully. They then have to be prepared into lists for printing and they have to be sent off to the printers, and they come back and they have to be compared again, and there is only, I think I am right in saying, there is about one month in which to do it, to get them all done and it is a great deal of work for the staff of the High-Bailiff's office. This simply says that instead of having the applications in by the 31st day of December, the applications must be in by the 30th day of November. Now it is to the advantage of everybody.

The Governor: Good. Is that agreed?

It was agreed.

The Governor: Three.

The Attorney-General: This is the short title, sir, and commencement. Could we strike out these bracketed words "(No. 2)", because the Licensing Act, the original one, fell by the way. It wants to be made 1969, sir, and then again on line 26—1968 needs to be altered to 1969. Subject to those amendments I move that clause 3 stand as part of the Bill, sir.

The Governor: Agreed?

It was agreed.

The Governor: We now resume.

The Attorney-General: Yes, sir.

The Governor: Now, there is—as

this is June, there is an element of urgency in this. We have got to get the Keys to agree to that amendment and we have got to get it signed. It won't come into law this year but we want to get the Keys to agree this. Do we agree to suspend Standing Orders and take the third reading?

It was agreed.

The Attorney-General: Your Excellency, I beg to move the third reading of the Licensing Bill, 1969, and that the Bill do pass.

It was agreed.

Mr McFee: And will you register my vote against, sir.

The Governor: We will register your vote against. The Council will now sit in private for a few minutes and we will resume in public at 2.30 p.m.

 AGRICULTURAL HOLDINGS BILL
 —SECOND AND THIRD READINGS
 —APPROVED

The Governor: Now the Agricultural Holdings Bill, Mr Radcliffe is ill but we have given it a first reading and a second reading and we are now in committee and what I intend to do is to call batches of clauses and ask the First Deemster to expound, where necessary, his amendments. Everybody has had the amendments, I hope, and studied them.

Mr McFee: Are we in private at the moment?

The Governor: No.

Mr McFee: Because the policeman is outside the door.

The Governor: He is keeping the

enemy at bay. (Laughter.) We are in public. Now, clause 1.

Deemster Kneale: That was only . . . I move that amendment, it is purely a matter of bringing the latter part of that section into better English and strike out those words. It will now read, "(d) The Land Court declares . . ." You follow that, do you?

The Governor: Is that clear?

Mr McFee: This has been agreed to by the chairman of the Board of Agriculture?

Deemster Kneale: Everything has been agreed by Mr Radcliffe, the Attorney-General and the Board of Agriculture and Fisheries. So the measure is really agreed, gentleman, subject to your confirmation.

Sir Ralph Stevenson: So all we take out is "which is land which".

The Governor: And put a little letter "d" in brackets?

Sir Ralph Stevenson: Yes.

The Governor: Clause 1 agreed?

It was agreed.

The Governor: Now then, the next lump we can take is clauses 2 to 9.

Sir Ralph Stevenson: Which clause are we taking?

The Governor: We are taking the whole lot.

Deemster Kneale: Now in clause 3 you want to add, it is only a matter of wording, in the draft really, in the first line substitute the words "of one year or upwards" for the words "exceeding one year."

The Governor: It is bringing in ten-

ancies of one year. Before it had to be more than one year.

Deemster Kneale: And in line 36 after the word "unless" insert the words "not less than one year before the date fixed for the expiration of the term a". This is because after much discussion it was decided, sir, when it comes down to clause 4 that is on line three, we deleted that, and as a matter of fact we also deleted one of the subsections in clause 3 because we thought it completely out of date, sub-section (3). Clause 4 we have made it this clause now that in future if you want to terminate a tenancy you must give at least one year's notice, terminating on the 12th November in the succeeding year. Of course the reason for that is obvious to you all. You know perfectly well that in agricultural premises you have got to plan at least a year ahead for cultivation and all the rest of it, and our present method really means that it is only on 5th July that the tenant who has got to go out can be served notice, and the land during that period is simply doing nothing, because no man can do it, so now it is one year and, of course, there would be compensation as well. That is the effect of it, that in subsection (1) it will be for one year, but that section does not apply if there is a receiving order made or notice under contract of tenancy. Some tenancies have that—notice where you can terminate by mutual agreement or something like that. If he wants to go out, he can go out.

Sir Ralph Stevenson: It gives an extra year in certain cases.

Deemster Kneale: Yes, it is a year in every case now.

Sir Ralph Stevenson: In certain cases it is an extra year.

Mr McFee: In all cases except where it is defined otherwise.

Deemster Kneale: That is it.

Mr Bolton: An extra year? Only if notice is not given surely. If notice is given it would terminate?

Deemster Kneale: Yes. All these clauses were re-numbered in consequence of that amendment to clause 4. As a matter of fact it had to go in, otherwise it would not have worked. Then in the new subsection (4) it is only a matter of a word out—from the service of such notice. Purely a matter of working. Then in the new 5(b) the words "operation of the notice" have been inserted on that line and then these subsections, (3), (4), (5) and (6) shall not apply if the Land Court certifies that the land is needed for non-agricultural purposes, that is in the present Bill; a certificate that the tenant has not dealt with the land according to the rules of good husbandry. Now clauses (c) and (d) are purely a matter of what is in the normal leases. In other words, if you fail to pay the rent when it becomes due, or within 21 days thereafter . . . to remedy any breach. That is in every lease. We suggest that in place of what is written here, and (d) the tenant has become bankrupt or made a Deed of Arrangement with his creditors. Again that is in ordinary leases. Also in (e) and (f) the words "tenant, or statutory tenant" should be substituted for the word "he" because these clauses are to refer not only to the tenant but to the statutory tenant. Then (8), this is a clause that is in another part of the Bill which enables the Lands Court to grant a tenancy to a surviving spouse of any child or grandchild of the deceased tenant or statutory tenant if they are satisfied in respect of the tenant being capable of carrying on the holding. That was already in, although worded in a slightly different form.

The Governor: There is no alteration to clause 5.

Deemster Kneale: Now as far as clause 6 is concerned all we have put in there are the words "to the other party".

Mr Bolton: Could I ask, sir, have we dealt with this Bill or what?

The Governor: We are in committee. We have given it a first reading and a second reading. We are now in committee dealing with clauses 2 to 9.

Mr Bolton: Oh, I thought you were just dealing with the amendments.

The Governor: We are dealing with the amendments, but we presume that if you wish to put in any counter-amendments you will do so while we are going through the Bill.

Mr Bolton: We are assuming that the Bill is all right.

Deemster Kneale: Well it has been agreed with the Board of Agriculture the Attorney-General and Mr Radcliffe. We have gone through it with a tooth-comb.

The Governor: What we are not going to do is to read through each clause — clause by clause. Now six.

Deemster Kneale: Clause 6, sir, as I have already mentioned, simply inserting the words "to the other party". If they want a revision then notice must be given to the other party. Then the revision of tenancies.

The Governor: Now that is a new one. Seven.

Deemster Kneale: Yes, "where the rent terms and conditions of tenancy have been fixed or revised by the Land Court no revision or further revision may be applied for in respect of the five years following the fixing or revision thereof." The reason for putting that in is to have stability, instead of

having landlords and tenants constantly asking for revision. We are providing that for five years you cannot seek a revision. Then clause 8. This is a provision where the landlord desires to sell. It is carrying out what was in effect the old clause but in a more definite way, and that is: "Where a landlord desires to sell he shall first give notice in writing to the tenant or statutory tenant offering to sell the same to the tenant at a stated price." That is what we put in now, "and in the event of the parties failing to negotiate an agreed purchase price within a period of three months from the service of the notice the landlord shall have the right to sell the property on the open market subject to the existing tenancy or statutory tenancy, and the provisions of this Act." It makes it quite clear that the tenant can have the first refusal.

Mr McFee: What about . . . take now the re-development that is going on, and he wants to sell part of it?

Deemster Kneale: That is all right — it is covered — but you would have to compensate the tenant.

Sir Ralph Stevenson: The owner has the right to sell on the open market. That means he puts it up to auction or not? Can he put a reserve on? He can put a reserve on of his price?

Deemster Kneale: Certainly.

Mr McFee: He could put any price offered; £1,000 an acre — he could ask for it.

Sir Ralph Stevenson: Supposing he sets a price, and the tenant or statutory tenant refuses it. The owner then has the right to put it on the open market. Can he go above that?

Deemster Kneale: He can ask as much as he wants. It is an open market.

The Governor: If he goes below it then the tenant can.

Deemster Kneale: The tenant will be watching it I expect.

Mr McFee: He would be quite happy about it.

Mr Bolton: But it is all subject to the existing tenancy.

Deemster Kneale: That is right. As it is now. If you sell property with a lease on it to anyone you have to—

Mr Bolton: The only point that strikes me is this that the lease is not one that has been deliberately agreed by the landlord. He can be done in this so as he doesn't get control of his property in any case. What I look at is this, that a landlord's lease can be so extended that he cannot sell at what might be the true value, because he has got to sell subject to the tenancy. The tenant then buys it in and the tenant is quite free to sell and make a profit—which, to my mind, is not a desirable situation to be in. If the tenant buys it there should be some bar on him selling it again within a period. He must farm it.

Deemster Kneale: You cannot do that.

Mr Bolton: Well then you are taking from one man to give to another.

Mr McFee: The same thing is happening to houses even built on the housing schemes.

Deemster Kneale: You cannot do it. In law it would be a bad thing to try to do. It cannot go on indefinitely. So far as the tenant is concerned he gets the chance to buy it at his price and it is up to him then to negotiate with the landlord to buy it. If he fails to buy it at his price and it is up to him then to negotiate with the landlord to buy it. If he fails to buy, then it goes to public auction or private treaty by the landlord.

Mr Bolton: I agree entirely if the landlord has voluntarily given the lease which had not run out, but the landlord loses control under this Act and then he has got to put it up for sale, subject to the tenancy. The tenant could buy it and he could make the profit on it that the landlord might have made. Now what justice is there in that? It can be done.

Deemster Kneale: Yes, but the justice in the matter is this, here is the tenant with all his eggs in one basket, cultivating the land over and over again. So far as the landlord is concerned he hasn't appreciated the property at all. He has got nothing to appreciate in it.

Mr Bolton: Who says he hasn't?

Deemster Kneale: Well I am going to say in most cases he doesn't. The tenant makes improvements in connection with mortgages and that can all be brought into the stated price they are asking. The object of this is to give security of tenure to the tenant-farmer, and remember this, that we know the extraordinary increase in prices of farms now. Whereas the price was, say, £100 per acre, it is now £300 an acre. Now what is the position of the tenant going to be if he is not protected in some way. It would be impossible. As you know this has been in England for many, many years and we are doing no more here, except in this particular clause—it alters the provisions of the English Act—in a different way, and we are doing no more here than giving them certain rights and if he has to go out he is compensated. That is the position so far as we are concerned, because the Land Court is there to see justice is done. Therefore in the case that Mr Bolton has referred to, all the landlord has to do is go to the Land Court and get a possession order and he can sell in the open market then.

Mr McFee: How does the Business Premises Act work?

Deemster Kneale: After two years,

two or three; I think it is two years, but that is different. Clause 9, sir, the words again used as "his spouse, or any child, or grandchild of the landlord"—this brings it in line with the other one. For the words "within one month of the date" substitute the words "within one month from the service". That is purely wording.

The Governor: Now clauses, two to nine, as amended, are they acceptable?

It was agreed.

The Governor: The next part is 10 to 18, compensation.

Deemster Kneale: Now 10 to 18, again, Your Excellency, are just a matter of drafting as compared with the previous section, and it is where the tenancy of an agricultural holding is terminated by reason of a notice to quit and the tenant quits the holding then subject to the provisions of this section compensation shall be payable by the landlord to the tenant in accordance with the provisions of this section; but the compensation is not to be payable were by the operation of subsections (3), (4), (5) and (6). These you will notice are all cases of default by the tenant and obviously if they have neglected and not done the right thing, have committed breaches of tenancy, etc., then in that case no compensation will be paid to the tenant; excepting that he is compensated. Also if the landlord withdraws notice to quit and the tenant or statutory tenant has unreasonably refused or failed to agree to accept the offer, that is all there, sir, except in clause 5 the word "statutory" is added after the word "public" so that it means public or statutory authority.

The Governor: Then there is paragraph (c).

Deemster Kneale: That is the clause

where it covers everybody—railway, water or the Government Property Trustees, Finance Board, Treasurer, a board of Tynwald or a local authority. If possession is required by any of them for a purpose not being an agricultural purpose.

Mr McFee: Say a landlord does an awful lot of improvements, is there no way in which he is compensated for that improvement during the lease?

The Governor: He is doing it for his own good.

Deemster Kneale: He charges interest.

Mr McFee: Then he won't unless you agree. We are coming to improvements later on—dealing with tenants. In the case of landlords you always come to agreement with your tenant in that way and charges 5 per cent. on it.

The Lord Bishop: This says Finance Board and any board of Tynwald—is the Finance Board not a board of Tynwald?

Deemster Kneale: Not expressly.

The Governor: Clause 11.

Deemster Kneale: Compensation for certain improvements. There you have the point—this is where the tenant is concerned. There are the long-term improvements and the short-term. This is the compensation and how it has been planned. Long-term improvements which are set out must be agreed between the landlord and the tenant before the execution thereof—that is the only alteration there, sir, to subsection (1).

The Governor: There must be an agreement signed.

Deemster Kneale: "Before the execu-

tion thereof." "Then the tenant shall pay the outgoing compensation" that is only putting in expressly what should have been in the Act. It means he must pay what is the compensation for long-term improvements in accordance with the provisions of the Act. The next is clause 13. There is just a matter of wording there. For short-term improvements carried out by him in accordance with the provisions of this section, and you will notice that short-term improvements relate to residual and unexpended manorial values as set out in the first schedule to the Act. The cost of lime, manure and fertilisers, all that follows the English Act. Of course you have to deduct from that any subsidies paid by the Board.

The Governor: That is rather narrower than it was. It was Manx Government but now you have cut it. I quite agree, I think this is an improvement.

Deemster Kneale: Fourteen: There the landlord has his remedy in the event of dilapidation, etc. Clause 16 is the same. Then cropping conditions, clause 17, after those words "under custom, usage or" set out in the existing lease.

The Governor: What is "usage or"?

Deemster Kneale: That is the usual wording.

The Governor: Should it not be "any custom or usage" . . . set out?

Deemster Kneale: No, it is custom, usage or as set out. It is either customary or according to the usages of the district or in the lease.

Sir Ralph Stevenson: "Custom, usage," is a term of art is it?

Deemster Kneale: Yes. Then after the words "any way" insert the words

"injurious or". This is to bring it into line with the other provisions of the Act.

The Governor: Why? What is the difference between injurious and detrimental?

Sir Ralph Stevenson: When is it injurious and not detrimental?

Deemster Kneale: Injurious is first of all when there has been something legal, and detrimental may be nothing to do with the environment, the difference between two kinds of improvements of some kind. The tenant may think he is doing right, but it is detrimental to the land itself.

Sir Ralph Stevenson: If it is detrimental then it is also injurious.

Deemster Kneale: Not necessarily so.

Sir Ralph Stevenson: I should have thought anything that was injurious to the land was detrimental to it.

Deemster Kneale: It isn't.

Sir Ralph Stevenson: Isn't it?

Deemster Kneale: No, because if you injure the land in its cropping and all that sort of thing you see, but it also—

The Governor: I thought injurious was a synonym for detrimental.

Sir Ralph Stevenson: I did too. If you do something to injure the land what you have done is detrimental to the land, isn't it?

Deemster Kneale: No, but you might not injure the land but you could do something detrimental.

Sir Ralph Stevenson: You could do something detrimental without being injurious?

Deemster Kneale: Exactly.

The Governor: But could you do anything injurious without it being detrimental?

Deemster Kneale: No. Detrimental is a bigger word than injurious. It is subject to legal injury.

Sir Ralph Stevenson: Yet they could neglect your land and that could be detrimental, but they would not be injuring it actively.

Deemster Kneale: Actively do something that is injurious.

The Lord Bishop: There is no harm anyway if we had six different words, it is all the same, like the Prayer Book.

Deemster Kneale: Now the amendments to clause 18, sir, are necessary because in the Isle of Man a mortgagee does not enter into possession of property. What happens is an execution is granted against it, and then it is put in the hands of the coroner and the coroner enforces it. Now under this old section if that happened the unfortunate tenant would not have had any compensation, so this is really bringing us into line with the Manx method of . . . where a mortgagee enforces security. "Enforces his security against the holding, and in consequence the occupier is deprived of possession."

The Governor: Right then, clauses 10 to 18, as amended. Is that agreed?

It was agreed.

The Governor: The next batch is clauses 19 to 28.

Deemster Kneale: As far as clause 19 is concerned the only alteration is to substitute the following for subsection (3): "The Land Court may at any stage of the proceedings and shall, until a

direction in that behalf given by the Chancery Division upon an application made by either party, state in the form of a special case for the opinion of the Chancery Division, any question of law arising in the course of the proceedings under this section, and the decision of the Chancery Division on any such question so stated shall be final." Previously it was to the Staff of Government Division.

The Governor: The Staff of Government is a sort of Queen's Bench, is it?

Deemster Kneale: No, the Court of Appeal.

The Governor: So this is now going to Chancery before it goes to the Court of Appeal.

Mr McFee: Who determines the right rent?

Deemster Kneale: The Land Court. That is the only alteration there, sir.

The Governor: Agreed?

It was agreed.

Deemster Kneale: In clause 20 in subsection (1), on line 23, after the word "tenant" insert the words "or statutory tenant", also in lines 26, 28 and 32 for the words "Staff of Government Division" substitute the words "Chancery Division".

The Governor: Staff of Government Division is when the Judge of Appeal comes in, is it?

Deemster Kneale: Yes, sir. Clause 21 deals with provisions for expediting and reducing costs of inquiry. There is no alteration to clauses 22, 23, 24 and 25.

The Governor: Clause 26 is the next. The little marginal note at the side.

Deemster Kneale: Oh, yes, sir; substitute the following marginal note: "Recovery of compensation, etc., when mortgagee enforces his security." Then so far as clause 28 is concerned—

The Governor: What about clause 27?

Deemster Kneale: That is all right, sir.

The Governor: The Land Court. We will take the second schedule, I think, when we come to it.

Deemster Kneale: Clause 28 at the beginning of subsections (1) and (2) insert the words "subject to the provisions of this Act".

The Governor: Clauses 19 to 28, as amended, are they agreed?

It was agreed.

The Governor: Clauses 29 and 30 are the next.

Deemster Kneale: Clause 29, sir, is the usual form for entry and inspection.

The Governor: That is not changed at all?

Deemster Kneale: No, sir, nor is clause 30.

The Governor: Are they agreed?

It was agreed.

The Governor: We will take clause 31 by itself. It is quite a meal.

Deemster Kneale: As far as clause 31 is concerned, sir, in the definition of "Agricultural Holding" we need to insert the words "and includes a part of an agricultural holding." This applies to compensation to both parties.

Mr McFee: Both ways.

Deemster Kneale: Yes. If it is right to take possession under a lease then compensation will be paid in accordance with the provisions of this Act. Then "livestock" has been defined because it is in the English Act and we decided to put it in. As far as the definition of "tenant" is concerned, we need to substitute the word "receiver" for the word "committee" in line 36, and in line 37, after the word "tenant" add the words "or trustee of a Deed of Arrangement of a tenant."

The Governor: Agreed?

It was agreed?

Deemster Kneale: Clause 32 is the definition of good husbandry as recognised in the Island, sir, and is quite normal. Clause 33 is the construction of references in other Acts to holdings as defined by the Agricultural Holdings Act, 1936.

The Governor: Clauses 32 and 33, agreed?

It was agreed.

The Governor: Clause 34.

Deemster Kneale: This is the repeal of the Agricultural Holdings Acts of 1936 and 1942.

The Governor: Now, clause 35, in which I notice there is a change.

Deemster Kneale: Yes, in line 23 substitute the word "quits" for the word "quit" and in line 30 after the word "mortgagee" insert the words "in consequence of the mortgagee enforcing his security." This also applies to former leases.

The Governor: Clauses 34 and 35, agreed?

It was agreed.

The Lord Bishop: Excuse me, referring to clause 35, it really wasn't a past verb was it, or quitted? It does mean

the present tense because it is grammatically correct.

Deemster Kneale: Yes, but it is quits after the commencement of this Act.

The Governor: Clause 36.

Deemster Kneale: There is no change to clauses 36, 37 or 38.

The Governor: Are they agreed?

It was agreed.

The Governor: Now the first schedule. Here we have a change.

Deemster Kneale: As far as the First Schedule is concerned, the only alteration is this, there was some typographical error when the Schedule was printed and all we have done is to separate it. "1—where no crop has been taken from the land since the manure was applied, the value shall be the reasonable cost of the manure as applied to the land (including the cost of delivery and spreading) less the amount of any Government subsidy paid in respect of the manure delivery and application. 2—when one crop or more has been taken from the land since the manure was applied, the value shall be calculated in accordance with the following format." We have just separated them.

The Governor: I see, yes.

Deemster Kneale: Then we have defined the expression "crop." It shall include a crop of grass.

The Governor: That is a hay crop, or silage.

Sir Ralph Stevenson: One crop or more means an indefinite number of crops.

Deemster Kneale: You might have grain followed by—

Sir Ralph Stevenson: It could go on for six or eight crops.

Deemster Kneale: Yes.

The Governor: Is the First Schedule agreed?

It was agreed.

The Governor: The Second Schedule.

Deemster Kneale: This is the constitution of the Land Court appointed as provided. It is the usual thing, a panel of persons is appointed and from this panel a Land Court is constituted. The Governor shall appoint the persons so nominated or selected from the panel to form, with the High-Bailiff or some other person of legal training—there is one from the panel of landlords, a representative of the tenants, a tenant's nominee—and they together with the High-Bailiff constitute the Land Court. The usual provisions are in the Act to give the Land Court the necessary power.

Mr McFee: That is a clause that should be in a lot of lay appeals anyway.

Deemster Kneale: We have made an important alteration. We require that the cost should be recoverable from either party in accordance with what the court shall decide, including remuneration. Formerly they expected the Government to pay, why I don't know.

The Governor: This is only where either party has acted unreasonably

Deemster Kneale: Yes, but at any event there will be an order as to costs and remuneration. Then there is the usual provision as to the administering of oaths, the High Court rules, the summoning of witnesses.

The Governor: Well, now, the only comment I have relates to paragraph 7 (a); when it is being reprinted wouldn't it be better if it were re-numbered?

Deemster Kneale: Oh, yes, sir, but I put it in this way because I wanted the Board to see what the alterations were

and that was the only way I could do it. So we will make a note that those are going to be changed. Then the only other in paragraph 11, substitute the words "Chancery Division" for the words "Staff of Government Division" and add the following paragraphs—"16. Subject to the provisions of this Act, the award shall be final and binding on the parties and the persons claiming under them respectively. 17. The Land Court shall have power to correct in the award any clerical mistake or error arising from any accidental slip or omission." That is the whole of the second schedule.

The Governor: The second schedule, is that acceptable?

It was agreed.

The Governor: We now resume, and I would like to say that we owe a big debt of gratitude to the learned First Deemster because, I think, in effect, he and the Attorney-General have been a committee of this Council and they have thrashed it all out with the Board of Agriculture, and the Board of Agriculture have accepted these, and we are most grateful.

Mr Bolton: Could I ask, sir, I am still somewhat mystified, particularly with section 3. Now if I decided to let an agricultural holding for one year and I wanted it back at the end of the year, what do I do?

Deemster Kneale: If you have only let it for one year, then so far as you are concerned it carries on from year to year unless you go to the Land Court.

Mr Bolton: I am letting it to a man for one year and he knows I am letting it for one year and one year only and I want it at the end of the year, now what action do I take to be sure I get it?

The Attorney-General: Let it for 364 days.

Mr Bolton: It does look to me, sir, we have altered apparently, clause 3 instead

of saying for more than one year, to one year or upwards, which means that you have got to get down to these subterfuges of 364 days if you are not—who knows this? A man decides he wants to let it and will want it back in a year's time, can he get it? He has got to give notice on the day he signs his agreement to let it for a year. He has got to give notice before he actually lets the land.

The Lord Bishop: Well, anyone who lets a farm for one year wants his head examined.

Sir Ralph Stevenson: He might let a field.

Deemster Kneale: But that is not a farm.

Sir Ralph Stevenson: Then they are not evicted.

The Lord Bishop: Three of my clergy are letting out their little bits of glebe and all their problems—

Deemster Kneale: Only to this extent . . . "is customarily let in fields or parcels for terms not exceeding one year and does not form part of an agricultural holding." It depends what they are letting it for. If it is let for grazing only they are all right.

The Lord Bishop: I thought of this question of the year at the time, that Mr Bolton has raised.

Deemster Kneale: But nobody would let a farm for a year.

Mr McFee: I have just one observation to make regarding the speed at which we are passing this, that you folk should be in charge of every Bill. (Laughter.)

Deemster Kneale: Well, sir, have we resumed?

The Governor: We have resumed. Would you like to move the third reading?

Deemster Kneale: Yes, sir, I move the third reading and that the Bill do pass.

The Governor: We have to suspend Standing Orders first. Is it agreed that we do that?

It was agreed.

Deemster Kneale: I move the third reading.

The Governor: Does anybody want to speak on the third reading? If not, is it agreed?

It was agreed.

The Governor: I take it that the Bill will now have to be reprinted.

Deemster Kneale: Yes, and I suggest that when it is reprinted you put the amendments in italics.

The Governor: We will make it quite clear also that the Board are fully aware of all we have done.

WILLS BILL — SECOND AND THIRD
READING APPROVED.

The Governor: The next item is the Wills Bill for second reading. I call upon the learned Attorney-General.

The Attorney-General: Your Excellency, I have given a full explanation of this very short simple Bill at the first reading. I therefore just formally move the second reading.

Deemster Kneale: I second it, sir.

The Governor: Agreed?

It was agreed.

The Governor: We now go into committee. Clause 1.

The Attorney-General: Clause 1 is the whole of the Bill, Your Excellency. The purpose of the Bill is notwithstanding the fact that a beneficiary or a spouse of a beneficiary may have signed a will as a witness; if there are two other inde-

pendent witnesses who have signed the will as attesting witnesses, then the fact that the beneficiary has also signed will not nullify his or her gift. That is all that it amount to, and I beg to move—

Deemster Kneale: Have you explained the reason for this?

The Attorney-General: Well, yes. I explained it in full actually at the first reading.

Deemster Kneale: What happened was that this testator in order to ensure that the two beneficiaries knew the contents of the will, he got them to sign it. Fortunately for him there were two other people also witnessing, so the will was valid. But they were not entitled to be witnesses. This rectifies it. As long as there are two independent witnesses it is all right.

The Attorney-General: I beg to move clause 1 stands part of the Bill, Your Excellency.

It was agreed.

The Attorney-General: Clause 2, Your Excellency, is merely the short title, construction and commencement. It is a Bill which comes into force immediately it is announced to Tynwald. I beg to move clause 2 stands part of the Bill.

Deemster Kneale: I second.

The Governor: Agreed?

It was agreed.

The Attorney-General: I move that Council do now resume, Your Excellency, and that we suspend Standing Orders to get rid of it.

It was agreed.

The Attorney-General: I beg to move the third reading and that the Bill be passed.

It was agreed.

ONCHAN VILLAGE DISTRICT
(DIFFERENTIAL RATING) BILL
— SECOND READING — APPROVED.

The Governor: As Mr Nivison is not with us, would you, Mr Attorney, be prepared to take the second reading of the Onchan Village District (Differential Rating) Bill?

The Attorney-General: I have no objection. I beg to move the second reading, sir.

The Governor: Agreed?

It was agreed.

The Attorney-General: Clause 1, sir, simply defines the extended area which is the area which the boundaries of Onchan, the Village District were extended to include by our resolution of the 9th of April 1968, or Tynwald resolution. I beg to move that clause 1 stand part of the Bill.

The Governor: Agreed?

It was agreed.

The Attorney-General: You will see, sir, in clause 2, there are precisely two properties in the extended area which are going to be affected in respect of rates, Cronk View at Cronk-ny-Mona and Hillberry House, Hillberry, which are now caught up into the Onchan Village district, and they are to have differential rating as set out in the schedule. You will see that for the past rating year there is a rebate of 50 per cent, and then it goes along for the next four years, dropping by 10 per cent each time.

The Governor: What is the reason? Can you tell us?

The Attorney-General: The reason for it is, sir, it is a gradual change. They haven't got the benefit, because these are, I was going to say, country areas, not in the metropolitan area, as yet, of the Onchan Village district, and they

haven't got the benefit of lighting and that kind of thing. It will come in, I beg to move clause 2 stand part of the Bill.

The Lord Bishop: At what moment did this area pass from one authority to another?

The Attorney-General: On the 9th day of April, 1968. As soon as Tynwald approved the resolution, it happened.

Sir Ralph Stevenson: Would the ratepayer get back his rebate?

The Attorney-General: Yes, the point is covered, Your Excellency, in clause 3. This clause is the citation and short title, in sub-section (1). Then the time when the Act becomes law, or when it is announced to Tynwald. But it shall be deemed to have come into effect on the 12th day of May, 1968. So that covers the point raised by Sir Ralph.

The Governor: Agreed?

It was agreed.

The Attorney-General: I move that Council do now resume, Your Excellency. I would not move the third reading on this. Mr Nivison might wish to say something on some particular point.

The Governor: I don't think there is any urgency. Because as long as it is signed at the next Tynwald. It will be October, anyway, before it gets to Tynwald.

The Lord Bishop: It concerns Mr Nivison himself, and it also concerns him as a great objector to the suspension of Standing Orders.

LOCAL GOVERNMENT (LEASING
POWERS) BILL — SECOND AND
THIRD READINGS — APPROVED.

The Governor: Let's keep it for him. Local Government (Leasing Powers) Bill. The Attorney-General.

The Attorney-General: Yes, Your Excellency. This Bill again, on the first reading it was fully explained, and I would just move the second reading. I beg to move.

It was agreed.

The Governor: Clause 1.

The Attorney-General: This is a clause which reduces the, generally speaking, unlimited leasing powers of local authorities. As has been explained, a local authority can't sell its property without the authority or permission of either the Board or of Tynwald. The purpose of this clause is to provide that a local authority may not let any lands for any term, not exceeding . . . I am sorry. A local authority may let its land for any term not exceeding seven years; with the approval of the Local Government Board it may let it for any term exceeding seven, but not exceeding 21; and if the local authority wants to exceed 21 years — and this does happen — then they have to seek the approval of Tynwald. The point of the clause is to prevent local authorities depriving themselves of their land for long periods, without somebody being able to look at it and say — "Yes, this is reasonable. The rent is reasonable. The ratepayers are being protected."

Deemster Kneale: And there is reason for a long term.

The Attorney-General: Exactly.

The Governor: Clause 1 agreed ?

It was agreed.

The Governor: Clause 2, which has been amended by the Keys.

The Attorney-General: Yes, and these amendments are important, but they don't go to the root of the thing. They should have been in originally. This just

amends section 15 of the 1963 Act, to bring in the provisions of this Act.

The Governor: Agreed ?

It was agreed.

The Attorney-General: Clause 3. The short title and commencement. There are these amendments which have been put in.

The Governor: Agreed ?

It was agreed.

The Attorney-General: I move the Council do now resume. I would ask for the suspension of Standing Orders to enable us to give this Bill its third reading.

The Governor: Agreed ?

It was agreed.

The Attorney-General: I beg to move the third reading of the Bill, sir, and that the Bill do pass.

It was agreed.

DISEASES OF ANIMALS (PREVENTION) BILL — SECOND AND THIRD READINGS — APPROVED.

The Governor: Good. Now, the Diseases of Animals (Prevention) Bill.

The Attorney-General: Yes, Your Excellency. Again could I just move the second reading ?

It was agreed.

The Governor: Yes. That's been agreed. Now the, in committee. Clause 1.

The Attorney-General: Clause 1, this clarifies the Board's powers under section 4 of the principal Act. That section enables the Board to make orders to prohibit or regulate the importation of animals, etc., to subject animals to

quarantine, to regulate their movements within the Island, to prescribe for the disinfection of animals in places where animals have been or may go, and for the slaughter of diseased animals. That is section 4 of the 1948 Act. Now, clause 1 of this Bill puts beyond doubt the power of the Board to order the cleansing and disinfection of persons who come from an area affected by disease, and also to cleanse and disinfect their clothing, etc., and to regulate the movements of those persons within the Isle of Man. Sub-paragraph (b) enables the Board to prohibit the importation into the Island of articles of whatever nature whereby diseases may be conveyed. As I explained at the first reading, we were indebted, I think, to the co-operation of the public for their unquestioning compliance with some of the Orders, and so on, that had been passed, in the foot and mouth epidemic. I beg to move, sir, that clause 1 stand part of the Bill.

It was agreed.

The Governor: Clause 2.

The Attorney-General: This clause, sir, puts beyond doubt the power of a constable to seize and detain any meat or any article brought into the Isle of Man in contravention of the law, and also, in seizing and detaining any packing or other materials which he thinks have been in contact with such meat or other article. I beg to move clause 2 stand part of the Bill.

It was agreed.

The Governor: Clause 3.

The Attorney-General: Clause 3, sir, enables the Board of Agriculture and Fisheries to cause illegally imported articles to be destroyed or removed from the Isle of Man. I beg to move clause 3 stand part of the Bill.

It was agreed.

The Attorney-General: Clause 4, sir, clarifies section 21 of the 1948 Act. Now section 21 of the 1948 Act enables an inspector or official of Customs to seize imported meat which is likely to introduce or spread disease, and to destroy the same. This clause provides that meat imported, or suspected of being imported, from an area affected by disease, shall be deemed to be likely to spread disease. It overcomes what was found to be a very great difficulty during the recent — well I say recent now — in the epidemic of a year or so ago. You see, the point there is, that under section 21, if the meat is likely to introduce or spread disease, it may be seized or destroyed. Now, an inspector or officer of Customs, looking at it, he doesn't know — it has to be investigated, analysed, and that kind of thing. Now, this clause says if it comes from an area of infection, then it is deemed to be likely to cause or spread disease.

Mr McFee: As long as it is not abused in any way to restrict imports. That is the only danger of these animal health orders. It could be used to control imports, which would be dangerous.

The Attorney-General: It is not likely to happen now. I know it was tried many years ago. I certainly opposed it.

The Governor: Agreed?

It was agreed.

The Attorney-General: Now, clause 5, sir, was amended by the Keys. It empowers a constable, or duly authorised person—

The Governor: It says "officer."

The Attorney-General: I am sorry. I beg your pardon. "Authorised to carry into effect the provisions of the principal Act, who has reasonable grounds for so doing, to stop any vehicle and search. Any vehicle, vessel, aircraft or plane, or any person, for the purpose of ascer-

taining whether the same contains or carried any meat or other article imported in contravention of the law. That one, as I say, was amended by the Keys, the insertion of the "reasonable grounds" provision, with which I quite happily agree. Then there is a proviso added on to that, "that the inspector, constable or other officer shall, if required, state in writing the grounds on which he has stopped or searched." I beg to move that clause 5 stand part of the Bill.

It was agreed.

The Attorney-General: Hon. members will see that clause 6, which contained amendments to the principal Act, was deleted elsewhere, and a new clause 6 substituted. And this says "that the following section should be substituted for section 23 of the principal Act" and sets it out. Now, it amends the penalties in the principal Act, which are at present — for each offence a penalty not exceeding £20. But where four or more animals are concerned, a penalty not exceeding £5 in respect of each animal. So if there are three animals, there will be a penalty. If there is one animal, or three animals, there can be a penalty of up to £20; or four animals, a penalty of up to £20. If there are five animals, the penalty can be £5 per animal, namely, £25. If there are 60 animals, £300. The clause brings these figures up to a maximum of £400 instead of £20. An additional maximum of £100 instead of the £5 for each animal or article in excess of four. Now, hon. members might think these penalties are savage but when one contemplates the appalling economic disaster that could strike the Isle of Man—

Deemster Kneale: It struck Cheshire—

The Attorney-General: Through some greed—

Deemster Kneale: On the part of just one individual.

The Attorney-General: Yes. I think you will agree that these penalties cannot be too high. Also that whereas section 23 of the 1948 Act relates only to animals, the new penalties relate to both animals and articles. Sub-section (2), in conjunction with the schedule, makes relatively minor amendments to the 1948 Act, as set out in the schedule. I beg to move, Your Excellency, that clause 6 stand part of the Bill.

It was agreed.

The Attorney-General: Clause 7, Your Excellency, is merely saying what the principal Act means. And clause 8 is the short title, citation and commencement. I move that these clauses stand part of the Bill.

The Governor: Agreed?

It was agreed.

The Governor: Now we have the schedule.

The Attorney-General: Yes. These amendments relating to sections 4, 8 and 30 merely include aircraft and hovercraft as well as vessels and people?

Deemster Kneale: What about hydrofoils?

The Attorney-General: That is a vessel. Now, the amendment to section 5, substitutes a maximum penalty of £200 for the existing penalty of £20. As a matter of fact, that is what we have already been talking about. The offence there is for taking a diseased animal to market. Now, the amendment to section 24 makes a similar increase in penalties, and the offence under section 24 is for obstructing or impeding any duly authorised person in the execution of his duties under the Act. I beg to move that the Schedule as amended, stand part of the Bill.

It was agreed.

The Attorney-General: I move that the Council now resume, sir.

The Governor: Can we get rid of it?

The Attorney-General: I hope we can, sir. Your Excellency. I move the suspension of standing orders, and I beg to move that the Diseases of Animals (Prevention) Bill, 1969, to be read a third time and that it do pass.

The Governor: Agreed?

It was agreed.

HARBOURS (ISLE OF MAN) BILL—
SECOND AND THIRD READINGS—
APPROVED.

The Governor: The Harbours Bill.

Mr Nicholls: Your Excellency, now that the Council has got into top gear—(laughter). I did explain the objects of this Bill at the first reading. I don't think there is any necessity for me to repeat it, and I would formally move that the Bill be read a second time.

It was agreed.

The Governor: Clause 1.

Mr Nicholls: Clause 1, sir, empowers the Board to substitute a different method of obtaining dues. Instead of them being measured by tonnage, as in the past, in the principle Act, the present Act, in the case of pleasure vessels it would be by measurement, rather than by tonnage, length and breadth. This, of course, is particularly apt, because after all, when a vessel is moored at a quayside or a pier, it is the length in particular, which is most important, rather than the tonnage. It is a much easier way for the harbour master to assess the dues for that particular vessel.

The Governor: Would the Steam Packet boats be pleasure vessels?

Mr Nicholls: No, sir. They are business vessels. This applies to pleasure vessels such as yachts, etc., rather than vessels like the Steam Packet, and other vessels such as coasters and so on, they will still be charged according to tonnage, as they are at the moment. I beg to move that clause, sir.

The Governor: Clause 1, agreed?

It was agreed.

The Governor: Clause 2, Repeals.

Mr Nicholls: Yes, sir. Clause 2 repeals subsection (1) of section 63 of the principal Act which confers absolute exemption from dues on certain vessels, such as yachts. Of course, I should remind the hon members that any dues would be subject to the approval of Tynwald. The dues would have to be approved by Tynwald in the first instance.

The Governor: Agreed?

The Attorney-General: No. Well, yes. But I do want to say this, that it is only the fact that these dues still need the approval of Tynwald that induces me to vote for this clause. I will certainly not vote for any dues they seek to confer, unless there are comparable improvements in facilities for these yachts. Because I am convinced they could be a very valuable source of income to the Isle of Man.

Deemster Kneale: I would love to see a yachting marina.

Sir Ralph Stevenson: I heartily agree.

The Governor: I support the Board in the principle that if yachting is somebody's hobby, and rifle shooting is somebody's hobby, then the man with the rifle pays a licence and I don't see why the yachtsman should not.

The Attorney-General: The man with the rifle is not going to pay the

license fee unless there is something to shoot. I appreciate the Harbour Board's attitude on this.

Mr Nicholls: I could put forward very strong arguments against the views that have been expressed, both from the point of view of the value of yachts to the Island, and the point of view of the facilities which the Harbour Board are accused of not supplying. I could talk for an hour on this. I did not want to introduce controversy on this particular point, because it is purely an enabling Bill and without a doubt, there will be plenty of controversy when the question of dues comes before Tynwald.

The Governor: The Ellan Vannin can close their ranks, (laughter.)

The Lord Bishop: As one who does go round a good many camp sites, which are equivalent to harbours when boats come in, I shall put a very strong vote in for proper amenities. The trouble about this thing is that it has come from the Finance Board with a desire to get more money for nothing.

The Governor: Clause 3. We are getting a bit contentious now.

Mr Nicholls: This is the citation and commencement I beg to move.

The Governor: Agreed?

It was agreed.

Mr Nicholls: I beg to move, sir, that Council resume, and I would ask for the suspension of Standing Orders in order to take the third reading.

It was agreed.

Mr Nicholls: I move the third reading, sir.

Mr Bolton: On the third reading if I may answer the Lord Bishop. If any of these gentlemen wish to pull their

boats up on the shore at Jurby, nobody will charge them a penny, but if they do want to come into the harbours that are provided, then they should pay something to do so.

Mr Nicholls: This came really from the Rating and Taxation Report. The Harbour Board was advised to increase its revenue.

The Governor: Is that agreed?
It was agreed.

REPRESENTATION OF THE PEOPLE
(REGISTRATION OF ELECTORS)
BILL — SECOND AND THIRD
READINGS — APPROVED.

The Governor: Item 12. Representation of the People Bill. Now would the Attorney like to take this for Mr Nivision?

The Attorney-General: Yes sir, I will take it. As long as I am not subjected to too savage attacks from right and left. If I am, I shall resign. Your Excellency, I beg to move the second reading.

The Governor: Is it agreed?

It was agreed.

The Governor: Now then, clause 1,

The Attorney-General: Yes, sir, and we go into committee. First of all, Your Excellency, you will see how long this Bill has been going through the process by looking at the long title. Now then clause 1, sir, substitutes a new section for section 1, of the Registration of Electors Act, 1961, and in effect, does away with what is known as the plural vote. But only in respect of elections for members of the House Keys or elections for non-Tynwald members of the Isle of Man Board of Education. It still leaves the Corporation and the

local authority electors, with a plural vote. There are arguments in favour of that, and I am well aware that there are arguments against it. Now then, subsection (2) says "the persons entitled to vote in an election to which this section applies in any constituency shall be those who are of full age, not subject to any" — that is the same as it is at the moment — "not subject to any legal incapacity to vote, or disentitled under any Act of Tynwald" — same as it is — "and either British subjects or citizens of the Republic of Ireland", and that is the same, "and who possess a residential" — that word should be, not resident, I think it just a printing amendment, "who has a residential qualification as defined in subsection (4) of this section." The Keys have deleted those final words, have they not?

The Governor: Yes.

The Attorney-General: So, the alteration is solely a residential qualification, which entitles a person to vote now, and the property qualification has gone.

Mr McFee: Are we the only little Island now with a reservation as regard to plural voting in local authorities?

The Attorney-General: No. Northern Ireland.

Deemster Kneale: And the Channel Islands.

The Attorney-General: Now, Your Excellency, the proviso is really the same as existing legislation.

The Governor: Clause 1. Is that agreed.

Mr Bolton: The question that has just been raised by the hon. member Mr McFee is one on which some comment should be made.

The Governor: I think that is out of order, because we are not dealing with Local Government elections. If we were, I think you would find that everybody was on your side, except Mr McFee. I don't think we want to get a red herring of local elections. This is merely dealing with the House of Keys and the Isle of Man Board of Education.

Mr McFee: Bring it in as a new Bill.

Mr Bolton: The point is of course, that this is the thin end of the wedge.

The Governor: Right. Clause 1. agreed. Clause 2.

The Attorney-General: Now clause 2, looks a great long clause, but the effect of it is set out in the second page of the explanatory memorandum. It says, "Under existing legislation the forms in which lists of electors are to be made are as set out in forms 1 and 2 of the first schedule of the 1961 Act, or as is provided in section 7 of that Act in such other form as the Assessment Board may from time to time determine. In anticipation of possible difficulties arising out of this Bill, clause 2 provides that there shall be no set form but the lists shall, subject to the requirements of section 7 of the 1961 Act, as substituted here, be in such form as the Assessment Board may from time to time determine. In fact, as is pointed out here for some time past, the set forms have been varied on the determination of the Assessment Board.

The Governor: Agreed?

It was agreed.

The Attorney-General: Section 3, provides that sections 12 to 15 inclusive of the principal Act shall cease to apply to elections of members of the Keys or of non-Tynwald members of the Isle of Man Board of Education. Now that, sir, is because they are in respect of prop-

erty votes. They have to be retained, not repealed because they are still applicable to local authority elections. I beg to move that clause 3 stand part of the Bill, sir.

It was agreed

The Attorney - General: Clause 4.

The Lord Bishop:— Could I just ask a question? Does anyone go over these lists to see that no one has broken the law and got in twice, or what?

The Attorney-General: There is a man who goes around and collects the information. Then the lists are sort of published, and people can make objections to them, and then all the lists come before the High-Bailiff, and people are entitled to come and object. Arising out of these objections, the lists are altered and amended. Then they are sent off to the Rolls Office where they ultimately become the actual lists, on 12th September, each year, I think.

The Governor: Repeals.

The Attorney-General:— Clause 4, sir. Repeals, forms 1 and 2, which are rendered redundant by clause 2 of the Bill. I beg this stands part of the Bill, sir.

It was agreed.

The Governor: Now Clause 5. We have an amendment which Mr Radcliffe would have moved.

Sir Ralph Stevenson: I have been asked to move it in his absence, sir. It is quite a considerable one. It is to leave out the last line-and-a-half, "which shall be a date, not just one year after the Act comes into operation." These were put in when the Act was dated 1968. As it is now dated 1969 I move they be deleted.

The Governor: We want to change 1968 to 1969.

The Attorney-General: In two places.

The Governor: Are you prepared to accept that.

The Attorney-General: Oh yes. As a matter of fact, it stopped a possible nonsense happening in the middle of the compilation of the lists. But really when one considers that it was Your Excellency who was going to make the Order, it was really rather insulting to you that I should contemplate doing it in the middle of the compilation of the acts.

The Governor: Agreed?

It was agreed.

The Governor: We resume, and do you wish to get rid of this?

The Attorney-General: I think so.

The Governor: Third reading, agreed? agreed?

It was agreed.

DOUGLAS MUNICIPAL
CORPORATION (AMENDMENT)
BILL — SECOND AND THIRD
READINGS — APPROVED.

The Governor: Good. Well, now we have the Douglas Municipal Corporation (Amendment) Bill. This is also Mr Nivison's. Who knows about this?

Mr McFee: It is the one about the clergy, isn't it?

The Governor: In the first reading, the question was raised as to why, when the original Bill was passed these ministers and Clerks in Holy Orders

were excluded? Now, we have examined the debates, and there was nothing said at all. That clause went through on the nod, in both Houses. So we can only presume that the Attorney-General of the day had a grievance against the clergy.

Deemster Kneale: The Attorney-General of the day was a high churchman, if I remember right, sir.

The Governor: Wasn't he Harris of St George's?

The Lord Bishop: I think it goes back centuries ago when the bishops and clergy were powerful figures in the political life of the community, and this folk memory was carried on until a time when these laws could be changed. You can't now be—unless it has been changed recently—a clerk in Holy Orders cannot be a member of the House of Commons. A Free Church minister can be, yes, but not an anglican. That, of course, is because the bishops were in the upper house.

The Governor: Well, the question is, shall it be given a second reading?

It was agreed.

The Governor: Right. Clause 1.

The Attorney - General: Yes. The effect of this clause is to allow a person in Holy Orders to be a member of the Douglas Town Council. They have, as the explanatory memorandum points out, also applied what it calls the comprehensive terms in respect of disqualification which are set out in the Local Government Act of 1916 as amended by the 1949 Act. This is making it exactly the same as for all the other local authorities.

Mr McFee: You needn't worry, Mr Keynon is going away this back end.

The Lord Bishop: Yes, this all stems from him, doesn't it?

The Attorney - General: This is repeated, Your Excellency, out of the Local Government Act and I beg to move clause 1 stand part of the Bill.

It was agreed.

The Governor: Clause 2.

The Attorney-General: Clause 2, sir, frankly I don't quite know where this does come from, but it does provide for the vacation of office for failure to attend meetings for three consecutive months with provisos that if he attends as a member of a committee he shall be deemed to be attending a meeting of the Council, and the usual provision as to military and similar service.

Mr McFee: That applies to all authorities?

The Attorney - General: Yes, but Douglas was different in that it had its own Act.

The Governor: Agreed?

It was agreed.

The Governor: Clause 3, we need to amend it to 1969.

The Attorney-General: Oh, yes, but these are not formal amendments, sir.

The Governor: No, but they do get overlooked from time to time.

The Attorney - General: I beg to move clause 3 stand part of the Bill.

The Governor: Agreed?

It was agreed.

The Attorney-General: I move the Council resume.

It was agreed.

The Governor: And do we give it a third reading?

It was agreed.

PEDLARS BILL — PROGRESS OF
COMMITTEE

The Governor: We have one more thing. The Pedlars Bill was referred to a committee, which might like to tell us what they have done.

The Attorney - General: Well, sir, the more valuable members of the committee are unfortunately not present. We have endeavoured, sir, to hold meetings and each time we have been forestalled, and what I was hoping to do was to try and get the thing settled in this summer. I can tell you quite frankly, sir, that the only sensible way of doing it is reverting back to the

original Bill which was altered in the Keys.

Deemster Kneale: Throw it out altogether.

The Attorney-General: It was a budget proposal in Tynwald.

Deemster Kneale: Are we meeting next Tuesday?

The Governor: We won't be meeting next Tuesday. We will meet again on the 1st, and I am very sorry I . . . well I am not sorry at all because I shall be at the Investiture of the Prince of Wales and I wouldn't miss that for anything.

