

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 27th April 1999
at 10.30 a.m.**

Present:

The President (the Hon Sir Charles Kerruish OBE LLD (hc) CP), the Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett), Hon C M Christian, Messrs E A Crowe, D F K Delaney J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, Acting Clerk of the Council.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Hon. members, we have apologies for absence this morning from the Clerk of the Council, Mr Bawden, who is indisposed and to whom we wish a speedy recovery.

Members: Hear, hear.

**Council of Ministers – New Appointments –
Statement by the Chief Minister**

The President: Now, before turning to the business of the day as set out on the agenda paper a statement is being made at this moment by the Chief Minister in the House of Keys in respect of his new appointments to the Council. He has arranged that that statement will be available here and it is available now for members to hear simultaneously with his presentation in the House of Keys. Do you agree that we should ask our Clerk to present that paper to us at this stage? Agreed?

Members: Agreed.

The President: Thank you. Proceed.

The Acting Clerk: From the Chief Minister to Mr Speaker. 'In January 1997 I invited nine members of Tynwald to take up responsibilities as ministers. This at the time was not easy, as I wished to bring together the different groups within Tynwald to move forward with consensus government and, by doing so, retain the stability within our Island which is so vital to our continued success in international business and economic growth.

'At that time out of the nine ministers selected four were new to the Council of Ministers team and it is fair to say that not all were pleased with the portfolio offered but they were all willing to work within the ministerial system to achieve the overall objective, and it is worth noting that only one department had the same minister as in the previous administration and all members were now working in departments of government.

'This was a very new team in many ways with a different approach to the previous administration. We were all on a steep learning curve and I stated at that time that I would be reviewing the situation with regard to how all members, including ministers, were settling in. During 1998 I invited all members of Tynwald to my office for a private and personal interview on all aspects of their positions and that of others, including the minister and members of the department on which they served, also the question of their future aspirations if not content

with their positions. These interviews proved in general that most members were content and it was satisfying to find that things were running well, except for one or two areas, which, I would suggest, will always be the case with different personalities and politics.

'We are now just over two years into this administration and during that time we have faced a number of threats and difficult situations which, I would suggest, have been handled with great care, sensitivity, honest endeavour, co-operation and, when required, firmness to achieve what is in the best interests at all times of our people and our Island businesses. Since the motion of 26th January of this year there has also been a sincere and worthwhile effort by ministers to work closer together in achieving the overall objectives of government while still forcibly at times putting forward alternative and opposing views on individual schemes and possible changes in policy.

'I never expected a smooth passage; that was never the objective. I was looking for and working for a government position which retained the best of our long history of stability and democracy, whilst facing up to the opportunities of our now worldwide business market, with the challenges which that presents.

'I do sometimes wonder why some members forcibly demand change in the membership of the Council of Ministers when in overall terms the Island, its people and most business sectors are doing well. We have at present a 0.9 per cent unemployment figure and a 6 per cent year on year annual economic growth. However, I have never been complacent and intend to work towards new objectives which will keep the Island's economy in a good healthy situation so we can continue showing the figures as presented today and in so doing retain our very jealously guarded quality of life.

'Certain members are not satisfied with it or dislike different ministers for all kinds of reasons, personal and otherwise, but I must keep a balance within the Council of Ministers which will achieve the overall objectives of government.

'There is at times a dissatisfaction voiced about all aspects of government systems and personnel, and our democracy dictates that a committee, parliamentary or otherwise, is set up to look into the situation. The Council of Ministers and the Legislative Council are two such parliamentary committee considerations which are currently still before the Tynwald and Keys committees. I am informed that they will now report before the summer recess.

'I made a remark during the debate in the Keys on 26th January 1999 that I would make a statement in respect of my ministerial team before or on the due date of the April sitting of the Keys, which is today, April 27th 1999. This timetable was dictated by the fact that, in my opinion, the only window of opportunity for making changes, other than changes forced upon me, would be after the budget and before the meetings of departments on policy which start in July. I said then, from information received, both parliamentary committees should have reported and I would have had the benefit of knowing the outcome of their deliberations and also the acceptance or otherwise of their findings by Tynwald and Keys respectively. Unfortunately that is not to be the case, so I have to consider my position and that of the membership of the Council of Ministers in the light of the present laws as they stand in regard to who is available to me from the Tynwald membership and how those positions are filled.

'I have taken due heed of comments made by members and discussed with ministers the position as I see it at this time. Bearing in mind the changes which will take place over the next

few years, both in the membership of Tynwald and possibly the law appertaining to ministerial selection, I wish to announce that as of today the following ministers have been assigned to departments: Department of Treasury, Hon R K Corkill MHK; Department of Agriculture, Fisheries and Forestry, Hon A F Downie MHK; Department of Education, Hon S C Rodan MHK; Department of Health and Social Security, Hon C M Christian MLC; Department of Home Affairs, Hon A R Bell MHK; Department of Local Government and the Environment, Hon R E Quine MHK; Department of Tourism and Leisure, Hon D C Cretney MHK; Department of Trade and Industry, Hon D North MHK and Department of Transport, Hon J A Brown MHK.

'I hope, Mr Speaker, that members will see that there is in this team a blend of experience and new blood and that the changes are evolutionary rather than revolutionary in character. Certainly it is not my expectation that the changes will lead to significant changes in direction in government policy. I think this is a good team. In the absence of the reports by the parliamentary committee on ministerial government and the Legislative Council it is my responsibility to nominate the team and I have discharged that responsibility.

'As far as I am concerned the team stands or falls together and they should be given the opportunity to work together. The time has come to stop the debilitating speculation about who is and who is not to become a minister and for us all to work together for the good of the Island. I hope, Mr Speaker, we can avoid further distractions.

'I would at this time wish to place on record my thanks to Mrs Hazel Hannan MHK for 3¹/₂ years as Minister for Agriculture, Fisheries and Forestry at a time when all sectors which that department has responsibility for have witnessed very real problems and concerns. Mrs Hannan has always been very supportive and I thank her for offering to serve as a member of a department of Government for the continued good government of Mann.

'I also wish to record my thanks to Dr Edgar Mann MLC for the sterling work carried out in the Department of Education where he has agreed to serve as a member under the new minister and he has pledged his support in the continuation of the work of that department and the government of the Isle of Man.

'There are only 10 members who sit at the Council of Minister's table out of 33 members of Tynwald. Without doubt there are a number of capable and enthusiastic members, some with more political experience than others, who will certainly realise their ambitions and become ministers in their own right. My only plea to those members is please be patient and continue to play the very worthwhile and important role that you do play in the success of our Island.

'I am quite sure opportunities will come about as we move forward into exciting and challenging times which will bring about reward and satisfaction to us all if we work together for the greater good of the people of this Island. I do not mean by that that we should always agree with everything; debate can be healthy and constructive.

'I have put together a team with individual strengths from different groups of members who will bring to the Council table many different dimensions of our Island life and with varying personal talents. There will of course be changes now to department membership which will be announced by the Council of Ministers very shortly.

'I am honoured to have been elected by the majority of Tynwald members to this important position and will continue to do my best to serve you and the people of this Island to the very best of my ability. I will continue to listen and respond, but please appreciate everything is not always straightforward and easy to achieve. There are many different considerations to take into account and I can assure you many hours have gone into my deliberations over this very important matter.

'I thank you, Mr Speaker and members, for your time in listening to this statement and hope I can rely on your understanding and support. There is a job to be done and we are all charged by the people of this Island to get on with it.'

The President: Thank you. Hon. members, I think are indebted in this case to the Chief Minister for making that statement available to Council simultaneously with his presentation in the House of Keys and I am sure here we would echo his sentiments of thanks to those who have served and who are no longer going to serve in a ministerial capacity.

Public Records Bill – Second Reading Approved – Clauses Considered – Third Reading Approved

The President: Hon. members, we move on now to the agenda paper and we have the first item for consideration, the Public Records Bill, and I call upon Mr Radcliffe to take the second reading.

Mr Radcliffe: Thank you, Mr President. The Bill before us makes statutory provision for the preservation of those records of Manx public bodies which should be permanently retained and for the facilitation and control of access to them. In outline the Bill achieves this by defining 'public records', by establishing a public record office under the General Registry, by establishing a duty on public record holders to safeguard their records and ensure selection for permanent preservation, by requiring the transfer of the records selected for permanent preservation to the public record office 25 years after their creation at the latest, by opening the records in the public record office to the public 30 years after creation unless by doing so there would be a breach of confidentiality.

Special provision is made for the Manx Museum and public records may still be deposited there under this piece of legislation. However, a central principle is the establishment of overall responsibility for public records under an arm of executive government with involvement at the highest ministerial level.

Records unfortunately have been destroyed in past decades without consideration for their wider value for the understanding of the development of this Island, of this nation indeed. Those records have gone for ever and they can not ever be retrieved. However, what can be done is to provide a statutory framework for the protection of public records in the future and for public access to them, and that is just what this Bill does.

At the first reading stage one or two queries were raised, but I understand from the members who raised the particular points that they are now satisfied that the Bill is good and correct and I therefore move, sir, that the Public Records Bill be read a second time.

Mr Lowey: I beg to second, sir, and reserve my remarks.

Mr Crowe: Mr President, as hon. members will be aware I was appointed to represent the Legislative Council as a trustee of Manx National Heritage, a statutory body with wide

responsibilities to preserve and protect the Island's heritage. Part of this responsibility includes the Museum library holding the archives of the Isle of Man, including paper and other records. The Museum has a proud record of protecting whole series of public records.

This new piece of legislation, the Public Records Bill, which we are considering today, creates a new statutory body, a public record office and in the Bill the functions and responsibilities are set out.

At the consultative stage many meetings were held between the staff of Manx National Heritage and the public record office because this legislation raised a number of concerns by Manx National Heritage as it appeared to cut across areas and responsibilities and functions presently carried out by Manx National Heritage.

I would advise that extensive discussions were held at the drafting stage regarding the separate functions and responsibilities of each body. The discussions also covered issues where there may have been an overlap or a lack of clarity, in essence to ensure that the legal position and future working relationships were clear.

As a result of the discussions Manx National Heritage will keep control of all non-public sector documents. The public record office will be responsible for public records, although existing historic records will still be held by Manx National Heritage. However, under this new Bill any new additions to this historic sequence of records at the national museum can only be made with the permission of the registrar.

I would like to make it clear that the trustees and Manx National Heritage officers have always supported legislative protection for public records, and the meetings between Manx National Heritage staff and the staff of the public record office have at all times been cordial and helpful. However, the discussions and the exchange of correspondence between Manx National Heritage and the public record office did not resolve the issue of the continuance of the historic records sequence at the national museum. I am sure, however, that there will be good working relationships between the staff of Manx National Heritage and the staff of the public record office to try to ensure that the two separate repositories will provide the best service possible for the public under the Public Records Bill. Thank you, Mr President.

The President: Does any other hon. member wish to speak? Mr Lowey?

Mr Lowey: I support the Public Records Bill, Mr President, and the only comment I would make regarding the continued opposition, although it is not opposition now from the Manx Heritage, is I notice what the hon. member, who is a member of the Manx Museum and National Trust, said, that they tried to resolve it. It does seem to me from time to time that if you have a dialogue with the Manx Museum, their idea of resolving is you must totally capitulate to their particular way of thinking, otherwise it is wrong.

As far as I am concerned I think the public records are in the right hands and I think there will be a good working relationship, has been, and as far as I am concerned I think it should be divorced from the Museum.

Mr Crowe: Mr President, could I just pick up on the hon. Mr Lowey's point? I think where we were creating a new statutory body there was room for discussion, and I think we have to recognise that Manx National Heritage have done sterling service in the past and I think what we are looking for now is a good working relationship between them in the future.

Mr Lowey: It is there already.

The President: Reply, sir.

Mr Radcliffe: Thank you, Mr President. I am grateful to members for their comments and support for the Bill. As the hon. member Mr Crowe has rightly said, concerns were raised by the Manx Museum and full discussion certainly ensued.

I acknowledge the good work that the Museum has done in the past, but it is time for proper, if I dare say it, legislation to cover public records.

It is obvious that the Manx National Heritage were satisfied with the outcome of the discussions and a good working relationship not will be established but a good relationship is established, I would suggest, and will be for the good of the Island.

I am grateful to the hon. member Mr Lowey for his support too and I beg to move that the Bill be read a second time.

The President: I will now put the resolution, hon. members, that the Public Records Bill be now read a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clauses, sir.

Mr Radcliffe: Thank you, Mr President. Clause 1 provides for the maintenance of a public record office as part of the General Registry. It also provides for other repositories, for example the Manx Museum, to operate as record officers, subject to certain of the controls laid down by the Bill.

Sub-clause (1) requires the Chief Registrar to continue to operate a Record Office as part of the General Registry.

Sub-clause (2) lays down the Chief Registrar's primary duty with regard to the Record Office and that is to take all practicable steps for the preservation of records under his charge.

Sub-clause (3) gives the Chief Registrar general power to do anything necessary or expedient for maintaining the utility of the Record Office and sets out a number of specific powers for that purpose and they are itemised in sub-clause (3).

Sub-clause (4) requires the Civil Service Commission who are responsible for staffing the General Registry, and the Chief Registrar, to ensure that the public record office staff include properly qualified archivists and other specialists.

Sub-clause (5) provides that for the purposes of clauses 3 to 7, that is, in relation to the selection and preservation of records, public access and so on, but not for the purposes of management, the Manx Museum and any Record Office designated is treated in the same way as the public record office and the same rules will apply.

Sub-clause (6) enables the Chief Registrar to designate some other Record Office or repository within the Isle of Man as a suitable place for the deposit of public records.

Sub-clause (7) enables the Chief Registrar and the management of any other Record Office by agreement to transfer public records between them.

I beg to move, sir, that clause 1 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

Mrs Christian: Mr President, this seems to outline a mechanism for satisfactory working between the Manx Museum and the public record office and one hopes that this Bill will provide for improved record-keeping in the future in the public sense and that good working relationships will prevail so that for posterity the important records of the Island are recorded. It really does not matter where, provided that they are recorded in a proper fashion, and I do believe that this clause goes a long way to make sure both of these areas where there is an interest in the subject co-operate with one another.

The President: Reply, sir.

Mr Radcliffe: Thank you, sir. I am obliged to the hon. member Mrs Christian. Certainly the aim is for improved record-keeping, improved conditions for keeping records in, improved recording of the records which are in, and it is important, vital really, that these records are kept in good condition for posterity.

We have stressed already today the good working relationships which will be established between the various bodies and I thank the hon. member for her support and I beg to move that clause 1 stand part of the Bill.

The President: I will put the resolution, hon. members, that clause 1 stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 2, sir.

Mr Radcliffe: Thank you, Mr President. Clause 2 provides for fees for copies of records and other services provided by the Record Office to be fixed by the Treasury.

Sub-clause (1) enables the Treasury to make orders prescribing the fees payable for copies of records kept in the Record Office and other services provided by the Record Office. An order may provide for remission of fees, for example, a nil fee might be payable for copies supplied for educational purposes or to a government department. Any such order made of course will require Tynwald approval.

Sub-clause (2) provides that the fees payable to the Record Office will go into the general revenue, and this clause does not apply to the Manx Museum or another approved repository.

Mr President, I beg to move, sir, that clause 2 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: I will put the resolution, hon. members, that clause 2 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 3, sir.

Mr Radcliffe: Thank you, sir. Clause 3 lays down the rules which will apply to any person or body holding any public records requiring those which ought to be kept as archives to be properly selected and transferred to the public record office, generally after 25 years. These rules are based on those in the United Kingdom Public Records Act of 1958, 40 years ago.

Sub-clause (1) of clause 3 imposes a duty on everyone responsible for public records which are not in the Record Office to make proper arrangements with the Chief Registrar for selecting those which ought to be preserved and in the meantime to take reasonable steps for their safe keeping. In other words do not file them down in the basement and forget them.

Sub-clause (2) makes the Chief Registrar responsible for the management of the selection process and in particular deciding where records to be preserved shall go and that will be to the Museum, the public record office or whatever.

Sub-clause (3) gives the Chief Registrar and the Record Office staff the right, for the purposes of the exercise of the Chief Registrar's functions, to inspect any public records even if they are confidential or privileged or subject to a statutory restriction against disclosure.

Sub-clause (4) lays down the general rule that records are to be transferred to the Records Office after the prescribed period, usually 25 years.

Sub-clause (5) enables records to be retained by the responsible department after the 25-year period is up, providing (a) there is good reason for them to be retained and (b) the Council of Ministers agrees.

Sub-clause (6) enables the Chief Registrar to suspend the transfer of any particular records temporarily in the interest of the proper management of the Record Office.

Sub-clause (7) states what is to happen to records which have been brought through the selection process but have been rejected for permanent preservation. They can be retained temporarily in the Record Office but otherwise they are to be destroyed or otherwise disposed of.

Sub-clause (8) gives the Chief Registrar power to provide a store for public records which are awaiting the selection process or which have been rejected but are to be kept temporarily.

Sub-clause (9) gives the Council of Ministers the power to decide in case of dispute who is responsible for making arrangements for selecting the records to be preserved out of any category of public records.

Sub-clause (10) requires the Chief Registrar to return temporarily any records which have been transferred to the Record Office but are required again by the department which transferred them or a successor, but the Chief Registrar may impose conditions as to the return or how they are to be looked after, and any dispute is to be determined by the Council of Ministers.

Sub-clause (11) defines 'the prescribed period' for the purposes of transfer to the Record Office and this is normally 25 years, subject to the power of the Council of Ministers, either generally or as respects particular classes of records, to specify a different period, and that order would require Tynwald approval.

Sub-clause (12) introduces schedule [1A] which has been introduced in the other place and the new schedule makes special provision for records of Tynwald for the branches.

Mr President, I beg to move, sir, that clause 3 as amended stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

Mr Crowe: Mr President, just at the first reading stage I drew reference to sub-clause (3) of clause 3 and I have had satisfactorily explained to me the query I raised on the question of confidence, so I am quite satisfied that that is fine, so I have no further comment on that.

The President: Reply, sir.

Mr Radcliffe: Thank you, Mr President. I am obliged to the hon. member Mr Crowe for his comment there. He and the organisation he represents presumably are now satisfied and I would thank him for his support and beg to move, sir, that clause 3 stand part of the Bill

The President: I will put the resolution, hon. members, that clause 3 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 4, sir.

Mr Radcliffe: Clause 4, Mr President, provides for public access to public records more than 30 years old.

Sub-clause (1) of clause 4 imposes a general duty on the Chief Registrar to arrange for public records in the Record Office to be available for inspection and copying by the public. This is subject to certain restrictions such as the 30-year rule and any other statutory restrictions, for example the limits on access to certain adoption records and perhaps the medical records and so on. The duty on the registrar is to provide reasonable facilities for inspection and obtaining copies.

Sub-clause (2) provides that inspection is not available where the prescribed period usually 30 years has not elapsed since the record was created, except where they were open to inspection before this Bill comes into force or before they were transferred or where they were transferred from the General Registry.

Sub-clause (3) requires the appropriate person who is set out further on to notify the Chief Registrar if any records contain confidential information, and I say again adoption, medical records and such like.

Sub-clause (4) provides that where the Chief Registrar receives a notification he is not to allow public access even after the prescribed period except in conditions or after a further period laid down by the Council of Ministers.

Sub-clause (5) enables the Chief Registrar to give reasonable directions requiring or restricting access to public records kept in the Manx Museum or a designated Record Office to ensure that the same rules apply to them as to the public record office. In other words they will be all on the one level.

Sub-clause (6) enables the Manx Museum or Record Office objecting to a direction under number (5) on the ground that it is unreasonable to appeal to the Council of Ministers.

Sub-clause (7) makes a general saving for fragile records enabling the Chief Registrar to restrict access to prevent damage to them but requiring him to provide access to copies if at all possible, and one can think of some of the records which are not only tens of years old but hundreds of years old and they are rather fragile, some of them, over that period.

Sub-clause (8) enables the Chief Registrar to allow access within the 30-year period with the permission of an appropriate official.

Sub-clause (9) provides that public access is not to be allowed where there is a statutory restriction against disclosure and there is a saving for the power of the Manx Museum to fix its own opening hours for people to get access to records, the Museum to fix its own opening hours subject to Tynwald approval.

Sub-clause (10) defines 'the appropriate person'. An appropriate person is the person responsible by whom the records were transferred under clause 3 or in the case of records not transferred under clause 3 the person who transferred them. If he or it no longer exists, the Chief Secretary. It also defines 'the prescribed period' during which records are not available and it is usually 30 years from the end of the year when the records were created, but again the Council of Ministers may by order alter that period either generally or as respects particular classes of records. Any order made by them would require Tynwald approval.

I beg to move, sir, that clause 4 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

Mrs Christian: Mr President, just an observation. Perhaps the hon. member could clarify a point for me under sub-clause (7). This is the one which says that where a document is very fragile and in danger of being damaged perhaps by being made available to the public it might be impossible to provide copies of those documents for inspection by the public. I presume that where it is considered by the Chief Registrar that it is impossible to make a copy, he at least is able to convey to those who wish to see such documents and are not allowed to see them, to convey the content of the documents in some other form even if it is not an actual copy, an exact copy, of the document. If that is not the case one wonders what the purpose of keeping it is.

The President: Reply, sir.

Mr Radcliffe: Thank you, Mr President. Yes, I am quite sure that the facility will be available if a person is wishing to see old records. The facility will be there to do photocopies and the like so that persons may have a copy. If they wish to see the original I guess that could be arranged, but it would be purely to look at, not to touch, if one could put it that way, and it will be specific people or specific bodies who would decide to see the like, I think, and I am quite sure that arrangements could be made perhaps. You cannot just go in and ask to see them immediately but arrangements could be made to facilitate inspection of the like and I am sure that would be the case.

I beg to move, sir, that clause 4 stand part of the Bill.

The President: Hon. members, I will put the resolution that clause 4 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 5, sir.

Mr Radcliffe: Thank you, Mr President. Clause 5 provides for the evidential value in legal proceedings of public records and certified copies of them.

Sub-clause (1) of clause 5 provides that the transfer of any record to the public record office does not effect its evidential value.

Sub-clause (2) enables a copy of a public record properly certified and sealed or stamped by the Record Office to be admissible in evidence. In the case of public records in the Manx Museum or a designated Record Office the copy is to be certified by the officer in charge.

I beg to move, sir, that clause 5 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: I will put the resolution, hon. members, that clause 5 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 6, sir.

Mr Radcliffe: Thank you, sir. Clause 6 gives power to transfer records to the Record Office from any other division of the General Registry.

Sub-clause (1) of clause 6 gives a general power to transfer records from any other division of the General Registry to the Record Office. This replaces existing powers to transfer certain records such as deeds, probates and dissolved company records et cetera to the Manx Museum, but such records could still be transferred to the Manx Museum if so desired. On their transfer the records will become public records even if they were not previously.

Sub-clause (2) requires the Chief Registrar to ensure that the same facilities for access are afforded after as before the transfer.

Sub-clause (3) applies clauses 4(5) and (6) enabling the Chief Registrar to give reasonable directions requiring or indeed restricting access to ex-Registry records kept in the Manx Museum or a designated Record Office. This is to ensure that the same facilities are available there as in the public record office, subject again to an appeal to the Council of Ministers.

Sub-clause (4) enables private documents held in court records to be transferred to the Record Office after 25 years with the approval of the First Deemster.

Sub-clause (5) of clause 6 makes it clear that in referring to transfers from the General Registry to the Record Office what is meant is transfers from any other division of the registry, since the Record Office itself is part of the registry, so any other division, that is, from the deeds, probate, companies or land registry or the registry of births, marriages or deaths.

Sub-clause (6) provides that records already transferred from the General Registry to the Manx Museum under the predecessor to this clause are deemed to have been transferred under this clause.

I beg to move, sir, that clause 6 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: I will put the resolution, hon. members, that clause 6 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 7, sir.

Mr Radcliffe: Clause 7, Mr President, gives the Chief Registrar power to destroy or dispose of records in the Record Office if they are duplicated or if there is some special reason why they should not be kept. This does not apply to company records, to which special provisions apply.

Sub-clause (1) of clause 7 gives a general power to destroy duplicate records and other records which for special reasons need not be preserved. Now, the consent of the responsible department, board or officer is required before that can be done.

Sub-clause (2) of clause 7 excludes records of dissolved companies which are covered by the Companies Act of 1961 and that provision enables the First Deemster to authorise the

destruction of company records 12 years after the winding up of the company or two years in the case of records of which there are copies.

I beg to move, sir, that clause 7 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: I will put the resolution, hon. members, that clause 7 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 8, sir.

Mr Radcliffe: Thank you, Mr President. Clause 8 is the interpretation part of the Bill and it defines the various terms used.

Sub-clause (1) of clause 8 defines specific expressions. 'General Registry' covers the Rolls Office, the deeds registry and other offices merged under the General Registry Act of 1965. 'Records' covers microfilms, microfiche and electronic media in which information is held.

Sub-clause (2) of clause 8 makes it clear that references to the date of creation of a file of records is to the date of creation of the last document. For example, a file of correspondence from, say, 1983 to 1996 is treated as created in 1996 for the purposes of the date of creation.

I beg to move, sir, that clause 8 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: May I put the resolution, hon. members, that clause 8 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 9, sir.

Mr President: Thank you, Mr President. Clause 9 contains supplemental and transitional provisions.

Sub-clause (1) of course gives the Bill its short title.

Sub-clause (2) of clause 9 provides for the Bill to come into force on an appointed day or days to be decided by the Council of Ministers.

Sub-clause (3) enables an appointed day order to give the Chief Registrar power to phase in public access to specified classes of records.

Sub-clause (4) requires Tynwald approval to any order made under the Bill, except an appointed day order under sub-clause (2).

Sub-clause (5) of clause 9 makes various amendments which are set out in the schedule, and sub-clause (6) repeals the enactments mentioned in schedule 3 which provide for the transfer of deeds, probates and dissolved company records to the Manx Museum and are superseded by clause 6(1).

I beg to move, sir, that clause 9 stand part of the Bill.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: May I put the resolution, hon. members, that clause 9 along with the schedules do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Bill read a second time.

Mr Radcliffe: Mr President, sir.

The President: Do you wish to proceed, sir?

Mr Radcliffe: Yes, if I could say, if hon. members of this Council are willing, that there is little controversy in this particular place in regard to this Bill. Certainly the sooner it is in the better for the public records and so on anyway. I would suggest that in the light of future work which this Council may have in front of it that it would not be inappropriate if I could move the suspension of the appropriate standing order to enable the third reading to be taken today, sir.

Mr Lowey: I beg to second.

The President: Is that agreed, hon. members?

Members: Agreed.

The President: Thank you. Proceed, sir, with the third reading.

Mr Radcliffe: Thank you, Mr President. There is little more to be said really. I think my introductory remarks at the second reading stage covered pretty well all that is required to be covered. There has been no controversy in this Council here today and little comment apart from comments of approval and I would therefore move, sir, that this Bill, the Public Records Bill 1999, be now read a third time and do pass.

Mr Lowey: I beg to second, sir, and reserve my remarks.

Mr Crowe: Mr President, just on a point of clarification in clause 8 where the records are created at different dates. Did the hon. mover say that the first date would apply or was it the last date -

Mr Delaney: The last date.

Mr Crowe: - and there would be no intention to delay disclosure by having a permanent file just to keep records current?

Mrs Christian: My question, Mr President, involves the note on the explanatory memorandum. The hon. member has approval to move the third reading at this point with a view to implementing this legislation at an early date. Could he indicate whether the budgetary provision is made in this financial year or whether this is something which will have to be sought along with the staffing provision? Is that budgeted for?

The President: Reply, sir.

Mr Radcliffe: Thank you, sir. If I could deal with the query from the hon. member Mr Crowe, the dates referred to in the creation of a file, the date on the last document is the date it is dated from. As I said, say there is a file running for 10 or more years - the last date to be on the file would be the operative date for the time period to come in. So it is the date of creation of the last document.

The hon. member Mrs Christian, Mr President - certain provision has been made and I think one has to acknowledge that even if it was passed tomorrow everything will not click into

place at once anyway, there is a certain amount of time required. There is an expenditure there and it, as I say, will be a gradual process, if I could assure her of that, that there will not be a big panic to get the whole thing done in a matter of hours almost.

With those reassurances, sir, I hope that Council can agree with me that the Public Records Bill be read a third time and do pass.

The President: The resolution then, hon. members, is that the Public Records Bill be now read a third time and do pass. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, during the consideration of this measure it has been pleasing to see in our public gallery Mr Peter Curtis who in this sphere of service over recent years has given such excellent service. (**Members:** Hear, hear.) Hon. members, that concludes our public business and Council will now sit in private.

The Council sat in private.