

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 16th November 1999
at 10.00 a.m.**

Present:

The President (the Hon Sir Charles Kerruish, OBE LLD (hc) CP), the Attorney-General (Mr W J H Corlett QC), Hon C M Christian, Messrs E A Crowe, D F K Delaney, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

Constitution Bill – First Reading Approved

The President: Hon. members, prayers will be taken in another place. Please be seated. Now, hon. members, we have as our first and only business this morning the first reading of the Constitution Bill and I call upon the hon. Mr Lowey.

Mr Lowey: Thank you, Mr President. Hon. members, in formally moving the first reading of the Constitution Bill 1999 may I repeat at the start of its legislative life what I and the Legislative Council have consistently claimed, that this is a piece of legislation whose only intent is to make sure this Island has in place a framework of parliamentary practices that satisfies the people of this Island, that creates the political framework which can hold the executive to account and externally and internally creates the stability that exemplifies the Island which is admired and envied in equal measure throughout the Commonwealth and the wider world: in short a sound, solid, fair and practical machine to instil confidence in those who wish to create and expand commerce in all its forms from these shores. This Bill will hopefully help to create social justice and a caring, prosperous society.

This Bill is short and concise. It consists of five clauses and four schedules. It proposes to change the name of the Legislative Council to the Senate, yn Shennad in Manx. It proposes direct election by the people of this Island to that Senate. It divides the Island into five constituencies based on the existing House of Keys constituencies but grouping them together and thus providing a regional basis. This Bill also gives you a timescale for those elections, a starting date and a term equal to that of the House of Keys, namely five years. This Bill deals with modifying the existing Representation of the People Act 1995, and this Bill retains the independent status of the Attorney-General and the historical role and position of the Lord Bishop. I will of course expand on all these aspects of the Bill at the clauses stage.

Mr President, hon. members, I sincerely believe that this Bill, which seeks not to add any new powers to this House, deals pragmatically, professionally and effectively with the major areas of concern that have been professed from time to time elsewhere, but without resolve or resolution. I believe this Bill, if looked at coolly and dispassionately, makes sense. It makes good common sense.

Mr President, I beg to move the first reading of the Constitution Bill 1999.

Mr Delaney: I beg to second and reserve my remarks.

Mr Crowe: Mr President, I am happy to support the principles of the Bill. It will give regional representation and will give election by the people, and our authorities and responsibilities will remain as at present. Most importantly, it gives continuity, due to having

Keys elections and Legislative Council elections at different times, and this continuity has in the past and will in the future add to the stability of the Island, and stability is so vital and will be vital over the coming months and years as we face the challenges of the OECD, the EU and others, Thank you, Mr President.

Mrs Christian: Mr President, when we discussed the introduction of the Bill, much was said about its contents, so I do not want to repeat that. What I would like to say is that this is not a competition between branches. It does not represent a challenge in any sense. What it does represent is a Bill which puts forward at least some options in a positive form which have been thought out by the members of the Council for consideration.

It may well be that this proposal is not acceptable beyond this particular chamber, it may be subject to some amendment, but at least it gets away from the amorphous stage of throwing ideas around. It puts some ideas into a concrete format which can be considered by the branches in due course and to that extent I think it sees us moving away from the starting blocks and we have all been dithering around on this issue for quite some time, so I welcome the first reading of the Bill, Mr President.

Mr Delaney: Mr President, it has all been said.

The President: Would you care to reply, hon. member?

Mr Lowey: Thank you, Mr President. First of all can I thank the general support this Bill has, both from Mr Crowe and Mrs Christian. Mrs Christian of course is quite right: it is not a competition and this Bill does begin to focus things on a practical and pragmatic approach to it, and that is what I am trying to flag up. This Bill is not a delaying ploy. It could expedite reform, I think it could speed it up. This Bill does not add new powers to the Legislative Council, so we cannot be accused of building in new authority for this Council. This Bill gives all of us the gain without the pain. For example, I say the pain: historical constituencies - we know that that is going to be a major stumbling block. This Bill gives us regional representation. There are a lot of plusses. It is all plusses and very little minuses.

Most importantly it will be seen, I think, from external eyes that Tynwald, which has survived over a thousand years, and this Council is an integral part of that organisation, has survived not because it has been rigid and resists change but it adopts and adapts as time has moved on, and I think this Council, this Legislative Council, is carrying on that tradition by putting in a practical, working format for others to look at to see if it can be improved on. I believe we have the framework here for something very positive.

Mr President, I beg leave to move the first reading.

The President: Hon. members, the resolution is that the Constitution Bill of 1999 be now read a first time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, that concludes the business before the Council this morning. We will now adjourn to Tynwald and thereafter the next sitting of the Council will be on 23rd November at 10.30. Thank you, hon. members.

The Council adjourned.