

REPORT OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL

**Douglas, Tuesday, Tuesday, 11th March 2003
at 10.30 a.m.**

Present:

The President (the Hon. N Q Cringle), The Lord Bishop (the Rt Revd Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Mr D J Gelling CBE, Mr E G Lowey, Mr L Singer and Mr G H Waft, with Mrs M Cullen, Clerk of the Council.

The Lord Bishop took the prayers.

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Commonwealth Day Message

The President: Hon. members, we will start this morning's session and, to get it under way, as we are aware, Commonwealth Day, March 10th, was yesterday and we have the message for Commonwealth Day from Her Majesty the Queen, Head of the Commonwealth. It reads as follows:

'Among my cherished memories of my Jubilee celebrations last year were those connected with the Commonwealth – in particular the visits to Jamaica, New Zealand, Australia and Canada. There was also the undoubted success of the 2002 Commonwealth Games in Manchester – both as a great sporting and Commonwealth occasion and as a tremendous expression of the host city's community spirit. Launching the Baton Relay from Buckingham Palace on Commonwealth Day last year was one of the many colourful events leading up to the Games.

'A few days before, I had opened the 2002 Commonwealth Heads of Government Meeting in Coolom. Australia. That summit chartered a new course for the Commonwealth, confident of the important contribution the association can play as a force for good in the world.

'What we have in common makes the choice of this year's theme for Commonwealth Day, 'Partners in Development', so fitting. We are reminded daily that we live in an interdependent world. And yet there exist great noble inequalities, with millions living lives of deep poverty and deprivation, which present a great and constant challenge to the notion of commonwealth. Under these conditions, peace is often more difficult to sustain while precious natural resources and the environment are threatened. Economic growth and activity may be impeded as well as the benefits of modern technology denied to many.

'Working in partnership is essential if the nations of the earth, whether they be developed or developing, are to build a better, more secure and more sustainable world. Only together can governments and people create just, open and democratic societies. And through a sense of partnership and mutual respect we should be able to recognise that we all share a common humanity regardless of who we are or where we may be from.

'In all this, the Commonwealth has much to offer. It is a unique global grouping spanning every region of the world and including in its membership countries of all sizes and stages of development. It is an association of peoples as well as governments, and as we particularly celebrated last year, it is a body which cherishes the richness of its diversity. The special rôle of the Commonwealth in development were spelt out once again in the Coolom Declaration and at the meeting of Commonwealth Finance Ministers in London last September.

'2002 was for me personally a special year – and it was also an opportunity to recall those elements of my life, notably the Commonwealth, which have been of enduring importance. Appreciating just how far the

Commonwealth has developed in the last 50 years is surely a cause for great hope in the future.

Elizabeth R.

10 March 2003.

Welcome to Mr Lowey and Mr Singer

The President: Now, hon. members, before we commence with our formal business this morning, may I welcome to our sitting here an old friend returned, Mr Lowey, who has been re-elected to join us on the Legislative Council, and particularly to Mr Leonard Singer, who is joining the Legislative Council for the first time. I certainly welcome you both to the Legislative Council and I am sure that you will enjoy the deliberations which will take place around this particular table.

Matrimonial Proceedings Bill – Third Reading Approved

The President: We turn then to our Matrimonial Proceedings Bill. It is for third reading and I call on the Attorney-General.

The Attorney-General: Yes, thank you, Mr President. At the first reading of this Bill, hon. members made it clear that the subject matter of the Bill was such as to require careful scrutiny of its provisions. In the course of the passage of the Bill through its first and second readings and consideration of the clauses, hon. members have raised some interesting questions, and I hope that for the most part I have been able to deal with these to the satisfaction of hon. members. Nonetheless, I am aware that there are one or two outstanding matters in respect of which hon. members were kind enough to allow me to research the position more fully. I would therefore comment on those points as follows.

Firstly, a question arose as to the definition of 'desertion.' This, I think arose out of consideration of clause 65 where a distinction is made between the parties to a marriage having lived apart for a continuous period exceeding three months, where that living apart does not constitute desertion. In my response to the hon. member raising that question – I think it was the hon. member, Mr Gelling – I indicated that I believed that the essential difference lay in the fact that desertion comes about where one party starts to live apart from the other party to the marriage with the intention of living apart. Having had the opportunity to consider the leading textbook on divorce, it would seem that my answer was correct, but perhaps not as full as it might have been. To establish desertion there must be two elements present on the side of the deserting spouse: namely the physical separation and the intention to bring cohabitation

permanently to an end. But there must also be two elements present on the side of the deserted spouse: firstly, the deserted spouse must not consent to the separation, and secondly, the deserted spouse must not have done anything which might reasonably cause the deserting spouse to bring about his intention to live apart from the deserted spouse. In this context I should refer to the possibility that a spouse might be guilty of desertion even though he or she has not left the matrimonial home. This is the so-called 'doctrine of constructive desertion'. If one spouse is forced by the conduct of the other to leave home, it may be that the spouse responsible for driving out the other spouse is guilty of desertion. There is no substantial difference between the case of a man who intends to cease cohabitation and leaves his wife and the case of a man who, with the same intention, compels his wife by his conduct to leave him. Or, to put it another way, the case of one who persists in treating his wife in a way which he knows she probably will not tolerate and which no ordinary woman would tolerate, and she leaves him.

Desertion, of course, is a most important concept in divorce law, and hon. members will recall that clause 2 of the Bill provides that one of the facts which justifies the court in holding that the marriage has broken down irretrievably is that the respondent has deserted the applicant for a continuous period of at least two years immediately preceding the making of the application.

The second area in respect which hon. members have raised queries is in relation to pension-sharing orders. Hon. members will recall that clause 31 gives the court the power to make a pension-sharing order. Concern has been expressed in relation to the possibility of more than one application being made for a pension-sharing order where the spouse who has the benefit of the pension remarries after a divorce and then his second marriage breaks down. Will the former spouse, who has the benefit of the pension-sharing order, have her entitlement diminished if the spouse from the second marriage makes a claim for a pension-sharing order upon the breakdown of that second marriage? Clause 31(3) makes it clear that only one pension-sharing order may be made in relation to any given pension arrangement, and by clause 31(4) this restriction applies also in respect of state scheme rights. It can be seen that the former spouse, who has the benefit of a pension-sharing order when the husband's marriage first breaks down, cannot have those rights diminished by another application for a pension sharing order by a former spouse when the husband's marriage breaks down for a second or subsequent time. Furthermore, it must always be remembered that by virtue of clause 33 of the Bill the court, when making financial orders including pension sharing-orders, must consider whether it would be appropriate to do so in a way which secures a clean break between the parties.

Finally, I believe that hon. members were concerned with the effect of the death of one of the spouses. Will the death affect the right of the surviving spouse to financial relief? Generally speaking, if either

party dies before an application for financial provision has been determined by the court, the court's jurisdiction lapses and the claimant is left without a remedy. Moreover, with the exception of orders for secured provision, court orders which involve a continuing obligation will lapse on the death of the payer. So if a husband dies, his surviving spouse cannot compel the executors of his estate to continue to pay maintenance to her. By contrast, an order made by the court that the husband makes secured periodical payments will survive his death and so may be enforced against his estate. If there are arrears of periodical payments or a lump sum is outstanding at the date of death, then these may be enforced notwithstanding the death of the payer, but there is no obligation on the estate of the payer to continue to pay periodical payments after the death.

I hope, Mr President, that these comments will be of assistance to hon. members in dealing with the outstanding queries. As I indicated at the first reading, the principal purpose of this Bill is intended to consolidate in a single Act the existing legislation relating to legal proceedings between husband and wife although, as we have seen, some important new law is also contained within its provisions. I have no doubt that it will be of considerable assistance both to the deemsters and to practitioners who have to deal with these most important and often sensitive issues which arise in relation to the breakdown of a marriage and, indeed, of less formal arrangements between persons who live together.

I am aware that this Bill will be remitted to another place for consideration of the amendments which have been made to clauses 32(5) and 61(5), but so far as the proceedings with which this Council is presently concerned I move, Mr President, that this Bill be now read a third time and do pass.

Mr Gelling: I will second, Mr President, and reserve my remarks.

The President: Mr Lowey.

Mr Lowey: I will obviously be supporting the Bill, Mr President, but I do know my good friend, Mr Delaney, who is not with us this morning, in raising this matter of pension entitlement – I think part of his argument – and perhaps I have not been as attentive as I should have been with the learned Attorney's considered remarks in answering it – but I wonder if he can explain to me, I can understand how a second wife from an individual male point of view gets a pension, but is there any provision in the Bill to prevent a lady from getting the pension entitlement legitimately by marrying somebody else and then getting the pension right? Let me take a very extreme case: perhaps that marriage is failing, so she has got two entitlements to pension from two different sources and going to a third husband and getting an entitlement there. I think that was another scenario that was mentioned and I do not know whether that is covered in the Bill or not, but I do know that was a concern of my very good friend, and perhaps Mr Attorney could

comment on that. But apart from which I do take note of what it says, this will hopefully assist what I would call in a very difficult area the break-up and the fair settlement which I am sure is in everybody's mind in drawing up the legislation.

The President: Mr Waft.

Mr Waft: Thank you, I would support the Bill, Mr President. I am just a bit concerned about the depth at which the Bill has gone into all the rights and wrongs and wherefore of what should happen to the engagement ring. If you were to encourage young couples to look at this Matrimonial Proceedings Bill it would probably put them off for life! I notice that love does not come into this Bill at all; it is purely that this party does that or that party does the other. It is certainly an off-putting Bill, but however, I concede that we have to follow the thrust of what the Bill is intending, and I support it.

The President: Mr Gelling.

Mr Gelling: Could I just comment, Mr President? I well understand and am supportive of the Bill and it is a consolidation, but it certainly brings sharply into mind some of the laws that have been there for quite some time, and it is not until you debate it that you really focus on areas. I think the other area that perhaps . . . I do not know if Mr Attorney spelt it out clear enough for me to just grasp, but it was the fact that a couple could very well be living together, betrothed to each other, not married but by engagement, and basically everything they have is then shared. One partner dies and that sharing ceases; by right they would have to go to court to claim, after death, what they originally actually had 50 per cent of. This was an incident after Mr Delaney . . . because the person had approached me as well as Mr Delaney about exactly the same thing: 36 years in marriage and suddenly they found they had no entitlement after he had died, and everything went to the daughter or something, you see, and I think that was just the point, Mr President, that it is so final. Well, death is final, but it seems to just cut what was entitled before right off.

The President: Yes, Mr Attorney, taking the point in relation to death, I think you were explaining the position that executors need not pay maintenance although a maintenance order had been granted on the death of a partner. Is that irrespective of whether that partner has any right to the estate, or are there no rights to the estate in that situation, and could it be that the executors would drag their feet, as it were, in winding up the estate quite deliberately, or are there restrictions on that? I think, sir, with those queries I have about run out of questions!

The Lord Bishop: It makes the Church laws look very simple, doesn't it? (*Laughter*)

The President: Mr Attorney.

The Attorney-General: Yes, well, Mr President, again I am obliged to hon. members for the interesting questions they have raised and I am sorry I did not cover them all in my address in support of the third reading. There is no doubt about it, if I can say as an initial comment, that the law in relation to divorce, nullity, judicial separation, treatment of children, divorced couples, engaged couples and so on does raise some very difficult areas and I think represents a combination of the Church law and how the history has followed through; also, though, it deals with the property law which is so important, not only in relation to the ownership of matrimonial homes, but also, as we have seen, where perhaps the ownership of property is vested in one party to the relationship, but the other party has certain rights in that property, and this is where the courts have to step in and ensure that justice is done between the partners when the relationship breaks down.

So with that brief introduction, Mr President, if I can turn to the question raised first of all by the hon. member Mr Lowey. I think it is clear to me from the reading of the Bill that the hypothetical lady that the hon. member has referred to could indeed have the benefit of three pensions if she were, if I say, fortunate enough to choose three spouses who had the benefit of a pension and she was able to claim in respect of each breakdown that she was entitled to a pension-sharing order. May I say, though, Mr President, I would imagine that as the situation developed, the court might very well say 'Well, in relation to your particular assets, madam, you already have sufficient assets in your name or you have an entitlement to assets such that the third husband should not be saddled with a further pension-sharing order, because, after all, as we have seen, one of the important things the court has to take into account is the respective capital and earning capacities of the parties when the marriage breaks down. So it is possible, but unlikely, that this hypothetical bounty-hunter, as it were, could claim three pensions. (*Interjection by Mr Lowey*)

Mr Waft: Provided they were the first claimant –

The Attorney-General: Yes, that is right. There can only be one pension-sharing order in relation to each particular pension.

The President: Yes, that is right.

The Attorney-General: In relation to engaged couples, I do hope that hon. members do not have the impression that this Bill is intended or has the effect of deterring a young person from entering into an engagement. That is certainly not the position. What, however, the law does is to provide a remedy where that relationship breaks down. There is no presumption that the assets are going to be divided equally; that is not the case at all. What can happen when the engagement breaks down is that either party, in the absence of an agreement as to how the assets should be divided, can apply informally to the court. The court can look at all the circumstances and say, for example

in relation to a house or a car that although the asset is in the name of the male partner, the female is entitled to, shall we say 25 per cent or 30 per cent or whatever, depending upon the contribution which has been made. It certainly is not intended to deter engagement but to ensure that justice is done when that relationship breaks down.

In relation to death and a consequence of that on matrimonial proceedings, hon. members are quite right: there is another aspect of this. Where someone dies and has been party to a long-standing relationship, is it appropriate and fair that, on the death, the person who is left surviving, the dependant, can make an application against the estate? The answer to that is yes, Mr President, and that remedy lies outside this Bill. There is another set of legislation, the Inheritance (Provision for Family and Dependants) Act, which enables a dependant to apply to the court for an order making such provision as the court thinks fit, taking into account all the circumstances for the benefit of a dependant. And so, to again refer to the hypothetical situation where perhaps a lady has lived with a gentleman for 30-odd years, he dies, makes no provision by his will for her or perhaps does not leave a will at all, in those circumstances the lady can indeed go to the court and ask for a family provision order, even though she is not a blood relation. If she is a dependent to whom the deceased has been paying maintenance or perhaps housekeeping, then she can make the application. The court takes into account all the circumstances, and in those circumstances, to take up your point, the executors must abide by the order of the court and they must not delay in winding up the estate. The applicant actually has to make, I think, the application within six months of the court of probate or the grant of administration and then the court can deal with the matter as it thinks fit. But those remedies lie alongside this legislation. Those provisions have not been repealed, they are still very much in force and are part of the armoury of the practitioner out there in the street.

The President: I accept that, Mr Attorney, entirely, but could I ask: on the executors dragging their feet, did you say they must not drag their feet in getting grant of probate and then the person has six months after the grant of probate letters of administration in which to lodge their claim? What restriction is there on the executors to stop them dragging their feet? They may take two years before they get letters of administration or probate granted, in which case that person could be seriously out of pocket for that period.

The Attorney-General: Yes, Mr President, that of course is a very good question, and it is open to someone who claims to have an interest in the estate as a creditor of the estate and this hypothetical lady it would be open to him or her actually to make an application herself for a grant of administration. So if the executors were truly dragging their feet with a view to defeating the claim, the lady who said 'Well, I

am entitled to a share of the estate' would have status to apply for a grant herself.

The President: Thank you. Now, hon. members, with that explanation from the Attorney-General I put to you the motion that the Matrimonial Proceedings Bill be read for a third time. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Litter (Amendment) Bill – First Reading Approved

The President: We turn then to the Litter (Amendment) Bill and I call on the hon. member, Mr Singer, to take the first reading.

Mr Singer: Thank you, Mr President. The first reading of this Bill may well be a unique situation where a member has taken a private member's Bill through another place and then introduces it into this Council, and it is certainly a very pleasant experience for myself. In this first reading I will give hon. members the background to the reasons for my introducing the Bill.

There has been much concern expressed at the untidiness of our highways due to the amount of litter that is deposited on the highway and in general, and there is no doubt in my mind that there is a lack of litter bins available in many areas; however, when they are provided they are often not used. It was towards the end of the last parliamentary session that a question was asked in another place on my behalf by the hon. member for Douglas East, as I was absent – that was Mrs Cannell – to the local government minister about the power to issue street litter notices and the actions the department could take to improve the very untidy and often unhealthy situations that we find on the Island due to the litter problem. The minister explained that the department was conscious of the need to improve the situation, but Mrs Crowe admitted that there was no legislation to enable an instruction to be given to the occupiers of premises which caused the litter problem to clean up the area of the highway near those premises, and that the Litter Act needed reviewing and possibly updating.

The only legislation now available is under the Litter Act 1972 which has the powers to order an occupier to clean up private land to which the public has access. If the litter was deposited on the highway, neither the local government department nor the local authority had any powers to order a similar clean up. There appeared to me that there was a gap in the legislation and I received permission to introduce a Bill to close that gap.

There are certain premises which have the potential to cause a litter problem, particularly premises used wholly or partly for the sale of food and drink for consumption off the premises.

These can include not only takeaway premises but also service stations, supermarkets or other premises where food and packaged goods are also sold for consumption off the premises. Another regular litter

source could be banks and building societies with automated teller machines on an outside wall of the premises or discarded betting slips outside a betting shop. That list is not exhaustive, and the premises affected would be specified by the local government department regulations. Within the regulations I would expect the length of highway to be covered. That would certainly be specified and, as a problem from a bank or betting shop is likely to be less than from a food takeaway, then perhaps the distance would be shorter.

The Bill gives powers to the local authority to issue street litter control notices to certain types of premises which neglect to clean up the litter within a specified distance from their premises. The notices, I would hope, would not be issued in a draconian manner but that, on the one, hand common sense would bestow on the occupiers of the premises a duty to ensure that to the best of their ability they would accept the responsibility of litter removal and, on the other hand, the local authority would act sensibly, firstly by dialogue and only issuing the notice as a last resort. I must say that I know of occupiers who do go out and clean up outside those premises immediately after they close. I congratulate them for their conscious efforts of keeping the highway clean. We have had, however, a proliferation of late-night takeaways throughout areas of the Island and the litter problem is, in my opinion, getting worse and we have to tackle it now.

I know this Bill is not a panacea to ensure our streets will be free of litter. I know that there will be litter dropped further away from premises in the specified distance and also that litter will blow into the specified areas. This produces, I think, a balance, but also recognises that litter is a problem that is exacerbated from certain commercial and retail premises. I have always believed that we should place more responsibility in the hands of the local authorities, and this is an ideal opportunity for local authorities to have the power to issue the street litter control notices.

There will be a small cost to the local authority, but they will be able to recover their costs from a successful prosecution.

Before I sought permission to introduce the Bill I wrote to every local authority asking them for their views on the principle of issuing street litter control notices. The results were as follows. The following authorities were in favour: Ballaugh, Jurby, Andreas, Lezayre, Ramsey, Port St Mary, Laxey, Arbory, Onchan, Santon, Lonan, Braddan, Castletown, Michael, Malew and Douglas. Bride Commissioners agreed the principle was correct, but were concerned about enforcement; Port Erin Commissioners appreciated the aims of the proposal, but wanted further information on the definition of 'certain distances' and also of enforcement; and Marown Commissioners did not support the proposals, but in further conversation the clerk told me that they had no objections, but did not think it would apply to their area, therefore there was no direct opposition.

When the draft Bill was printed I undertook a second consultation with all those local authorities and the local government department and the Department of Transport, as I was asked to do by the respective ministers of those two departments. I received nine replies this time from local authorities, all of which were fully in support of the Bill. Those authorities were Douglas, Port Erin, Ramsey, Bride, Arbory, Port St Mary, Braddan, Laxey and Peel. So at the first consultation I received support from 11 authorities and with the second consultation it made a total of 20 of the local authorities who supported this Bill.

I sent a copy of the Bill to the Department of Transport and received a reply from the chief executive, saying he would contact me if there was anything he needed to discuss on behalf of the department. I had no further communication and the minister gave his full support at every stage of the Bill. I received a similar letter from the chief executive of the local government department and I then received the full support of the hon. minister and her department throughout, again, every stage of the Bill.

At the clauses stage the hon. member for Onchan introduced a new clause to which an amendment changing one word was moved by the hon. minister, Mrs Crowe, and approved by the hon. House, and that has been circulated to hon. members in this chamber. That clause firstly encourages a local authority to provide bins or other litter receptacles in its area and make arrangements for them to be regularly emptied, and secondly instructs every local authority to designate one or more persons as a litter officer, and I think I would like to explain that the one word difference was under (5)(c) where Mr Karran's original motion said 'every local authority shall employ one or more persons for the purpose of exercising et cetera' and Mrs Crowe moved the amendment saying 'designate' giving clearly the choice to the local authority that they could either employ, they could contract out or they could designate a person already in their employ to be the litter warden.

Mr President, with that explanation, I am pleased to move that the Litter (Amendment Bill) be read for the first time.

The President: Mr Lowey.

Mr Lowey: Thank you, Mr President. May I second the resolution and congratulate the hon. member on hitting the road running by making his maiden speech within half an hour and that is great. It is unique. (*Interjections*) I think it is a trademark of the hon. member's workload and interest. Litter is more than an irritation; it is a health hazard as well, and I think we have tried to educate the public, we have given publicity, we have pleaded, we have cajoled and still we do not seem to get the response, so I do think there needs to be an ultimate and a deterrent, and I think what the hon. member has come up with is an instrument that will assist greatly in trying to push all of those – education, publicity, cajoling and pleading. I think it is another strengthening of the end product. I

think you do have to have an ultimate sanction and I think it is right that local authorities should take ownership of the problems in their area, and I am very encouraged to discover that part of our problem in modern-day living and servicing the public is mobile food outlets, and I understand under this Bill the local authorities can implement conditions before they authorise these people to actually operate in their areas, so they can authorise the placing of bins et cetera and cleaning up.

So I think this Bill is a welcome addition to the armoury in the furtherance of trying to keep the streets clear of litter, I congratulate the hon. member on moving it and I have pleasure in seconding the Bill.

The President: Mr Gelling.

Mr Gelling: Yes, Mr President, at this stage I would fully support the Bill. I took note of Bride Commissioners' comments and I think that would be the only worry I would have, but I would not wish that to dampen the enthusiasm of what perhaps this will do in assisting it, but I see a lot of problems in ascertaining as to whose rubbish it is, where it has come from; seashores bordering the highway – do they belong to the transport? I can see an awful lot of these prosecutions to other departments of government, quite honestly, but if that helps in chivvying them along to do something about it, that would be great, because I can think of lots of areas where it is just spoilt by litter. Especially from Douglas to the airport, the first vision people have when they come is that it is littered all over, especially after the trimmer has just gone along and made what was wholesome litter into confetti and it is all over the place. It really is dreadful, but certainly I have 100 per cent support for the Bill; as I think Mr Lowey has said, it is yet another tool that will assist in probably trying to combat this problem.

The President: Mr Waft.

Mr Waft: Yes, Mr President, I support the Bill wholeheartedly. I endorse the sentiments which have been expressed with regard to the litter on the Island, but my problem, as I see it, is the enforcement of the Litter Acts and Bills. Whatever we have in the future we need somebody to enforce it and to actually inspect premises and the areas around those premises on a regular basis. Until we get some, not only legislation in place, but actually enforcement in place and make sure that people do adhere to the Island's legislation and to the Island's wish to have some regard to the environment in which we live. I hope this Bill will go some way towards it, but I think we have still got a long way to go with regard to getting our act together as a tourist island.

The Lord Bishop: Yes, I support it, Mr President. There is no doubt that in many respects in modern society, people have less respect for other people's property and also for the environment; they just drop things around. I remember years ago in Singapore people used to say to me, 'Isn't it marvellous how

Mr Lee Kwan Yu has tidied up Singapore, it is now an ideal, almost a clinical state, but he did it by fining people for dropping a cigarette end on the ground; they were fined on the spot. You cannot have results without a bit of pain and punishment, and I think we need to educate people as much as we can and I hope this might help our education system to begin with children, citizenship and educating them to respect other people's property and the environment.

The President: Mr Singer, do you wish to reply, sir?

Mr Singer: Thank you, Mr President. Can I thank members for their support and, as I said initially, this is no panacea, it is a private member's Bill which I felt identified a particular area where it could help. It is also very important under the Litter Acts that the departments . . . I think Mr Gelling made a particular reference to other areas, not in areas we are talking about but maybe in shopping centres where there is litter. Now that will all come, I hope, under education. I hope that the Minister for Education will run anti-litter courses in the schools, for example. DoT and DoLGE also have their responsibilities. One of the problems that people mentioned to me during the previous discussion was cigarette ends, where people go outside buildings – here, for example – and throw their cigarette ends on the floor when there are containers there. I am afraid, under the private member's Bill, I could not cover everything on that, but local authorities, I think, can do the job. They are being instructed here to ensure that they have a litter warden. The litter warden's responsibility will be to go near those premises where the litter emanates and, if necessary, go and talk to the occupiers, cajole them to go out and clean up every evening or whenever they close, make sure that the town centres are tidy, and hopefully they will do that without any further action having to take place, but the local authority will be able to have this power of the street litter notice if their views are ignored.

Mr Gelling mentioned Bride. Now, in the second consultation, they came back and they supported the second consultation because I think they realised that the question they asked would be specified under the regulations that are issued by DoLGE hopefully when this Bill is passed, and that will obviously make it a lot clearer to everyone, exactly what has to be done and why, but DoT still have the responsibility for highways and other areas, and I think it is a matter of all government departments working together to ensure that the litter Act is effective. The hon. minister, Mrs Crowe did mention that they were looking to bring back the Cleansweep campaign in the future. Now, that was a very successful campaign in the past, and I think this is just like another arm to ensure that when visitors come here or even the local people walk into an area, whether it is the countryside or the town, the place is tidy and clean.

I would like to thank the Lord Bishop and Mr Waft also for their contributions. Education, as I say, is very important. As far as local authorities are

concerned, I think it is better that they are actually there, they will see it much more quickly than anybody from the local government department will see the problem.

So hopefully members will support this. I would like to thank Mr Lowey very much for seconding it and therefore, Mr President, I hope with that explanation that members will see their way to accepting this first reading.

The President: Hon. members, I put to you the motion that the Litter (Amendment) Bill 2003 be read a first time. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

That, actually, hon. members, draws to a conclusion our order paper for today.

Apologies for Absence

The President: It was remiss of me, hon. members, not to give – I know Mr Lowey referred to it – the apologies of Mr Delaney, but he does have permission to be absent today, so that is in order. There is no particular problem there. It was remiss of me not to draw your attention to that at the commencement of the sitting.

Hon. members, we will now adjourn to the sitting of Tynwald on 18th March and thereafter to 25th March 2003. Thank you, hon. members.

The Council adjourned.
