

# **REPORT OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL**

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**Douglas, Tuesday, 12th November 2002  
at 10.30 a.m.**

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Present:

The President (the Hon. N Q Cringle); the Attorney-General (Mr W J H Corlett QC), Hon. C M Christian, Mr D F K Delaney, Mr D J Gelling CBE, Mr J R Kniveton, Mr E G Lowey, Dr E J Mann and Mr G H Waft, with Mrs M Cullen, Clerk of the Council.

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*The Chaplain of the House of Keys took the prayers.*

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## **Items Considered**

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## Apologies for Absence

**The President:** Hon. members, I have apologies this morning from the Lord Bishop, who is attending a Synod meeting, and from the hon. member Mr Crowe.

## Transfer of Deemsters' Functions Bill – Clauses Considered

**The President:** We have but two items on our order paper to deal with today and the first item is the Transfer of Deemsters' Functions Bill in the hands of Mr Gelling. We have reached the stage, hon. members, when we are dealing with the clauses. Mr Gelling.

**Mr Gelling:** Thank you, Mr President. Clause 1 of the Bill, taken with a repeal in the schedule, transfers from the deemsters to the Treasury the power to fix fees and commissions - that is in percentages - in bankruptcy proceedings - for example, those payable to trustees in bankruptcy. The power will be excisable by order subject to Tynwald approval. The present section 70 of the Bankruptcy Code 1892 reads as follows: '70, general rules to be made: (1) Subject to the provisions of this Act the deemsters may from time to time make, revoke or alter general rules for carrying into effect the purposes of this Act for regulating the practice and proceedings of the court; and (2), part 3 of the High Court Act of 1991 shall be applicable to the general rules to be made under this Act. Now, the new section 70A gives the Treasury the same powers as the deemsters now have to fix such fees and percentages, and an order fixing such fees requires Tynwald approval. Mr President, I put forward clause 1 as being part of the Bill.

**The President:** Mr Kniveton.

**Mr Kniveton:** Yes, sir, I beg to second and reserve my remarks.

**The President:** Mr Lowey.

**Mr Lowey:** Mr President, I would ask the mover of the Bill: isn't it in this day and age an anachronism to be reinserting into legislation payment for services of officers of the court, to be paid in commission, and isn't it long overdue that coroners as officers of the court should be paid a salary and getting away from actually payment by results? Isn't it an old fashioned idea that ought to be consigned to the waste bin of history?

**Mr Gelling:** Yes, can I reply, Mr President?

**The President:** Mr Gelling.

**Mr Gelling:** Yes, again I would have to agree with the hon. member that the coroners and the way in which they work is very outdated. There have been

several committees looking into this and they have come up with recommendations, but they have never been implemented. But I certainly would agree. I think the last one recommended that they come under the Attorney-General's Chambers or such office, be paid a salary and then they would actually collect whatever fines were there to be collected rather than the amount of them, which they are inclined to do at this time.

**The President:** Mr Attorney.

**The Attorney-General:** Thank you, Mr President. If I may just add a brief rider to what the hon. member has said, I feel quite sure that the hon. member Mr Lowey has hit on a very good point, and the Insolvency Service Bill, which I think will be coming forward fairly soon, recognises the fact that in future officers of the court, coroners, will indeed be paid salaries rather than commission, sir.

**The President:** Mr Delaney.

**Mr Delaney:** Well, that is like getting a Christmas present from you, because, as you remember, the fact was, after an instance which occurred in my constituency some years back, we had a great debate and committees formed in trying to sort out this anachronism, pointed out by Mr Lowey. The fact of it is that the answer given by the Attorney satisfies me to a great extent, but there are still many things . . . it is nice to have historic things about you, but if they do not work for the community of that day they are not worth having, and I would hope that we would look at many, many things that are out of date as far as the welfare of the people are concerned.

**The President:** Mr Waft.

**Mr Waft:** Thank you, Mr President. With regard to the suggestion about salaries and salaried personnel, for instance, they would automatically - could it be confirmed? - come under the public indemnity insurance as opposed to as it is now, where they do not?

**The President:** Mr Gelling.

**Mr Gelling:** I look at Mr Attorney, Mr President, because again I think you will find running through this I will be repeating what the hon. Attorney has said, that there are things we will find here that are outdated, but we are transferring the functions of what was the deemsters to the Treasury, but it is other legislation that needs altering to actually achieve what the hon. member and what the hon. member Mr Lowey has suggested and Mr Delaney!

**The President:** Mr Attorney.

**The Attorney-General:** Yes, if I may, Mr President, I think that the position under the current

law is that a coroner is more or less an independent contractor and he or she is responsible for his or her own acts and omissions and in fact may be sued as a party in civil proceedings. I think the point raised by the hon. member Mr Waft is a very good one. It would be something that perhaps Treasury will have to attend to when the legislation is updated.

**The President:** Okay, Mr Gelling, is there anything you would like to further add to clause 1 before I put it to the Council?

**Mr Gelling:** No, only to thank Mr Attorney for his help on that particular clause, sir.

**The President:** In that case, hon. members, I put to you that clause 1 do stand part of the Bill. Those in favour please say aye; and against, no. The ayes have it. The ayes have it. Clause 2, Mr Gelling.

**Mr Gelling:** Now this clause, clause 2, Mr President, transfers again from the deemsters to the Treasury the power to fix the allowances payable to witnesses in various civil and criminal proceedings and abolishes their obsolete power to fix the fees payable to constables for executing a civil process. The power will be excisable by order subject to Tynwald approval; consequently the Constables' Fees and Witnesses' Allowances Act 1947 is renamed 'the Witnesses' Allowances Act 1947.' The existing section 1 of the 1947 Act, which is entirely replaced, reads as follows, Mr President: 'The deemsters may from time to time make, vary and revoke orders for the purpose of prescribing (a) the legal and established table of fees payable to constables executing civil process and (b) the table of allowances to compensate any person properly attending before the High Court, a court of criminal appeal, a Court of General Gaol Delivery, the High Bailiff's Court, a court of summary jurisdiction, a coroner for inquests or any other person having authority to take the examination of witnesses for the expense, trouble or loss of time properly incurred or incidental to the attendance and giving of evidence.' Now, all orders made in pursuance of this section shall be laid before Tynwald as soon as may be after they are made and shall not take effect until approved by a resolution of Tynwald. The power confirmed by this particular section includes power to prescribe the allowances which may be authorised by a coroner of inquests to medical practitioners making post-mortem examinations at his direction or request, whether or not required to attend to give evidence at an inquest.

Mr President, I beg to move that clause (2) stand part of this Bill.

**The President:** Mr Kniveton.

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

**The President:** Mr Delaney.

**Mr Delaney:** What has worried me is about the amount because it is moved in the Treasury. I know that members can sometimes have raised in Tynwald and ensured that it is adequate payment, because I can only refer back to an experience I had as a young man where we had a murder in the Isle of Man, at the Golden Egg, and I was called to do jury service, and I was just commencing my business, a one-man business virtually, and it would have virtually ruined me had I been called to sit on that jury. My cousin got the job as foreman, as it turned out, but that is the way it worked in those days, and I am just hoping in the future people, particularly self-employed people, do not get handicapped by being called to give their service to the community. It is something that needs to be kept an eye on.

**The President:** Mr Gelling, do you wish to reply?

**Mr Gelling:** Yes, Mr President. This was something that was raised, I cannot just remember whether it was first reading or second reading: the Treasury having the information and the background to be able to make these decisions, and I think to that I said at the time that as in the past, the deemsters would consult with Treasury. I am quite sure the Treasury in turn will consult with the deemsters, which would highlight some of the points that the hon. member has raised as hardship for people such as was illustrated, just starting up in business or whatever. So I think you can rely on the Treasury taking whatever advice would be necessary before they would put that order together, but then the order has to come to Tynwald also, when members would have their input.

**The President:** Okay, hon. members, I put it to you that clause 2 do stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. We move on to clause 3. Mr Gelling.

**Mr Gelling:** Yes, clause 3, Mr President, transfers again from the deemsters to the Treasury, the power to fix the fees payable to coroners for serving summonses, executing judgments et cetera, and the power is again by order and is subject to Tynwald approval. The existing section 5 of the Coroners Act of 1983 does read as follows: 'Fees. (1) the deemsters may after consultation with the Treasury by order prescribe the fees to be charged by coroners in the exercise of execution of any function or obligation vested by any enactment or otherwise,' and then '(2) an order made under subsection (1) shall not come into operation unless it is again approved by Tynwald,' but the words 'Treasury may' are substituted for the words 'the deemsters may after consultation with Treasury.' So, therefore, that clause again transfers a part of the deemsters' function to the Treasury, and I propose that clause 3 become part of the Bill, Mr President.

**The President:** Mr Kniveton.

**Mr Kniveton:** I beg to second, sir.

**The President:** Hon. members, the motion is that clause 3 do stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 4, hon. member.

**Mr Gelling:** Yes, Mr President. Clause 4 transfers from the deemsters to the Treasury the power to alter the rate of interest, which was, of course 8 per cent, and it had been reduced from 15 per cent to 8 per cent in 1993. Through an amendment in the Keys that is now reading '4 per cent' payable on an execution order - for example, any execution granted by the High Court except one relating to a maintenance order or one which is expressed to include interest. Now, the power will be again by order, Mr President, subject to Tynwald approval.

Now this particular clause again created interest and concern to members at our first reading, and for the second reading I had done some due diligence to try and answer the question of why arrears of maintenance were not, therefore, liable to interest. Now, I got the reply from the legal draftsman that it was before his time in 1981. I then went through the judiciary administration and I could not find any answer to the question which was posed. I am not sure why this is. I had to finally go to our First Deemster, and our First Deemster was quite explicit in his reasoning, and it was that they did not have the ability to charge interest on small amounts over short periods of time. The administration was not actually in being for them to be able to do that, so it was the easiest thing not to have any interest on those particular small amounts. So it was a very simple answer to what appeared a very complicated question.

However, it has been stated that now or when these powers are transferred to the Treasury, the advice might very well be for the Magistrates Matrimonial Proceedings Act and the High Court Magistrates Matrimonial Proceedings Act and the Administration of Justice Act of 1981 to be looked at so that they could put interest on those amounts, because I think in the UK they have changed that there is no interest up to an amount of £5,000 - I do not know, Mr Attorney might be able to give more information, but basically at the time it was purely that they did not have the ability to be able to administer changing rates on such small amounts over short periods.

So clause 4, Mr President, with that explanation; however, if there is still concern I will continue to investigate further for the third reading, but certainly what I have been told is that it would be not this particular Bill that could change it; would have to look at those three other Bills, because it is actually built up into those particular Acts, sir. So I propose that clause 4 stand part of this Bill, Mr President.

**The President:** Mr Kniveton.

**Mr Kniveton:** Yes, thank you, Mr President, and I do thank the mover for that explanation over interest rates, because it certainly is a debatable subject. For my own part I do not think it would be correct for people who are already before the court for a financial problem to be charged a very high rate of interest, which only makes their position even worse or even, on occasion, it could be unaffordable. So, yes, I do support the clause, amended as it has been in another place.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, it is interesting that the principle of the Bill is effectively to transfer powers from the deemster to the Treasury in respect of fees and so on, but I wonder if the mover could comment on 4(1), which is a substitution for an earlier clause which allows the deemster still to be involved in respect of whether or not interest is prescribed. Whilst the Treasury sets the rates, the deemster can order that the execution order shall not carry interest at the prescribed rate. Does the mover know, can the deemster otherwise order that it be at a different rate or can he simply order that there be no interest applied, and is that a continuation from the existing provision brought forward into this substitution or is it a new provision?

**The President:** Mr Attorney.

**The Attorney-General:** Mr President, the theory as to the payment of interest on debts is that the creditor has been kept out of his money, and the principle therefore is that the defendant should not only pay, as it were, the capital which has been due to the creditor but also interest to compensate the plaintiff for the period during which he has been kept out of his money. Now, the hon. member Mrs Christian raises a good point. There is certainly a discretion vested in the deemster, and I would suggest that that is appropriate because sometimes the plaintiff might have acted in a very oppressive manner and might have very unfairly pressed for his claim when he knew full well that the defendant was not able to pay and I suppose that, on the theory you cannot get blood out of a stone, the deemster can in an exceptional case say to the plaintiff, 'Well, yes, you are entitled to your £1,000 claim, the principal, but because of your conduct, because of the way you have dealt with this matter, I am not going to award any interest at all on the judgment debt.' Equally, although I think it is very rare, the deemster can say that instead of awarding interest at the rate of 4 per cent per annum, he is going to award interest of 2 per cent per annum on the same basis. In other words, the deemster's discretion is often related to the conduct of the plaintiff, but ordinarily a defendant who has kept the plaintiff out of his money and is able to pay the interest will be ordered to pay interest at the prescribed rate.

**The President:** Mr Waft.

**Mr Waft:** Just on the non-payment of fines, Mr President, I know in the past that people who have not paid their parking fines, for instance, have actually been imprisoned. I would have thought it would be a simpler process to have an attachment of earnings to pay those fines. I realise it is not always possible, but it is certainly a better alternative than prison.

**The President:** Mr Gelling.

**Mr Gelling:** Yes, Mr President, only to accept the observation of Mr Waft. That is the case, but I think also, in the preamble too it was made quite clear that the Constitutional and External Relations Committee was recommended at this particular move that there was no case for divesting the deemsters of all the legislative functions in general, and I think that is what we will find: they have been cherry-picking or pulling out those which the deemsters perhaps should not have an input in and the Treasury would be better suited to actually carry it through. Of course we can only wait now to see whether or not these are picked up; in fact, I will make sure that the comments made by hon. members are put forward as possible reasons why they should now look at the other legislation to bring it perhaps in line with what everybody is actually commenting upon. So I thank hon. members for their concerns, the facts that they have put forward and their comments and propose that clause 4 do stand part of the Bill, Mr President.

**The President:** Hon. members, if I may, just before I put that motion to you, myself make a comment upon it, I think, in relation to the Administration of Justice Act 1981, it was dealt with by a committee of the House. Certainly, in the *Hansard* when it was dealt with, there was no reference to this particular measure at all, and I can only say that in my own little research the only thing that I could pick up on is the point which Mr Waft raised, that in fact the Administration of Justice Act 1981 for the first time did allow the attachment of earnings, and that might have had some bearing on clause 9 of that bit.

So, hon. members, I put to you that clause 4 do stand part of the Transfer of Deemsters' Functions Bill 2002. Those in favour please say aye; and against, no. The ayes have it. The ayes have it. Clause 5, Mr Gelling, please.

**Mr Gelling:** Yes, thank you, Mr President. Clause 5 transfers from the deemsters to the Treasury the power to alter the fixed amount, which is currently £7,500, which can be claimed as damages for bereavement by a wife or husband of the victim of an accident or indeed the parent of an unmarried victim as long as they are under 18. The power by order, again, is subject to Tynwald approval. The existing section 1A(1) of the Fatal Accidents Act 1981 added by the

High Court Act of 1991 reads as follows: 'An action under this Act may consist of or include a claim for damages for bereavement; (2) a claim for damages for bereavement shall only be for the benefit of (a) the wife or husband of the deceased, and (b) where the deceased was a minor who was never married,' and (i) of his parents if he was legitimate and (ii) of his mother if he was illegitimate. Part 3, subject to section 5, which follows on, 'the sum to be awarded as damages under this section shall again be £7,500; (4) where there is a claim for damages under this section for the benefit of both the parents of the deceased the sum awarded shall be divided equally between them, subject to any deductions falling to be made in respect of costs not recovered from the defendant,' and (5) 'the deemsters may by order amend this section by varying the sum for the time being specified in subsection (3)' and (6) 'an order under subsection (5) again shall not come into operation until it is approved by Tynwald.' Now, the figure in subsection (3) £7,500, was originally £3,500, but it was increased to £7,500 in 1995, and of course in (5) the clause substitutes 'Treasury' for 'deemsters,' so this now reads 'The Treasury may by order amend this section by varying the sum for the time being specified in subsection (3). Mr President, with that explanation I put to you that clause 5 become part of the Bill, sir.

**The President:** Mr Kniveton.

**Mr Kniveton:** I beg to second, sir.

**The President:** Mr Lowey.

**Mr Lowey:** Could I just ask the mover of the Bill, is there any plan to up the £7,500?

**Mr Gelling:** Certainly, in reply to that, Mr President, I have no knowledge of that being changed. When you look that it was increased in 1995 to that amount, again it is something I think that –

**Mr Lowey:** It is seven years.

**Mr Gelling:** - could very well be looked at because it is, as you say, seven years. I will again make sure that that is put forward at Treasury.

**The President:** With that explanation, hon. members, I put to you that clause 5 do stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. We will turn to clause 6, Mr Gelling, short title.

**Mr Gelling:** Yes, thank you, Mr President. Clause 6 and the schedule make supplemental provisions. Subclause (1) gives the Bill its short title; subclause (2) provides for it to come into force on an appointed day or days to be fixed by the Treasury by order; and subclause (3) introduces the schedule, which makes mainly consequential repeals. However, one

substantive repeal is included of section 50 of the Judicature (Matrimonial Causes) Act of 1976, which provides as follows - and I quote: 'Fees in Matrimonial Proceedings. The fees to be taken in any proceedings to which rules under section 49 apply shall be such as the deemsters, with the concurrence of the Treasury, may from time to time by order prescribe,' but again 'no such order shall take effect until it has been approved by Tynwald.' It was originally proposed, Mr President, that the power should be transferred to the Treasury, but it is redundant because the High Court fees are now set by the Treasury under the Fees and Duties Act of 1989 and section 50 can therefore safely be repealed. I therefore put to you, Mr President, that clause 6 stand part of this Bill.

**Mr Kniveton:** I beg to second, sir.

**The President:** Hon. members, the motion I put to you is that clause 6 do stand part of the Transfer of Deemsters' Functions Bill 2002. Those in favour please say aye; against, no. The ayes have it. The ayes have it. Now, hon. members, that also included the schedule as Mr Gelling referred to. I must make that plain for the purposes of our *Hansard* at the same time. Thank you. That completes the clauses stage of the Transfer of Deemsters' Functions Bill.

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**Agriculture (Miscellaneous Provisions) Bill  
Second Reading Approved –  
Standing Orders Suspended –  
Clauses Considered**

**The President:** We move on to the Agriculture (Miscellaneous Provisions) Bill in the hands of Mr Waft and for our second reading, please. Mr Waft.

**Mr Waft:** Thank you, Mr President. In the past year the department was made aware of certain shortcomings in its legislation. Hon. members may be aware of certain court proceedings in the last year and comments by the High Bailiff and Deputy High Bailiff. The provisions of this Bill address those areas.

The department maintains an internationally recognised licensing system for the importation of beef, sheep meat and veal. A situation which the department has come across is where a retailer had arranged to import one of these products without having the authority of a licence.

The Bill amends the Agricultural Marketing Act 1934 to address this situation in two ways. First, there is an amendment provision so that a person should not have or offer one of these licensed products for sale unless there is an audit trail showing that it was obtained under authority. The new section makes it an offence to have any agricultural products for sale which have been illegally imported into the Island. Prosecution for an offence is at summary jurisdiction. The statute of limitations gives a six-month period from the date of an offence to bring cases to court at

summary jurisdiction. The Act currently does not make separate provision for dealing with cases in any other way. However, offences have in some instances not come to light until outside the six-month period provided. So secondly, the new section has added to extend the period within which cases can be taken. Cases will have to be progressed within six months of information about the offence coming to light. However, that can now be up to three years from the date of the actual offence. Offences in respect of animal welfare under the Animal Health Act 1996 do not enable the courts to ban someone from keeping animals. The Deputy High Bailiff particularly referred to this in a couple of recent cases. Where a serious event occurs, which is considered to involve cruelty rather than poor animal husbandry, the department would expect the case to be brought by the police under the Cruelty to Animals Act 1997. However, the department's view is that, particularly in the cases of a series of welfare offences under the Animal Health Act, even though each one in itself might individually be considered a less serious offence, they would collectively establish that a person was practising poor animal husbandry which was tantamount to cruelty. This Bill introduces a new section into the 1996 Act conferring a power on criminal courts to order a person to be disqualified from having custody of livestock where the person is convicted of an animal welfare offence under the Act. This power of disqualification is similar to that contained in section 5 of the Cruelty to Animals Act 1997. The new section provides that a person guilty of a welfare offence may be disqualified from keeping animals. It also provides an appeal procedure and an offence for keeping animals in contravention of a disqualification.

A further new section is added to the Act similar to the one I have just referred to in respect of the Agricultural Marketing Act. Offences under the Animal Health Act 1996 are prosecutable at summary jurisdiction. Again, in the absence of any other provisions, the statute of limitations applies, so cases have to be progressed within six months of an offence. However, some offences, such as not marking calves within a short time of their birth, have not come to light until after six months have elapsed. Where farmers have not done as they ought within the statutory period, they have then done nothing on the assumption that they will avoid detection until after the six months, thus avoiding prosecution. The Bill provides that the maximum period within which prosecution may be taken is extended to three years from the date of the offence, which cases have been progressed within six months of information about an offence coming to light.

New penalties in the case of convictions for livestock welfare offences are also inserted. The amendment provides for a custodial sentence of up to six months as well as or instead of a fine.

I have referred to the Cruelty to Animals Act 1997 already. Section 1 of the Act makes it an offence to cause suffering by action. In a recent case against a

farmer for cruelty to animals it was clear that the farmer had neglected animals, allowing them to remain untreated for disease and starve to death. However, he had not carried out acts of ill-treatment of them, for example by beating them or feeding them something poisonous. The High Bailiff's opinion was that the Act did not cover acts of omission. This Bill provides amendments to cover omissions. The amendments extend the provisions of the Act to cover circumstances where a person causes suffering to animals by an omission, such as not feeding them or allowing medical conditions to go untreated. The Bill also makes it an offence for a person to get someone else to be cruel to the animal.

Mr President, Mr Delaney asked at the first reading 'what the effect of the Bill is on consumers with regard to the importation of meat products. The Bill deals with illegally imported meat products which are offered for sale. Consumers who buy meat products which turn out to have been illegally imported would not commit an offence. The amendment in the Bill relates to retail outlets and not their customers. The Bill does not deal with the licensing régime itself; it makes it clear that the onward sale of illegally imported meat is also an offence. Retailers should satisfy themselves that there is an order trail showing that the meat products they are selling have been legally imported. Licences for the importation of meat products are granted in the knowledge of the probable throughput of the meat plant. When the meat plant will be unable to supply the necessary quantity or particular cuts of beef, sheep meat and lamb, licences are issued for importation. This enables retail outlets to ensure that customers can be offered a full choice across the range of meat products. The licensing system arises from recognition internationally that the small size of the Island's meat industry would make it vulnerable to unrestricted trade. It would lead to collapse if cheap cuts of meat were dumped on the Manx market. In the short term it might appear to be to the consumer's advantage; however, in the long term the Island would be in a situation where prices and availability were dictated by an outside agent over which the Island had no control.

There are two separate issues here: the first is that the European Union rules apply to animal health and foot-and-mouth disease in particular, with vets certifying meat coming over; the second is the arrangement for the Isle of Man to impose restrictions on certain products. This protects the Manx producers. This is known as a derogation which happens every few years and was last reviewed in December 2000. This is renewed for short periods only when the European Union reviews the figures.

From my own personal point of view it is interesting to note that the trade negotiations taking place between the African, Caribbean and Pacific group of countries and the European Union are apparently designed to enable partner countries to be more competitive in global markets. For instance, Europe is the most costly producer of sugar, yet it is

the biggest exporter. Their surpluses in 2001 amounted to 770,000 tonnes of white sugar, which was exported to Algeria, and 15,000 tonnes was exported and dumped in Nigeria, yet these countries could well be supplied from their own countries such as Mozambique.

The Contino Agreement is supposed to provide a forum for more competition in global markets. Apparently in the United Kingdom some farmers are selling direct to the public via the internet in an attempt to loosen the stranglehold the supermarkets have on the industry; the supermarkets account for about 80 per cent of all the food sold in the UK. An organic farm in Wiltshire is reported to be selling Manx Loaghtan sheep supplying fashionable restaurants in London. The farmer has even had an order for 600 tonnes from Libya, but she only has 60 sheep; she found the order a little difficult to meet. A farmer in Devon is supplying 5,000 customers of his organic produce, but according to the National Farmers' Union the percentage of organic farmers making a loss has risen from 19 per cent in 1997 to 30 per cent in 2002. The United Kingdom Prime Minister stated that export subsidies, internal price support and direct aid to producers are having a devastating effect on developing countries' efforts to participate in international trade, but cheap imports are the farmer's greatest enemy. So there may be movements in the future, but for the present the European Agricultural Policies may be open for reform. The concern is that millions of small farmers around the world have their livelihoods at risk because of these controls, which do not allow for free trade. How this will effect the way in which the Isle of Man reacts to changes in agricultural policies worldwide will be for the department to decide and not in this Bill.

Mr Kniveton asked about the present situation with regard to battery hens and cattle. Clause 2 of the Bill deals with welfare requirements of the Animal Health Act 1996. Hon. members will recall that the Department of Agriculture, Fisheries and Forestry brought forward the Welfare of Farmed Animals Order in 2002 this year. It was approved by Tynwald on 19th February 2002 and came into operation on 1st March. The department has issued statutory animal welfare codes throughout the industry. These are a blueprint for the practice of good animal husbandry. Failure to observe them is not in itself an offence, but courts will use such a failure as an indicator in judging whether a farmer has failed to observe the necessary welfare standards required by the 2002 order. Where a person is found guilty of such an offence, the amendment to the Animals Act contained in this Bill will mean that the courts have the opportunity to prohibit someone from keeping animals in the future as well as being penalised by either or both, imprisonment of up to six months and a fine of up to £5,000. The Welfare of Farmed Animals Order 2002 implements the department's policy to maintain common animal welfare standards with Europe and in particular supports the 1976 European Convention for the

Protection of Animals Kept for Farming Purposes. That is read with the 1992 protocol of amendments of the convention. The department's 2002 order refers to statutory welfare codes issued by the department under section 30 of the Animal Health Act 1996 and which applied to animals being bred or kept. These were distributed throughout the agricultural industry and further copies can be obtained from the department. I have some copies of those orders, Mr President, if anybody would care to have them.

Mr President, I beg to move the second reading of the Bill.

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

**The President:** Mr Delaney.

**Mr Delaney:** Mr President, I am grateful for the coverage given by the mover. Since we last met and I gave the mover the courtesy of telling him I was going to raise the issue of the licensing of imported meat, I have had a chance to speak to a number of people involved, including some of the officers, and I am more satisfied than I was with what is going on, but I still want to say this: I believe the policy . . . and you have actually put the warning signs up inadvertently; the Isle of Man is a situation where the licensing is slowly getting rid of the butchers, the retail outlets, for their product and putting themselves completely in the hands . . . given the fact that 80 per cent of big supermarkets - they are going to come to a situation at the abattoir where they are going to have give or take what they are prepared to take or give by the supermarkets, and I am telling you now, this is not good for the agriculture in the Isle of Man, in the long term anyway.

The situation I would like answering at the moment is: we have been given an example - licences, oh, yes, license meats to come to the Isle of Man. Could the mover tell me - I know he is not directly in agriculture and he has taken this Bill on behalf of somebody else and I appreciate that, but the situation, for example - and I will give him one example - of sausages, simple sausages: you have pork and you have beef and you have a mixture. Now, am I to understand, and is the public to understand, that there is a retail licence for these not frozen but chilled sausages coming into the Isle of Man? Is that the situation that every one of these pack of sausages comes under a licence which has been issued and is specifically in quantity? I would like to know that, and the answer also I would like is, if the Isle of Man's policy of the meat products is to license it, which on the face of it protects the farmer - which to me, the ones I have spoken to, it does not; it does not protect the majority of the farmers against having to place their animals and their products not at an economic price. What is going to be the situation in the future when this carries on, this policy, and another supermarket chain comes into the Island and the 80 per

cent you quoted, which has been growing every year continues to grow and looked at 82.5 per cent this year? For example, there is a butcher due to close down next year in Ramsey, I am given to understand. There are only going to be four or five major outlets in a couple of years' time and the farmers will only be supplying their meat through them or dumping it on the Liverpool market. You tell me what the future for agriculture is then.

**The President:** The farmers are reducing as quickly as the butchers I think, but there you are.

**Mr Delaney:** They are, and that is the reason.

**The President:** Dr Mann.

**Dr Mann:** Yes, as at first reading I welcome this Bill and, as I said at that time, it was a long time coming and I appreciate the mover's detailed explanation of a lot of what is in the Bill, (**Mr Delaney:** Hear, hear.), but if I can just refer to the part dealing with animal cruelty and the failure to maintain normal animal husbandry, we do have a problem inasmuch as the enforcement of these very desirable Acts is very questionable. First of all, the prosecution has to be through the police and therefore somebody has got to draw the attention of the police to the set of circumstances. That usually is a member of the public, but that is only if a member of the public is actually seeing the situation, and so many farms, of course, are fairly remote, certainly from normal public scrutiny. Of course, the department itself must be very aware of the fact that almost all of the cases of cruelty or neglect actually occur in registered producers who have only recently come into the farming industry, because of course you can become a registered producer without any qualification, any experience or any knowledge. All you have is enough money to buy the farm and enough money to buy the animals, and their knowledge of animal husbandry is almost precariously nil, and of course you also have a very large number, especially in the Isle of Man, who could be considered to be hobby producers - that is, they have other substantial incomes or occupations and they are using animals to just use the fields.

So the department must be in a very difficult position. It is in theory the regulator, in practice the promoter, and surely at some point the department should be able to identify those producers who have no previous knowledge and no experience of good animal husbandry and it will be very comforting if somebody within the department is prepared to go round to these people who are identifiable and see that they are actually doing the job properly. Apart from politicians, farmers are about the only other people who can start up as registered producers with no knowledge at all and no qualifications. The difficulty here is there is no member of the department actually present around this table, but perhaps you could transmit these views to the department?

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, the hon. member has indicated that the Bill has been some time in coming before us. It does, it seems to me, highlight the demise of the statute law revision Bills which we used to have and which I felt were very useful vehicles for introducing individual specific items (**Mr Delaney:** Hear, hear.) across a wide range of subjects, which meant that you could deal with things fairly promptly. Now, perhaps if it is only one or two clauses you want to amend, there is a hesitancy about bringing a Bill forward to do that. Perhaps it is fortuitous in some ways that the Department of Agriculture has three issues to deal with and it has prompted the development of this miscellaneous provisions Bill, but I daresay there are legal and other reasons why statute law revision Bills have lost their popularity, but I do think that they were a very useful vehicle.

With regard to the provisions of this Bill at second reading, Clearly it covers a range of subjects, all of which need tackling. In terms of the comments made about agriculture, though, it would be interesting to know how many people there are in agriculture who are hobby farmers with no previous knowledge. On the other hand, an awful lot of people with a lot of knowledge have been driven to what might be described as double-earners in having other occupations to provide their main source of income. I would not classify them as hobby farmers and I do not think the hon. member would either, but there is an increasing number of people in that category trying to sustain and maintain an involvement in the agricultural industry.

I would just comment on animal health issues, that it is also interesting to note that the department in some circumstances, I know, have turned down support for buildings on the grounds that the area allowed was too big, so it is difficult sometimes to win! That at least was a provision on the positive side, and I do agree they have got a job to do where the conditions are on the reverse side, but it is sometimes difficult, perhaps, for people who are in the industry to know just where they should be going in order to get the approval of department officers.

**The President:** Mr Gelling.

**Mr Gelling:** Yes, Mr President, just commenting first of all on the observation of the hon. member Mr Delaney, on the sausage meat, I well remember going into this very thoroughly about 12 years ago and what really was and was not allowed to come in without a licence and we came up with a word - I do not know, was it macerated?

**Mr Delaney:** That is right, yes!

**Mr Gelling:** There was a word which meant 'smashed up' - in other words, if the meat was not a whole piece and it was in some way minced up into

sausage meat, it was all right to bring it in, but I would just ask the hon. member first of all - and I am going backwards - in clause 3 it says that the words from the beginning to done - substitute 'by intentionally or unreasonably doing . . .' and I just wondered whether this would cover other cases where we have had concerns expressed at people who intentionally, it would be said, inter-breed certain animals and produce what they can sell, which die very quickly through all kinds of problems, and I just wondered whether we have taken the opportunity here to address that, because I well remember the vet saying they could only inspect and see whether the animals were fit and well; DoLGE could only go and inspect to make sure the premises they were kept in were fit, but the actual intention of breeding - I just wondered whether that is what that meant.

The other was the interpretation of the word 'animal' - I wondered what that interpretation is. Does it go only to what we deem lambs, pigs? Does it go to those who perhaps go into rabbit farming or whatever might be? In other words, what is an animal?

The last one, Mr President, was that again 10 to 12 years ago, not only did we know how many tonnes of potatoes were on this Island, but only licences would be given to those to import if that tonnage was deemed not to be sufficient. Well, I know all of this has gone through a lot of change because of European law et cetera, but I was very concerned just recently to find potatoes being sold in the little plastic two-kilo bags; I happen to pick some up from a shop and Joan said, 'My word, they are the best potatoes - now, where did you get them? Call and get a full bag.' So I called and got a full bag and I fully expected to get the bag you usually get, which is an old meal sack, but here were these beautiful bags and where were they from? Yorkshire. In other words, they are being imported from Yorkshire and I think to myself that within half a mile of these shops are good agricultural producers of vegetables and potatoes and yet we can actually import potatoes from Yorkshire and sell them at what must be a lesser price.

**Mr Delaney:** Crazy, isn't it?

**Mr Gelling:** There is something wrong, so I just wondered, could the hon. mover -?

**Dr Mann:** You cannot buy them in Yorkshire either, probably. (*Laughter*)

**Mr Gelling:** Yes! Not only was I upset because they were deemed as being very good; it was the fact that there they were. If I had not asked for a full bag, I would not have known that they were not the Manx produce, because they were in the little plastic bags printed.

So those were the only points that I would ask the hon. member: is there any control now on the actual potato and vegetable - well, it was potato because we used to even set the price at one time.

**Mr Delaney:** That is right.

**Mr Gelling:** Thank you, Mr President.

**Mr Delaney:** And the farmers used to sell it cheaper direct.

**Mr Gelling:** That is it, through the back door.

**The President:** Mr Waft. (*Interjections*)

**Mr Waft:** Thank you, Mr President.

**Mr Delaney:** You have got all day, George!

**Mr Waft:** Mr Delaney mentions the problem of the butchers in the future and how many we will be brought down to in numbers because of the present policy. It has been obvious to most people that the numbers have considerably reduced because of the preference of the housewife, I suppose, to use the supermarket rather than the butcher's shop, and that is the problem that is a political debate in itself, as I mentioned about derogations et cetera. He mentioned about sausages and what code they come under. I can only refer to the Agricultural Marketing Act 1934, and it says 'An animal product includes any product of agriculture or horticulture and any article of food or drink, wholly or partly manufactured or derived from any such product and fleeces and the skins of animals.' So that is about as far as I can go with that one.

**Mr Delaney:** They say the law is an ass!

**Mr Waft:** Yes, I have not gone to asses - most other things I have gone to.

**Mr Lowey:** However defined!

**Mr Waft:** What the future holds for the Island - it depends on the policies, I suppose, of trends and what people expect and what the department expects (*Interjection by Mr Delaney*) and what the government expects its countryside to look like in the future.

The hon. Dr Mann mentioned a failure to maintain animal husbandry. That has been a problem in the past, but I think the new codes of conduct which I have do recommend that stockmen et cetera should be able and qualified to look after the animals in their care. He also mentioned the problem of drawing the attention of particular areas of farmlands around the Island, which are often only brought to the attention of the department by word of mouth, and there needs to be a regular visiting of the farms on a regular basis to assess the health of the animals. I can only bring that to the attention of the department, Mr President, with regard to that one.

I thank Mrs Christian for her remarks and I do not think there is anything particular I can reply to in that.

The hon. Mr Gelling mentioned the interbreeding. I am not *au fait* with interbreeding as to how that is

affected, or indeed the Yorkshire potatoes and the vegetables; I will have to clarify that one as well. Obviously, members have got much more information about the farming community than I have, but I have done my best with what information I have, Mr President.

I beg to move the second reading.

**The President:** Hon. members, the motion I put to you is that the Agriculture (Miscellaneous Provisions) Bill 2002 be read for a second time. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Mr Waft:** Could I risk moving standing orders, Mr President, to move clauses?

**The President:** It is entirely up to you to ask, sir, if you so wish.

**Mr Waft:** There are only four of them, Mr President, and we have got time.

**Mrs Christian:** I beg to second.

**Mr Lowey:** Agreed.

**The President:** Hon. members, the motion, or the suggestion, is made that we suspend standing orders in order to take the clauses stage of the Agriculture (Miscellaneous Provisions) Bill. Those in favour please say aye; against, no. In that case, hon. members, we will move on to the clauses stage and Mr Waft take clause 1 please.

**Mr Waft:** Clause 1, Mr President, inserts a new section 30A of the Agricultural Marketing Act 1934 and replaces section 31 of that Act. A consequential repeal of a provision of the Statute Law Revision Act 1989 is also effected.

Section 1 inserts a new section 30A into the 1934 Act. The new section makes it an offence to sell, offer for sale et cetera illegally imported agricultural products and produce containing such products. The existing provisions of the 1934 Act make it an offence to import certain agricultural products without a licence, but there is no prohibition on the sale of such products, nor of produce containing such products.

This new provision will deal with those circumstances; a person who in the course of business sells or supplies et cetera such products or produce will be guilty of an offence. It will be a defence to show that reasonable checks were made to ensure that the products were not imported without a licence.

Subsection (2) substitutes a new section 31 for the existing section 31 of the 1934 Act. This section deals with the time limit for the commencement of summary proceedings for offences under the 1934 Act. The current time limit of six months is extended by the clause. The new section permits such criminal proceedings to be commenced within three years from

the date of the offence. The case must be progressed within six months of information sufficient to justify proceedings coming to the knowledge of the prosecutor.

Subsection (3) repeals the provision of the Statute Law Revision Act 1989. The provision amended section 31 of the Agricultural Marketing Act 1934 and, as this Bill replaces that section, the provision of the 1980 Act is no longer necessary. Mr President, I beg to move clause 1.

**The President:** Mr Lowey.

**Mr Lowey:** I beg to second, sir. I would just say, in support of the clause, we can all find fault from time to time, but I do think we must not forget that it is alleged that the importation of meat illegally into the United Kingdom caused recent foot-and-mouth with all that horrendous thing, and I think there has to be a protection of the Island's agricultural industry. I think they are reasonable to be put in place and I think these are reasonable. There are omissions and they need to be tightened up. In the light of that I think it is a very serious proposition that has been proposed and I would support the clause.

**The President:** Do you wish to make any comment, Mr Waft?

**Mr Waft:** No, thank you, Mr President.

**The President:** In that case, hon. members, I put to you that clause 1 do stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. We turn to clause 2. Mr Waft, please.

**Mr Waft:** Clause 2, Mr President, inserts the new sections 28A and 52 in the Animal Health Act 1996. The clause also amends section 28 of the 1996 Act.

Subsection (1) inserts the new section 28A into the 1996 Act. The new section confers the power on criminal courts to order a person to be disqualified from having custody of livestock where the person is convicted of an animal welfare offence under section 28 of the Act. The section also provides an appeal procedure against disqualification and an offence for keeping the animals in contravention of a disqualification. The power of disqualification is similar to that contained in section 5 of the Cruelty to Animals Act 1997. Animal welfare offences under section 28 of the 1996 Act do not at present enable the court to disqualify a person from keeping animals. Normally, where an animal is caused to suffer the keeper of the animal is prosecuted and faces disqualification under the Cruelty to Animals Act 1997. However, circumstances can arise in which a person is prosecuted for animal welfare offences under section 28 and is shown to be practising poor animal husbandry to such an extent that the animals are suffering. In such cases it is more appropriate for the case to be dealt with under section 28 of the 1996 Act.

Subsection (2) inserts a new section 52A into the 1996 Act. This section deals with the time limit for the commencement of summary proceedings for offences under the 1996 Act. The current time limit of six months is extended by the clause. Some offences such as failing to mark calves within a fixed period after birth do not come to light until after six months have elapsed, and an offender might avoid liability, in effect doing nothing for six months. The new section permits such criminal proceedings to be commenced within three years from the date of the offence, but cases must in any event be commenced within six months of information sufficient to justify proceedings coming to the knowledge of the prosecutor.

Subsection (3) amends section 28 of the Act by adding a new subsection (4), which inserts new penalties for convictions for livestock welfare offences. The amendment provides for custodial sentence of up to six months as well as or instead of the existing penalty, a fine. There is an amendment on page 5, line 17, 'for £2,500 read £5,000.'

I beg to move clause (2), Mr President.

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

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, I wonder if the mover would assist us with a definition of 'keeper.' Does 'keeper' mean owner? And if the owner of the animals was the person who is disqualified, are they entitled to appoint someone else to be the keeper in the interim? Do they have to give up ownership? It clearly indicates that arrangements are made for the custody of any livestock in the interim while any appeal procedures are gone through, but I would just like some clarification, please, as to where these definitions sit on whether someone who is disqualified can hire someone else to look after their stock for the duration of the ban or whatever it may be, if it is of a limited period. And can I also comment that, recognising the need to tag calves and so on, I can only say that some of them are jolly hard to get a hand on! (*Laughter*)

**The President:** Mr Waft.

**Mr Waft:** Thank you, sir. I thank Mr Lowey for seconding and Mrs Christian for her comments. Thankfully I do not have the problem of trying to get a hand on a calf to tag it! However, I think I would have to refer to the learned Attorney with regard to the definition of 'keeper' as opposed to owner; perhaps he will enlighten us?

**The President:** Now, Mr Attorney, are you up to speed on that one?

**The Attorney-General:** Well, I shall do my best, Mr President. The relevant section, I think, we have to consider is section 28 of the Animal Health Act 1996.

Of course, it is section 28 which is being supplemented by the new clause 28A and if I may just refer to section 28 of the 1996 Act, it says 'Subject to subsections (2) and (3) any person who (a) causes unnecessary pain or unnecessary distress to any livestock which are under his control, or (b) permits any such livestock to suffer any such pain or distress of which he know or may reasonably be expected to know shall be guilty of an offence under this Act,' and then it says that 'Subsection (1) shall apply only in respect of livestock which are for the time being (a) situated on agricultural land or (b) on or in any vehicle, container or movable structure for the purpose of treatment, slaughter or feeding,' and then finally 'Subsection (1) shall not apply to any Act lawfully done under the Cruelty of Animals Act 1997.'

So, Mr President, it seems to me that there are several circumstances in which a person can be guilty of an offence under section 28: first of all, if you are in control of livestock and you cause unnecessary pain or unnecessary distress; and secondly, you are guilty of an offence if you permit any livestock to suffer any pain or distress of which you know or may reasonably be expected to know. I am sorry just to go into that in a little bit of detail, but it does show that you can be guilty of an offence as someone who is in control of animals and truly keeps them as an owner or perhaps looking after them for somebody else, but also, if you could reasonably be expected to know that the livestock are going to suffer, then you can be guilty of an offence. So if, for example, you were to give control and management of livestock to someone who was totally unsuited to looking after livestock, say a very young person or someone who had no involvement with animals and you went away on holiday and, as it were, closed your eyes to the obvious, then it would seem to me that you could be guilty of an offence under section 28. The supplementary provisions under clause 28A are now bolstering the powers of the court by saying that if you are guilty of an offence you could be ordered to be disqualified from keeping animals. I do not know if I have answered the correct point that the hon. member is concerned about.

**The President:** Mrs Christian.

**Mrs Christian:** May I, Mr President, try and clarify? I am trying to think of a circumstance where an owner is the person found guilty of the offence and therefore they would be disqualified from having the custody of livestock. What I am trying to clarify is whether that owner who is disqualified from having custody of the livestock is then allowed to retain the ownership, but depute somebody else to have custody and care of the animals?

**The Attorney-General:** Obviously I did not answer the question earlier then, Mr President. I am sorry for that. It is rather like looking at children, isn't

it? Who has the custody of the children and then who has access?

That is a tricky one. Mr President, I would suggest that if the legal owner of the animals was found guilty of an offence of cruelty under section 28, if he really could show that there was a qualified person – that is, qualified by experience or otherwise - who could look after the animals properly, it seems to me that the owner could indeed delegate that to someone to have access to the animals on behalf of the owner, but that is just a guess, Mr President. I think it would be unwise, if I can use an animal term, to give an opinion 'on the hoof', and if I could perhaps just reserve that position and perhaps come back to you at the third reading?

**The President:** It is actually the definition which Mrs Christian sought in the first place. The definition to the word 'keeper', isn't it? If you reverse that scenario you can very well have an owner - in other words, the person who is financially owning the animal - who has deputed the care of that animal to another individual, and that individual thereafter would be the one prosecuted because he is in control. Would that not be the case?

**The Attorney-General:** Yes, I think that must be right, yes.

**Mrs Christian:** And vice versa.

**The President:** And vice versa. Anyway -

**The Attorney-General:** It is a difficult point, Mr President.

**The President:** Mr Lowey.

**Mr Lowey:** Could I just say, Mr President, that surely this particular clause was introduced because of the interpretation of the existing Act to be deficient. In other words, it was of omission really, wasn't it, that the High Bailiff, who rightly is there to interpret the law . . . So this is not a criticism of the judgment, but it has been shown that it was deficient and this is to tighten that up, and I think we should all agree that there is a need to tighten it up. In doing that I think Mrs Christian's point is a very valid one: in tightening it up we do not want to come back to another judgment that says we have tightened it up, but there is a loophole here. So I think the main thrust of the clause is to tighten up what has already been adjudged to be a deficiency in the existing law.

**Mr Kniveton:** Hear, hear.

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

**Mr Waft:** No, I would just like to thank the Attorney for his intervention and I am glad he was able to answer it. *(Laughter)* He did a better job than I did!

**The President:** Hon. members, I do seem to recollect that the question of the definition of the word 'keeper' has been raised before in some form, either in an order or legislation in years gone by, and it may be that that definition crops up elsewhere in animal legislation. Perhaps Mr Waft may be able to research that for our third reading?

**Mrs Christian:** Mr President, the clause does not actually refer to a keeper. I think it was in the hon. member's address that he used that word, but custody, I suppose, is the essential . . .

**The President:** In that case, hon. members, I am happy to put to the Legislative Council that clause 2 do stand part of the Bill. Those in favour please say aye; and against, no. The ayes have it. The ayes have it. We turn to clause 3, Mr Waft, please.

**Mr Waft:** Clause 3, Mr President. Section 1 of the 1997 Act makes it an offence to cause suffering by positive action. The amendments extend the offence to cover omissions that cause suffering to animals. The changes will also mean the offence of cruelty will be committed in circumstances where a person procures another person to be cruel to the animal. The amendments fill a gap in the law and extend the provisions of the 1997 Act. It will ensure that keepers of animals who allow the animals to remain untreated for disease or fail to feed them will be guilty of cruelty in the same way as keepers who, for example, are found to have beaten their animals. There is an amendment on page 5: after line 24, add new paragraph 'for "three months" substitute "six months".' I beg to move clause 3, Mr President.

**The President:** Mr Lowey.

**Mr Lowey:** I beg to second, sir, and could I just say, Mr President, as a townie, or an alleged townie, there are difficulties at times for us townies to just appreciate what actually goes on in husbandry. Let me give you an example. The law at present says farmers must poll their cattle, their horns, when they are young. Now, if anybody has been on a farmyard and seen these operations being carried out by qualified vets, if I walked in I would say to anybody that they would say they are getting anaesthetised, but the animals are still very distressed. It is not a pleasant operation and there are other operations which are not pleasant as well, but I do think there is a balance here and I think that being a farmer now is more and more difficult; not only the paperwork do we add to them, but we add these other things: 'do not be cruel.' Now, if I walked on to a farmyard and saw that operation, just coming in from the town, I would say that could not be anything other than cruel. There is a lot of blood involved and all the rest. It is not; it has got to be done for the long-term benefit of the animals and all the rest and within a week they are usually okay, but there is a balance to be struck and I think this particular clause is right to be

tightened up the way it is, but I would just like to say that there has to be an understanding of the work the farmers do, because I sometimes think that most people think that it can be done in a clinical antiseptic atmosphere; it cannot, and I think by and large the vast majority of farmers carry out these unpleasant tasks with a sympathy and an empathy with the animals that they actually . . . most of them are born and brought up by them anyway.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, I think we need to remember that the Bill is not just about farm animals, it is about all animals.

**The President:** Oh, yes. Mr Waft. Do you wish to reply, sir?

**Mr Waft:** Thank you, Mr President. No, I think it has been explained, the comments.

**The President:** In that case, hon. members, I am happy to put to you that clause 3 do stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. And there remains one clause then, clause 4, the short title. Mr Waft.

**Mr Waft:** Mr President, this clause gives the Bill its short title. No commencement provision is included. Accordingly the Bill will come into force as soon as Royal Assent is announced in Tynwald. I beg to move, Mr President.

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

**The President:** Hon. members, I put to you that clause 4 do stand part of the Bill. Those in favour please say aye. Against, no. The ayes have it. The ayes have it.

Hon. members, that brings to a conclusion our order paper for this morning. Perhaps before I do so I will tell you that we are adjourning to the sitting of Tynwald commencing on Tuesday 19th, next Tuesday, and thereafter to 26th November for our next Legislative Council sitting.

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## Welcome Back to Mr D Lace

**The President:** Before we do retire, hon. members, I would just like to say a very big welcome to we see Mr Dennis Lace in our public gallery this morning. We will get that recorded on *Hansard*, Dennis, because it is nice to see you back as one of our most regular attenders in listening to debates in both the House of Keys, Tynwald and in this chamber, sir.

**Mr Lace:** I would just like to say that I have been downstairs and item 3 they can't agree on there so you are going to get a copy of it! *(Laughter)*

**The President:** I think that may be one of the rare occasions when a member of the public has been allowed to be recorded in *Hansard*. *(Laughter)* Thank you, hon. members.

**Mr Lowey:** History!

*The Council adjourned.*