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LEGISLATIVE COUNCIL
OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 22nd March 2005

Present:**The President of the Council (The Hon. N Q Cringle)**

The Attorney General (Mr W J H Corlett QC), The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles),
Mr D M W Butt, Mrs C M Christian, Mrs P M Crowe,
The Chief Minister (Hon. D J Gelling CBE), Mr E G Lowey, Mr L I Singer and Mr G H Waft,
with Mrs M Cullen, Clerk of the Council.

Business transacted*Page***1. Questions for Oral Answer**

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The Council adjourned at 12.45 p.m.

Legislative Council

The Council met at 10.30 a.m.

PRAYERS
The Lord Bishop

[MR PRESIDENT *in the Chair*]

Questions for Oral Answer

MANX NATIONAL HERITAGE

Old 'Rushen Abbey Hotel' Short- and long-term plans; use to full potential

1.1. The Hon. Member (Mr Lowey) to ask a member of Manx National Heritage:

- (a) *what are the short term plans for the old 'Rushen Abbey Hotel'?*
- (b) *what is the long term plan for the said building;*
- (c) *why has this building been allowed to stand empty with no upkeep to both exterior and interior; and*
- (d) *is this prime site being utilised to its full potential for the local and national good?*

The President: Now, Hon. Members, starting with our Order Paper this morning, we have Questions for Oral Answer and the first, Mr Lowey.

Mr Lowey: Thank you, Mr President. I beg leave to ask the Question standing in my name.

The President: The Question was down to ask the Member of Manx National Heritage. I understand the Answer will be given by the Chief Minister.

The Chief Minister (Mr Gelling): Yes, thank you, Mr President.

Taking each part of the Question, part (a): the short term plan is to continue the phased renovation works to undertake necessary internal and external repairs of the building as Manx National Heritage (MNH) inherited it, in accordance with available financial resources. At the same time, MNH is inviting the involvement of suitable tenant partners who would provide a future use for the building, which would be in empathy with the nature of the adjacent National Heritage site.

And, then, moving on to part (b), Mr President: the longer-term plan is to work with a suitable tenant partner, who will contribute financially to the repair and refit of the building, and who will, in turn, be offered a long-term lease of the building on favourable terms, to operate public services which are considered by the trustees to be appropriate, in context of the adjacent National Heritage

site, and in terms of the opportunity the building represents for the community.

With regard to part (c), contrary to any appearance, there has been significant activity within the building, in terms of addressing the inherited structural and renovation issues. A considerable amount of expenditure has already been invested by MNH, to make the building safe and to address a number of major defects internally. The exterior of the building has also been made safe and repainted.

However, there is still extensive and expensive work to be undertaken on the property, to bring it back to a viable condition for use again, and, as we know, there are severe restrictions on the funding which Government is able, at this time, to allocate to MNH for this type of property maintenance work.

Now, the building has not been permanently empty. It has, in fact, been used for a number of filming projects, in co-operation with the DTI and visiting film companies.

Finally, Mr President, in terms of the timescale for bringing this building back into profitable use for the community, it would be fair to say that there have been some setbacks in the MNH plans: firstly, in terms of detail, but, ultimately, inclusive discussions with two potential operators, who took a considerable time considering the proposition, before finally deciding not to proceed; and, secondly, in terms of identifying the full extent of the building restoration works, which will be required within the building as MNH did, in fact, inherit it.

Inevitably, extensive and costly renovation work to the building will need to be accomplished, on a phased basis, and, as I have said, a considerable amount of work has already been completed.

Mr President, MNH is currently considering a further approach which has been made, with regard to the future use of the building. If this approach does not prove to be suitable, MNH will be re-advertising the opportunity of the tenancy of the property, and looks forward to receiving a range of proposals which will lead to the securing of an appropriate tenant, who will contribute to the full restoration of the community value of this particular property, sir.

The President: Mr Lowey.

Mr Lowey: Thank you, Mr President. It is not often I am lost for words! (**Mrs Crowe:** No!) (*Interjection by Mr Singer*)

I would be impressed by the Chief Minister's response on behalf of MNH, if I did not know the reality, living in the village.

He says there is to be phased redevelopment. Could the Chief Minister inform the Council just how many years it has been in the ownership of MNH, and how much money, actually, has been spent on it?

The work – 'considerable work', to quote the Chief Minister – has been done internally to make it safe. Perhaps he could tell Council how much has been spent and when was it done, because no local people have any record of any workers actually working, except last year, when they put a bit of paint on the outside.

The President: Right, could we just hold there, so we do not have too many questions at the one time. Chief Minister.

The Chief Minister: First of all, the property itself – the

entire property – was purchased by Government and, of course, given to MNH – I would say it is, probably, seven or eight years ago.

Basically, the intent was to do the historical part, and the hon. questioner will well remember the actual building, which is the Abbey pub, was to be a community building. The Commissioners' new offices were going to be there; the new doctors' surgery was going to be there; and it was going to be an interpretation centre.

Well, of course, we know things moved on, and there is a new medical centre, there is a new police office, all now in the middle of the village, so, of course, the intended purpose, therefore, was not completed.

However, from there on, when the actual historical part was brought back into a presentable situation, whereby people could go and see the interpretation centre – which, then, was in the café, by this time – now we have a building which I, certainly, have been on the understanding would be brought back into use as a community area, with the possibility of some type of refreshment area – maybe even a small wine bar, or whatever – actually in the building, which would then be used, again, for, hopefully, historical and community use.

With plenty of parking all the way round, it is in an ideal position; but the difficulty, I have to say, is that, for the last two years, I think you will find, if you look in the Pink Book, MNH has actually been cut back, now, on two years of actually putting in works of restoration, and so on. So, there has been, I suppose, the priority of that particular place has gone backwards down the list.

So, I am informed that, inside, they have been doing structural work. The Hon. Member will be round that area more than I, however, and the usual skeet of the area, Mr President, would tell you that there has not been an awful lot going on.

However, certainly, that is the intent I am still given, Mr President, that they are seeking some kind of a partner that would actually put money in the restoration, as well, on a long-term lease, so that would bring that building back into, if nothing else, something that, in the community of Ballasalla, would be certainly beneficial.

The President: Mr Lowey.

Mr Lowey: Just one question: would the Chief Minister not agree seven years for a building to lie empty does nothing for the fabric of that building?

It is an important building. It is one when there is a variety... If it cannot be used for what was its original purpose, surely it could be used for a load of others – and if he is wanting some suggestions, I will give him some suggestions, privately, later, for how that building could be used for the good of the community. It is lying there, derelict, doing nothing.

The President: Chief Minister.

The Chief Minister: I have to agree with the sentiments of what the Hon. Member is asking, and that is: it is doing nothing for the fabric, it does not look right, it is not right, obviously. It is a building there that has terrific potential.

I do know there are other interested parties now. Before, it was very much a tenant partner in public houses, refreshments and so on, but I do understand now there are

other areas – I will not go into them, because I am told it is confidential, at this stage – that are looking at it from another angle.

But the building is big enough, Mr President, and it can be very easily made into, probably, at least two sections, if not three. Certainly, I would hope that there are monies available, and that a tenant partner can be achieved, so that it can be put back, because, as I say, it is an ideal facility, in a wonderful place, with plenty of parking, which is always the thing that is a problem these days.

Mr Lowey: I thank the Hon. Member.

TRADE AND INDUSTRY

Legislation for the disabled Reason for delay, details covered and date for introduction

1.2. The Hon. Member (Mr Waft) to ask a member for Trade and Industry:

(a) *When will your Department introduce legislation for reasonable adjustments for improving access to the workplace for disabled;*

(b) *why has there been so much delay in introducing such legislation;*

(c) *will such legislation also cover access to all parts of the educational facilities on the Island;*

(d) *will it also include financial assistance to be made available for the necessary aid and adaptations required to comply with such legislation; and*

(e) *is such a Bill ready to commence the consultation process and if not, why not?*

The President: We turn, then, to Question 2 and I call upon the Hon. Member, Mr Waft.

Mr Waft: Mr President, I beg to ask the Question standing in my name.

The President: Now, this one is down to answer by a Member for Trade and Industry, and I understand the Answer is in the hands of Mr Singer.

Mr Singer: That is correct, Mr President.

Can I thank the Hon. Member for asking this Question, because, like him, I have been asking, over a period of time, when we are going to have this type of legislation introduced.

The Hon. Member will be aware that there are two separate Bills, currently in the legislative programme, dealing with promoting equality of opportunities for people with disabilities on the Isle of Man.

The Department of Health and Social Security has prepared a Bill – the Disability Discrimination Bill – which is concerned with access to goods and services for disabled people.

The Department of Trade and Industry is preparing the Employment Equality Bill, which will make it unlawful to discriminate on the grounds of disability in the employment field. This will give protection to disabled job applicants or

disabled employees, if they are treated less favourably, due to their disability.

Put simply, the DTI's legislation is concerned with the employees and potential employees, while the DHSS's legislation covers matters outside the employment relationship.

To answer the first part of the Hon. Member's Question, the DTI's Employment Equality Bill is in the 2005-06 legislative programme. The Bill will place a responsibility on employers to consider what reasonable adjustments could be made to the workplace, in order to accommodate a disabled employee, or in order to keep in employment an employee who becomes disabled.

In answer to part (b) of the Hon. Member's Question, the DTI took the decision not to introduce the Employment Equality Bill into the branches, until the Employment Bill 2005 had completed its consultation and entered the branches.

The risk in introducing the equality legislation first is that the employment law framework, as it stands, is too unsophisticated to deal with the attachment of new discrimination legislation. The Employment Bill will modernise the Island's outdated employment law framework and provide a robust foundation for the new legislation.

To move on to part (c) of the Question, the DTI's legislation will cover all staff who work in any establishment on the Island, including schools.

If the Hon. Member is concerned about access for students to education on the Island, the DHSS legislation will allow for regulations to be made, with regard to such matters as access to educational facilities. I understand, from the DHSS, that their Bill has now been drafted.

In answer to part (d) of the Question, the DTI currently provides funding through the Employments (Persons with Disabilities) Scheme. This Scheme was set up in 1999, and assists people with disabilities to obtain and retain employment.

The Scheme gives grant assistance in respect of: help in seeking employment; the provision of aids or equipment in relation to employment; alterations to premises, place of work or equipment; help in transport to and from work; and help while at work.

The Department recognises that simply providing money for adjustments to the workplace is not sufficient. Some people with disabilities who have been out of the workforce for some time may need extra support in finding full employment. The Government's two Disability Employment Advisers, based at the Job Centre, offer a range of measures to assist people with disabilities to obtain employment.

In conclusion, and to answer the final part of the Hon. Member's Question, the Employment Equality Bill, formerly known as the Employment Discrimination Bill, is in the 2005-06 legislative programme, and the Department intends to undertake wide consultation on the proposals in the Bill, over the summer period. The Department is fully committed to putting this important legislation into place.

Thank you, Mr President.

The President: Mr Waft.

Mr Waft: Thank you, Mr President.

I thank the Member for his comprehensive reply. As can be seen by the Answer to the Question, we are way behind, with regard to disability discrimination in the Isle of Man.

I wondered if, perhaps, the Member, accepting the speed of processing social legislation has been sadly lacking – the two Departments who are concerned with this type of legislation, the DHSS and the DTI, are running, perhaps, in parallel, one dealing with employment, one dealing with the other aspects, goods and services, et cetera – if the Departments could get together and make a presentation to the Members of Tynwald and, actually, go through the Bills, together – or separately, even, as long as the Member are up to date as to where we are, Mr President.

The President: Mr Singer.

Mr Singer: I thank the Hon. Member for his supplementary.

As I said, I understand the DHSS Bill is already drafted, and so I will, certainly, put this request back to the Department. They can talk to the DHSS and, hopefully, they will take up that suggestion.

Mr Waft: Thank you, Mr President.

Orders of the Day

BILL FOR THIRD READING

Coastline Management Bill Third Reading approved

2. Mrs Christian to move:

That the Coastline Management Bill be now read a third time and do pass.

The President: Okay, Hon. Members, having completed, then, the Questions which were on our Order Paper, we turn to the Coastline Management Bill. Now, the Coastline Management Bill, in the hands of Mrs Christian, is down for our Third Reading this morning. Mrs Christian, please.

Mrs Christian: Thank you, Mr President.

Just to review, then, the purposes of the Bill: the Bill provides for a coastline management zone to be designated in the public interest, where coastal lands are under threat from change by natural causes, erosion, inundation from the sea or subsidence.

The Bill refers to 'coastline management', and has given to the Department of Transport powers to manage a coastline and coastal land, in a sustainable way, where it is subject to natural change, and has, accordingly, been designated for the purpose of the Bill.

It emphasises that the powers are for management of the coastline, not just the protection of the coastline.

Decisions about planning policies, and, therefore, about developments within those policies, are to be taken in a way that is informed of the coastline management regime that is in operation at the place in question. The Department of Transport may designate, by Order, any area of coastal land as a coastline management zone.

It cannot, though, be designed in respect of a coastal area that is not under threat, nor likely to be under threat of

erosion, inundation or coastal subsidence, nor can a coastline management zone be designated in relation to a river flood plain – unless, of course, it is an estuarial part of the river.

Designation of a zone shall be by the public notice procedure, followed by Tynwald procedure which, as we are aware, was set out in schedule 1.

There is a minimum of a six-week period of public objections to the draft Order and an inquiry may be held if the Department thinks fit.

Unusually, it is a draft of the Order that is put to Tynwald for approval. In other words, the Department of Transport cannot make the Order until the draft has been approved by Tynwald.

Members will recall that this Chamber has strengthened the provisions of public notice and advice, and I think, in that context, one question I did not answer last time was from the Hon. Member, Mr Singer, who queried whether or not the Department would put the advertisements on Manx Radio at a time when they would be heard. I would sincerely hope so, otherwise it is a total waste of public resources. I do think that the Department's public notices generally go out at a time that is relevant to their content, and I feel quite sure that they will seek to make appropriate announcements through the radio, when the time comes.

Mr President, the Department shall not designate, by Order, any area of coastal land as a coastline management zone, unless the Department is satisfied that it is necessary for a series of reasons, which are set out in the Bill.

Schedule 2 of the Bill, as Members will recall, specifically requires that a draft coastline management zone be declared in respect of Kirk Michael. We are aware of the historical reasons for that. Again, the Department is obliged to produce a draft. It will be up to Tynwald whether or not it accepts that draft.

Kirk Michael is singled out for mandatory preparation of a coastline management zone, because, perhaps more than other parts of the Island, a substantial part of a large community, with a considerable infrastructure, is located near to coastal land that is either eroding or could erode, and it is felt that that community needs assurance that the Government can be in a position to manage the coastline, and put in a regime whereby people are strongly advised about the situation in relation to erosion.

Having declared a coastline management zone, Mr President, the Department of Transport shall review a designation order at such time as it seems appropriate, or unless it is instructed to do so by Tynwald.

That review has to take place in the light of current knowledge about the erosion or effects of nature on the coastline, and having declared coastline management zones subject to specific exceptions – no building, engineering, mining or other operations may be carried in, on, over or under, indeed, a coastline management zone. Any operations that are permitted must be consistent with the purposes of the Bill and, of course, they do remain subject to planning approval that may be required.

Mr President, there is also a provision in the Bill for compensation to landowners, should the Department of Transport, in exercising its powers, take into their possession or affect the private landowners' land. The Acquisition of Land Act will be invoked in any dispute about compensation, and the Department has powers for any of its appropriate officers or employees to go onto coastal land, from time to time, to survey it to ascertain its condition.

With the normal protection for those residents about

notice being required to be given and properties not being entered, there is also an exclusion in respect of any act that might be unlawful under the Human Rights Act, because these actions are being taken by a public authority.

I beg, Mr President, to move that the Third Reading of the Coastline Management Bill do stand.

Mrs Crowe: I beg to second.

The President: Seconded by Mrs Crowe.

Hon. Members, just out of my own interest, if I may, in relation to Mrs Christian's comments in relation to the schedule and the Kirk Michael provisions – the Kirk Michael provisions in schedule 2 – and in paragraph 2 of schedule 2, it says:

'Within the period of 3 months of the date on which section 2 comes into operation'

– within three months of that date –

'the Department shall identify those parts of Kirk Michael coastal land'

relevant to section 2 of the Bill. What happens, if, even within the three months, the Department decides it is not relevant for protection?

Mrs Christian: I think, Mr President, given the evidence of erosion in that particular area, over the years, and the concern that has been expressed in the past, and the continuing movement on that coastline, and the express concern about Kirk Michael in this draft piece of legislation, they would be very hard put to determine that it was not relevant.

Perhaps Mr President seeks to prove that there is a weakness in the Bill, in this respect, should the Department determine... However, I think then they would invoke... Oh, well, they cannot invoke the review, because there has not been a declaration. (**Mr Singer:** No.)

I imagine, Mr President, if it was determined that it was not relevant, there would be a declaratory resolution in Tynwald to suggest that the Department of Transport should take action. (*Interjections*)

The President: There may be, but we are actually dealing with the law, aren't we? I just wonder, in fact... It is semi-mandatory but it is not yet mandatory, and I wonder, under clause 2(2)(a), (b), (c), (d), (e) or (f), which section that they would say does or does not apply. Anyway, I think there is conjecture still within that matter there.

Any other Member? In that case, Hon. Members, the motion which I will put to Council is that the Coastline Management Bill 2004 be read for a third time. Those in favour, please say aye; and against, no. The ayes have it. The ayes have it.

BILL FOR SECOND READING

Tribunals Bill

Second Reading approved

3. Mr Singer to move.

That the Tribunals Bill be now read a second time.

The President: Then, Hon. Members, Item 3 on our Order Paper is the Tribunals Bill for Second Reading, in the hands of Mr Singer.

Mr Singer: Thank you, Mr President.

As I indicated at the First Reading, the purpose of the Tribunals Bill is to ensure that the Manx administrative tribunals are constituted in compliance with the European Convention on Human Rights, and, in particular, article 6(1) of that Convention, which gives all individuals the right to a fair trial.

The enactment of this legislation will also facilitate the bringing into force of the Human Rights Act 2001.

There are 19 administrative tribunals established under Manx law, which are likely to be caught by article 6(1) of the Convention. An administrative tribunal is one which hears appeals from decisions taken by Government Departments or Statutory Boards, or other public bodies relating to members of the public. These tribunals are listed as schedule 2 to the Bill.

The Bill also provides that the Council of Ministers can add further tribunals to this list, by an Order, under clause 2(2).

A tribunal must be impartial in its consideration of a matter and, therefore, must be independent of both parties in dispute. In the case of most of the administrative tribunals, one party will be a Department of the Government.

The present situation, however, is that the existing Manx tribunals are appointed either by the Department against whom the appeal is made, or by the Council of Ministers, the Chief Minister or the Governor in Council.

A review of the tribunals in the United Kingdom was undertaken in 2001, by Sir Andrew Leggatt. The Legatt Report recommended that, to ensure there would be confidence in the independence and effectiveness of the tribunal system, the responsibility for the appointment, administration and funding of tribunals should be centralised under one body.

This recommendation has been adopted in the Bill, so that appointments to Manx tribunals will be made by an Appointments Commission, consisting of five members, appointed by the Council of Ministers for a fixed term of five years.

The appointment of members to the Commission would be approved by Tynwald. Members of Tynwald would be excluded from being members of the Commission.

In addition to a tribunal being appointed by an independent body, its members must themselves be independent of the parties to the proceedings. The Bill has been subject to lengthy consultation between Departments of Government, the Attorney General's Chambers, the Isle of Man Trades Council, and further legal opinion has been sought from Mr David Anderson QC, in consideration of the ability of public sector employees being appointed to tribunals.

The outcome of this consultation was that the Human Rights Act and Convention do not specifically require the disqualification of public employees from sitting on a tribunal, and the appointment of a public employee to an administrative tribunal would not, in itself, be unlawful.

However, any person serving on a tribunal must be independent of the parties and matters being considered by the tribunal, otherwise there is a significant danger that the tribunal could be accused of bias.

The Bill will provide that a tribunal member who has a material conflict of interest or duty must declare it, and, if

appropriate, withdraw from the proceedings.

Rules for the procedure at tribunals will be made by the Council of Ministers, and will specify when such declarations are to be made, how they are to be made and the circumstances in which tribunal members are to be regarded as having a conflict of interest or duty.

In addition, the chairman of the tribunal must be an experienced legal practitioner of at least seven years' standing.

Members of tribunals must also have security of tenure during their period of office, to ensure that they are not summarily removed or sidelined. The Bill, therefore, provides that tribunal members will be appointed for a minimum period of three years.

Article 6 of the Human Rights Convention requires the proceedings of the tribunal to be held in public, unless the tribunal, in its discretion, decides to sit in private; but any such discretion must be exercised by the tribunal, in compatibility with the Human Rights Convention.

The Convention also states that an appellant has a right to a hearing within a reasonable period of time. The principle here is that it is important to render justice with a minimum of delay, so that its effectiveness and credulity are not jeopardised.

The rules to be made under clause 6 will specify the periods within which proceedings must be commenced. The Bill provides for the Treasury to defray the whole or part of the cost of a tribunal member attending a training course, and to pay for training for tribunal members including attendance allowances.

Finally, Mr President, the Bill makes a number of consequential amendments to the legislation under which existing tribunals are appointed. In particular, the number of Income Tax Commissioners has been increased to eight, to facilitate the scheduling of meetings of the Commissioners, and the opportunity has been taken to adopt recommendations on the Hutton Report into the death of Dr Kelly, so that principles of fairness are applied to persons called as witnesses before commissions of inquiry.

Mr President, I beg to move the Second Reading of the Tribunals Bill.

The President: Mrs Christian.

Mrs Christian: I beg to second and reserve my remarks.

The President: Does any Member wish to speak to the Second Reading? In that case, Hon. Members, the motion I put to Council is that the Tribunals Bill be formally read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Tribunals Bill

Clauses considered

The President: We turn, then, to the consideration of clauses of the Tribunals Bill, and dealing with clause 1 and schedule 1. Mr Singer.

Mr Singer: Thank you, Mr President.

Clause 1, schedule 1: clause 1(1) sets up an independent Appointments Commission, which will appoint members of

the 19 tribunals which are listed in schedule 2. The clause also introduces schedule 1.

Subclause (2) provides that the Commission will consist of five members appointed by the Council of Ministers, subject to Tynwald approval.

Subclause (3) ensures that the Commission will be independent of Government by disqualifying Members of the Legislative Council and the Keys from appointment to or membership of the Commission.

Subclause (4) introduces schedule 1, which makes detailed provision of the constitution, tenure of office of members of, and proceedings of the Commission.

Schedule 1, paragraph 1 provides for the members' terms of office, which will normally be five years, or the first members will be appointed for one, two, three, four and five years, to ensure that all subsequent regular appointments are staggered. This will limit the power of any future Council of Ministers to pack the Commission with its preferred nominees.

Casual vacancies will be filled for the remainder of the term of the former member, and retiring members will be eligible for reappointment, if otherwise qualified.

Paragraph 2 provides that a member may resign from the Commission, by giving written notice of his intention to resign to the Chief Secretary.

The Council of Ministers may remove a member from the Commission on grounds of: persistent absence for a period longer than 12 consecutive months; bankruptcy; mental or physical incapacity; or inability or unfitness to act. In order to ensure the Commission's independence, the removal of the member by the Council of Ministers is only effective if it is approved by Tynwald.

Paragraph 3 provides for the Commission to elect and remove its own chairman.

If the chairman is absent from a meeting of the Commission, the Commission may choose another member to act as chairman.

Various standard provisions dealing with the conduct of the Commission's meetings, quorum of members, voting, keeping of minutes and the execution of documents, which are set out in the Statutory Boards Act 1987, will be applied to the Appointments Commission.

Paragraph 4 requires any appointment of a person to a tribunal or the removal of a member from a tribunal by the Commission to be by written document, which is to be filed in the General Registry.

Mr President, I beg to move that clause 1 and schedule 1 stand as part of the Bill.

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

The President: Now, Mr Attorney.

The Attorney General: Yes, thank you, Mr President.

Mr President, I hope that Hon. Members will have an indication of an amendment which I wish to move, in relation to paragraph 1 of schedule 1, at page 8 of the Bill.

Mr President, if all Members –

The President: Yes, I think all Members should have it. That is Mr Waft's amendment, but there is also another amendment.

The Attorney General: Thank you.

Mr President, as Hon. Members will be aware, the Bill, originally, was to have been passed in 2003. Clearly, that is no longer the case, and the proposed amendment is consequential on its anticipated passing this year:

Clause 1 and Schedule 1

Page 8 : In paragraph 1(1) for '1st January 2004', '1st January 2005' and '1st January 2006' substitute '1st January 2006', '1st January 2007' and '1st January 2008' respectively.

So, Mr President, we see, therefore, that if my amendment is successful, we will replace, for '1st January 2004', '1st January 2005' and '1st January 2006'... we will replace those dates with 1st January 2006, 2007 and 2008 respectively.

So, I hope, Mr President, that amendment will not be controversial, and I so move.

Mrs Christian: Mr President, it is a small point, and I do not think it justifies an amendment, but can I just ask the mover if he considers that, at 1(3), it should read 'disqualified from'. It looks like a typographical error, to me. Not in the amendment –

The Lord Bishop: Not in the schedule; in the Bill.

Mrs Christian: – in the Bill.

The President: Yes, the 'for' should be 'from', because in clause 1(3), it says:

'a person is disqualified for being appointed'.

It should actually read 'a person is disqualified *from* being appointed'. Yes, I think we could... Lord Bishop.

The Lord Bishop: I will second the amendment.

The President: The Lord Bishop is seconding the amendment in the name of the Attorney. Now, anybody else wish to comment?

Mr Lowey: Could I –

The President: Mr Lowey.

Mr Lowey: On the Bill, perhaps the mover could tell me why it is that –

The President: We are still dealing with clause 1 and the schedule, Mr Lowey.

Mr Lowey: Yes, indeed, clause 1 and the schedule. Perhaps he could tell me why it is that it was thought right that they should not have an elected chairman, other than from amongst themselves. Much like in Statutory Boards and all: they have a chairman and five members; on this occasion we are picking the number of members and then they shall elect from amongst themselves.

This is an important committee. It is answerable and conducted from the Chief Secretary's Office, and I believe, then, if that is the case, it should be an executive chairman that is appointed, and make this thing work from day one, rather than a laissez-faire from amongst...

Vice-chairman I can understand: if the chairman is away, you pick one of your own. But I do believe it would have strengthened the Bill, if there had been an executive chairman appointed.

It is only a comment; I am not going to oppose what is in the Bill now. But it just seems to me that if we want to make these things effective, then I think you have to have effective leadership at the top, and I do not believe it is the role... because it will fall upon the Chief Secretary, and I am rather suspicious of that.

Mr Gelling: Could I comment, Mr President? I am quite sure the hon. mover might...

I think, somewhere in there, the chairman is always appointed, if it is a legal chairman that is required, but when it is not stipulated that the chairman must have certain specific skills or professions, it is the normal way that the people are appointed, and then they elect within their own (**Mr Lowey:** Rank.) rank.

I do not know. I could stand to be corrected on that, but as I recall, I think that was... I look at Mr Attorney, I do not know, but I think that was the reasoning, if I remember rightly, when that was spoken about in the Council.

The President: Mr Attorney.

The Attorney General: Mr President, just by way of a very brief comment, the schedule 1 is, of course, concerned with the appointment of the members of the Appointments Commission, who, in turn, will appoint other members of the various tribunals.

Mr President, whilst, of course, one understands very well the comments by the Hon. Member, Mr Lowey, I think there is a danger, if we talk about an 'executive chairman', that it looks as if, therefore, Government is putting its hand upon the Appointments Commission itself. The whole point, I think, of this Appointments Commission is that it has to be and seen to be entirely neutral, and unattached to any notion of executive government.

So, perhaps, that is the reason why, Mr President, we have a quorum of members who then appoint their own chairman.

Mr Lowey: My concern is that they will look to the Chief Secretary for direction. My belief – you know my long-term belief – is that there is a growing tendency to build power in the Chief Secretary, which is ongoing, it appears, and this seems to me to be another brick in the wall, if you like.

I just flag it up that I believe it may have been better, but I am quite happy to accept the versions by the Attorney and the Chief Minister that this has already been looked at, when it was going through. Okay.

Mr Gelling: A further comment, if I may, Mr President, I would certainly hope that would not be the case. The Hon. Member states that they would look for 'direction'. I would go along the lines that, hopefully, it would be independent sufficiently that, in fact, they would not seek any direction. I would hope that to be the case, that they would not go to the Chief Secretary and say, 'Well, which of this group should be the chairman?' They should be left independently to do that themselves.

I would certainly hope that would be the case, Mr President.

The President: Mrs Christian.

Mrs Christian: This Commission is going to have to appoint quite a number of people as chairmen and tribunal panel members. I just wonder what the thinking was in requiring it to be a Commission of five persons. I wonder why three could not do the job.

Perhaps there is no rationale, but if there is a rationale, I should be interested in hearing why it needed to be five people.

It seemed to take out from the pool of, possibly, potentially suitable people themselves, in putting people in the Commission who, I presume, cannot themselves be appointed to chair or participate in tribunals – although it does not actually say so, as far as I am aware.

The President: Mr Attorney.

The Attorney General: Well, Mr President, again, I can only volunteer a suggestion that if there was to be less than five, there would be a danger that if one or two of them were absent from the Island, ill and so on and so forth, that the workings of this very important Commission would come to a grinding halt, and it may be that the appointment of a tribunal has to be done fairly quickly, to adjudicate a matter which was of some urgency.

So, that is the only thing I can suggest, Mr President, that it is a healthy quorum, five, rather than three which can, as we know, be diminished due to absenteeism and so on.

The President: Mr Singer, would you like to reply?

Mr Singer: Well, I thank the Chief Minister and the Attorney General for their contributions.

I have not got any other answer than has been put round the table today, other than that the Appointments Commission has to be seen to be independent, and, maybe, five heads are better than three.

But I really cannot go any further with the answers to those particular questions.

The President: In that case, Hon. Members, dealing with clause 1 and schedule 1, to that, Hon. Members, you have the amendment moved by Mr Attorney, which relates to the dates in the Green Bill being put in line with what they are currently – so, moving it on a year, in effect, from 2004-06 to up to 2005-08.

I put to you first, Hon. Members, the amendment moved by Mr Attorney. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And the clause and schedule as amended, Hon. Members: those in favour, please say aye; and against, no. The ayes have it. The ayes have it.

Mr Singer, we then take clause 2 and the schedule 2.

Mr Singer: Thank you, Mr President.

Clause 2 specifies the tribunals to which clauses 3 to 7 apply – these are listed in schedule 2 – and makes general provision with respect to tribunal chairmen and members.

Subclause (1) provides that the rules as to tribunal chairmen and members, in clauses 3 to 7, apply to the tribunals listed in schedule 2, unless special provision to the contrary is contained in the enactment by which the particular tribunal is set up.

These enactments are all amended by schedule 3, and further amendments can be made under clause 10(3)(a).

Subclause (2) enables the Council of Ministers, by Order, to amend schedule 2, so as to add a further body to either part 1 or 2. Such an Order requires Tynwald approval, and may include transitional provisions and consequential amendments and repeals.

Subclause (3) provides that, where a tribunal has a standing deputy chairman, as well as a chairman, the rules in clauses 3 to 7 about chairmen – for example, qualifications, appointment and removal et cetera – will also apply to the deputy chairman.

Subclause (4) provides that the proceedings of a tribunal are not invalidated by defect in the appointment of any member of the tribunal, or of the panel from which a member is drawn.

Subclause (5) provides that, so long as there is a quorum of members of a tribunal present at a sitting, the fact that there is a vacancy in the members does not affect the validity of the proceedings of the tribunal.

Part 1 of schedule 2 lists the tribunals which consist of a standing chairman and members. For convenience these tribunals are referred to as ‘part 1 tribunals’ in the Bill.

Part 2 of schedule 2, lists the tribunals, some or all of whose members are drawn from panels – usually two panels, one representing employers and the other workers. In some cases, for example, the Employment Tribunal, the chairman is also drawn from the panel, called a ‘panel chairman’ in the Bill. These tribunals are called ‘part 2 tribunals’ in the Bill.

Mr President, I beg to move that clause 2 and schedule 2 stand as part of this Bill.

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

The President: Hon. Member, Mrs Christian.

Mrs Christian: Mr President, I wonder if, just for clarification, the mover could indicate: when these tribunals are appointed, whether they be part 1 or part 2 schedules, they are appointed as standing tribunals, or whether they are appointed to consider single cases which are coming before them.

In other words, do they have a period of office, or are they appointed for a specific task?

The President: Mr Singer, would you care to reply to that one, sir.

Mr Singer: Can I possibly refer this to the Attorney General? Is the Attorney General aware of that?

The President: Mrs Crowe.

Mrs Crowe: Mr President, I could be helpful over the one tribunal I have had any involvement in, which is the Isle of Man Rent and Rating Appeals Commission, and that is appointed for a term, and sits on a regular occasion, hearing appeals.

I do not know about the rest of the tribunals. I think some are ad hoc, aren't they?

The President: Mr Attorney, the question is: are the

tribunal appointed for a particular position, a particular case, or, in fact, do they sit for a period of years, dealing with any which come before them?

The Attorney General: Thank you, Mr President.

Mr President, I should like to check this, but my understanding and recollection is that it depends on the tribunal.

Some of them are standing tribunals and have a very consistent workload, with members who are appointed and sit throughout the year. For example, the Employment Tribunal would be one that comes to mind.

There will be others, perhaps, which are dealing with more esoteric things like riding establishments and so on, where they may be appointed just to deal with a particular case. Could I check that, Mr President, and come back at the next Reading.

The President: Mr Singer, do you wish to add anything now, or...?

Mr Singer: No, thank you. When I hesitated, I thought, pretty much like the Attorney General, that it depended on the tribunal, and what they were doing. I suspect that that is the answer.

The President: In that case, Hon. Members, I put to you that clause 2 and schedule 2 do stand part of the Bill. Those in favour, please say aye; and against no. The ayes have it. The ayes have it.

Now, we have reached clause 3, Mr Singer, and we note the fact that there has been an amendment moved in another place in relation to clause 3.

Mr Singer: Thank you, Mr President.

Clause 3 deals with tribunals which have a standing membership, that is not drawn from one or more panels.

Subclause (1) provides that members of a part 1 tribunal, that is one listed in part 1 of schedule 2, those with a standing membership, are to be appointed by the Appointments Commission.

Subclause (2) requires the chairman to have a legal qualification as a barrister, advocate or solicitor, of not less than seven years' standing. That is, he must have been called or admitted to the bar at least seven years ago.

Subclause (3) was amended during its passage through the House of Keys. As amended, it disqualifies members of Tynwald or of Statutory Boards from being members of a tribunal.

Subclause (4) provides a standard term of office for all tribunal members, subject to retirement or removal, under clause 5 that I will be coming to, shortly.

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

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

The President: It may be an odd point to make, Hon. Members, but, in relation to subclause (4) of clause 3, it says ‘subject to section 5’, where we will reach, but it says:

‘shall hold office for a term of 3 years beginning with the date on which he is appointed.’

If he is halfway through a tribunal hearing, what happens?

Mr Singer: I think there is a... It is coming to it later on.

The President: There is later. It comes later. I was just...

In that case, Hon. Members, I put to you that clause 3 do stand part of the Bill. We note the amendment made in another place; those in favour of clause 3, please say aye; against no. The ayes have it. The ayes have it.

Clause 4, Mr Singer.

Mr Singer: Clause 4 deals with tribunals whose members are drawn, wholly or in part, from a panel or panels. It provides that all the panel members and any standing members of the tribunal shall be appointed by the Appointments Commission. It requires a chairman of each of the panel of chairman to have a legal qualification, and applies the disqualification from membership discussed at clause 3(3) above. A standard term of office of three years is specified.

Subclause (1) provides that a standing chairman of a part 2 tribunal – that is, one listed in part 2 of schedule 2, whose members are drawn from a panel or panels – and all the members of a panel, are to be appointed by the Appointments Commission, and are to have a standard term of office of three years.

Subclause (2) requires a standing chairman and any member of a panel from which a chairman is drawn, to have a legal qualification. As indicated in relation to clause 3(2), the chairman must be a barrister, advocate or solicitor, of not less than three years' standing.

Subclause (3) disqualifies the same persons as are listed in clause 3(3) above – members of Tynwald and the Statutory Boards – from chairmanship of the tribunal, and from membership of a panel.

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

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

The President: Mrs Christian.

Mrs Christian: Mr President, can I just query the use of the word 'barrister'. We do not have barristers in the Isle of Man, in my understanding. Does this mean that barristers from outside of the Island can be appointed to our tribunals? Or has this word crept in from some other piece of legislation?

The President: Mr Lowey.

Mr Lowey: Yes, I have got a query.

It seems that we are setting up this Commission, to appoint people to tribunals. If they appoint somebody who does not qualify as bankrupt or mentally disordered or what have you, but, in general terms, it could be... Say, somebody had a serious objection to him or her for whatever other reason than that, there is no way in which that can be heard or registered within the legislation.

We have got rules of how they have got to conduct their

business, we have rules about how long they will be in et cetera, but is there anybody...?

Just say, for example – we are making primary law – there must be, somehow, a case where, if somebody has a serious concern, it should not just take a private conversation on a telephone to the chairman of the Commission to say, 'Oh, we do not think' – Charlie or Gladys, or whoever – 'would make a suitable choice that you have made, for these reasons'. There is nothing in that legislation to be able to register, let me just say, a concern or complaint.

Is there a reason for that? Otherwise they are completely inviolate, and more papal than the pope.

Mr Singer: It is if they appoint a member to the Commission?

Mr Lowey: Yes, the Commission appoint... we are appointing a Commission. That Commission then appoints people to tribunals.

Now, we have got a list here of these people who cannot serve, but, apart from that, that is not all encompassing. Therefore, if somebody –

The President: Wished to object.

Mr Lowey: – wishes to object to that appointment, there is no way in which that person can object to the tribunal.

Really, what I am saying – and I do not wish to be irreligious – they are more papal than the pope. They are infallible, and that cannot be right, surely?

The President: Mr Attorney.

The Attorney General: Mr President, I think when we come to the schedule –

Mr Lowey: I've missed something, have I?

The Attorney General: – in schedule 3, we will see paragraph 23, which deals with the rules of procedure, which have to be followed in relation to inquiries, which would cover these tribunals, Mr President.

We will see, there, that the Deemsters have got the power to make rules, and the rules will cover, amongst other things, the practice and procedure to be followed at the inquiry, and matters preliminary or incidental to the hearing.

So if, Mr President, somebody had a concern that the tribunal was not unbiased – so, in other words, a party was concerned that a member of the tribunal was biased against him or her – then those rules made by the Deemster would enable that concerned person to make an application that the person on the inquiry should remove themselves.

Mr Lowey: So, there is a –

The Attorney General: There is a safety valve there, Mr President.

Mr Lowey: I did not pick that up. That's fine.

The President: It will appear in the rules, and the rules themselves have to have approval of Tynwald. Mrs Crowe.

The Attorney General: That is right.

Mrs Crowe: That is fine.

The President: Mr Gelling.

Mr Gelling: I think, again, only a comment: Mr Attorney, I do not think answered the question about the Hon. Member, Mrs Christian, about barristers.

I think again, and I could be corrected, that an English barrister operating in the Isle of Man, or retired in the Isle of Man, would qualify, as did Herbert Sidebotham, who was an English barrister, coroner, I think, of Cheshire, who retired in the Island and was the chairman of one of our early tribunals for many many years.

I think it is not a misprint or a creep-in; I think it is to allow English barristers who are residing in the Island perhaps – or even, maybe, not residing – but they could be chairman of those tribunals.

The President: Do you wish to add to that Mr Attorney?

The Attorney General: Just to confirm what the Hon. Member has said, Mr President.

I must say, from my point of view, I do not know why ‘advocate’ has been relegated to second place. (**Several Members:** Yes.) I would rather see the tribunal members or the chairmen being drawn from people who are either advocates, barristers or solicitors. (**Several Members:** Yes.) However, I dare say that is a very partisan view.

Can I also say, Mr President, that I think the Hon. Member, the mover of the Bill, did indicate, in relation to clause 4(2,) that the chairman had to be a barrister, advocate or solicitor of not less than three years’ standing.

The President: I think it was a verbal mis...

Mr Singer: Thank you.

The Attorney General: It was – I just wanted to make it clear. Thank you.

Mr Gelling: Can I just make a comment, Mr President.

Perhaps the Attorney General’s office could keep that in mind, that advocate should come before barrister in future.

The President: I think they may! (*Laughter*) Mr Singer, do you wish to add anything to our discussion on clause 4, sir?

Mr Singer: Just to say thank you to the Attorney General.

I think, as far as Mr Lowey’s question is concerned, it is important what he said, because the whole idea of this Tribunals Bill is to have fairness – justice and fairness.

Mr Lowey: Yes.

The President: In that case, Hon. Members, what I put to Council is 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.

Clause 5, Mr Singer.

Mr Singer: Thank you, Mr President.

Clause 5 provides a standard code, under which members of tribunals and panels can resign, or be removed by the Appointments Commission on specified grounds. It also enables the Commission to appoint a temporary substitute for a standing member of a tribunal.

Subclause (1) specifies the persons to whom this clause applies. That is: any standing member of a part 1 tribunal; a standing chairman of a part 2 tribunal; a member of a panel from which members including a chairman of a part 2 tribunal are drawn.

Subclause (2) enables any such person to resign, by giving written notice to the Commission.

Subclause (3) gives the Commission power to remove such a person from office on the following specified grounds: absence from the Island for a period in excess of six consecutive months; bankruptcy; medical incapacity; inability, or otherwise unfit to act.

This provision mirrors the removal powers in respect of the Appointments Commission in paragraph 2 of schedule 1. The removal power must be exercised in writing.

Subclause (4) gives the Commission power to appoint a temporary substitute for a standing member of a tribunal who is ill, absent, or otherwise unable to act. Such temporary appointments may be made for periods of up to six months at a time, or for specific proceedings – that is, proceedings in which a standing member has a conflict of interest.

Subclause (5) provides that a substitute member is to have the same powers as a real member for that period, or in relation to those proceedings.

Mr President, I beg to move that clause 5 stand as part of the Bill.

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

The President: The motion, Hon. Members, that I put to Council is 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.

Now, Hon. Members, in another place, we had a new clause inserted at this particular juncture. Mr Singer, take the new clause, please.

Mr Singer: New clause 5A, Mr President, was inserted as an amendment when the clauses of the Bill were being considered in the House of Keys.

Subclause (1) provides that, where there is a conflict of interest or duty, a member of a tribunal must declare the nature of the conflict of interest and withdraw from the proceedings of the tribunal.

Subclause (2) provides, where a member has declared a conflict, he can, nonetheless, continue to take part in the proceedings of the tribunal, if all parties agree thereto.

Subclause (3) states that the rules of procedure under section 6 may provide the details of such declarations and the circumstances in which members of tribunals are to be treated as having a conflict of interest. These rules will be made by the Council of Ministers, and will be subject to Tynwald approval.

As an example, a person connected with the administration of the Control of Employment Acts – say, the issue of a work permit – would be debarred from sitting on the Work Permits Appeal Tribunal, as there would immediately be a conflict here, because that person would already have had dealings in the matter. The appeal could well be against the decision

that that person had previously made.

The rule would, equally, apply in the case of a person from the private sector, where there is a conflict of interest due to that person being, for example, a director or shareholder of a company, which is party to the proceedings or is related to, or a close friend of, an appellant to the tribunal.

Mr President, I beg to move that clause 5A stand as part of the Bill.

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

The President: I make a comment, Hon. Members, that I know, Mr Singer, you have referred to it as 5A, and I take that point. In actual fact, I think would it not be better if it was to be numbered, when it comes to printing time, as 6.

The Clerk: All the numbering is sorted out at the end.

The President: I am sure it will be, but it needs to be – in fact it should be printed as 6, and the rest renumbered as we go. Therefore, we get to the conflicts of interest bit as a side note, rather than 5A.

Mr Singer: Can I say that these are just the notes that I have been given.

The President: I am sure that is the way it will all unfold.

Hon. Members, I put to you, then, that the new clause do stand part of the Bill. Those in favour, please say aye; and against no. The ayes have it. The ayes have it.

Take clause 6, Mr Singer.

Mr Singer: Thank you, Mr President.

Clause 6 deals with the rules of procedure for any tribunal.

Subclause (1) enables the Council of Ministers to make rules of procedure for any tribunal listed in schedule 2. The Council must consult the Deemsters on any rules before they are made. The rules must be approved by Tynwald, and can make transitional provisions and consequential amendments and repeals.

It is intended that one set of model rules will be produced, specifying uniform provisions for all the administrative tribunals.

Subclause (2) sets out specific matters with which the rules can deal. These relate to: requiring a tribunal to hear the matter within a reasonable time period; the production of proof, witnesses and evidence; conducting proceedings without a party or without a hearing; prescribing the quorum for the tribunal; the award of costs; registration of decisions and the publications of reports; and the enforcement of the tribunal summonses and Orders by the High Court.

Subclause (3) requires the rules to provide for the tribunal to sit in public, except in cases involving national security or where the tribunal decides to sit in private.

Article 6 of the European Convention on Human Rights limits the grounds on which a tribunal can sit in private. For example, it might be appropriate for the Income Tax Commissioners to sit in private, where sensitive financial and taxation information was being discussed.

Mr President, I beg to move that clause 6 stand as part of the Bill.

The President: Mr Gelling.

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

The President: Mr Attorney.

The Attorney General: Mr President, may I just make a brief comment.

I am sorry, I may have misled Hon. Members earlier. The Hon. Member, Mr Lowey, asked about conflicts of interest and so on, and how these would be dealt with by the relevant tribunal. I did, Mr President, refer to schedule 3, and an entry under the Inquiries Evidence Act, which we will consider in a moment.

In fact, I think, Mr President, it would have been more appropriate for me to refer Hon. Members to this particular paragraph, clause 6, which deals with the rules of procedure for tribunals generally. The entry in relation to the Inquiries Evidence Act, in fact, is a separate regime.

So, I am sorry, I may have misled Hon. Members on that.

The point is the same, in other words there will be rules made by the Deemsters, but it is clause 6 which is the more appropriate reference, rather than the entry under schedule 3. (*Interjection by Mr Lowey*)

The President: Are we happy, Mr Attorney, taking up Mr Lowey's point, that, within those rules, under clause 6, there will, or there can be, provision for objection to a tribunal member being made by an individual? That was the point Mr Lowey was making.

Mr Lowey: Yes.

The Attorney General: It was, and, Mr President, what we anticipate will be the new clause 5, under the heading 'conflicts of interest or duty', that, first of all, requires a member of a tribunal who becomes aware that he has a conflict of interest to declare that right away.

If, of course, he does not, or the party before the tribunal still has concerns, then we would have to look at those rules of procedure. It does say, under 6(2)(a) at the moment, at line 21, rules to be made:

'with respect to the period within which and the manner in which proceedings before the tribunal may be commenced'.

And also in (i):

'for enabling any matter preliminary or incidental to such proceedings to be dealt with by the chairman'.

I would expect, Mr President, that we would have, under 6(2)(i), some procedure for enabling the chairman to adjudicate a claim that one of the members had a conflict of interest.

The President: Mrs Christian.

Mrs Christian: Mr President, I think that, in relation to clause 6(2)(a), 'the period within which and the manner in which the proceedings before the tribunal may be commenced', will be a useful provision under the rules. I am not sure that there are any such rules at the moment relating to tribunals.

There have, from time to time, been concerns expressed about the time which it takes for tribunals to hear cases and to come to conclusions. I wonder here, where if it seems that a particular tribunal, under parts 1 or 2, has a very heavy workload, whether or not, indeed, the Commission can appoint two such tribunals to share the workload for any particular category.

The other concern I have is – perhaps the mover may not have this information, but perhaps the learned Attorney could advise – where a chairman deals with matters prior to, or even during the course of, a tribunal, using their legal knowledge, do they have a right to additionally charge for that input? Or is it not appropriate that, as the chairman, they are appointed with the legal knowledge, they are expected to contribute to the work of the tribunal within the fees that they are paid? Would that be covered by the rules, if it is not currently covered by the rules?

The President: It actually takes us... sorry, Mrs Christian, I am just wending my way through that particular first scenario. There are but five on a panel, so, to appoint two tribunals you would need more than six, wouldn't you?

Mr Gelling: I took it that it would be two panels of five. (Mrs Christian: Yes.) If it was easily divisible between two different parts of it, I can imagine that is a certain possibility. There would be an awful lot of crossover, I would have thought, in the one particular case the tribunal was considering. I cannot see any reason why you could not have two tribunals, if it was easily divided into two distinct parts.

The President: Okay. Mr Lowey.

Mr Lowey: Yes, I have got just a little query. On subsection (3):

'Rules under this section shall provide for proceedings of the tribunal being conducted in public *unless* –

national security – fine, I understand that.

Then I find:

'the tribunal in its discretion decides that they shall be conducted wholly or partly in private.'

Now, this seems to be a contradiction in terms there: 'You shall be in public; by the way, you have got a discretion.'

Now, I am all for tribunals having discretion, but I cannot... it is jarring. When I read these things, I try and get my head round, as the man in the street. 'Shall' and 'may' are quite clear: one is mandatory, the other is permissive.

But here we have: 'you shall be in public'. The national security – I understood that; that is private. But then giving a discretion, and 'you may or may not go into public' – well, why have the mandatory thing, if you are giving a discretion to go into private?

Mr Singer: I may be able to answer that one –

Mr Lowey: Yes, that's fine.

Mr Singer: – in that we are talking here about the Human Rights Convention, which makes quite clear about what discretion is. Whatever the discretion is, it has got to be in

compatibility with the Human Rights Convention.

Article 6 states that you can only be in private in the interest of morals, public order, national security, or where the interests of juveniles or the protection of a private life of parties so require – so, to the extent where publicity would prejudice the interests of justice.

So, the recommendations from that are fairly clear. So, they cannot just decide on their own discretion, 'we have decided we are not going to...' –

Mr Lowey: So, 'discretion' is perhaps too loose a word – but I accept that.

The President: Mrs Crowe, did you wish to...?

Mrs Crowe: No, thank you.

The President: Mrs Christian.

Mrs Christian: Yes, before the Hon. Member winds up on it, I just wonder if that interpretation of the word 'discretion' is a legal interpretation, which always applies in relation to legislation.

I am not clear, Mr President, if that interpretation is the normally accepted interpretation, and why it just hinges on the Human Rights Act, or any measures which may be considered under the Human Rights Act. Or am I getting my wires crossed here that it is a Human Rights provision that allows discretion?

The President: Mr Gelling.

Mr Gelling: I bow, again, to Mr Attorney, but the way I read that one was that, if the tribunal, in their wisdom, felt that a certain witness could give evidence, and they would not give it in public, and it would help the tribunal to actually understand better, they would use their discretion as to whether, in fact, they went out of public into private, to take that information, and respect the confidentiality of that particular person, for whatever reason. That would be part of that discretion. That is how I certainly understood... .

A Member: Shadow of the Mount Murray.

Mr Singer: Was there not a part in what was said that one of the reasons was the protection of the private life of the individual? That is under the European Human Rights.

The President: Mr Attorney.

The Attorney General: Thank you, Mr President.

I think that there will be, as it were, a sea change in the way we interpret legislation in the very near future, when the Human Rights Act is enacted, because it will actually specifically provide, Mr President, that all our legislation has to be interpreted in the light of the convention.

So, no matter what the subject matter of the legislation is, we have to have regard to what the Human Rights Act says.

One of the aspects of the Human Rights Act, as the hon. mover has said, is article 6 which deals with the right to a fair trial and so on. As the hon. mover has said, there are various Human Rights provisions which require the proceedings to be in public, unless various things occur.

Now, Mr President, if, therefore, the tribunal were to exercise its discretion wrongfully, and say that, for example, a matter should be dealt with in private, when it manifestly should be dealt with in public, then that would trigger off a Human Rights point. Any party who suffered, as a result, could go to the court and say, 'Look, these proceedings before that tribunal should be quashed, because they offend the Human Rights Act'. The Court would very readily hold in favour of the Human Rights point.

I do not know if that is of any interest to Hon. Members. **(Several Members: Yes.)**

Mr President, the Hon. Member, Mrs Christian, also referred to the chairman, and a legal chairman. As I understand it, so far as the fees of a chairman are concerned, they are paid – a chairman who is legally qualified is paid – at the moment, a higher rate than, as it were, a lay member. That, I think – my view would be – takes account of the chairman's legal experience.

I must say, from my point of view, it does offend that motion, then, that the chairman goes on to charge additionally for his work. **(The President: Yes.)** If he has, perhaps, to prepare a judgement or do some research, why should it be that he charges £x per hour for doing that for which he has been appointed?

So, that would be my own view, Mr President: these tribunals, if we have a legally qualified chairman, I do not think can –

Several Members: Or ought to.

The Attorney General: – or ought to charge over and above the fee which they are entitled to charge under the rules.

Of course, the corollary to that, Mr President, is that they must be paid a realistic fee. You cannot expect people to take on tribunal work – which is often very difficult, and is important work for the parties – you cannot expect them to do it, unless they are paid a reasonable fee.

The President: Lord Bishop.

Lord Bishop: Can I ask, therefore, the learned Attorney, whether it could be put into the rules, which the Deemsters agree, what you have just described – that no more fees will be charged.

Mr Lowey: Following on, and, really, developing that point, in the light of what happened to Statutory Boards, because it was silent on the way of primary legislation in the Electricity Act, because it was silent on the fact, they could do it.

Mrs Crowe: That is right.

Mr Lowey: There was nothing there to say –

Mrs Crowe: They could not.

Mr Lowey: – they could not do it.

If this is the case, then what we are really saying is: 'Well, we can say here we do not think it is morally right. If it is not in the legislation it means that it could be done.'

In the light of what I would call the first challenge to this, what I would say is accepted norm, I believe, then, we need it,

as legislators, to make sure that we do not repeat the error, if you like – let us accept it, it was an error – that we permitted to allow a certain course of action to take place.

I am a great believer in shutting the stable door quickly, before the other horse leaves.

The Attorney General: Mr President, of course, to answer the question by the Hon. Lord Bishop, as we see from the clause, it will be for the Council of Ministers, after consultation with the Deemsters, to make the rules. Certainly, my advice to Council would be that that is a point which can usefully be made to the Deemsters.

As I say, Mr President, I think that Hon. Members will have to expect, therefore, that there may be a legally qualified chairman, who might not do very much work during the year, because he is not called upon to do so. But, nonetheless, he would be quite right to expect a proper fee to be paid to him for acting as such, even though he does not act very much.

A Member: A retainer.

The Attorney General: Yes, indeed, absolutely.

Mr Waft: Then, again, he might offer it pro bono, Mr President.

The President: He might not.

A Member: Pigs might fly. *(Laughter)*

The President: Right, Mr Singer. We are actually dealing with clause 6.

Mr Singer: If Members agree with what has just been said, can I ask the learned Attorney: is this a matter that needs to be dealt with under the Bill, or does it need to be dealt with in the Council of Ministers?

A Member: In the rules.

The Lord Bishop: It is in the rules, isn't it? *(Interjection by Mr Lowey)* Yes, by the Council of Ministers.

Mr Singer: That is really a comment from us to the Council of Ministers.

The Attorney General: I think, Mr President, if I may: perhaps the catch-all provision in 6(2)(n), the Council of Ministers can confer on the tribunal ancillary powers as they think fit for the proper discharge of the functions of the tribunal – I think, and hope that that would be sufficient to cover the costs of the chairman, and the fees of the chairman.

I must say, out of caution, and if one were looking at it without any pressures, then one would like to amend clause 6(2), to add a provision on as to the costs and fees of the chairman.

This is a Bill, Mr President –

Mr Lowey: Belt and braces.

The Attorney General: – as the Hon. mover has said, that does need to be passed, so that we can get our Human Rights Act into force, which I think is now a pressing matter.

The President: Presumably, Mr Attorney, even if we did put the... It says in (j):

'for the awarding of costs, and for taxing or otherwise settling any such costs'.

So, presumably, even if we did put the charges payable to tribunal chairmen and members within the Act itself, it would have to be in such a wording that, in fact, it was not fixed for all time. (**Several Members:** Yes.) There would have to be a provision for it to be altered at some particular stage, so I think there will be a need for it to be, probably, in the rules, and a need for Tynwald to be aware of those rules, and the changes of those rules as they come before Tynwald as secondary legislation.

Mr Singer.

Mr Singer: There was only one other point, I think: the Hon. Mrs Christian, mentioned about if there was an overload of work, and the speed of tribunals. Again, coming back to the Convention, within the Convention it states quite clearly, that an appellant has a right to a hearing within a reasonable period of time, so as to render justice with a minimum of delay.

We are appointing extra tax inspectors – I think it is going from four to eight – in recognising this. So, I would assume that, I would hope that, the Appointments Commission would recognise that fact.

The President: Hon. Members, what I put to Council is that clause 6 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

We will take 7, then, Mr Singer, please.

Mr Singer: Thank you, Mr President.

Clause 7 empowers the Council of Ministers to make regulations dealing with the two important matters affecting tribunals: first, their staffing; and, secondly, in the case of part 2 tribunals, the selection of members from a panel to deal with particular cases.

The regulations require Tynwald approval and can make transitional provisions and consequential amendments and repeals.

At present, the administration of tribunals is split amongst the various Departments, Offices, and Statutory Boards, under whose auspices the tribunals operate. This is inconsistent and inefficient, and also encourages the impression that some tribunals are not independent and impartial, but merely offshoots of the Department on whom they are supposed to sit in judgement.

It is envisaged that, in future, a unified and independent tribunal service will be set up, probably as part of the General Registry, to improve consistency and efficiency and ensure independence.

Mr President, I beg to move that clause 7 stand as part of the Bill.

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

The President: The motion, Hon. Members, I put to Council is that clause 7 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 8, Mr Singer.

Mr Singer: Thank you, Mr President

There are four tribunals which do not have an official name, being merely referred to as 'a tribunal' or 'the tribunal' in the Acts under which they are constituted.

Clause 8 renames these tribunals as: the Tourist Premises Appeal Tribunal; the Work Permit Appeal Tribunal; a social security appeal tribunal; and the Residence Act Appeal Tribunal.

Mr President, I beg to move that clause 8 stands as part of the Bill.

The President: Mr Gelling.

Mr Gelling: I beg to second, Mr President, but could I just comment on line 35, where the hon. mover has said, 'the Residence Act Appeal Tribunal', and it does not actually say 'Appeal'; it just says the 'Residence Act Tribunal'.

Is that a miss of a word? The Hon. Member read, as the others all are, 'Appeal', but the last one says, 'the Residence Act Tribunal'. It does not say, 'Appeal'. I just wonder if, for correctness, whether there is a word missing.

Mr Singer: It should be 'Appeal Tribunal'. I think the word has been omitted. (*Interjections*)

Mr Lowey: There are three 'Appeals' before...

The President: I do not know, and I really have no idea whether it should be or...

Mr Singer: In my notes that have been given to me, it says 'Appeal Tribunal'.

Mr Lowey: Oh, well.

The Lord Bishop: Can the mover explain why everything bar the social security gets upper case, and 'social security appeal tribunal' appears to get lower case.

Mr Singer: Social Security have more cases.

The Lord Bishop: More cases, yes, so they go to lower! It is just inconsistency in the drafting.

The President: If we actually look at schedule 2, Hon. Members, which we have dealt with, and you look at part 1.8, it refers to the Residence Act Tribunal. So, in fact, presumably this is a tribunal which deals with all matters of the Residence Act, and it actually has the note to see section 8, not just appeal matters.

Mr Singer: My notes must be incorrect.

The President: Well, it appears as if it is that way.

Hon. Members, the motion I put to Council is that clause 8 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 9, Mr Singer.

Mr Singer: Thank you, Mr President.

Clause 9 gives Treasury power to pay for the training of members of tribunal and panel members, and also to pay

allowances to members who attend training courses.

This power will be particularly necessary in the short term, because of the need to make all tribunal members aware of the Human Rights implications of their work. It will also be useful to enable members to keep up with developments in the relevant law.

The Payment of Members Expenses Act 1989 is not appropriate for this purpose as: it does not cover the cost of training; allowances are only payable on a sessional basis, which is inappropriate for residential training courses; and the Treasury is given no discretion as to eligibility or amounts.

Subclause (1) specifies the persons to which the subclause applies: standing members of tribunals and members of panels from which members of part 2 tribunals are drawn.

Subclause (2) gives the Treasury power to pay the costs of approved training sessions for such persons, and to pay allowances to such persons attending training sessions.

Mr President, I beg to move that clause 9 stand as part of the Bill.

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

The President: Lord Bishop.

The Lord Bishop: I am still awaiting my training as a Dean and as an Archdeacon, and I have moved on from those jobs. *(Laughter)* I am wondering who actually says, 'Person A needs training'? *(Interjection)* **(Mr Lowey:** Yes!) Does person A think, 'I have spotted a rather nice course in Barbados that I need to go on, in order to sit on the Appeals Commission', go and Treasury pays?

Where is the process in this for saying, 'Yes, A does need to go on this particular bit of training', so that, when the Treasury get the bill, they know that that person actually should have gone on that course?

Mr Singer: Treasury would normally approve courses – *(Interjections)*

The Lord Bishop: So, is that what determines it? Right.

Mr Lowey: That is the very thought that crossed my mind. We need training. I wonder – let me take a social... where we bring in two employees and two employers, and we have a legal chairman. The legal chairman is there to adjudicate on the law and to direct the members, and now, suddenly, we have got into a culture – not just on this particular Bill, but in Government generally – that somehow we have to be on courses for everything.

Now, I am all for people having courses that are relevant and meaningful and have an end product, but we do seem to have come to a stage where you cannot turn the light switch on, nowadays, unless you have been on a course, so to do!

I thought people were appointed to tribunals for their experience – how do you go on a course for experience?

I think we have got to get a common-sense approach, and I am sure this is necessary in this legislation, to get us off on an even keel. but it does underline, what I would call... somehow we do seem to be mesmerised by formulas and back to corporate Government, and those lovely little circles. Nothing has happened **(Mrs Crowe:** Bubbles.) – bubbles,

and there are still bubbles.

I am not going to criticise the mover, I am not going to criticise the intent, but I do think a sense of proportion and caution should come in, and common sense should come in, when we are dealing with this.

'You are not legitimate, unless you have been on a course' – I do not think that is the case at all. As far as I am concerned, courses as and when required, not *carte blanche*, 'got to go on a course, because there is a course there arranged for you'.

The Lord Bishop: In that case, I have been illegitimate for years. *(Laughter)*

Mr Lowey: Shake hands with your first cousin!

Mrs Crowe: Mr President, in defence of this small clause... I take on board entirely what the Lord Bishop and Mr Lowey have recently said. In fact, sitting on a transatlantic flight next to a member of Social Services from Liverpool, who was going to investigate how under privileged children were managing their affairs in Jamaica, really put that in mind, immediately, of what the Lord Bishop had said!

But, in some particular areas, i.e. pensions – and there are some provisions for pensions in here – one has to demonstrate... like being a pension trustee, I have just had to go on training, because, as part of the provisions of being involved in pension trusteeship, you have to demonstrate you have been trained.

So, there may well be that in regard to Social Security legislation, pension legislation and that type of thing. So, it was a small defence of that clause, that some training, maybe, one has to complete, before one can serve as a member.

The President: Mrs Christian. Gender? **(Mrs Christian:** Pardon?) Gender? *(Laughter)* No, sorry.

Mrs Christian: The issue of training I am not unhappy with, although it does seem to take more and more time, in these days of litigation and so on.

But this provision, this clause, sets out only the situation where payment is made in respect of training. I may be wrong, Mr President, but I cannot find anything anywhere in respect of payment as a tribunal member.

Now, that may, of course, sit somewhere under the legislation in which the tribunals are formed, I do not know. I wonder if the mover could help me on that.

If it is sitting in all those other pieces of legislation, I wonder why it simply was not brought out and put into this one, so that all tribunal issues are sitting together in one piece of legislation.

The President: Again, we will be looking to the rules, maybe, I do not know. Mr Waft.

Mr Waft: Just on the courses, Mr President: I know all trained staff, certainly, in the nursing profession have to go on an annual to keep their registration up to date, otherwise they lose their registration.

These tribunals are dealing with some serious matters, and I consider that, to have people on tribunals and not kept up to date, I would be a bit concerned about – especially with the advent of Human Rights creeping everywhere now. Even how you interview somebody for a job, now, that situation has completely changed, and there are certain questions you

can ask and questions you cannot ask – questions that have always been asked in the past, and nobody thought anything about it. Nowadays, it is of particular consequence, and people can complain and appeal against the decisions that have been made.

So, when you are chairing or when you are a member of a tribunal, in this day and age, you really need to be on top of the situation, and able to defer to the fact that they have undergone a course of training with whatever decision that has been made, with knowledge beforehand.

Thank you, Mr President.

Mr Lowey: That sounds clever. (*Interjection*)

The President: We note that, in (2), it only refers to male members of tribunals.

Mrs Christian: That is true in *all* legislation, Mr President.

The President: It should not be gender specific today, should it? Mr Singer.

The Lord Bishop: The whole Bill is gender specific.

Mrs Christian: Yes.

Mr Singer: I think the Hon. Member, Mr Waft, picked up on the answer that I was going to say, that, whilst the members of the tribunals are people of experience, they are not necessarily fully experienced in the particular matters being dealt with by the tribunals on which they will be sitting. Therefore, perhaps it is... Certainly, most of them will not be up to date with the Human Rights legislation, maybe even up to date with current legislation.

So, it is important, as Mrs Crowe said, that they know what they are doing and they understand what they are doing. So, I think it is important that we do have training.

I think, as Treasury are paying for the training, for the courses, I should imagine that there will have to be some approval by Treasury, before the people go on the courses, that they are suitable courses.

I was not sure I understood Mrs Christian's question on training for members of tribunals.

Mrs Christian and Mrs Crowe: No, no, payment.

Mr Singer: Payment.

Mr Lowey: When they go on these courses?

Several Members: No, no.

The President: It is the general payment of a member of a tribunal.

Mrs Christian: Are they remunerated? (**Mr Singer:** Yes.) We have heard that they are. Where is it provided from?

Mr Singer: Treasury.

Clause 9, as I said, gives Treasury the power to pay for the training of members of tribunals and panel members, and also to pay allowances to members to attend training courses.

Mrs Christian: Yes, but what about attending the tribunals?

Mrs Crowe: As a member of a tribunal.

Mr Singer: Oh, do the tribunal members get paid?

Mrs Christian: Yes.

Mr Singer: I am sure we have been through that.

Mrs Christian: No, we haven't. It is not in the Bill, as far as I can see.

Mr Singer: Can Mr Attorney help me?

Mr Gelling: I understand, Mr President, it is under different legislation, whereby members of tribunals, committees, whatever, are paid an attendance allowance, as far as I remember. Then the chairman, if legally qualified, is paid an extra amount or whatever. I cannot remember – perhaps Mr Attorney General can – the actual legislation it is under, but I believe it comes under the same.

The Attorney General: Yes, I am sure that must be right, Mr President, but I do think the Hon. Member, Mrs Christian, has got a very good point –

The President: It is a good point.

The Attorney General: – that if we are seeking, by this Bill, to consolidate the provisions for how tribunals are run and managed, and rules and procedure, it would have been appropriate to put remuneration provisions in this Bill.

I am sorry I do not have the precise reference to the –

The President: It is probably an opportunity missed but, like Mr Gelling, I am pretty certain that, in fact, the remuneration for tribunals... for example, the Employment Tribunal, is in the Employment Act, in the setting up of the Act itself.

Nothing further to add, Mr Singer?

In that case, I put to Council, formally, that clause 9 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 10, again noting, Hon. Members, that it has been amended in another place.

Mr Singer: Clause 10 deals with the subordinate legislation to be made under this Bill.

Subclause (1) specifies the legislation to which the clause applies: Orders under clause 2(2), adding a tribunal to schedule 2, procedural rules for tribunals under clause 6, and regulations providing for the staffing of tribunals and the selection of members from panels under clause 7.

Subclause (2) requires a subordinate legislation made under the Bill to be approved by Tynwald before it can come into operation.

Subclause (3) has been amended by the House of Keys to remove paragraph (a), which was a power to amend primary legislation by Order.

As amended, the clause now enables the subordinate legislation under the Bill to make consequential, transitional and supplemental provisions. For example, where new

procedural rules are made for a tribunal, any pending cases would be dealt with under the previous rules.

Mr President, I beg to move that clause 10 stand as part of the Bill.

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

The President: Hon. Members, noting, then, the amendment made to the Green Paper in another place, I put to you that clause 10 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 11 and schedule 3, Mr Singer.

Mr Singer: Thank you, Mr President.

This clause introduces schedule 3 which amends the Acts under which the tribunals listed in schedule 2 are set up, so that their members will, in future, be appointed by the Appointments Commission. It also makes further amendments to comply with the European Convention of Human Rights.

Transitional provision is made for existing members of tribunals to remain in office for up to 12 months after commencement.

Subclause (1) introduces schedule 3, which amends the Acts creating the tribunals listed in schedule 2, so that their members will in future be appointed by the Appointments Commission, and hold office in accordance with clauses 3 to 5.

Subclause (2) provides that members of tribunals and members of panels in office, when the Act is brought into force, shall remain in office until a day fixed under subclause (3) below, which I will talk to. There are also transitional arrangements under subclause (4), in relation to pending cases for a tribunal.

Subclause (3) specifies the date when a member of an existing tribunal will go out of office. It is whichever of these dates is the first to occur: firstly, when the first member of the relevant tribunal or panel is appointed, under clause 3 or 4; or secondly, 12 months after the commencement of the Bill; or thirdly, the date when the member's term of office would have expired, notwithstanding any requirements of the Bill; finally, the date of resignation or removal, if he resigns or is removed.

In respect of review committees, a panel will need to be replaced whenever the first appointment falls to be made under the Bill, and, at the latest, within 12 months after the commencement date.

In order to ensure compliance with article 6 of the Human Rights Convention, it is important that existing tribunals are reselected at the earliest opportunity. This, of course, would not debar existing members from being reselected by the Appointments Commission, but the reconstituted tribunals need to be seen to be sufficiently independent from the executive for compliance with the Convention requirements.

Subclause (4) provides transitional arrangements, where a hearing has begun and the date fixed under subclause (3) for the termination of the term of office of existing members. Those members hearing the case will remain in office for the purpose of completing the hearing and deciding that case.

Schedule 3 amends the Acts under which the tribunals listed in schedule 2 are set up, so that their members will,

in future, be appointed by the Appointments Commission. The amendments provide that the respective tribunals are appointed by the Commission.

Provisions relating to the making of rules and other administrative arrangements which are superseded by the Bill, are repealed. Amendments are also made where appropriate to ensure compliance with the Human Rights Convention.

Two amendments to this schedule were moved in the House of Keys. Firstly, in the amendment of section 88 of the Income Tax Act 1970, the number of Income Tax Commissioners has been increased to eight members plus the chairman.

The Treasury have had concerns over the number of Income Tax Commissioners available to hear appeals, whether for ease of scheduling of meetings, or because of a declaration of interest in a particular case. For that reason, it is proposed that the numbers of Commissioners, excluding the chairman, be increased to eight.

In the same amendment, the restriction on serving and former officers of the Income Tax Office serving on the Income Tax Commissioners will now only apply in the case of officers who are in service and to former employees, for a three-year period from the date of ceasing to be so employed.

This change will remove the criticism that the restriction on former officers of the Tax Department may be depriving the panel of Commissioners of well-qualified candidates, whose impartiality would not be in doubt.

The opportunity has also been taken to adopt recommendations in the Hutton Report into the death of Dr Kelly, so that the principles of fairness are applied to persons called as witnesses before commissions of inquiry. This has been achieved by inserting a new section in 5A in the Inquiries Evidence Act 2003, as paragraph 23 in schedule 3 to this Bill.

Mr President, I beg to move that clause 11 and schedule 3 stand as part of the Bill.

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

The President: Mr Butt.

Mr Butt: I see through most of schedule 3 it refers to the 'Tribunals Act 2003'. That little point needs to be, perhaps, changed to the current date.

The President: As the heading is 2003, those dates will get picked up as it comes forward, as it is enacted.

Mr Lowey: Could I just pass comment, Mr President, on a theme of mine, which I know does not find favour with the present Chief Minister – it did not, in the past, anyway! – it seems amazing to me that here we are dealing with:

'No person who is an officer, or has been an officer, of any Department in the Isle of Man or any government department in the United Kingdom dealing with income tax shall be eligible to be a member of the Commissioners'

for three years after he has finished his term. We are actually putting in a restriction of three years. Why is it that we only put a restriction on Income Tax and not other Departments of Government?

He knows exactly what I am referring to. If it is eligible here, in this tribunal, then it should be eligible for other Departments of Government that hold sensitive information, that is then utilised by the individual when they retire. I do not believe that it is right – and never thought it was right, and I do not want to illustrate it, but you all know the illustrations that I have given in the past – and I do think that here we are accepting half a principle and not applying it throughout.

Now, if we are applying it here – and I think it is legitimate to apply it here, maybe not for the right reason – well, it is for the right reasons, because we are short of people to serve on these, who have got knowledge of the system – but they must not be so knowledgeable to have been, if you like, directly affected in the immediate past, where we have given them a three-year moratorium, then I think that is right.

But I think it should also apply to other Departments of Government and other appointments.

The President: Well, I am sure we will pick that up and deal with it in a few minutes, or the mover will, but can I first try to get these suggested amendments before us. I have got an amendment in the name of the Hon. Member, Mr Waft.

Mr Waft: Thank you, Mr President.

My amendment concerns itself, basically, with the reference to the Mental Health Act 1998, and the consequences of the tribunal's decisions when there has not been anyone on that tribunal who has experience in psychiatry. We are dealing with mental illness, particularly at page 14, halfway up, at (i) which says:

'he is then suffering from a mental illness, psychopathic disorder, severe mental impairment or mental impairment or from any of those forms of disorder of a nature or degree...'

To be fair to the general practitioners, not all of them have had knowledge of psychiatric medicine.

So, I was of the opinion that, perhaps, we should include, in that schedule, reference to one of the tribunal having experience of psychiatric medicine. To that end, I have conferred with the Attorney General's Office, and this amended clause I have presented to the Members of Council, over the weekend:

Clause 11 and Schedule 3

Page 15: For paragraph 14 substitute –

'14. In Schedule 3 –

(a) for paragraph (1) substitute –

"1. (1) The Mental Health Review Tribunal ("the Tribunal") shall consist of –

(a) the High Bailiff and 2 other persons, being barristers, solicitors or advocates of not less than 7 years' standing;

(b) 5 persons, being registered medical practitioners appointed after consultation with the Isle of Man Medical Society; and

(c) 4 persons having such experience in administration, such knowledge of social services or such other qualifications or experience as the Appointments Commission considers suitable.

(2) The members of the Tribunal (other than the High Bailiff) shall be appointed in accordance with the Tribunals Act 2003."

(b) for paragraph 2 substitute –

"2. In appointing persons referred to in paragraph 1(b), the Appointments Commission shall appoint at least one person having such experience in psychiatric medicine as the Appointments Commission considers suitable."

(c) for paragraph 3 substitute –

"3. (1) Subject to sub-paragraph (2), the quorum necessary for any proceedings of the Tribunal is three members so long as one represents each of the categories of members in paragraph 1.

(2) The Tribunal will not be quorate unless a person to whom paragraph 2 applies is present."

(d) in paragraph 4, omit " , if any of those persons is present."

I think it is in agreement with the Member who is presenting the Tribunals Bill. It looks a bit convoluted, but it does show, when you try to change one thing, it has repercussions for others!

But they have tried to encompass the problems that will ensue from having somebody with psychiatric medicine on that tribunal. I would propose that that be included, Mr President.

The President: Lord Bishop.

The Lord Bishop: I beg to second and reserve my remarks.

The President: Mr Gelling.

Mr Gelling: Could I just ask the mover of the amendment: I am thinking of what we have just done and that was that no-one, unless they have been outwith for three years, could be on a tribunal. I just am a little concerned as to the person, perhaps, that the hon. mover of the amendment is suggesting would have the experience and the training, and then we said, 'Well, people have to keep up to date with modern training', whether, in fact, after three years, that training or that medical, or whatever, would still be acceptable as being an up-to-date person, with the knowledge that was required.

The President: Mrs Christian.

Mrs Christian: Mr President, I wonder if the mover would advise whether he has discussed this with the medical profession or the DHSS.

It is not long since the whole of the mental health legislation was revised. 'Registered medical practitioner' does not mean 'general practitioner', and I should have thought that the Isle of Man Medical Society, in having their consultation in relation to this, would have – indeed has – ensured that people with appropriate medical knowledge – psychiatric knowledge or whatever – are appointed to this tribunal. I would be a little bit wary of supporting an amendment, if the Hon. Member has not discussed it with those bodies.

He also increases the numbers of persons required to go on the tribunal. The more numbers you require, the more difficult it is to constitute them. Indeed, in the Island, I think I am right, in relation to this tribunal, we have to go off the Island –

A Member: We do.

Mrs Christian: – to get the relevant experience. It is not

always easy to find people.

So, I wonder there, again, whether or not the theory of having a bigger panel and a better panel should not be modified in the light of practicality, in terms of being able to get such a large panel of suitably qualified people to deal with the mental health situation.

The President: Mr Waft, I will allow you to come back, sir.

Mr Waft: I think the Hon. Mrs Christian has a good point. She refers to the Medical Society, and that they would have thought of this, and they would have included it, if necessary.

It is not always the case that general medical practitioners have evidenced psychiatric medicine during their term –

Mrs Christian: Mr President, registered medical practitioners are not general practitioners. This covers consultants; (**Mrs Crowe:** Dentists.) it is not general practitioners that are referred to in here.

Mr Waft: No, what I am trying to say is they do not need to have evidenced psychiatric training, in any shape or form, to be covered by the Bill as it is now. But my amendment does include that, so I am sure from the numbers that they have to draw on, there will be several with knowledge of psychiatric medicine, who they would be able to draw on.

The need for the Chief Minister and his three years out of training: I think they, consequently, do have to train to keep up their medical knowledge, irrespective of whether they are out or in.

The President: Mrs Christian.

Mrs Christian: I wonder if the mover could confirm whether or not he has discussed this with the medical profession or the DHSS.

Mr Waft: No, I have not discussed it with the... Well, I have only discussed it with the mover, who I think has discussed it with the –

Mr Singer: Not with the DHSS.

Mr Waft: Not with the DHSS, I beg your pardon. The DHSS, I am sure, would acknowledge that there is a need for somebody with psychiatric knowledge within that tribunal, when they are debating on whether somebody should be released into the community, and to evolve from a tribunal who did not have any psychiatric experience whatsoever.

Mr Singer: What it does say here, in the wording – I think the wording is quite careful – is:

'one person having such experience in psychiatric medicine as the Appointments Commission considers suitable.'

It does not necessarily mean a qualified psychiatrist, it says, 'a person with experience in psychiatric medicine'. Now it would be up to the Appointments Commission to decide, on advice perhaps, as to which person, or who would be suitably qualified, but it does not have to be a qualified psychiatrist.

The President: The tribunal could always seek such advice as it requires, though, can't it? So, at any time, they can always seek advice. Mrs Crowe.

Mrs Crowe: Yes, I tend to follow my hon. colleague, Mrs Christian.

I can well remember, when being in the Department with her, the enormous lengths that were gone into, to establish how people sat on these boards and tribunals – used to be committees, moved over to being others – and the difficulties in arranging, certainly, for the required number of persons. The one thing, I think, that is most important is not to deny people their justice by having to take 12 months to constitute a tribunal, before it can even sit to take recognition of any of the problems that it might have to be deciding upon.

So, I did wonder whether the amendment being brought forward was actually necessary, in view of the fact – which I think Mrs Christian has made quite clear – that the registered medical practitioner is not, perhaps, what we think of as a GP. In fact, it covers the whole spectrum of medicine and the medical profession.

So, I would wait to hear from the mover of the amendment, but I feel that, at the present time, it is not quite as necessary as, perhaps, he feels that it is.

The President: Mr Waft.

Mr Waft: Perhaps I could just clarify that point: there is no assurance within there that they have any experience from psychiatric medicine at all, so it is just putting that criterion in. Many, many general practitioners, or medical practitioners, have experience. Although they are not in the psychiatric field, they certainly have knowledge of it, and a lot of them have a DPM at the end of their name, to say that they are a doctor of psychiatric medicine, as well.

So, you do not have to go to the UK, as has, perhaps, been suggested. There are many on the Island who are capable to do so.

Mr Gelling: Could I just, again, test the mover of the amendment: if that is the case, would we not end up actually having to specify just about every medical skill, to make sure that they were also skilled in that particular field?

I am just trying to visualise why we will – I can understand the reasoning from the Hon. Member – put in that we should have the psychiatric, but should there not, then, somewhere, be somewhere else that says, if the tribunal was discussing something to do with the kidneys, or something, that they would be specialised in something else?

Mrs Crowe: Quite right.

Mr Gelling: I just feel that it must cover the speciality in which... You know, I am just trying to think this one through. (*Interjection by Mrs Crowe*)

Mrs Christian: This is the Mental Health Tribunal.

Mr Waft: This is the Mental Health Tribunal; it is not any other tribunal.

Mr Gelling: Yes, but my question was: if we had some tribunal, would not the same...? Would we not have to specify, if it was in one of the other... the tax tribunal or

if it was a corporate tax person, rather than a personal tax person or...?

I just feel that, somehow, we must have it covered, but I bow to the –

Mr Waft: I do not think the comparisons are justified. This is quite a dangerous situation they could be making decisions on, and it is just an added sort of insurance policy for the decisions made.

The President: Mrs Christian.

Mrs Christian: Mr President, can I make the point that, whilst the Hon. Member says we do not have to do off the Isle of Man, quite often we do, because we have very small numbers of consultants in this area. If, for example the Mental Health Review Tribunal is considering an individual who has been treated by one of those two consultants, who are subject of the tribunal's review, then we have to go off for an independent view.

Mr Waft: I do not think, Mr President, we are talking about consultants, in this case. All it says is someone with psychiatric medicine – that is all.

The President: I think the point has been made that it could be that a consultant could be a registered medical practitioner.

Mrs Crowe: They are.

The President: Now, then, Hon. Members, we have an amendment moved by Mr Waft. I have gone round a bit since then and, to be honest, I am just a little unsure now as to whether it was seconded.

The Lord Bishop: It was.

The President: It was. The Lord Bishop seconded it.

The Lord Bishop: I was awake!

The President: Now, we also have, as a consequence of that, presumably, an amendment to come forward in the name of Mr Attorney.

The Attorney General: Well, Mr President, as I understand it, if the Hon. Member, Mr Waft's amendment is carried, then my amendment will be unnecessary and will fall.

The President: Yes, but, at this stage, I would like to have your amendment –

The Attorney General: Ah, yes.

The President: – put as well, and then I will put Mr Waft's amendment. If it carries, we will continue with yours, (**The Attorney General:** Yes.) if it fails, we will no longer need to deal with yours.

The Attorney General: Yes, thank you, Mr President. Mr President, as Hon. Members will see, I am suggesting an amendment at page 15, again. The amendment is in

relation to the constitution of the Mental Health Review Tribunal and, Mr President, it takes account of clause 6 of the Mental Health Amendment Bill 2005, which is in another place, but which, if passed, will alter the constitution of the tribunal, to increase the number of medical members from three to five, and the number of lay members from three to four.

So, my amendment, Mr President, merely seeks to achieve consistency between this Bill, the Tribunals Bill, if passed and the Mental Health Amendment Bill, if passed:

Page 15 : In paragraph 14(a), in the new paragraph 1 inserted into Schedule 3 to the Mental Health Act 1998 –

(a) in sub-paragraph (1)(b) for '3 persons' substitute '5 persons';

(b) in sub-paragraph (1)(c) for '3 persons' substitute '4 persons'.

The President: Yes, right.

Mrs Crowe: I beg to second, Mr President.

The President: Mrs Crowe seconds Mr Attorney, so, in fact, formally, then, Hon. Members, we have got the two amendments before us.

Now, dealing with the clause and the two amendments, Mrs Christian.

Mrs Christian: Can I ask about the second amendment, please, Mr President?

Could the learned Attorney indicate... Well, presumably, if he is moving this amendment, he is doing so, I imagine with the concurrence of the DHSS. I wonder if he could confirm that, and, if so, why have they not got it into the Bill which is before another place? (*Laughter*)

Does he have any knowledge – presumably, if it is with the concurrence of the DHSS – that they have, in the light of experience, seen the need to increase the panel of people who are available, although they may have some difficulty appointing them? (**Mrs Crowe:** Yes.) It would be of help to me to know that, and if it is from the DHSS, and this is the only part of the Mental Health Review Tribunal element that they are seeking to amend in another place, one can assume that they must be content with the rest of the tribunal provision in the Mental Health Bill, as it currently stands.

The President: Forgive me, but I want to be plain. In fact, Mr Waft's amendment refers, in 1(1)(b) and (1)(c), to five and four persons, and Mr Attorney's amendment is dependent upon those numbers.

Now, if we do not approve Mr Waft's amendment, well, then, I will not be putting Mr Attorney's amendment, because it is as a consequence, not separate.

Mrs Christian: No. It is a separate issue.

The President: It is a separate issue. Right, okay, right.

The Attorney General: Yes, I am sorry, Mr President, if I misled you on that.

The President: They are separate.

The Attorney General: They are separate, sir.

The President: Right, very good.

The Attorney General: I can only speak, Mr President, to the amendment that I am seeking to move, (*Laughter*) and I would not presume to trespass onto the property, as it were, of the Hon. Member, Mr Waft.

All I can say, Mr President, is that we have a Bill in another place, which is being moved by the Minister of the DHSS, which, at clause 6 of the Bill, seeks to amend the Mental Health Review Tribunal provisions in the Mental Health Act 1998. It simply says, if I may read, Mr President:

'Paragraph 1 of Schedule 3 (Mental Health Review Tribunal) to the Mental Health Act 1998, is amended as follows – (a) in sub-paragraph (b) (medical members), for “3 persons” substitute “5 persons”; and (b) in sub-paragraph (c) (lay members), for “3 persons” substitute “4 persons”.'

So, Mr President, all I am seeking to do is to anticipate the passing of this Bill through both branches – because, otherwise, we are going to have a situation where the Mental Health Amendment Act, if enacted, will prescribe a certain number of people for the tribunal, and our Tribunals Bill will prescribe a different –

Mr Singer: What about the converse? (**Several Members:** Yes.) If we pass it now, and it is amended, or not even passed, in another place, what happens then?

The Attorney General: Well, the difficulty, Mr President, is, of course, it has taken so long for our Tribunals Bill to survive the rigours of another place, and that is why we are in the position we are.

I think that it must be presumed, Mr President, that the Department is very content that the amendment I am moving be made, because, otherwise, the Minister would not be moving them in another place.

The President: Yes, absolutely.

Mr Singer: We do not know the other place's amendment... that they are happy, do we?

The President: Mrs Crowe.

Mrs Crowe: Just for a matter of clarification, Mr President, as even you seemed to be in a little difficulty at one time! Can we just confirm that Mr Waft's... The difference between the Attorney General's – and I am not asking the Attorney General to comment upon it, maybe Mr Waft could – that the only difference between the two amendments, virtually, is the fact that we are seeking in Mr Waft's amendment for them to be mental – (**Mr Gelling:** Psychiatric.) psychiatric (**Mr Gelling:** Trained.) trained –

Mr Singer: No, no – (*Interjection by Mrs Christian*)

Mrs Crowe: – experienced, yes, sorry, yes –

Mr Singer: To have experience, yes.

Mrs Crowe: – but the numbers are actually the same, so

we have... right, fine. Thank you.

The Lord Bishop: So, in another place, Mr President –

The President: Lord Bishop.

The Lord Bishop: – the Minister is happy for an increase in the size of the tribunal, which answers one of Mrs Christian's points. (**Mrs Crowe:** Yes.) What Mr Waft is seeking is a further definition within that, that he would like one of them... (**Mrs Crowe:** Psychiatric.)

I would like to say – and as I have not spoken to Mr Waft's amendment, I can speak to it, if I may – I think, when actually dealing with somebody's life, (**Several Members:** Yes.) there is a moral imperative to actually define to the stage that Mr Waft is asking for.

With some of the other tribunals, (*Interjection*) I would not want to go to the definition stage, which the Hon. Member, Mr Gelling was saying; I would allow for a much broader approach.

I think here, where somebody's mental capacity is being called into mind, then I think we have the right to further definition, which is why I moved the –

A Member: Seconded.

The Lord Bishop: Yes, seconded.

The President: Now, then, Mr Singer, would you wind up that little bit, in relation to clause 11 and schedule 3, sir?

Mr Singer: Winding somebody up, I think! (*Laughter*)

Yes, I have nothing to add. I, certainly, see great merit, and that is why I said at the First Reading to Mr Waft, that if he came forward, then I would support that. I understand the Attorney General's amendment, although I am not quite... I do not know... It is a chicken-and-egg situation, I suppose, to a certain extent, but if Members are happy to accept that, I will do.

The President: Okay, Hon. Members. Where we have reached is clause 11 and schedule 3. To that you have the two printed amendments, first in the name of the Hon. Member, Mr Waft. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, I put to you Mr Attorney's amendment. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Members, I put to you clause 11 and schedule 3, as amended. Those in favour, please –

Mr Gelling: Could I, Mr President, before you do that, on a point of clarification –

Mrs Crowe: We don't need both.

Mr Gelling: – I thought that, if Mr Waft's was accepted, that Mr Attorney said that his was superfluous.

The President: We do not need yours?

Mr Gelling and Mrs Crowe: No.

The President: Well, either way round, we –

The Lord Bishop: We agree.

The President: I am on belt and braces, (*Laughter and interjections*) and I think I will remain on belt and braces, if I may!

So, clause 11 and schedule 3, as amended: those in favour, please say aye; against no. The ayes have it. The ayes have it.

I am left with the short title and commencement, (*Laughter*) clause 12. Mr Singer.

Mr Singer: Thank you, Mr President.

This clause deals with the short title and the commencement of the Act.

Subclause (1) gives the Bill its short title.

Subclause (2) provides that the Bill will come into force on a day appointed by Order of the Council of Ministers, but clause 1 in schedule 1 relates to the Appointments Commission, and this clause will come into force on Royal Assent being announced to Tynwald, in accordance with section 10 of the Interpretation Act 1976, so that the Appointments Commission can be set up, and be ready to make appointments when the rest of the Act is brought into force.

Mr President, I beg to move that clause 12 stand as part of the Bill.

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

The President: The motion I put to Council is that clause 12 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Tribunals Bill

Suspension of Standing Orders to take Third Reading Motion lost

Mr Singer: Mr President.

The President: Mr Singer.

Mr Singer: I understand the present situation that there is nothing here to come forward from the Keys for our next meeting on April 12th. This Third Reading will only come forward on April 12th, but, as far as I see it, that would be the only Item that we had to come in for.

Now, I am wondering, because we have accepted the amendments that have gone through today, whether it would be helpful to Members if we raised Standing Orders, and took clause 3 today. I am happy to take Members' advice on that.

Mrs Christian: Mr President, I would oppose that, simply because I would like to discuss, with Mr Attorney and the draftsmen, the possibility of an amendment to cover this issue of remuneration. I understand that can be put forward at Third Reading stage.

I would not wish the Bill to rush through on Third Reading, when there is a possibility that it might be tidied up a little, in that regard. Members may not agree that,

but I would like to have the opportunity to just follow it through.

The Attorney General: Mr President, could I very briefly say that – and I know that we must not open a can of worm, as it were – but if we are going to look at remuneration of the chairmen and the members, it would be very useful, I think, to cover, expressly, the point that has been raised in debate about conflicts of interest. I have given what I believe is my advice, and it is covered, but it would be so much better to put it beyond any doubt, if you wish.

Mr Lowey: So, there are two shadows of doubt.

The President: I think, Hon. Members, taking Mrs Christian's side to some extent, I would certainly be prepared for Council to come back.

There are, at least, those two points which have been raised, and whilst I appreciate the need to move the Bill forward, I am also appreciative of the fact that amendments, having been made, have to go back to another place anyway.

I think Council would be wise to, probably, take an extra week, as it were, over this, to deal with amendments and Reading 3 at that one sitting.

Supplementary Orders

Standing Committee of Tynwald on Standards and Members' Interests The Lord Bishop and Mr Waft elected

1. Election of two Members in the place of Mr Gelling and Mr Waft.

The Keys Members of the Committee are Mr Speaker (Chairman), Mr Anderson, Mr Cannan and Mr Gill. Mr Gelling and Mr Waft are eligible for re-election.

The President: With that, Hon Members, if we are happy with that, then we will move on, then, to our Supplementary Order Paper.

We have a Supplementary Order Paper, Hon. Members, which deals with the election of two Members to serve on the Tynwald Standards and Members' Interests Committee in the place of Mr Gelling and Mr Waft.

Now, then, Mr Gelling and Mr Waft are both eligible for re-election, but I need nominations to replace two on the Standing Committee of Tynwald Standards and Members' Interests.

Mr Gelling: Can I propose Mr Waft.

Mr Singer: Seconded.

Mr Waft: Can I propose Mr Gelling. (*Laughter and interjections*)

Mrs Christian: Can I propose the Lord Bishop, Mr President.

Mr Lowey: I would second the Lord Bishop.

Tribunals Bill – Clauses considered

Tribunals Bill – Suspension of Standing Orders to take Third Reading – Motion lost

Standing Committee of Tynwald on Standards and Members' Interests – The Lord Bishop and Mr Waft elected

Mr Singer: I third the Lord Bishop. *(Laughter)*

The President: Well, Hon. Members, I have got to three nominations, haven't I? I have got Mr Waft, Mr Gelling –

Several Members: Mr Gelling has not been seconded.

Mr Lowey: I think the Chief –

Mrs Crowe: I propose nominations close, Mr President.

The President: I think he was.

Mrs Crowe and Mr Lowey: No, he was not seconded.

Mr Gelling: Somebody coughed, Mr President. *(Laughter)*

The President: I will not refer that back to *Hansard*. *(Laughter)* We will take it that Mr Gelling was not...

Are we content, Hon. Members, that, in fact, I just have received the two formal nominations, both proposed and seconded: the Hon. Member, Mr Waft and the Hon. Lord Bishop. **(Three Members:** Agreed.)

In that case, Hon. Members, the Lord Bishop *(Interjection by the Lord Bishop)* and Mr Waft will be serving on the Standing Committee of Standards and Members Interests.

Joint Committee of Tynwald on the Emoluments of Certain Public Servants Mr Singer and Mr Waft elected

2. Election of two Members in the place of Mr Gelling and Mr Waft.

The Keys Members of the Committee are Mr Speaker (Chairman), Mr Anderson, Mr Cannan and Mr Gill. The Council Member is Mr Lowey. Mr Gelling and Mr Waft are eligible for re-election.

The President: Item 2, then, is the election of two Members to serve on the Emoluments of Certain Public Servants Committee, in the place, again, of Mr Gelling and Mr Waft. Nominations, again, please.

Mr Gelling: I propose Mr Waft.

Mrs Crowe: I would like to second Mr Waft.

Mrs Christian: Can I nominate Mr Singer?

The Lord Bishop: I will second Mr Singer.

Mr Lowey: That'll 'learn' you! *(Laughter)*

The President: I have the two nominations. Are we content at that, Hon. Members? **(Mr Gelling:** Agreed.) We are content that the two Members to serve for Legislative Council on the Joint Committee will be Mr Waft and Mr Singer. *(Interjection by Mr Singer)*

Procedural

Election result; arrival of Commonwealth Games baton

The President: Now, Hon. Members, we have noted – I did send you a little note round – that the other place has failed to fill our vacant seat this morning, with both Members, Mr Downie and Mr Delaney, receiving 10 votes each. So, we still have a vacant seat.

Hon. Members, if you are available at three o'clock this afternoon, on the steps outside the Department of Education office here, the Commonwealth baton will be arriving there, for Mr Speaker and myself, and if any of you Members wish to join, we will be very pleased to see you there, whilst it comes through from St Thomas's Church, on its way to the Mayor's Parlour.

Mrs Crowe: Could you confirm that time?

The President: Three o'clock.

Mrs Crowe: Oh, right; I had heard four o'clock.

The President: Three o'clock.

So, our adjournment, Hon. Members, will be to 12th April. Thank you, Hon. Members.

The Council adjourned at 12.45 p.m.