



**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, 24th April 2007

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

The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles), The Attorney General (Mr W J H Corlett QC), Mr D Butt, Mrs. C M Christian, Mr E A Crowe, Mrs. P M Crowe, Mr. A F Downie, Mr E G Lowey and Mr G H Waft, with Mrs M Cullen, Clerk of the Council.

Business transacted

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1. Broadcasting (Amendment) Bill – Keys amendment agreed	55
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The Council sat in private.

Legislative Council

The Council met at 2.00 p.m.

[MR PRESIDENT *in the Chair*]

Photograph taken of Legislative Council

The President: Hon. Members, thank you for being prepared to come in early this afternoon, in order to have that business out of our way and have the photograph taken of the Council, as far as is practical. The need for it is that it is the photograph which will be in the Tynwald Programme for July 2007.

Hon. Members, I do not propose that we should start with my formal parade in, but I do, at this stage, invite the Lord Bishop to lead us in prayers.

PRAYERS

The Lord Bishop

Order of the Day

Broadcasting (Amendment) Bill Keys amendment agreed

1. Mrs Crowe to move:

That the amendment passed by the House of Keys be approved:

New clause [A]

That the following new clause [A] be agreed in principle:

*'[A] In section 12 (Gaelic broadcasting) of the Broadcasting Act 1993 –
(i) in subsection (1) omit "sound",.'*

The President: Okay, Hon. Members, we move on then to the Broadcasting (Amendment) Bill, which is the only matter on our Order Paper for us to deal with. The Bill is in the hands of the Hon. Member, Mr Crowe, and I invite him to move –

Mr Crowe: Mrs Crowe.

The President: Mrs Crowe, yes. Mrs Crowe, over to you. (*Laughter*)

Mrs Crowe: Thank you, Mr President.

Following sending the Bill back to the Keys with some amendments made by ourselves, we have now a further amendment from the House of Keys. It is a new clause and it

is not in the Amendment Bill that we presented to the Keys, but actually in the official, full Act.

It is to insert the following new clause:

'[A] In section 12 (Gaelic broadcasting) of the Broadcasting Act 1993 –
(i) in subsection (1) omit "sound",.'

To be helpful, I shall just read that particular clause with the word in and this is the word the Keys would like amending. Under the heading 'Gaelic broadcasting', it says:

'(1) A licence for a sound broadcasting service intended for reception wholly or mainly in the Island shall include a condition requiring the holder of the licence to include in the service such proportion of programmes in Manx Gaelic as may be specified in or determined in accordance with the licence.'

So, in that particular clause, the wish of the Keys is that the word 'sound' is removed, so the clause will become: 'A licence for a broadcasting service intended for reception', etc.

That is the only amendment that has come back from the Keys. So, with your permission, Mr President, I would like to move that the amendment stand part of the new Bill.

Mr Waft: I beg to second.

The President: Mrs Christian.

Mrs Christian: I am happy to second, Mr President. We have already taken out the word 'sound' in another clause and I think this just makes it consistent with that previous removal of the word.

The President: Mr Waft.

Mr Waft: Thank you, Mr President.

This Bill has undergone exhaustive investigation and perusal in both branches and has been returned to us yet again. I have questioned the need for the change and have contacted the Director of Communications and the Department of Home Affairs, both of whom agree, with the slight change brought in the other place, it is entirely acceptable.

What it means, in essence, is that any licence in the future for a local TV service includes a proper portion of Manx Gaelic, as in the case of broadcast radio licences. There is little likelihood in the short to medium term of such a licensed TV service.

An economic survey undertaken by the Communications Commission, similar to the one undertaken by Ofcom in the UK for areas of a similar size and population and demographic, indicate that a commercial, local TV service is at very least, with the present technology, not an economical proposition.

That being said, the speed at which technology is moving, we can expect great strides with digital audio broadcasting and communications generally. It may not be too long before we will be able to surpass our wildest imaginations in this field.

But I do find that this Bill has perhaps the need to review the way in which we deal with Bills which fall foul of the intervening elections and, therefore, have an elongated spell of legislative scrutiny before they see the light of day.

Thank you, Mr President.

Procedural

Mr Crowe: Happy to support this, Mr President, yes, if it opens up the way for possible future of TV broadcasting, as well as sound broadcasting.

The President: Mrs Crowe, do you wish to add or...?

Mrs Crowe: No, I think that we thoroughly examined the Bill, in great detail actually, as my colleague, Mrs Christian, has mentioned and I think this, as you say, makes the Bill consistent, removing the word 'sound' from that particular part that we had not actually looked at, at the time.

The President: Okay, Hon. Members, the motion which I will put to Council is that we do accept the amendment made by the Keys to the Broadcasting (Amendment) Bill 2006, which is, in section 12 of the Broadcasting Act 1993, in subsection (1), it omits the word 'sound.' Hon. Members, those in favour, please say aye; and against, no. The ayes have it. The ayes have it.

The President: Now, Hon. Members, that actually draws to a conclusion the business before the House this afternoon.

We will, as I understand it, be sitting next week, because – again, it is purely my understanding, at the moment – I understand that the Keys did pass the Third Reading of the Bill that was on their Order Paper. Albeit it was at the end of the Paper, they did take it early this morning, and they have passed the Third Reading of the Personal Liability Bill, so it will be back to us next week. That leads the way for Mr Lowey to deal then with the Questions which he was proposing to put on the Order Paper.

So, we will be sitting next week, Hon. Members.

Thank you very much.

The Council sat in private.