



**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, 10th March 2009**

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

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

**Business transacted**

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*The Council adjourned at 11.50 a.m.*

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# Legislative Council

*The Council met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

## PRAYERS

*The Lord Bishop*

### Leave of absence granted

**The President:** Hon. Members, leave of absence has been given to Mr Turner, who is off the Island today on Government business; and also to Mr Callister at 3.30, in fact, if we are still sitting at that particular time this afternoon.

### Commonwealth Day message from Her Majesty the Queen

**The President:** Hon. Members, last night, our local branch of the Commonwealth Parliamentary Association, under the chairmanship of Mrs Christian, enjoyed a very good evening and a very good dinner to celebrate Commonwealth Day and, as is our normal practice, Hon. Members, I propose to read the Commonwealth Day message from Her Majesty, to put it on our record:

'This year the Commonwealth commemorates its foundation sixty years ago. The London Declaration of 1949 was the start of a new era in which our member countries committed themselves to work together, in partnership and as equals, towards a shared future.

We can rightly celebrate the fact that the founding members' vision of the future has become a reality. The Commonwealth has evolved out of all recognition from its beginning. It has helped give birth to modern nations, and the eight original countries have become fifty-three. We are now home to nearly two billion people, a third of the world's population. Across continents and oceans, we have come to represent all the rich diversity of humankind.

Yet despite its size and scale, the Commonwealth to me has been sustained during all this change by the continuity of our mutual values and goals. Our beliefs in freedom, democracy and human rights; equality and equity; development and prosperity mean as much today as they did more than half a century ago.

These values come from a common responsibility exercised by our governments and peoples. It is this which makes the Commonwealth a family of nations and peoples, at ease with being together. As a result, I believe we are inspired to do our best to meet people's most pressing needs, and to develop a truly global perspective. That is why the modern Commonwealth has stood the test of time.

But as we reflect upon our long association, we should recognise the challenges that lie ahead. Nearly one billion people of today's Commonwealth are under 25 years of age. These are the people that this association must continue to serve in the future. It is they who can help shape the Commonwealth of today, and whose children will inherit the Commonwealth of tomorrow.

To help them make the best of their opportunities, our young men and women therefore need the opportunity to become active and responsible members of the communities in which they live. I am pleased that the Commonwealth recognises this, and is determined to continue to put young people at its centre.

The call that brought the Commonwealth together in 1949 remains

the same today. Then we joined together in a collective spirit – built on lasting principles, wisdom, energy and creativity – to meet the great tasks of our times. As the Commonwealth celebrates its sixtieth birthday, its governments, communities and we as individuals should welcome that achievement. Together, we should continue to work hard to deal with today's challenges so that the young people of today's Commonwealth can realise their aspirations. In that way, we can look to the future with confidence.

ELIZABETH R  
9 March 2009'

## Question for Oral Answer

### LOCAL GOVERNMENT AND THE ENVIRONMENT

#### Upgrading towns and villages Completing half-built properties

2.1. The Hon. Member (Mr Waft) to ask a Member of the Department of Local Government and the Environment:

*In the light of the Government's wish to invest in upgrading the towns and villages on the Island, what efforts have been made by the Department to further the completion of half-built properties and speed up their occupation?*

**The President:** Hon. Members, having put the message on our record, we will simply move straight forward with our Order Paper. Today, we have but the one Question on the Order Paper and I call on the Hon. Member, Mr Waft.

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

**The President:** Mrs Christian is to answer.

**A Member of the Department of Local Government and the Environment (Mrs Christian):** Thank you, Mr President.

At this time of economic downturn, it is agreed that there is a need to ensure that Government do all we can to maintain the momentum in upgrading our towns and villages. I can confirm that recently, the Government has been approached by a number of developers who are experiencing difficulties in securing adequate sales of their proposed residential units in the current economic climate. They wish to discuss continuation of a number of existing schemes. These approaches are made in a bid to identify the potential Government use of such schemes and attract suitable public funding for this to happen.

The Department of Local Government and the Environment, along with others in Government, are working together to determine if these schemes are genuinely good value-for-money opportunities which meet a defined strategic need in order for them to be progressed. It is imperative, in considering these issues, that the Government is not persuaded into investing limited public funds into schemes which would not normally be acceptable, simply to assist the developer. Those schemes which are suitable will be progressed through the normal routes and will be managed

accordingly, helping the Island economy and the Government in the longer term.

With regard to the completion of half-built units, there are currently no powers available to the Department of Local Government and the Environment under planning or building regulations to encourage developers to complete unfinished buildings once started. However, section 24 of the Building Control Act 1991 allows for local authorities to require owners or occupiers to carry out such works of repair, restoration or completion.

I would like to take the opportunity to assure the Hon. Member of the commitment of the Department through the delivery of properties and schemes, where they have the powers and resources to do so.

Mr President, I hope that the information is helpful to the Hon. Member.

**The President:** Mr Waft.

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

Would the Member agree with me that there is a formidable list on the waiting list for housing – for local authority housing and first-time buyers? It is getting quite out of control, in my view.

If we did apply the policy of taking on some of these buildings and completing them, it would also take some of the weight off the three-bedroomed and four-bedroomed houses that are presently occupied by one or two people who could move in, making some of the other buildings available.

We do appreciate, I am sure, that the building industry needs a shot in the arm at times, but if we can start the economy off in some way by employing the people that have been laid off to complete the buildings, I am sure that would certainly complete the village and towns' restoration theme that is going through at the moment.

So, I just ask the Member if, with regard to the mention that she said about the 'no power available' once the building has started, would, perhaps, the Department look at that – having no power to do anything with regard to the building once started? Also the fact that some of these building sites lay empty – nothing on them at all – and have done for at least 20 years to my knowledge in some areas, with no building at all started, but the building permission keeps getting renewed every four years or so and if anything can be done to try, for the sake of the people living in the areas, to brush up the towns and villages. This is one of the big problems.

**The President:** Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

I have indicated in the Answer, Mr President, that the Department have looked at a number of developments with an eye to whether or not they can assist in the progression of those developments to provide low-cost housing or first-time buyers' housing and where they have selected schemes which will fulfil that need, they are progressing those with the developers.

However, they have been approached by some developers whose schemes do not fit that particular mould and they cannot, therefore, assist at this time with Government funding on schemes which will not provide for those areas which the Hon. Member has indicated are the primary need. However, I understand that the area the Hon. Member refers to in his own village is a matter... The development there is one which

is being discussed with the local authority with a view to whether there is something there which the local authority would seek to progress under its own powers.

With regard to making people get started when they have had building approval, that is not a power that the Department has. It is not something which the Department could effectively have. You cannot make people progress on a planning approval if they do not have the resources to do it. I take the point that you could possibly not renew a planning approval, but that does not alter the condition of the site. The issue of an empty site which has not been developed, I would suggest, is a matter for the local authority to pursue under its powers. The Department will continue to review any developments which are brought to it to see whether they can invest Government money into producing those kinds of properties which we all recognise are needed.

**The President:** Mr Waft.

**Mr Waft:** As I understand it, Mr President, the local authority has limited powers with regard to cleaning up the site, especially when the weeds start growing as high as a house. They can have them chopped down, but the fact that general clearing up of a derelict site does not really do anything at all. If the legislation is not there, perhaps the Department should be looking at the situation.

**The President:** Mrs Christian.

**Mrs Christian:** I note what the Hon. Member says and I will report it back to the Department, as I am not the Member responsible for housing and development, as such. But I do think you can take horses to water, but you cannot make them drink, unless they have got resources to have a thirst to drink. If they have not got resources, irrespective of a planning approval, you cannot force a development.

**The President:** Mr Crowe.

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

Can the Member give us some idea of the scale of this problem, how many developers and how many properties are involved?

**The President:** Mrs Christian.

**Mrs Christian:** I have not got that statistical information available, Mr President. I know the Department looked at – I think I am right in saying – about half a dozen developments, of which I think they have selected three or four to progress in terms of producing more affordable housing going forward. But there were some which came lower down in the priority list and they were not considered at this time for progression by assisting the developer.

**The President:** Mr Lowey, Hon. Member.

**Mr Lowey:** Yes, can I have a reassurance from the Hon. Member regarding the regeneration of the towns and villages? It is not only... and without wishing to underscore housing as a major need – I am with the questioner on that – but hopefully, it is not going to be the sole preoccupation of the Department in moving the regeneration of towns and villages with housing.

Can I have an assurance on that, because there is so much we need to do for the quality of the areas in which we live, which does not include buildings, but open spaces and putting them in a proper place? Can I have that reassurance, just in case it gets lost?

**The President:** Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Can I just first make it clear that it is not the Department of Local Government and the Environment which is leading the upgrading of the towns and villages under that Scheme? That is a matter which is being driven by the Council of Ministers.

In the context of the Question which is before us, which was really to do with completion of half-built properties, the Department clearly is focusing on housing, but I can assure the Hon. Member that my understanding of the Towns and Villages Regeneration Scheme is not about housing in particular; it is much more about the general environment and schemes which local people want to bring forward to improve that environment, to encourage investment in their areas.

**The President:** Mr Waft.

**Mr Waft:** With regard to cleaning up the towns and villages, if a car was left for a considerable amount of time, the Police would certainly be on it very quickly and have it removed, and yet scaffolding can be left up *ad infinitum*. Are there any rules laid down with regard to scaffolding around buildings?

**The President:** Mrs Christian.

**Mrs Christian:** I am not aware of rules about that but, to be honest, I have not checked on what the legalities of that are. I imagine if you were to take away scaffolding if there is a hazard, then presumably there is action that can be taken. It may be that scaffolding is there to prevent a hazard, I do not know. I think one would have to examine each situation as it arose, and for either the Environmental Health people to check on that issue, or the Highways people if it is creating a problem on footpaths or, indeed, the local authorities. But I cannot be specific about the powers under that, Mr President.

## Orders of the Day

### Social Security (Amendment) Bill Second Reading approved

3. Mr Butt to move:

*That the Social Security (Amendment) Bill be now read a second time.*

**The President:** Hon. Members, we will move on, then, to Item 3 on our Order Paper, which is the Social Security (Amendment) Bill. We are down to Second Reading. Mr Butt, please.

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

The purpose of this Bill is to regularise the legal position with respect to certain schemes of Social Security provision which have effect in the Isle of Man, but which have no direct comparison in the United Kingdom and to provide for any similar future provision with a firm legal basis.

The Bill also makes a number of minor amendments to existing legislation which reflect the transfer of responsibility in Great Britain for some Social Security provision, in particular to the Commissioners of Her Majesty's Revenue and Customs. The Social Security Act 2000, the Tynwald Act, enables the DHSS, by order, to apply to the Isle of Man as part of the law of the Isle of Man any legislation of the United Kingdom Parliament to which section 1 of that Act applies. The form in which that legislation is applied to the Isle of Man is subject to any exceptions, adaptations and modifications specified in such an order.

Section 1 of the Social Security Act 2000 applies to the Acts of the United Kingdom Parliament set out in schedule 1 of the Act, which relate to Social Security directly or indirectly. The Department may, by order, amend schedule 1 by adding to it any Act of the United Kingdom Parliament relating to Social Security passed during or after the 1998-99 session of Parliament.

With this Bill, Mr President, the new section 1A amends the original Act. It allows the Department, if it appears expedient, to have regard to social conditions in the Island and to make Social Security provision which does not correspond to legislation in the United Kingdom. This has already been done for some years by orders put before Tynwald. As I mentioned last week, Mr President, over the last few years, several such schemes have been developed especially for the Isle of Man and approved by Tynwald.

The purpose of this Bill is to regularise the legal position with respect to some of these schemes which already have effect in the Isle of Man, but which have no direct comparison in the United Kingdom. The Bill will also provide a firm legal basis for any future schemes which do not have the direct equivalent in the United Kingdom.

The second clause of the Bill will provide that those schemes that have already been passed by Tynwald, by order, will now be treated as if they had been passed by the primary legislation of the Social Security Act 2000.

Mr President, I beg to move that the Social Security (Amendment) Bill 2008 be read for a second time.

**The President:** Mr Crowe.

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

**The President:** Hon. Members, the motion that I put to Council is that the Social Security (Amendment) Bill 2008 be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

### Social Security (Amendment) Bill Clauses considered

**The President:** We are going to the clauses, Hon. Members. Clause 1, Mr Butt, please.

**Mr Butt:** Thank you, sir.

Clause 1(1) of the Bill introduces the amendments it makes to the Social Security Act 2000.

Clause 1(2) of the Bill inserts the new section 1A into the Social Security Act 2000.

Under the new section 1A, the DHSS will be able to make orders making social security provision in the Isle of Man which does not correspond to social security provision in Great Britain.

Under section 1A(2)(a), such an order may provide for the application to the Isle of Man of any legislation to which section 1 of the Social Security Act 2000 applies subject to such exceptions, adaptations and modifications as may be specified. By virtue of these exceptions, adaptations and modifications, social security provision in the Isle of Man may exist in a different form to that having effect in Great Britain.

Section 1A(2)(b): provision by order is also made for the repeal or amendment of any legislation other than the original Act which is inconsistent with or is unnecessary or requires modification in consequence of provisions made under the new section 1A.

The new section 1A(3) is concerned with the form in which provision made under section 1A(2) may take.

Clause 1(3) makes consequential amendments to section 2 of the Social Security Act 2000 so as to make orders under new section 1A subject to the same procedure in Tynwald as orders made under section 1 of the Act.

Finally, in clause 1, Mr President, clause 1(4) makes minor amendments to section 3 of the Social Security Act 2000, as follows.

The 2000 Act allows the DHSS to apply to the Isle of Man legislation of the United Kingdom Parliament relating to social security. For these purposes, 'social security' is defined by the 2000 Act as meaning, in particular, any benefit payable by the Secretary of State for Work and Pensions out of the National Insurance Fund or out of moneys provided by Parliament.

Not all social security provision in Great Britain is now the responsibility of the Secretary of State. In particular, responsibility for Child Benefit and Guardian's Allowance has been transferred to the Commissioners of Her Majesty's Revenue and Customs, previously the Board of Inland Revenue. Tax credits are also administered and paid for by the Commissioners of Her Majesty's Revenue and Customs.

So, Mr President, clause 1(4) thereby amends the definition of 'social security' as it appears in section 3 of the Social Security Act 2000 so as to include benefits which the Commissioners of Her Majesty's Revenue and Customs are now responsible for, as well as the Secretary of State for Work and Pensions. It also inserts a definition, at section 3, of the Commissioners for Her Majesty's Revenue and Customs consequentially.

Mr President, I beg to move that clause 1 of the Bill be read.

**The President:** Mr Crowe.

**Mr Crowe:** I beg to second and reserve my remarks.

**The President:** Mrs Christian, Hon. Member.

**Mrs Christian:** Yes, Mr President. I think this illustrates how complicated it can be when you are trying to modify

legislation which is adopted from the United Kingdom and you seek to make changes of your own.

It seems to me that we have, in the past, made variations of our own, for example, on levels of Child Benefit that are paid and so on, but perhaps there were some fundamental arrangements which applied, such as when they became payable or when they could be withheld in the Isle of Man. So I think we accept what the mover is saying that there is, as a result of all these changes in the United Kingdom and their structures, we need a consequential change here. But I think, fundamentally, we have to a large extent controlled the levels of benefits ourselves on most of these Social Security payments in the past.

**The President:** Mr Lowey.

**Mr Lowey:** Yes, very much along the lines of Mrs Christian. I recognise the complexity of it and what we have attempted do. If we are talking of history, the National Insurance Fund was hijacked by Mrs Thatcher in 1983, I think, and used for tax purposes, reducing income tax in the United Kingdom. We chose not to. We put it in reserve funds and built up a very nice fund which the people of the Isle of Man are now benefiting from.

The Child Benefit referred to by Mrs Christian, of course, the Isle of Man kept paying the inflation increases, where Mrs Thatcher froze the increases for a period of time, which results now in our... or which did result, for a long time, where our Child Benefits were a lot higher than the UK. Long may that continue.

My concerns, as expressed at the First Reading to the Hon. Member – and I was reassured – were that... I understand the need for this, because they have changed, in the UK, the ownership from the appropriate department to the Treasury. We have got to recognise that in our legislation, and that is right and proper.

My only concern was that it could have been used for up and down, but I have been reassured it has got to have that flexibility, because what goes up in the law of physics does actually come down as well. So, I accept all of that and I have been assured by the Hon. Member's explanation to me at the First Reading.

I will be supporting this particular clause.

**The President:** Mr Waft, Hon. Member.

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

I think there is a danger and I do appreciate where the Member is coming from, and the Department indeed, but once you start pulling away at the edges of the UK reciprocal agreements and the situation that they are paid from different places and there are variations for pensions, and with our situation with regard to the pension supplement, and if the UK does change their decisions with regard to pensions being linked to salaries, that may affect our pension supplements. We have got to watch that, where it is going, where they are going with that. But if you start taking things away from the linkage that we have, there is a danger of hanging on to something that we need because we will not have the primary legislation in place for the amendment to go forward. There has to be a delicate balance, when they are dealing with these things.

**The President:** Mr Butt to reply.

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

Thank you for all the Members who have commented on clause 1. It is quite complicated, but I think the important thing to realise is that we do apply the broad principles of the UK legislation in terms of benefits, etc, but we do have our own independence to change things, as and when we need to. This Bill, or this clause, will actually give us scope to give more independence to actually provide provisions which meet the particular conditions of the Isle of Man as they are at certain times and they can, as Mr Lowey says, go up and down.

Mr Waft says there is a danger of drawing away from that linkage. I think, as long as we have to maintain the direct linkage through the Social Security Act 2000, any amendments we do will be subject to the consent of Tynwald, and I am sure Members will keep an eye on that.

We do have, I think, from my knowledge of these schemes, much better provision in lots of areas in terms of financial reward for our people. I think it is important that we do retain the flexibility we currently have and we now, with this Bill, have even more independence to set up special schemes which do suit the Isle of Man – those schemes which are mentioned in clause 2.

Thank you, Mr President.

**The President:** Hon. Members, the motion that I put to Council is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, and probably clause 3 together. Mr Butt, please.

**Mr Butt:** Mr President, clause 2 makes transitional provision in respect of seven Social Security schemes made by the DHSS and approved by Tynwald, but which are not currently within the scope of section 1 of the Social Security Act 2000. Those schemes are: the T.V. Licence (Refunds) Scheme 1990; the Pension Supplement Scheme 2001; the Retirement Pension (Premium) Scheme 2002; the Jobseeker's Enhanced Allowance Scheme 2002; the Family Income Supplement and Disability Working Allowance (Child Care Charge Adjustment) Scheme 2004; the Carer's Bereavement Payment Scheme 2008; and the Nursing Care Contribution Scheme 2008.

Under clause 2, each of the schemes mentioned above is deemed to have been made under an Act of Tynwald. That is clause 2(1)(a).

At clause 2(1)(b), it shall continue in force after the Act receives the Royal Assent.

Clause 2(1)(c) says that it shall have the same effect as if they had been made by an order made under the new section 1A of the Social Security Act 2000. Anything previously done under any such scheme shall be deemed to have been done under an Act of Tynwald, once the Social Security (Amendment) Bill comes into operation, but not so as to create a criminal offence in relation to anything done or not done beforehand.

Mr President, clause 3 is the short title which defines the Act's short title as the Social Security (Amendment) Act 2008.

Mr President, I beg to move that clauses 2 and 3 of the Social Security (Amendment) Bill 2008 be moved.

**The President:** Hon. Member, Mr Crowe.

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

**The President:** Mr Lowey.

**Mr Lowey:** Yes, my only final comment on that is that this is retrospective, making that these be done. Can the mover tell us, has anybody been prosecuted or attempted to be prosecuted in that period? It says that anything that has been done or not done before they have been deemed to be... So, I am just interested. Has anybody been prosecuted for whatever reasons on these particular pieces of legislation which you have mentioned; or is it just belt and braces, saying that even if there was considered to be an offence, there is not going to be an offence now?

**The President:** Mr Callister, Hon. Member.

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

I may have missed the point in here that I want to raise but, first of all, these schemes – the seven schemes that are relating to this clause – were... They became law, when they were given Tynwald approval, so they are in law now, just quite... I do not actually see the reason that we are doing this but, that aside, if there is to be future secondary legislation, another scheme or several other schemes, in what form will they come forward? Will they come forward as an Order to Tynwald, in which case we then have to start re-amending this Bill to add them onto it and so on; or have I missed the point? That is the question.

**The President:** Mrs Christian, Hon. Member.

**Mrs Christian:** Mr President, I would just like some clarification on this issue about:

'Nothing in subsection (1) creates a criminal offence in relation to anything done or omitted to be done...'

It does not prevent I presume, a prosecution, for example, for someone who has offended against these schemes? It is more about the people who have implemented the schemes – am I correct in that assumption? In that Tynwald has approved the schemes and we were advised last week that the basis of the approval has slightly shifted because of the changes in the UK position, but I would like clarification that, notwithstanding this subclause (3), if someone has fraudulently claimed, for example, that they would still be liable to prosecution, that this clause is nothing to do with those cases, but more to do with whether or not these schemes have in law been inappropriately introduced.

**The President:** Mr Waft, Hon. Member.

**Mr Waft:** No, I have nothing.

**The President:** Mr Downie.

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

As I see it, the schemes referred to are additional to what is provided in another jurisdiction. These, as I see it, are schemes that we have developed ourselves over the years to enhance the package that is available for people in the Isle of Man and they have never been enshrined as part of the

legislation. In the past, they have been approved by orders that have come before Tynwald and what we are trying to do now is formalise these arrangements by including them into the Social Security (Amendment) Bill.

I, too, would just like confirmation that what we are trying to make sure is that no individual, working within the Government system, would be prosecuted, rather than a person who had made a number of erroneous claims over the years. That is the piece that needs to be clearly understood, I think.

**The President:** Lord Bishop.

**The Lord Bishop:** Again, it is in relation to subsection (3). Am I right in assuming that the word 'creates' is a fairly critical word in that sentence, in that what this is saying is that you cannot create – that is bring into being – a retrospective offence because of section 1A?

**The President:** Mr Waft.

**Mr Waft:** Through you, Mr President, I may be getting this wrong, but it seems to be for the protection of the Government Departments, rather than anybody who has had offences in the past, who are waiting to be prosecuted.

**The President:** Clearly, it is meant to clear up the competence of the Orders laid before Tynwald rather than anything else but, I am sure Mr Butt will reply.  
Mr Butt.

**Mr Butt:** Thank you, sir.

Yes, this legislation is retrospective in lots of ways and the seven schemes have been in operation for some time. In response to Mr Lowey's question, I believe there may have been prosecutions in terms of fraudulent actions in relation to them, but I cannot confirm that here today.

As regards the general point made by every other Member of the Council, it is likely, as far as I know, that the only intent of subclause (3) there is to make sure that anything done by the officers and the Department in the past does not commit an offence, but I will say – and I may turn to the Attorney General on this – it does not actually say that, in terms of who is involved, so it could potentially mean – and I would ask for Mr Attorney General's advice on this – that people who, in the past, have committed offences under those schemes will no longer be liable to prosecution.

But I would ask for guidance on that, Mr President.

**The President:** No, we will just take it steady.

Mr Attorney, have you got a comment to make in relation to that query?

**The Attorney General:** Mr President, my reading of this clause 2(3) is that, as Hon. Members have said, although the coming into effect of the clause creates a retrospective regime – in other words, the various schemes there are deemed to have been properly made under the Social Security Act – that fact alone does not create any new criminal offences. However, it does not, in my view, affect in any way any criminal proceedings which may have been implemented under the schemes before they were given the seal of approval by this legislation.

This legislation I think is designed to remove any possible doubt about the vires that the power of the Department to have made the schemes, but the Act, if it is enacted, will not affect the criminal responsibility of someone – to take up the point made by the Hon. Member, Mrs Christian – who has fraudulently claimed a benefit to which he or she was not entitled.

So I do not think it is going to affect the outcome of any criminal proceedings which had taken place and nor will it affect the ability of the Department to prosecute under the schemes now, when they are given the seal of approval by this legislation.

**Mr Lowey:** Could I, then, just pose a question to the learned Attorney. How can it be lawful, if there is a doubt about that law, to prosecute somebody under it? That is the point really, is it not, whether they have fraudulently claimed it? If the thing that they have fraudulently claimed is suspect, I think there is a legal point there, whether you can absolve the perpetrators of prosecuting somebody on a premise that was... I use the word 'dodgy', but Hon. Members will know exactly what I mean.

I am not just trying to be a purist. I agree that if somebody has fraudulently done something, but if what they are being accused of is being legitimised by this particular piece of legislation, it means there must have been a doubt there in the first place. We are absolving one half of the equation from prosecuting those people, from blame: where are the scales of justice there? There may not be many; there may be only a handful. I would hope there is only a handful, but having said that, I think what we have got to be careful of when we are writing primary legislation is that we are seen to be even-handed, and especially when we are dealing with retrospectivity.

**The President:** Could we just pick up on the bit to maybe help Mr Lowey – and I do not know whether it is helpful or not, Mr Attorney – but in 2(1), the final piece of it says:

'but subject to the qualification in subsection (3).'

Then subsection (3) is the qualification which is relative to the first bit.

I do not know whether that helps or hinders Mr Lowey. Mr Attorney.

**The Attorney General:** Well, I think, Mr President, the Hon. Member, Mr Lowey, makes a very good and very important point. Certainly, it would be extremely regrettable and wrong in principle for persons to have been prosecuted in relation to offences which had no basis in law.

The point is, though, that so far as I am aware, that has never been taken as a point by the defendants or those representing them. It has never been tested in court. What this legislation is doing is saying, there may be a doubt – which is not admitted – but we are putting it right by passing this legislation, but by the way, we are not creating any new offences by virtue of this legislation coming into force.

**Mr Lowey:** Right okay, I follow that absolutely crystal clear. I am just saying that, really, it is a principle that I do not see very often in legislation. I am all for 'if there is a doubt, let us clear it up', and I am not on the side of the wrongdoer if they have done wrong, but there is a balance.

**The President:** If it was tested, the paramount law would now be the Isle of Man's law rather than the UK law. I think that is the point.

**Mr Lowey:** I agree, yes, if it is tested.

**The President:** Mr Butt, do you wish to continue with your reply sir?

**Mr Butt:** Yes, I will just finish off. First of all, I thank the Attorney for his confirmation, I think, of most people's view that this did not apply to offences committed in the past, that they could still be prosecuted. I just wanted clarification on that and I thank him for his view on that. I think that has made it crystal clear. As the Lord Bishop said, it does not create any more criminal offences. This clause specifically says that.

As regards the question of people prosecuted in the past, I do not know if anybody has been – for Mr Lowey's benefit – so I will attempt to find out before the Third Reading on that.

I beg to move, Mr President.

**The President:** Hon. Members, the motion I put to Council is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Mr Butt, you can take clause 3.

**Mr Butt:** Clause 3, Mr President, is the short title and commencement.

I beg to move clause 3.

**The President:** Mr Crowe.

**Mr Crowe:** I beg to second and reserve my remarks.

**The President:** Hon. Members, the motion I put to Council is that clause 3, which is the short title – 'This Act may be cited as the Social Security (Amendment) Act 2008' – be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That completes the Social Security (Amendment) Bill Second and clauses stage, Hon. Members.

## **Gender Recognition Bill**

### **First Reading approved**

4. Mr Lowey to move:

*That the Gender Recognition Bill be now read a first time.*

**The President:** We go on to Item 4 on our Order Paper, which is the Gender Recognition Bill. Now, dealing with the Gender Recognition Bill, it is down for First Reading and it is in the hands of the Hon. Member, Mr Lowey.

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

Mr President, the purpose of the Gender Recognition Bill is to provide transsexual people with legal recognition in their acquired gender. In practical terms, this will have the effect that a male to female transsexual person will be legally

recognised as a woman in Manx law and a female to male transsexual person will be legally recognised as a man.

The Bill is necessary to ensure that the Island complies with an obligation under the European Convention on Human Rights. A ruling in July 2002 on cases brought against the United Kingdom by two transsexual people, the European Court of Human Rights in Strasbourg, found that the UK's lack of legal recognition of their acquired gender was a breach of their human rights under articles 8 and 12 of the Convention. These articles contain the right to respect for private and family life and the right to marry.

Where the European Court finds that the state has breached the Convention rights of its citizens, that state is under a positive obligation to remove the cause of the breach. The United Kingdom was therefore required to amend its law in relation to the legal recognition of transsexual people and this was achieved with the Gender Recognition Act 2004.

As Hon. Members of this Council will know, where the United Kingdom's ratification of an international Convention has been extended to the Isle of Man, the Island is considered, for the purposes of that Convention, to be included with the UK as the State party. This means that the obligation from the European Court cases against the UK applies to the Isle of Man in the same way as it does to the United Kingdom.

However, even if the Island was a party to the European Convention in its own right, it would still have to take note of the case law of the European Court and under our Human Rights Act, in any case, before the Island's court on this matter, it is virtually certain that current Manx law would be ruled to be incompatible with the Convention.

Mr President, I am sure that I do not have to tell Hon. Members this, but just to avoid any confusion, it is perhaps worth recalling that the Island freely accepted the obligations of the European Convention and also that the Convention and the European Court of Human Rights are entirely separate from the European Union.

Having set out the Government's obligation to progress this Bill, I would just like, very briefly, to describe the condition it is to address. Gender identity is how a person feels themselves to be, either male or female and, of course a person's gender identity is usually the same as his or her biological sex, but for reasons that are still poorly understood, this is not always the case and transsexual people have a lifelong and extreme form of this condition.

Gender Identity Disorder is a recognised medical condition and where a clinical need has been established, treatment is available through the National Health Service. It has been found that most transsexual people who undergo such treatment experience a successful outcome in terms of the subjective quality of their lives.

Mr President, the general principle of the Bill is that a transsexual person who has been issued with a full gender recognition certificate will be legally regarded, for all purposes, as being of the acquired gender. Where a person's birth was registered in the Island, they will be entitled to a new birth certificate. They will also be able to marry someone of the opposite gender, to his or her acquired gender, although a clergyman will not be forced to solemnise such a wedding.

In addition, the Bill includes specific provisions to deal with the issues of parenthood, inheritance, sport and gender specific offences, where a person has legally changed their gender.

The Bill also deals with prohibiting the disclosure of sensitive personal information, gender change outside the Isle of Man or the UK and the power to consequentially amend legislation where there is a conflict with this law. I should also just mention, Mr President, that since the First Reading of the Bill in another place, some amendments to its schedules have come to light as being desirable and accepted by the lower House. These amendments were moved during the clauses stage and, as I say, accepted. The amendments are technical or procedural in nature and will not affect the substance of the Bill.

I would hope by the time we get round to the Second Reading we may very well have the Bill reprinted so the amendments will be in. Failing that, I propose to reissue a Bill with the amendments included, so that it will make it easier for Members when we go through it.

I would now just like to quickly explain why some matters have not been included in the Bill. The first and most obvious thing is that the Bill does not establish a separate Manx procedure for assessing whether a person should be granted legal recognition in their acquired gender. Rather, it relies on them obtaining a gender recognition certificate under the UK Act.

There is a compelling practical reason for this. The treatment of transsexual people is very specialised and given the very small number of people involved, it could not reasonably be provided in the Island. As with other specialised medical conditions, a person would have an initial assessment on the Island and where there was a clinical need, they would then be referred to a specialist centre in the United Kingdom for treatment.

Where a transsexual person then meets appropriate criteria for the acquired gender to be recognised... is also detailed, with a specialised process which is carried out in the UK by a panel of legally and medically qualified people. This would be difficult to provide on the Island and realistically, the necessary expertise would have to be purchased from the UK or elsewhere.

So as Island residents are likely to have received treatment in the UK and as they can already apply to the UK Gender Recognition Panel in the same way as UK residents, it was not considered that the complexity and expense of establishing a separate application and appeals process for the Island was necessary or justified.

The second area that has been omitted from our Bill concerns Social Security and pensions. The relevant parts of the UK Act were applied to the Island in 2005 by Orders of Tynwald, so their inclusion in the Bill was not considered to be necessary. The Bill does, however, contain a provision to confirm the validity of the application orders – a bit like what we were deciding in the last Bill that was before us.

The final main area that is not included in this Bill relates to discrimination and as Hon. Members are aware, the Employment Equality Bill is included in the Government's legislative programme and the Department of Trade and Industry has already carried out an initial public consultation exercise on that particular Bill. It is intended that discrimination against transsexual people in the workplace will be one of those matters to be covered in the comprehensive pieces of anti-discrimination legislation which will be before the branches soon.

Mr President, I explained at the outset that there is an obligation to enact this legislation. However, I would like to remind Hon. Members that social inclusion for all of

the Island's community is part of the overall vision for this administration and it is set out in the Government Strategic Plan 2007-11. So providing protection to this very small but potentially vulnerable section of society is not just something that the Island is obliged to do; it is also the right thing to do.

Mr President, I regret the intemperate and unacceptable outburst of one Member in the lower House. While I recognise anyone's right to challenge and expose and express opposing opinions, it can be done with reason, not rant, and be challenging, without being bellicose. I look forward to this Council's usual rigorous examination of this piece of legislation.

I repeat, I support this legislation, not because it is legally our requirement to do so, but because it is the right thing to do.

I beg to move the First Reading of this Bill.

**Mrs Christian:** I beg to second, Mr President, and reserve my remarks.

**The President:** Mr Callister.

**Mr Callister:** Thank you, Mr President. Just looking at the question of a clergyman 'not obliged'... This is on page 12 of the Bill:

'A clergyman is not obliged to solemnise the marriage of a person if the clergyman reasonably believes that the person's gender has become the acquired gender in accordance with the Gender Recognition Act 2009.'

That has been slightly altered in the amendment. The question I would ask on that is: if there is no access to a register, or no access to the information and it is private, how is a clergyman to know whether or not he or she is being asked to solemnise the marriage of persons who have had a sex change?

There is also a question about at what minimum age this operation is permitted to take place. Where you move on to a situation of a couple being married, should there not be a requirement – and I do not quite see it here – for any person who has had a sex change to advise their partner, their prospective husband or wife, of that situation because according to the way this reads, it is not necessary to do that, so that is another point that I think ought to be looked at.

I am not going to be against this Bill. I just wonder if there are certain areas here that need some consideration for amendment, when we get to the clauses stage.

**The President:** Lord Bishop.

**The Lord Bishop:** Mr President, I am very grateful for Kate Hoey's comments last night that this is a body which can give considered debate to tricky issues. I think this is a tricky issue and I have read the debate in the other place with some surprise, I must say.

I appreciate the reasons for the Bill and I will support the Bill. However, it does raise issues in relation to marriage within the Established Church which have not been fully understood.

I appreciate the amendment, particularly under 5A, which has been referred to by the Hon. Member. The principle starts with our inability, certainly within the Established Church, to solemnise the marriage of two persons of the same gender,

because in the definition of ‘marriage’, marriage is the union of one man with one woman, voluntarily entered into for life to the exclusion of all others. Jews, Christians and Muslims believe that this applies to the whole of humanity, which makes, in their eyes, all marriage ‘holy matrimony’. Holy matrimony is not just something that takes place in church.

The difficulty when you are discussing transsexuality is that human beings – that is, not just human beings but the whole of creation – are a divine gift. So if a person is born male, say, and they become the father to a child and then undergo a process which leads to a reassignment of gender, that is a human act which intends to change the very nature of the person. I do not question the fact that a small minority of people feel themselves to be female in a male body, or male in a female body – gender dysphoria – but no act of gender recognition can totally rewrite history. A person’s birth certificate says what it always said and any children that that person may have fathered or conceived will have that person’s name as father or mother. Gender reassignment does not remove all liability to prosecution for some gender-related offences.

I have had enough information, not just here but also through having dealt with this in the English and Welsh context five years ago, to know that medical science is not agreed on the origins and nature of gender dysphoria, although there are strident voices on both sides who are equally certain that they know the truth. To my mind, and I think in the minds of many others, gender reassignment and recognition is insufficient ground for the solemnisation of holy matrimony – although I will concede that the State may say that – one fundamental condition of which is that the parties are one man and one woman. That condition has, in my mind, to be totally uncontroversial.

There will be many clergy who take the same view and, in fact, clergy of the Church of England may not marry two people of the same gender, so would themselves have to weigh up whether they were marrying two people of the same gender, in a case involving a person of acquired gender. That would be for them to work out, but it might result in a cleric refusing to conduct such a wedding and he or she would have my support in so refusing, though he or she would also be obliged to allow the church to be used for the wedding, providing that all the other conditions were met.

The difficulty for a cleric is when a couple come to see him or her to arrange a wedding, as my colleague has just said. The vicar is obliged to marry all couples who fulfil the legal requirements for marriage. He or she can refuse to conduct certain weddings, if he or she has conscientious objections to doing so, but cannot refuse the church with another minister. That is because marriage is an institution for humanity, not for the Church.

In this, the Church of England cleric, because he is a member of the Established Church, is unlike his Roman Catholic or free church counterpart, because they can say, ‘I’m sorry, I can’t do this’ and no-one can require them to do that.

If a vicar suspects that one of the couple before him has had his or her gender reassigned and the couple do not volunteer this, then he or she – the vicar – is in some difficulty. Even to ask could expose him or her to the possibility of prosecution, unless he or she is not obliged to solemnise the marriage, as in amendment 5A. Even under this amendment to the Marriage Act 1984, the cleric does not have the right to require a couple to inform him or her of an acquired

gender, so he or she must take the risk of asking, rather than accepting or refusing on the basis of what that new clause calls ‘reasonable belief’. This, of course, ought to protect the cleric in law, but I would be a great deal happier with a right to ask. I do not think section 12 of the Bill is designed to deal with this question and I am convinced that section 5(a) of Schedule 2 ought to include the right of a cleric to ask whether either or both parties to a proposed marriage are of acquired gender.

And let us clear up one other thing the other place has got hung up on. They could not decide how, in the singular, you describe a female clergyman. Simple! Use the word ‘cleric’, which applies to the male or the female; a word which has been in common use since the late 16th century.

Thank you, Mr President.

**The President:** Mr Butt, Hon. Member.

**Mr Butt:** Thank you, sir.

I would just speak briefly to support the mover for his First Reading. As he said, we are obliged to do so, but we should do it because it is the right thing to do and I agree with him on that. Social inclusion is important for people who are affected in this way. As he said, it is a medical condition and I think it is recognised as such – a medical condition – and we would treat anybody with medical conditions in a fair way.

I think anybody who has read the Bill properly, to them, it will be crystal clear that this Bill is really just about the legal status of people who have changed their gender through medical means, into that legal status and legal status alone. The other issues will, no doubt, be debated at more length in the clauses stage.

Thank you, Mr President.

**The President:** Mr Waft, Hon. Member.

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

I have, in my previous life in the hospital, come across people with situations like this and things are very hard with them. We talk about gender dysphoria and we do not reflect the fact that that means mood swings, anxiety, depression, even suicides and a lack of self worth. A lot of this would have been done away with completely if we had had this Gender Recognition Bill many, many years ago.

The situation is, with regard to our necessity to actually go down this route, because our signing to the European Convention necessitates it, it is brought to notice because of that, but at the same time, this should have been done a long time ago, the Gender Recognition Bill. It has certainly been needed.

I am sure the problems that people have envisaged – and have been spoken of here today – can be discussed when we get to the clauses stage, but I am sure we are going down the right route, at the end of the day, to provide a Gender Recognition Bill for the Isle of Man.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, I certainly support the fundamental principles of the Bill, in that, just like the Hon. Member who has just spoken, I have had some familiarity with people who have suffered from this and their lives are tormented. I think that we have to give them equal status in law and I do not think anybody here is disputing that.

I think that the remarks of the Lord Bishop have been very helpful in outlining the situation in relation to the Established Church. I certainly have a view that marriage can take place in registry offices and I do think that the Church has a right to establish its rules. It has a spiritual dimension which may not be there in the legal situation which is presented in a registry office marriage.

So when we come to the clause that deals with marriage in the Established Church, I would be sympathetic to the sort of amendment that the Lord Bishop is talking about because there are other avenues to marriage, whether defined in the same way as the Lord Bishop has defined it or not.

So, I would be sympathetic to that, but on the whole, I do not think we can have any grounds for rejecting a proposal which gives a very small number of people, I would suggest, the opportunity to have their new status recognised in law. Let us remember they have gone through a tremendous amount before they get to that position and I think that if this one step – whether it is a legal step or not – makes them feel more accepted in our society, it is one that we should take.

**The President:** Mr Callister, Hon. Member.

**Mr Callister:** It was just a comment by the Lord Bishop that I wanted to come back on and that is the cleric's right to ask the couple about change of gender, which would have to be, presumably, based on a suspicion of a change of gender, and where that suspicion comes from, I have no means of knowing.

The other point is, then, if you are going to take this to its limits, any couple that comes before the cleric would have to be asked, 'have you had a change of gender?'

**The President:** Yes. I think we will discuss this at clauses stage, but Lord Bishop to reply.

**The Lord Bishop:** The answer is quite simple: when somebody comes before you, they fill in a form. It could easily, simply be put on as a question on the form. You have to ask whether they have been married before and all those sorts of questions are there as a matter of standard procedure. I cannot see that there would be any difficulty. Those questions are answered in total confidence. Nobody else gets to see those other than the minister who takes the service. So, I cannot see that there would be any problem, but there would be a problem if the minister had to just base his decision, or her decision, on the basis of a hunch.

**The President:** Mr Downie, Hon. Member.

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

I will be supporting the Bill. Obviously, there are a lot of issues which arise from this and in fact, Bills that are not in front of this Council yet, and I would refer to the civil partnership legislation which is in the pipeline at some stage.

I concur with the thoughts on how difficult it is for people who are in this particular predicament. I think it is unfortunate that we have to refer there to solemnise marriages in church and so on. There are other options available and I wonder – and perhaps the Lord Bishop might want to come back on this – if a person who has undergone a change wanted to get married and they had a civil marriage, would it be the same thing if they asked for that marriage to be blessed in church?

Is that not a much more subtle way of, perhaps, doing things, if those people were devout Christians or Jews, or any other religion for that matter? It does not implicate the Church in the arrangement, it is just a gesture of goodwill on setting out on the road together.

There are some issues in here that I will possibly refer to when we get to the Second Reading – a lot of them to do with the trustees and personal representatives and when issues come before the courts – because I think we need to understand that now judgments are available on line, I do not think it is right that some of these people's personal issues become an issue for the internet. I think there is far too much of that going on in other areas and I think people in this position, particularly at this stage, need to have some protection rather than being pilloried for what it is that they are trying to do.

The reason we are here today is because there has been abuse of the human rights of people in these particular circumstances and like the mover, I think we have got to move on. The world is changing. People's views about these issues are changing and the more we get a better understanding of how these people have been pilloried in the past, I think the better we all will be.

I will be supporting the Bill.

**The President:** Mr Lowey to reply.

**Mr Lowey:** Yes. I thank Hon. Members and I am appreciative, very much, of the tenor and constructive way in which this debate is being conducted. It does not surprise me. It is what I would have expected and I am grateful for that.

Can I just answer one or two of the queries that have been raised. If I take Mr Callister, who started first, 'How is a clergyman to know?' – I think that was the first. I would, again, refer Hon. Members to clause 12(5) where additional permitted disclosures for religious purposes. This was done in the UK and the Chief Minister, in moving this Bill in another place, has already said that the Council of Ministers will be issuing an order replicating the UK order which actually specifically puts the UK position into Manx law by an order which will be approved by Tynwald. So, that is already in the arrangements that have already been signalled by the Chief Minister.

I mentioned also about a minimum age. Well, whilst it is not mentioned in the Act, however, the minimum age, to be granted a certificate by the UK, has to be 18. So, as it is a UK Act, that will be the age and the UK position replicated here in the Isle of Man.

The requirement to disclose, I think, was another query that the Hon. Member moved. No, there would be additional discrimination, in my view, if you have to disclose that you have had a sex change. There is no requirement to disclose to a vicar who is going to marry you, whether a person has been divorced before.

**The Lord Bishop and Mrs Christian:** Yes, there is!

**Mr Lowey:** Well, this is the advice that I am giving and my Lord Bishop will tell me that it is wrong. So, anyway, okay.

There is no requirement to say that you are pregnant, is there? Anyway, this is the advice that I have been given on that one. I am very grateful and Hon. Members will be grateful to know that I have, in the Press Gallery, the person

that has given me this information, Mrs Shimmin, who will be advising me throughout and has been advising the Chief Minister. If I have given the wrong information, Hon. Members... I take what my Lord Bishop has said on face value. I am just reading a script that has been given to me. Obviously, I stand corrected.

Now, if I can come to the Lord Bishop and I am very appreciative of the difficulties. My Lord Bishop will accept that the Established Church, the Church of England, is the Church that is the one that is mentioned in this particular Act, because it is the Established Church. These things do not apply to – and perhaps you can tell me that I am wrong again – what I would call the other denominations and there are many Churches.

We have a special Church/State relationship with the Established Church. That does put added responsibilities and I can quite understand the difficulties that certain members of the clergy are legitimately wrestling with their conscience. I think that has been accepted in the UK and that is why I think the new amendments were listened to and incorporated. It may not go far enough for some clergy and as far as I am concerned, I listened to the point of view that has been expressed by the Bishop in his usual forthright and humanitarian way, recognising the needs of people. I will certainly deal much more closely with it when we come to the Second Reading and try to reassure him on the position that he has espoused here today.

I think when I went wrong with the last question, it was that there was no requirement to address the person's partner; not that there is no requirement if you come to the priest and ask him to marry you, that you do not have to declare. I will accept that I was wrong in giving that impression in the first one. But there is no requirement to tell your partner that you have had a sex change and I think that is the point that was being made to me by Mrs Shimmin. Mrs Shimmin is not wrong; it was me in my interpretation of the advice that I was given.

I will certainly address the point that has been raised by the Bishop, hopefully, at the Second Reading and the clauses stage, but I recognise the difference of opinion and approach by various members of the clergy.

Can I just come to Mr Butt, and his general support, and the medical condition that I think we all recognise. There is a medical condition that can be acquired. It is very difficult for us to grasp that, but I recognise immediately Mr Waft's professional experience of this. He has seen the results of what certain people have had to undergo in the past and it is not a pretty sight. When I say a pretty sight, I mean it is sad the turmoil that goes on in people's minds and we have seen some tragic cases, even here on the Isle of Man. But I do believe that we recognise it. We have to recognise that there is a legal obligation. I am not hiding behind that but I do think there is a legal obligation on us, but that is not why I want to do it. I want to do it because it is the right thing to do for another fellow human being. Whether we use the gender correctly, he or she, is immaterial.

This Bill is designed to put in place a framework to

deal with a very small minority of people who need our support and help. I think this Bill meets that requirement. We may argue about the niceties on a fine balance, but it is a framework that has been established; it is operating.

I think most Members would agree with me that it is not appropriate to set up a whole medical team on the Isle of Man where we can get it in for the small numbers. I think we would also all agree that we need a framework of recognition and that is where the certificate comes in from the UK, because that is where it will mainly be and I do believe, myself, that the Isle of Man will be a better, friendlier and kinder place if this Bill is actually implemented.

Mr Downie's general support is very welcome and he is absolutely right; the world does move on. I do think we become more aware of our differences. I remember I coined a phrase when I was in the Tourist Board: 'It is our differences that make the difference.' How appropriate that life is full of differences; that we are different characters and sometimes Mother Nature plays cruel tricks. I think this is an honest attempt to rectify some of the worst aspects of that. I do not think we should be condemned for that. I think we should be applauded in the sense that we are attempting to deal with a very difficult subject in a sensible way.

I beg to move that the First Reading of this Bill be read a first time.

**The President:** Hon. Members, the motion that I put to Council is that the Gender Recognition Bill 2008 be read for a first time. Those in favour, Hon. Members, please say aye; against, no. The ayes have it. The ayes have it.

### Procedural

**The President:** I think, Hon. Members, Mr Lowey made the comment in relation to the Bill, that it would be reprinted. I understand that every Member has been given a copy with the bits already in it. If you have not already had it, our Clerk has a copy where the amendments, in the other place, have already been put in. So, rather than reprint the whole Bill at this stage, I thought the easiest way would be have it pasted in so that every Member would know instantly the alterations which were made.

**Mr Lowey:** I think it makes it easier reading, Mr President, and I appreciate the costs.

**The President:** So, you will pick it up from there, Hon. Members.

That draws to a conclusion the business before Council and completes our Order Paper this morning, Hon. Members. Thank you very much for turning up and the manner in which you have dealt with the Order Paper today.

Thank you.

*The Council adjourned at 11.50 a.m.*