



# Press Release



## **MANAGEMENT AND MEMBERS' STANDARDS COMMITTEE OF THE HOUSE OF KEYS**

The Management and Members' Standards Committee of the House of Keys, who are examining the two references made by Members of the House with regard to the findings of the Commission of Inquiry into Mount Murray that on 7<sup>th</sup> April 1992 the Hon Member for Ramsey, Hon A R Bell MHK, knowingly misled the House of Keys, have previously indicated that they would be seeking evidence from the Chairman of the Commission, Mr Nigel Macleod QC at a hearing to be announced.

Mr Macleod has now declined to give evidence to the Committee and his reasons are set out in the letter dated 18<sup>th</sup> September 2003 attached. The Committee will be making no further statement in regard to this.

Malachy Cornwell-Kelly  
Secretary of the House of Keys  
Counsel to the Speaker  
Legislative Buildings  
Douglas  
IM1 3PW

29<sup>th</sup> September 2003

# COMMISSION OF INQUIRY INTO MOUNT MURRAY

18<sup>th</sup> September 2003

Mr M Cornwell-Kelly  
Clerk of Tynwald  
Legislative Buildings  
Douglas IM1 3PW

Dear Mr Cornwell-Kelly,

**House of Keys Management and Members' Standards Committee**  
**Re: Hon A Bell MHK**

Thank you for your letter of the 19<sup>th</sup> August 2003 indicating the desire of the Committee to have the benefit of evidence from myself, and asking about my availability. I have had the opportunity to take legal advice and to discuss the request with the other Members of the Commission. In the course of those discussions I have come to the conclusion that the Committee's request raises difficulties which may not have been readily apparent when it was made. Whilst I do not wish to be unhelpful to the Committee, the firm advice to me, and my own clear view, is that it would be inappropriate for me to give evidence to the Committee. I set out the reasoning rather more fully below; but in a nutshell it seems to me that there is no help I could properly give. I cannot help on primary fact, since I was not a witness to the events. The Commission's reasoning that led to the Report is set out in it; and the Committee can decide on its own approach in the light of the reasoning. None of those advising me have been able to think of any situation in which a Chairman of a Commission (who is by virtue of the legislation in a similar position to a judge) or a judge has given evidence about his conclusions or judicial reasoning. I hope that on reflection you will consider that the appropriate course must be to allow the Report to speak for itself and for Tynwald to decide how to react to it.

It is possible to put the matter in slightly greater detail, without I hope being oppressively lengthy. There are four interconnected reasons for the view I have expressed.

The first is that the job the Commission was given to do (by its appointment by the Governor following the resolutions of Tynwald) was the preparation of a Report which would be to the Governor but which would be laid before Tynwald. In relation to the Part One Report, we have discharged that function. In these situations, the intention clearly is that the functions of the Commission are to be discharged by the delivery of the report; and that the findings and reasoning of the Commission are to be found in it. I of course accept that it is for Tynwald to decide how to react to the Report; but the Commission's view is that it has done its job. The whole idea is that a full Report is prepared that can form the basis for any further discussion.

The second is that neither I nor any other Member of the Commission is capable of giving direct first hand evidence of the factual matters discussed in the Report. We cannot be witnesses of fact; rather, we have heard, read and considered evidence ourselves and have set out our conclusions and reasoning in the Report. It is now for Tynwald to consider (if it wishes) the Report.

Thirdly, I respectfully consider that it would be undesirable as a matter of policy as well as unseemly for participants in bodies such as the Commission to be exposed to the risk of becoming embroiled in extensive (or any hearings) about their findings if

those findings turn out to be controversial. They should be free to discharge their duties by the preparation of the Report required by the resolution establishing them; and should not be exposed to the risk of becoming personally involved in the cross-currents of arguments in the commissioning body.

The comments made above raise matters of general concern, that would apply in any case where a Report of this kind has been written. The fourth issue applies only in the particular circumstances of this case. At the moment, of course, only the Part One Report has been finalised; work is proceeding on Part Two. It would seem particularly unfortunate that oral evidence is required from a Chairman at a stage when the work of the Commission is incomplete.

Yours sincerely

Nigel Macleod QC  
Chairman  
Commission of Inquiry into Mount Murray