

Legal Aid (Amendment) Bill 2012
Clauses considered

4.1. Mr Teare to move.

The Speaker: Thank you.

Item 4, Bills for consideration of clauses. The first of those is the Legal Aid (Amendment) Bill 2012. I call on the mover, Hon. Member for Ayre, Mr Teare to move clause 1.

Mr Teare: Thank you, Mr Speaker.

Part 1 of the Legal Aid (Amendment) Bill, that is to say, clauses 1 and 2 are introductory.

Clauses 1 and 2 provide for the Bill's Short Title and commencement, except for clauses 1 and 2, which would come into force when passed. Commencement would require an Appointed Day Order to be made by Treasury.

I beg to move that Part 1, that is clauses 1 and 2 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put it to the House first that clause 1 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I put it that clause 2 stand part of the Bill. Those in favour, say aye; against no. The ayes have it. The ayes have it.

Part 2, Mr Teare, clause 3.

Mr Teare: Thank you, Mr Speaker.

Part 2 of the Bill, that is to say clauses 3 to 18, amend the Legal Aid Act 1986. In my future references to that Act, sir, I will say 'the 1986 Act'. Clause 3 introduces the following amendments to the 1986 Act.

Mr Speaker, I beg to move that clause 3 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put it that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Teare: Thank you, Mr Speaker.

Clause 4 amends section 1 of the 1986 Act so as to provide for Legal Aid in relation to mediation and that where it is so given, it is unavailable for proceedings during the currency of the mediation. At present, there is a perceived lack of clarity as to the point at which Legal Aid is available for mediation. The amendment makes existing legislation clear and will allow Legal Aid to be issued for mediation at the earliest possible stage in a dispute.

Mr Speaker, it is anticipated that making Legal Aid available for mediation early in a dispute will provide a number of benefits, which include: providing a less costly process for all involved; a reduction of conflict between the parties, which will mean that the parties are more likely to focus on the best interests of any children involved, where the mediation relates to a family law matter; and an increased likelihood that the parties will accept and adhere to the solution, therefore reducing the likelihood of the parties returning to court in the future. It is anticipated that this will lead to a reduction in cases being progressed to court, which in turn will lead to other cases that need to be heard in court being dealt with more quickly.

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

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: Mrs Cannell, Hon. Member.

Mrs Cannell: Thank you, Mr Speaker.

I wonder if the mover of the Bill can elaborate for us in terms of who will initiate the advice or the direction that people should seek mediation, as opposed to taking a case to court, which can take months and months. Will it be incumbent upon the actual advocate doing it? Will it be incumbent upon the Legal Aid office to say if you are going to apply for Legal Aid you have to satisfy the mediation process first? Or will it, as it does now, be left to whoever is presiding in the High Court or the Family Court?

The Speaker: Minister to reply.

Mr Teare: The intention is that when the client attends for consultation they will be directed by the advocate to mediation. It is important that, at the first point with the overall process, which is the advocate, they are directed towards mediation. If it was left any later, then, unfortunately, attitudes can become entrenched and it is much more difficult to reach an amicable solution. In fact, if my memory serves me right, in the current guide which is issued by the courts, there is a reference to mediation and the advisability of mediation.

The Speaker: I put it to the House that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5, sir.

Mr Teare: Thank you, sir.

Clause 5 makes changes to section 2 of the Act for the purpose of clarification, an application for civil Legal Aid has to satisfy two main tests, a legal merits test and a financial means test. Mr Speaker, this is a relatively minor amendment arising from the Report of the Legal Services Commission. The Commission felt it was necessary to provide greater clarity in relation to the legal merits test within primary Legal Aid legislation. Clause 5 also clarifies that an application must pass both tests.

I beg to move that clause 5 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put it to the House that clause 5 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I have been advised by the *Hansard* clerk that continuous background noise is interfering with the transcription quality of the *Hansard* recording. If we keep chat to an absolute minimum and only where necessary, please.

Clause 6.

Mr Teare: Thank you, Mr Speaker.

Mr Speaker, with your consent and leave, I would like now to move clauses 6, 8, 9 and 18 together.

The Speaker: And clause 7?

Mr Teare: No, clause 7, sir, I would like to take separately.

The Speaker: Certainly.

Mr Teare: So, just for clarification, sir, I would like to move clauses 6, 8, 9 and 18 together.

The Speaker: Clauses 6, 8, 9 and 18 together and voted on separately.

Mr Teare: And voted on separately as well, sir.

The Speaker: Certainly, yes.

Mr Teare: Clauses 6, 8, 9 and 18 have a common theme. They introduce what are, in effect, housekeeping

amendments to the identified revisions of the 1986 Act, which remove specific references to specific Social Security benefits which presently provide automatic financial qualification for Legal Aid from primary legislation and instead enable qualifying benefits to be prescribed by regulations made by the Legal Aid Committee and approved by Tynwald Court. As these clauses all deal with the same issue, it is convenient, sir, to take them together.

Primary legislation should be enabling legislation with the prescription appearing in regulations. This amendment will render it easier and quicker to amend or update the list of qualifying benefits, for example, if either more state benefits become automatic qualifying benefits, as happened in 2008, or if the name of a benefit changes, as happened in January 2012.

Clause 6 also contains a consequential amendment which arises from clause 7.

Mr Speaker, I beg to move that clauses 6, 8, 9 and 18 do stand part of the Bill.

The Speaker: Mr Henderson.

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

The Speaker: I put it to the House that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I put it that clause 8 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

I put it to the House that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Finally, I put that clause 18 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

We move now to clause 7, Mr Teare.

Mr Teare: Thank you for your co-operation in the earlier clauses, sir.

Clause 7 replaces section 4 of the Act and deals with the payment of contributions from assisted persons and the way in which such contributions may be paid or recovered.

Mr Speaker, clause 7 is an enabling provision, which will allow regulations to provide the Legal Aid to be funded either wholly or partly by contributions made by assisted persons. Clause 7 also enables regulations to provide for the recovery of any unpaid contributions plus any interest that may or may not accrue, which may include raising a charge upon any property recovered or preserved, following conclusion of the proceedings.

Mr Speaker, both the Legal Services Commission and the Select Committee of Tynwald made recommendations that a statutory charge be introduced in relation to civil Legal Aid. Clause 7 addresses these recommendations.

It will have been noted by fellow Members, following consideration of the Bill, that clause 7 will potentially allow regulations to be introduced which would make civil Legal Aid available by way of a loan. At present, approximately 90% of persons awarded civil Legal Aid pass the financial means test by virtue of their receipt of an income-based state benefit and are therefore not required to contribute towards the cost incurred under their Legal Aid certificate.

Mr Speaker, in 2011, the Council of Ministers agreed that a subcommittee of Council consisting of the Treasury Minister and the Minister for Home Affairs, with the support of officers from Treasury, the Department of Home Affairs and the General Registry should consider the options in relation to extending the criteria for a paying contributions and report back to Council for consideration. There are two main issues which are being considered by the subcommittee. They are: (1) the amount of funding required to operate and maintain a Legal Aid scheme on the Island; (2) to focus persons in receipt of Legal Aid on the part they play in the proceedings and to provide a clear incentive for them to reach an early and amicable resolution.

It is acknowledged that my fellow Members will have concerns in relation to the level of current Legal Aid expenditure and the level of income currently received by way of contributions. However, whilst Members may wish to address the situation, they will also, quite properly, be concerned as to the impact that any regulations made under clause 7 will have on persons seeking Legal Aid and as a consequence, access to justice.

Mr Speaker, I do acknowledge those concerns and as a consequence of this, I can confirm today that any recommendations or proposals in relation to the making of Regulations under clause 7 of this Bill will first be subject to approval by the Council of Ministers, following which they will be referred to the newly constituted Legal Aid Committee for consideration, before then being subject to a period of public consultation. The regulations will then of course be subject to final consideration and approval of Tynwald. Knowing that they will have further opportunity to comment and to determine the extent of the relevant regulations made in relation to Legal Aid funding, I am hopeful, Mr Speaker, that this will provide comfort to my fellow Members, which will allow them to agree this clause today.

Mr Speaker, I beg to move that clause 7 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: I put it to the House that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 10, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

Clause 10 amends section 14 of the Act, which deals with the disclosure of information supplied to the Legal Aid office as part of the Legal Aid application. Clause 10 amends section 4(2) of the Act, so that the consent of the assisted person and/or author is required to be provided in writing to the Legal Aid office before disclosure can be given. The receipt of written consent will evidence that section 4(2) has been complied with and will also evidence that consent was given at the time that any information was disclosed. Clause 10 also introduces specific provision for records to be made available for internal audit purposes.

Mr Speaker, I beg to move that clause 10 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: I put the motion that clause 10 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 11, please.

Mr Teare: Thank you, Mr Speaker.

Clause 11 amends section 16 of the 1986 Act, so as to make specific provision that regulations may specifically provide for the appointment of a Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officers. It should be noted that regulations made by the Legal Aid Committee under section 16 of the 1986 Act already contain a provision in relation to the appointment of a Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer by the Lieutenant Governor. However, in July 2011 Tynwald received the Council of Ministers' Report on the functions of the Lieutenant Governor under the Acts of Tynwald and approved all the recommendations. The Report refers to the appointment of the Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer and included the following proposal. Consideration should be given to who appoints Legal Aid Certifying Officers in the regulations made by the Legal Aid Committee under the Legal Aid Act 1986, as part of the process of taking forward the Legal Aid (Amendment) Bill.

Mr Speaker, further consideration will be given as to who should appoint the Legal Aid Certifying Officer and Deputy Legal Aid Certifying Officer following the introduction of this Bill by a newly constituted Legal Aid Committee. As part of that process it is necessary to introduce the specific reference to the appointment of those officers within primary legislation.

Mr Speaker, I beg to move that clause 11 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: I put the motion that clause 11 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 12.

Mr Teare: Thank you, Mr Speaker.

Clause 12 makes consequential amendments to the definitions contained within section 17 of the Act in line with the amendments contained throughout the Bill. Mr Speaker, you will note that, most notably, a definition of mediation is introduced as a consequence of the use of that term in clause 4 of the Bill.

Mr Speaker, I beg to move that clause 12 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker and I thank the Minister for the explanations.

I just wonder whether we all expected mediation to be a wonderful tool in the box for people to use, and I am sorry I was not in earlier to listen to the other bits, but can I ask the Minister regarding mediation, which is a good tool to use, when parties do have friction, what will move those parties on, when one party becomes entrenched in a particular manner?

The Speaker: Mr Teare.

Mr Teare: Unfortunately, we have to acknowledge that, if one party becomes entrenched, the matter will have to come to court. Nevertheless, the opportunity has to be given to resolve the dispute in a less confrontational environment and I feel that by bringing in mediation, we would be able to do exactly that, sir.

The Speaker: I put the motion that clause 12 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 13, please.

Mr Teare: Thank you, Mr Speaker.

Clause 13 replaces section 23 of the Legal Aid Act, so as to provide for the reconstitution of the Legal Aid Committee. Section 23 currently requires the Committee to consist of the First Deemster and Clerk of the Rolls, the Attorney General, the President of the Isle of Man Law Society and the Chairman of the Isle of Man Magistrates' Association. The introduction of this reconstituted Legal Aid Committee is in line with the recommendations put forward by the Select Committee, specifically that the Committee should be made up of a majority of members who are not lawyers and whose function should include the determination of general policy with respect to Legal Aid to oversee the Legal Aid Certifying Officer, Deputy Legal Aid Certifying Officer and Legal Aid administration and to adjudicate upon any complaints which are outside the authority of the Legal Aid tribunal, to which the next clause refers.

Clause 13 provides for the appointment of members of the Legal Aid Committee by the Appointments Commission. It is to consist of between five and seven members, of which not more than three are to be lawyers. Non-lawyers are to be in the majority of each sitting of the Committee and the Committee's functions are expanded to include oversight of the administration of Legal Aid and to adjudicate on any complaints, other than matters within the jurisdiction of the Legal Aid Appeals Tribunal as to the exercise by the Certifying Officer and other officers appointed under section 16(2)(c)(ii) of any of the officers' functions.

Mr Speaker, I beg to move that clause 13 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Can I just ask the hon. mover if he can give us some advice on the current Legal Aid Committee: how many members does it have; what sort of backgrounds, professional or otherwise, they currently hold; and how long they have been in office?

Mr Teare: It is currently four members, and if my memory serves me right, it is the First Deemster, the President of the Law Society, the Chairman of the Isle of Man Magistrates' Association and the Attorney General. I think that is it, as stands.

In other words, we are taking it away from a solely layperson's environment, because the criticism and the commentary made in the past was that there was no accountability, so at least this puts more accountability in and it brings the layperson's perspective into the process as well.

The Speaker: I put the motion that clause 13 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 14, please.

Mr Teare: Thank you, Mr Speaker.

Clause 14 introduces a new section 23A, which establishes a Legal Aid Appeals Tribunal.

Mr Speaker, during their deliberations, the Legal Aid Services Commission, who, as I previously mentioned, sat in 2002 and reported in 2003, put forward a recommendation that Legal Aid legislation should contain provision for the existence of two separate Legal Aid authorities: firstly, a Legal Aid Committee, who should consider regulations, Legal Aid policy, and oversee the administration of Legal Aid; and secondly, a Legal Aid Appeals Tribunal, which will determine appeals from the assisted person where there had been a refusal to grant Legal Aid or a refusal to amend or extend the scope or limitation of their Legal Aid Certificate.

Clause 14 establishes the Legal Aid Tribunal as a part 2 tribunal within the meaning of the Tribunals Act 2006. It is intended to replace the Committee as the body responsible for Legal Aid appeals, and it is to have such jurisdiction as may be prescribed by regulations made by the Legal Aid Committee, such regulations also requiring to be approved by Tynwald.

Mr Speaker, Hon. Members will recall that, when moving the Second Reading of this Bill, I mentioned the issue of Legal Aid appeals was also reconsidered by the Select Committee. Focusing principally on the unassisted person, the Select Committee endorsed the creation of a Legal Aid Appeals Tribunal and further recommended that the remit of the Tribunal be extended to include appeals from the opponent of the assisted person in relation to a decision to award or to continue to award Legal Aid to an assisted person.

Clause 14 does not, of course, itself set out the detailed remit of the Tribunal, but I would remind Hon. Members that functions of the Legal Aid Committee do include the making of regulations to prescribe the jurisdiction of the Tribunal, and I have no doubt that the recommendation of the Select Committee will be one of the matters to receive detailed consideration by the newly constituted Legal Aid Committee.

Mr Speaker, I beg to move that clause 14 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: I put the motion that clause –

Mrs Cannell: Mr Speaker –

The Speaker: Mrs Cannell.

Mrs Cannell: The hon. mover is moving clause 14, is he not? I just have some queries there on clause 14.

The Speaker: I did not catch your eye.

Mrs Cannell: Sorry, Mr Speaker.

Can I ask the hon. mover, in terms of the appointment of the Legal Aid Appeals Tribunal and also the Legal Aid Committee, who will be responsible for selection and appointment and whether or not, once that selection has been made, it will be subject to Tynwald approval before appointment is confirmed?

The Speaker: Mr Teare.

Mr Teare: I would like to thank the Hon. Member for drawing out these points for clarification. It is very much appreciated.

The appointments will be made by the Appointments Commission and there is a separate clause later on in this Bill which deals with that.

The second point, which just escapes me now... I am sorry, Hon. Member –

Mrs Cannell: Sorry, Mr Speaker.

I just asked the hon. mover, once the selection has been processed, whether or not it will be subject to Tynwald approval before they are appointed.

Mr Teare: Sorry. I beg your pardon, Hon. Member. I apologise for that.

This is one of the issues which will be dealt with in the more detailed regulations which will be placed before another place.

The Speaker: I put the motion that clause 14 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 15, please.

Mr Teare: Thank you, Mr Speaker.

Clause 15 is a transitional provision which includes the power for regulations to contain supplemental, incidental, consequential or transitional arrangements.

Clause 15 also confirms the regulations made under the Legal Aid Act shall not come into effect unless they are approved by Tynwald.

Mr Speaker, I beg to move that clause 15 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I thank the Minister for confirming that the regulations, in fact, have to be approved by Tynwald, but does he not appreciate that we have no option to amend the regulations – we either approve them or we do not approve them – and whether or not – I will ask the question again – the appointment of these two very important and powerful committees will be subject to Tynwald approval as a separate item?

Mr Teare: The intention is not to have separate Tynwald approval for them. This really fits in with other committees which are in effect, notified. The appointments are made by the Appointments Commission and are not subject to a separate debate in Tynwald.

Hon. Members will recall there are only – to the best of my knowledge – about three, possibly four, committees out of the many committees which are appointed by the Appointments Commission, under which the individual members are subject to approval by another place. But having said that, it is up to a Member, if they do have any issue, to raise those issues at that time.

The Speaker: I put the motion that clause 15 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 16.

Mr Teare: Thank you, Mr Speaker.

Clause 16 makes a consequential amendment which is the inclusion of the definition of the Appointments Commission in section 27 of the Act. The effect of amendments contained in this Bill is that the Appointments Commission will be responsible under the Act for the appointment of members to the Legal Aid Committee and the Legal Aid Appeals Tribunal.

Mr Speaker, I beg to move that clause 16 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Can the hon. mover of the Bill advise the House on who makes up the Committee as present, under the existing legislation, which will still be in force before this legislation gets Royal Assent – who they are and how many sit on it and what sort of qualification they hold? And the same sort of information in terms of the Appointments Commission: how many will serve on the Appointments Commission; what backgrounds will they have; will they be professional people; will they involve any Members of Tynwald?

The Speaker: Mr Teare to reply.

Mr Teare: Coming back to the Appointments Commission, that is a separate matter altogether. That is outwith the remit of this Bill, I would suggest. That is an established function which has been in place for quite a few years now.

The present Legal Aid Committee, as has been mentioned before when I gave a response, to the best of my understanding, is the First Deemster, the Chairman of the Isle of Man Magistrates' Association, the Attorney General, and I cannot remember the fourth one, but I did mention before – (*Interjection*) the President of the Isle of Man Law Society, thank you.

So overall, what we are trying to do is to get something which is more Human Rights compliant. The present system we have is not Human Rights compliant. There is no Appeals Tribunal. What we need to do is to bring forward legislation which is fit for purpose. Also, it helps to reduce the confrontational aspect of some of the legislation we have in place, and I would respectfully suggest the confrontational environment is highly unsuitable in family matters.

The Speaker: I put the motion that clause 16 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 17.

Mr Teare: Clause 17 is a transitional provision, which is a consequential amendment to section 29 and is pursuant to clause 14 of the Bill, relevant to the creation of the Legal Aid Appeals Tribunal.

Clause 17 will allow the Tribunal to make procedural rules in relation to appeals submitted to them for determination, until rules are made under the Tribunals Act 2006.

Once section 23A comes into operation, existing or forthcoming appeals will be treated as made under the new regulations or rules and if commenced will recommence before the tribunal.

Mr Speaker, I beg to move that clause 17 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I am sorry to get on my feet again about this, but I think the Minister misunderstood me previously. The Minister has put to the House that we have Legal Aid Committee in this new legislation, that we have a Legal Aid Appeals Tribunal, and that we have an Appointments Commission. Is it the Appointments Commission that puts together the Legal Aid Committee and the Legal Aid Appeals Tribunal? If so, if he could clarify that, and if he could advise the House on who will therefore sit on the Appointments Commission, which surely must be separate to the actual Legal Aid Committee, of which he reiterated the same names in the answer that he had given me earlier.

I would appreciate a nice answer, please.

Mr Teare: Right, thank you for clarifying that, to the Hon. Member who has just resumed her seat.

The Appointments Commission is completely separate. That is constituted under the 2006 Act, so that has been in place now for six years, so it has been in place for some time. The Legal Aid Authority and the Legal Aid Tribunal are two new bodies which will be established, if this Act proceeds through the branches as currently drafted. The members of the Appointments Commission, that is on record, but I am quite happy to go back and to circulate Hon. Members with details of those who are on the Appointments Commission. As I say, I am sorry, I cannot remember it off the top of my head.

The Speaker: I put the motion that clause 17 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 18, we have dealt with. Clause 19, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

That concludes consideration of part 2 of the Bill and the amendments proposed to the Legal Aid Act 1986. Hon. Members will recall that clause 18 was dealt with earlier. However, there are two further matters addressed

by the Bill. Part 3 of the Bill, that is to say clauses 19 and 20 make amendments to other enactments.

Clause 19 adds the Legal Aid Appeals Tribunal to the list of tribunals set out in part 2 of schedule 2 to the Tribunals Act 2006. This is a consequential amendment, referable to clause 14 of the Bill.

Mr Speaker, I beg to move that clause 19 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: I put the motion that clause 19 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Finally, clause 20, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

Clause 20 contains an amendment to enable section 18 of the Advocates Act 1976, to enable the Advocates Disciplinary Tribunal, where a complaint is proved, to discharge the advocate against whom it is made, either conditionally or unconditionally, in addition to existing penalties. The power to award costs against the advocate is extended to cover an advocate made subject to the new penalty, but the requirement to report the findings and penalty matter to the Law Society and publish them is not.

This amendment to the existing powers of the Advocates Disciplinary Tribunal has been put forward by the Tribunal itself as a useful and desirable addition to its powers, particularly in cases of the Tribunal is considering an unintentional or technical breach of the rules of professional conduct.

Mr Speaker, I beg to move that clause 20 do stand part of the Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

The Speaker: Mr Quirk.

Mr Quirk: Thank you.

Can I just ask the Minister who is moving the Bill there, I noticed the clause there on 'not to be published'. I wonder why, if we are to learn anything in the future, if they are not published... Why would they not be published?

The Speaker: Mr Teare.

Mr Teare: Thank you, Mr Speaker.

The reason for not publishing them is it is only where there are minor oversights or infractions, as opposed to deliberate acts on the part of the advocate who is subject to disciplinary proceedings.

Before I resume my seat, Mr Speaker, I would like to thank everybody who has considered and taken part in the debate today.

The Speaker: I put the motion that clause 20 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.