

**Law Officers Bill 2013**  
**First Reading approved**

1. Mr Lowey to move:

*That the Law Officers Bill 2013 be now read a first time.*

**The President:** So we will proceed with the Law Officers Bill. I call on Mr Lowey to take the First Reading.

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

I have checked that the Law Officers Bill is the one that is in front of me, the appropriate one, and I think most Members will know what I am referring to!

Madam President, the circumstances giving rise to the need for this Bill are very well known to Hon. Members, and for obvious reasons, I do not propose to comment upon them. Suffice to say, this Bill seeks to address the situation where Her Majesty's Attorney General is precluded from discharging his functions. This Bill is to provide an alternative mechanism for their discharge.

There have been ongoing and thorough discussions between the Chief Secretary's Office on the Isle of Man and the Ministry of Justice in the UK and Buckingham Palace to deal with the gap created by the current unavailability of the Attorney General. Arising from these discussions, Her Majesty the Queen has agreed that she will make a temporary appointment for 12 months of an Acting Attorney General to discharge the Attorney General's functions, but changes to Acts of Tynwald are required to put beyond any doubt the Acting Attorney's power to act.

The Bill deals with this in two ways. First, it amends the definition of the Attorney General in section 3 of the Interpretation Act 1976. That has the effect that when Her Majesty appoints an Acting Attorney General for the Island, that officer will be able to discharge all the Attorney General's statutory functions in relation to the conduct of prosecutions, dealing with other litigation and advising Government.

Secondly, and perhaps of more direct relevance to Hon. Members, the Bill also amends section 7 of the Isle of Man Constitution Amendment Act 1919, to permit either the Attorney General or the Acting Attorney General, but not both, to attend Tynwald and the Legislative Council.

Given the urgent need to address the current unavailability of our Attorney General, I would commend this Bill to the Council and I beg to move the First Reading.

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

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

**Mr Crowe:** I think, obviously, it is a practical Bill which we can easily support.

If I could just ask the hon. mover: he did mention a 12-month period, but I do not see it actually in the wording of the Bill. Is the continuing appointment –?

**Mr Lowey:** 'Cease to have effect' – it is in the clauses.

**Mr Wild:** It is in the clauses.

**Mr Crowe:** Right, I must have missed that.

**The President:** Does any other Member wish to speak?  
Mr Wild.

**Mr Wild:** Thank you, Madam President.

Just to say that I took the liberty of sitting in the Public Gallery of the House of Keys this morning, and listened to quite a lengthy debate, because an amendment proposal was brought forward, which did not go ahead; and to say that it made sound sense to me and it has my full support.

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

**Mr Turner:** Thank you, Madam President.

I support the Bill. I think it is a sensible provision to have, and notwithstanding the mover when he says the appointment can be for 12 months, am I right in assuming that the provisions in this will remain, so that if in future – it could be through any particular reason – the Attorney General cannot fulfil the functions, then these

provisions are here for further temporary appointments to be made? In which case, it is a very sensible provision to have on our statute books.

**The President:** The mover to reply.

**Mr Lowey:** Yes, first of all, can I apologise to my friends when I said it was in the Act. It is not; it was in the job advert that it would be for a 12-month period.

**Mr Crowe:** Alright, thank you, Hon. Member.

**Mr Lowey:** As the Hon. Member has rightly said, it will continue – it is a continuing thing that, if there is a vacancy, there would be the ability to do it.

This Bill, as I said, is one that has been forced on us by circumstances, which we all know about and which it would be improper for us to comment on, at this particular time, for all the known reasons. It is the result of very close consideration with Government Office here on the Isle of Man and with the Ministry of Justice in the United Kingdom and with officials at Buckingham Palace. I do believe that the formula that they have come up with suits the requirements, our needs and is, if you like, one of the reasons why we are now sitting to try... and it will be subject to Council suspending Standing Orders, if we take the Bill through its three stages today.

It fits in with the timetable for the Privy Council and their meeting on 12th February and it would be given Royal Assent. So we could quite quickly, after that, hopefully resolve our problems.

So with that, Madam President, I thank Council for giving general support to this piece of legislation. I beg to move.

**The President:** The motion is that the Bill be read first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.