

Law Officers Bill 2013
Third Reading approved

The President: You did suspend for Third Reading as well, sir, so we will take the Third Reading.

Mr Lowey: I did. Madam President, I would first of all like to thank Hon. Members for their suspension of Standing Orders, to allow us to take all the Readings here today and the clauses. The timetable is that we should be able to sign it in Tynwald. It will then go down to the Privy Council for their meeting on 12th February and then it will be signed.

Madam President, as we are taking all the stages of this Bill today in one sitting – I do not propose to go any more into the time of Council, explaining the Bill and its purpose – but I commend it to the Council. It is unfortunate that circumstances and events have made this a special one-off piece of legislation to deal exclusively with the absence of the learned Attorney General. The speed of moving the legislation is, as I said, to arrange for the Privy Council to deal with it in the appropriate way. It is after the closest consideration by Government Office and normally for legislation, we go out for consultation. This is one area where I think all the people who need to be consulted have been consulted.

This piece of legislation is a necessary and pragmatic way of dealing with an acute problem, which we are all suffering and we need to resolve speedily. Therefore I would urge the Council to support the Third Reading of the – let me get the title right! – the Law Officers Bill 2013.

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

The President: Do you wish to speak, Mr Butt?

Mr Butt: Just to say that I have read this Bill carefully and I have had it explained. I think we must accept that when the person comes to sit with us and performs their duties in their wider role, that they have all the status and the dignity and the authority of the Attorney General. They are the Attorney General; they are not an acting or deputy Attorney General. So, whoever does fill that seat, we should welcome and support this Bill.

Mr Wild: Hear, hear.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Yes, very happy to support this. We all want to smooth the passage of an Acting Attorney General, so that Tynwald and Legislative Council are in full harness, shall we say?

Can I just ask the hon. mover, the mechanics of the next step: will the Bill be ready for signing in Tynwald today? (**Mr Lowey:** Hopefully.)

That is really the question: will the enrolled Bill, or whatever the description is, be ready?
Thank you very much.

The President: The Hon. Member, Mr Turner?

Mr Turner: No.

The President: Mr Downie.

Mr Downie: Madam President, I would just like to say, I am happy to support the Bill. I apologise for referring to the person as a deputy. Quite clearly, it is the person exercising the function of the Attorney General. I wonder if that is how they are going to be referred to in Tynwald. I hope that they will be referred to as the Attorney General, because reading the Bill, I understand this person will have exactly the same rights and privileges as any other Member of Tynwald and the existing Attorney General.

The President: The Hon. Member, Mr Wild.

Mr Wild: Thank you, Madam President.

Simply to say, it has got my full support and I fully agree with the sentiments of my hon. colleague, Mr Butt, in terms of the way we welcome the individual to the role.

The President: The Hon. Member, Mr Callister.

Mr Callister: Thank you, Madam President.

Just to say that it is unfortunate, the circumstances that brought this about, but it is something that will be useful to have for the future in any case. But I do feel that in the time – a year or more – that that seat has been empty here and in Tynwald, it has left a number of areas where an Attorney General's advice would have been very helpful at the time, and we did not have that. It was very unfortunate that that happened.

But yes, this Bill must be supported, Madam President.

The President: The mover to reply.

Mr Lowey: I thank Hon. Members. Can I just start by saying, it is Her Majesty's Attorney General and when he sits in here, of course, he or she should be accorded the full courtesies that the Attorney General, if he was being appointed for the first time, should enjoy, and I am sure will do in Tynwald and throughout the Island, throughout the profession as well.

The timescale, as far as I am aware, I think, if we pass this Bill today it should be signed, I hope, by the Governor sometime today, so then we can sign it in Tynwald. Then it goes... I will be looking to my learned...

Mr Downie: Attorney!

The Clerk: Madam President, there are shaking heads in the Public Gallery, but Mr Lowey has just said that it is to be signed by the Governor today. I was not aware that that was the plan. I think it is to be signed in Tynwald today.

Mr Crowe: Signed by the Members.

The Clerk: We are standing by to circulate it in Tynwald Court this afternoon.

Mr Lowey: Okay. I thought it was to be signed by the Governor and then signed by us in Tynwald. If it is not, then maybe it is the reverse way. (*Interjections*) But we will sign it this afternoon. To get it absolutely correct, we will sign it this afternoon, if it passes its Third Reading here today.

The President: Yes, that is correct. (*Interjection by Mr Braidwood*)

Mr Lowey: Let me stop there while I am ahead! (*Laughter*)

Mr Callister: I don't know if we're ahead!

Mr Braidwood: It's been a bad morning!

Mr Lowey: Yes, I had better get that into my script!

Mr Downie, again, pointed out that the full rights and privileges that will come... Part of the legislation that we are passing and repealing here is Manx legislation, so that makes it abundantly clear to everybody that he exercises the rights and duties. We have privileges, as I have said, in this Council and in Tynwald Court and so will the Attorney General, to avoid any doubt. That is why the Bill is being, if you like, a triumvirate of consultation to make sure it meets all our requirements.

It is a very rare occurrence that we take three Readings of a piece of legislation through in one day. I think I, in 40 years, have witnessed it once. I think it has been done twice in my recollection, but once in my time here. So it is a very rare occasion. I hope they do not come along too often, but at least we have enjoyed knowing that the problems we have... not 'endured', because we have been very well serviced by some very good Clerks – we call them 'learned Clerks' not without reason. They have always been able to extract me, anyway, from the mire, when I tend to lead you astray from time to time. I am corrected by the Clerks.

So while, yes, I would agree with Mr Callister, we have had occasions where we would have benefited, undoubtedly, from the presence of the Attorney General and remembering our role as a Legislative Council is to review, to make sure that the legislation is absolutely right. That is why I think the Council are very lucky to have the Attorney here, who can if you like give us a definitive answer on legal matters.

So I do think it is important that we get the chair occupied by a learned Attorney and this Bill hopefully will do that.

I beg to move the Third Reading of this Bill and that it do pass. I beg to move.

The President: The motion is, Hon. Members, that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes the Council's business. We will adjourn to Tynwald Court and to our own Chamber on Tuesday next.