

4.1. War Memorials Bill 2015 – Second Reading approved

Mr Watterson to move:

That the War Memorials Bill 2015 be read a second time.

The Speaker: Item 4, Bills for Second Reading. First is the War Memorials Bill, and I call on the mover, Hon. Member for Rushen, Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

May I begin by thanking Hon. Members for leave to introduce this Private Member's Bill to give statutory protection to our Island's war memorials.

Since being granted leave, I have consulted with local authorities and church authorities, who are the bodies most affected. I have also sought guidance from the Commonwealth War Graves Commission and War Memorials Trust. I would like to thank all those who have assisted in the preparation of this Bill, especially the members of the Isle of Man Government War Memorials Preservation Committee, whose input and expertise have been invaluable.

To guide Members through the key provisions, to give certainty to people over what is and what is not a war memorial, it has been clearly defined in clause 3. Further certainty is given by providing that only those war memorials on the War Memorials Register receive protection.

Clause 5 creates a process for creating a war memorial, outside of the planning process but based on similar principles, allowing for greater flexibility than the Town and Country Planning Act would otherwise provide. The Bill requires the Council of Ministers to make rules of procedure to ensure that there is appropriate transparency in the system, and these rules must be laid before Tynwald.

Clause 6 provides that the owner of a registered war memorial is responsible for maintaining it.

Clause 7 allows an owner who can no longer maintain a war memorial to apply to the Council of Ministers to vest it in the local authority.

Clause 8 reiterates many of the powers of the 1927 Act in relation to the powers of local authorities to spend money on war memorials, and includes the power to insure them.

The statutory protections come in clause 9, which borrows the registered building protections from the Town and Country Planning Act and allow them to be applied, with modifications to registered war memorials. These are subject to approval by Tynwald.

Clause 10 recognises the separate systems of protection under the laws of the Church of England by virtue of their faculty jurisdiction. Other denominations with similar protections may also be exempted from the Act, where the Council of Ministers believes their protection is equivalent. Again, such an order is subject to Tynwald approval.

Clause 11 repeals the 1927 War Memorials Act, as all of its provisions are replicated in the Bill before us.

In allowing leave to introduce this Bill along the lines I have suggested, the Isle of Man will lead the way in the preservation of its war memorials. In my research in preparing drafting instructions, I cannot find another country that has placed a duty on a group to maintain memorials. I can only hope that, if passed, this will be a standard for other countries going forward – and what better time to do so?

I therefore ask the House to support this Bill to make provision fit for the future and to ensure that the memory of those who died continues to be preserved beyond the lifetimes of those who knew them. As we say at every Remembrance Day, 'We will remember them.' I call on Hon. Members to honour that promise.

I beg to move.

The Speaker: Hon. Member for Michael, Mr Cannan.

Mr Cannan: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, obviously we will not be opposing this piece of legislation, but I am rather concerned at the issue about the costs on item 6. The idea that it will somehow try and get some money out of the Protected Buildings vote: the situation is that if we are not protecting our registered buildings, what hope have we got as far as funding coming from anywhere in order to protect war memorials?

I would like the mover of the Bill to just explain to us, as far as where owners of registered war memorials who cannot afford to maintain such war memorials will actually get the money from to do so, especially as people get older, as far as these local committees are concerned.

The other thing that I am interested to know is, if they are to be handed over to the local authority, what action can be taken if a local authority decides it does not want to take one of these war memorials over, at the ratepayers' cost? Also where there are... most of the churches have closed, the ones which have their own church war memorials. Who will actually see to the costs of these being put somewhere suitable for future generations, as far as this piece of legislation is concerned?

I will not be opposing this Bill, but I just feel that without a firm funding commitment, I really do think there is a danger that we might actually be just window-dressing, as far as the protection of war memorials is concerned, just like we are as far as protecting registered buildings at the present time, where I think the vote is still only about £10,000 for our registered buildings on the Island.

So as far as I am concerned, obviously I will support the principle. *We should* remember those who have sacrificed for our ability to be sitting in this House today, as far as that issue is concerned.

I would also like to know whether the mover of the Bill thinks that we maybe should be looking at whether there should be some way of funding to make sure the annual Remembrance services are funded properly, as far as local authorities are concerned, and what he sees that role should be – I know in my own constituency, people put on the costs of entertainment, as far as after the event; other people put the sweets and crisps for the young people to go to these events – and whether he feels there is any need for local authorities to positively get involved in funding these special events as far as Remembrance Sunday is concerned.

The Speaker: I call on the mover to reply, Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

A number of issues raised there. I will try to give as comprehensive an answer as I can to them.

I am not aware of what the remaining fund is in terms of registered buildings, but there is not likely to be an impact on that, because these will not be registered buildings, but they will be treated as if they were.

In terms of where money can come from, obviously grants can be sourced from the local authority. If you are a private landowner and in possession of, or custodian of, a war memorial, the local authority can be approached. The War Memorials Trust, a charity based in England whose remit extends to the Isle of Man, also gives grants in this regard.

If ultimately the custodian or the landowner cannot afford to take it on, even though there may be community fund raising, there may be a grant, then that is where that reserve power to protect it comes from, where Council of Ministers may vest it in the local authority, and then it becomes the property of the local authority and they have a duty then to take it on.

When churches close – again, I have been through this with the Archdeacon and also had the joy of looking through some books on faculty law, and there are transitional provisions for where churches are being closed for worship and there are memorials in them. There will be some that are

family owned, which will fall outside the scope of this Bill and which will be returned to the family, and then there are those which are registered war memorials, which would normally be relocated to another church in the area. But it is up to the Church of England to make those transitional provisions as to what would happen to it, to move it from one place covered by faculty jurisdiction to another, otherwise it would fall within the scope of this Bill.

The point about annual Remembrance services is not something that is covered by the Bill – although I do take his point. I think an awful lot of communities around the Isle of Man do some great work in supporting Remembrance Day. Some of that is grassroots community stuff – certainly that is the way it works down in Port Erin and Rushen – and I know also a lot of them are supported by the local branches of the Royal British Legion who are able to spend money on Remembrance as well.

So there is another opportunity for making sure that there is some sort of Remembrance ceremony in your local area. If anyone requires any additional help in that regard, I would be happy to talk to them further about that, with one of my many other hats on, but I do not think it falls specifically within the purview of this Bill.

I would like to thank the Hon. Member for his comments. I would like to thank Members generally who have been very supportive in conversations about this matter, and I beg to move that the Bill be read for a second time.

The Speaker: Hon. Members, I put the motion that the War Memorials Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.