

6.3. War Memorials Bill 2015 – Clauses considered

Mr Watterson to move.

The Speaker: So we turn to the War Memorials Bill 2015, and I call on the mover, the Hon. Member for Rushen, Mr Watterson.

Mr Watterson: Mr Speaker, clauses 1 and 2 provide for the short title and commencement provisions, and are purely introductory. I beg to move that clauses 1 and 2 stand part of the Bill.

The Speaker: Hon. Member for Castletown.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: I put the question that clauses 1 and 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 3, please.

Mr Watterson: Clause 3 provides definitions for many of the terms used elsewhere in the Bill to clarify, among other things, what is and what is not a war memorial.

Further certainty is given by providing that only those war memorials on the war memorials register receive protection.

I beg to move that clause 3 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Clause 3: those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 4.

Mr Watterson: Clause 4 defines the War Memorials Register and requires the Council of Ministers to maintain such a register. In practicality, this work is being done by the War Memorials Preservation Committee, whose secretary is based in the Cabinet Office and who has a copy of the database.

I beg to move that clause 4 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Clause 4: those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 5.

Mr Watterson: 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 & Country Planning Act would otherwise provide. The Bill requires Council of Ministers to make rules of procedure to ensure that there is appropriate transparency in the system, and those rules must be laid before Tynwald.

Members will not that clause 5(5) has a minor typographical error, in that it has parts (a), (a) and (b), rather than (a), (b) and (c). After discussion with the Secretary of the House, I have been reassured that an error as trivial as this can be dealt with administratively but I feel it only right to bring it to the attention of Members and put it on the record. The Bill will of course be corrected by the drafter in the copy sent for Royal Assent.

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

The Speaker: Mr Ronan.

Mr Ronan: Mr Speaker, I beg to second and reserve my remarks.

The Speaker: Mr Quirk.

Mr Quirk: Mr Speaker, if I could just ask the mover regarding planning, I suppose. What would be the method then of warning somebody that something is going to take place, or is there a mechanism?

The Speaker: Mover to reply.

Mr Watterson: Thank you.

Yes, there will be a mechanism and there will be a system that is laid down and laid before Tynwald that will set out what the mechanism is for granting approval. Part of that would be the way of informing neighbours and people who live nearby that such an application has been put forward.

I beg to move.

The Speaker: I put the question, clause 5: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

Mr Watterson: Clause 6 provides that the owner of a registered war memorial is responsible for maintaining it. If ownership cannot be ascertained, it can be vested in the landowner on the land in which it sits, or the local authority.

I beg to move that clause 6 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: Clause 6: those in favour, say aye; against, no. The ayes have it. The ayes have it. Clause 7, please.

Mr Watterson: 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.

I beg to move that clause 7 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: I put the question, clause 7: those in favour, say aye; against, no.

Mrs Beecroft: No. Oh, sorry! *(Laughter and interjections)*

Mr Watterson: The voice of habit!

The Speaker: The ayes have it. The ayes have it.
Clause 8.

Mr Watterson: 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 a new power to insure them.
I beg to move that clause 8 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks. Pay attention!

The Speaker: I put the question, clause 8: those in favour, say aye; against, no. The ayes have it.
The ayes have it.
Clause 9.

Mr Watterson: The statutory protections come in clause 9 which borrows the registered building protections from the Town and Country Planning Act, and allows them to be applied with modifications to registered war memorials.
These are subject to approval by Tynwald, and I beg to move that clause 9 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Clause 9: those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 10.

Mr Watterson: Clause 10 recognises that 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 that their protection is equivalent.

Again, such an order is subject to Tynwald approval, and I beg to move that clause 10 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Clause 10: those in favour, say aye; against, no. The ayes have it. The ayes have it.
Finally clause 11, please.

Mr Watterson: Thank you, Mr Speaker.

Could I also thank my seconder for the work he does with the War Memorials Preservation Committee, and in doing so introduce clause 11. It repeals the 1927 War Memorials Act as all of its provisions are replicated in the Bill before you.

I beg to move that clause 11 stand part of the Bill.

The Speaker: Mr Ronan.

Mr Ronan: Mr Speaker, I beg to second and reserve my remarks.

The Speaker: Thank you, Hon. Members.

With that we conclude the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 3rd November in this Chamber.

The House adjourned at 12.12 p.m.