

1. War Memorials Bill 2015 – First Reading approved

The President: Welcome back, Hon. Members. We have had a long break – made slightly longer, for which I express my gratitude to you for starting a quarter of an hour late.

Though work has been thin on the ground up to now, I have a feeling that it is going to come through thick and fast.

Today, though, we will deal first with the War Memorials Bill. I call on the Lord Bishop.

The Lord Bishop: Thank you, Madam President.

I thank you for your indulgence in starting a quarter of an hour later. A certain airline, which is borrowing some episcopal colours, (*Laughter*) sometimes takes its time to get here, and then they would not let us off the plane because there were not any ground staff to put out the little strip of ribbon that stops us walking underneath the wings.

The Bill before Council is the result of widespread consultations with local and Church authorities, the Commonwealth War Graves Commission, the War Memorials Trust and the Isle of Man Government War Memorials Preservation Committee.

Its purpose is simply to make fit purpose for the preservation of the Island's war memorials in future and to ensure that the memory of those who lost their lives in conflict continues to be preserved beyond the lifetimes of those who knew them.

Should this Bill pass the First Reading, I will ask the Council's permission to suspend Standing Orders in order to proceed to further stages of the Bill.

This is a relatively short and simple Bill but it is important to underline a number of key features.

What is and what is not a war memorial is defined in clause 3. Only those war memorials on the War Memorials Register would receive protection under this Bill.

Clause 4 provides for the maintenance of the War Memorials Register.

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 could provide. To ensure that there is clarity in the system, the Bill requires the Council of Ministers to make rules of procedure, which 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 re-enacts many of the powers of the 1927 Act in relation to the powers of local authorities to spend money on war memorials, including the power to insure them.

Clause 9 applies the registered buildings protection from parts 3 and 5 of the Town and Country Planning Act, with modifications, to registered war memorials. These also are subject to Tynwald approval.

I have been in the Church's ministry for 43 years, but I have found the explanatory memorandum relating to clause 10 almost unintelligible. The clause recognises the separate systems of protection under the canons of the Church of England by virtue of faculty jurisdiction. Other denominations with similar protections may also be exempt from the Act in those cases in which the Council of Ministers believes their protection is equivalent. Again, such an Order is subject to Tynwald approval.

Clause 11 repeals the War Memorials Act 1927.

If this Bill is approved, it will be necessary to draft an Appointed Day Order, including providing such elements as a register.

There are no revenue or expenditure implications to the Bill.

I beg to move that the War Memorials Bill 2015 be read for the first time.

The President: The Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.
I beg to second.

The President: Does any Hon. Member wish to speak to the Bill?
Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I will be voting in favour of this Bill. I think it reflects well on the Isle of Man that we wish to pass such legislation to protect the memory of those who have given so much on behalf of the Isle of Man.

Unfortunately, I happened to be, for summer holidays, in Cromer in Norfolk, and on their fête day there was a stall asking members of the public to buy names to go on the war memorial, because they have no such legislation. I found it appalling, to be perfectly honest, and I am fully supportive of this Bill.

The President: Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

It is some years now since we had a presentation by Hector Duff on this subject, and I think this is the culmination. It must be three, four, or possibly even five years ago now, so this has been a long time coming.

I think we have all got relatives who have fought in wars, and it is appropriate that we have the perception that this is going to give.

What was quite interesting in that presentation, if I just may elaborate slightly, was just how many memorials there are around the Isle of Man, and that was something that was quite interesting when we had the presentation those years ago.

I think it is right and proper that we have this. If civilians are going to be joining up to represent the country, the state, and be unfortunate enough to go out and fight in conflict and lose their lives, then it is important that the state should remember, and remember that which they have given.

So the Bill has my full support. I think, after a long journey, this is where we are finally now in bringing the legislation through.

The President: The Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

I too support the Bill. Just for clarification purposes, really, do we know where all the memorials are in the Isle of Man? I am aware that it is not only church buildings that have them: I know that the Post Office headquarters have a memorial plaque, the Steam Packet has a memorial plaque, schools have memorial plaques. I just wondered whether that was catered for.

At the end of the day, would the information be able to be looked at online, because there will be a lot of people who will be looking for family history etc. now. It is quite a big business. I wondered whether that would finish up there.

The President: The Hon. Member, Mr Crookall.

Mr Crookall: Thank you, Madam President.

I am also very supportive and echo the sentiments that have been made so far.

Just a point of clarification on clauses 5 and 8. In clause 5(5) there appear to be two (a)s, and also in clause 8 there appear to be two (c)s.

The President: I am sure the Lord Bishop will explain, but we will deal with the detail at the clauses stage.

The Hon. Member, Mr Anderson.

Mr Anderson: Thank you, Madam President.

Obviously very supportive again. Just for clarification, really, I notice the local authorities have been consulted over this and just wonder how many local authorities actually have responsibilities in this area – if the Lord Bishop has that sort of information – and if they responded to the consultation.

The President: The Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I would just like to place on record my thanks, and I am sure many others' ... in the background of this, the enthusiasm of Hector Duff, who was generating the interest in this to start with and raised attention to it. I would just like to say the sterling work this man has done is incredible and his general enthusiasm for promoting the history of conflict and so on and his ongoing work in other areas is truly amazing and worth putting down in *Hansard*.

On the point of what may be registered and what may not be, and memorials that we may not consider memorials, I was in dialogue with Minister Watterson on this some time ago and I think the register is pretty comprehensive, because it even included the small memorial at the Nunnery, for instance, near the chapel, and so on. So they have managed to pick up quite a breadth of the memorials and I think, with Hector Duff's diligence, most, if not all, will have been picked up.

The President: The Lord Bishop to reply.

The Lord Bishop: Thank you, Madam President.

I thank Members very much for their contributions – Mr Coleman, Mr Turner and Mr Corkish particularly underlining the importance of this Bill.

Mr Corkish asked where the memorials are – do we know where they all are? I think that has almost been answered. The diligence of people like Mr Hector Duff and others has made pretty certain that we have found where all the memorials are. They are being – and will be formally, if this Bill is passed – put on a formal register, which will be electronically maintained and therefore can be accessed online.

I thank Mr Crookall for pointing out the corrections. In fact, I had noticed one of them but I had not noticed the second one, so I am very grateful to him for that.

To answer Mr Anderson, yes, the local authorities have all been consulted. I am not entirely certain whether they have all responded, but I imagine with somebody like Mr Duff around they might have been scared into responding if they were not inclined to in the first place. So I am fairly confident that in fact they have all been responsive.

Therefore, I am happy to move the First Reading of this Bill.

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