

**War Memorials Bill 2015 –
Second Reading approved**

The President: Right, we will proceed then, Lord Bishop, to clause 1. (*Interjection*) Second Reading, I am sorry. Could you take the Second Reading, please?

The Lord Bishop: Yes, Madam President. Shall I just go through the clauses?

The President: No, Second Reading, then we will come to the clauses.

The Lord Bishop: I move that we proceed to the Second Reading.

Mr Henderson: I second, Eaghtyrane.

The President: Does anyone wish to speak to the Second Reading?

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

**War Memorials Bill 2015 –
Clauses considered**

The President: The clauses stage. Clause 1.

The Lord Bishop: Can we take clauses 1 and 2 together, please?

The President: Yes, indeed.

The Lord Bishop: Clauses 1 and 2, Madam President, provide for the short title and commencement provisions.

I beg to move that clauses 1 and 2 stand part of the Bill.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second.

The President: The motion is 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.

The Lord Bishop: Madam President, clause 3 provides definitions of many of the terms used elsewhere in the Bill to clarify, among other things, what is and what is not a 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 President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second.

The President: The motion is that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

The Lord Bishop: Madam President, clause 4 defines ‘the War Memorials Register’ and requires the Council of Ministers to maintain such a register.

In practice, this work is being done by the War Memorials Preservation Committee, whose secretary is based in the Cabinet Office and who maintains a copy of the database.

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

The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second.

The President: The motion is that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

The Lord Bishop: Madam President, clause 5 creates a process for creating a war memorial outside the planning process but based on similar principles, allowing for greater flexibility than the Town and Country Planning Act otherwise provides.

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.

Members will have noted that clause 5(5) has a minor typographical error, in that it has parts (a), (a) and (b), rather than (a), (b) and (c). In another place the mover of this Bill brought this minor error to the Members’ attention and put it on the record. If approved, the Bill will, of course, be corrected in the copy submitted for Royal Assent.

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

The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second.

The President: The motion is that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

The Lord Bishop: Madam President, clause 6 provides that the owner of a registered war memorial is the person or body responsible for maintaining it.

If ownership cannot be determined, it can be vested in the landowner in whose property it is sited or in the local authority.

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

The President: The Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second.

The President: The Hon. Member, Mr Anderson.

Mr Anderson: Could I just ask the Lord Bishop if there are any private landlords involved in this. Are they mostly organisations, or are there private landlords in their own right?

Mr Henderson: One at the Nunnery.

The President: Any other Member wish to speak before there is a reply?
The Lord Bishop to reply.

The Lord Bishop: Madam President, I do not know. I assume that the one at the Nunnery might be in private ownership, but I think, as far as this clause is concerned, the owner must be a public body, an individual, a private person – anybody.

The President: The motion is that clause 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 7.

The Lord Bishop: Clause 7, Madam President, allows an owner who can no longer maintain a war memorial to apply to the Council of Ministers to have it vested in the local authority.
I beg to move that clause 7 stand part of the Bill.

The President: Hon. Member, Mr Henderson.

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

The President: The motion is that clause 7 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 8.

The Lord Bishop: Clause 8, Madam President, reiterates 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.

There are, as has been noted, two subsection (c)s to clause 8(1), and that is undoubtedly a typographical error. If Members were willing to accept that the second (c) should be a (d), then the Bill would be corrected in the copy submitted for Royal Assent.

I beg to move that clause 8 stand part of the Bill.

The President: Hon. Member, Mr Henderson.

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

The President: Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

I think this is another good clause in here about spending money on the maintenance of these war memorials. I notice there is nothing in the Bill in particular for cases against people who deliberately damage, but I would imagine that the existing law on criminal damage and vandalism would come into play anyway on that. I think it is unfortunate that we have had memorials damaged in the past – the one at Lezayre springs to mind, which was a mindless act of very offensive

vandalism – so I think it is important that there is the ability to spend the money and make sure these are kept up to scratch, but I would hope that there are sufficient powers under existing other laws to deal with people who deliberately damage, deface or cause these memorials to get into a state.

The President: The Hon. Member, Mr Anderson.

Mr Anderson: Just to say, Madam President, this wing of the Legislative Council is always happy to add a (d) to any Bill. *(Laughter)*

The President: Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.
Just referring to section (2):

In this section “maintenance” includes repair, protection, alteration, extension, inscription, or renewal.

I am just wondering whether ‘or removal’ should be put there. If a building – and this perhaps relates to clause 6 for memorials in private ownership – became dilapidated, dangerous, would that fall on the local authority automatically to pay for the removal of a stone, or whatever that memorial may be; or if the owners no longer want it, for instance? I am just wondering whether ‘or removal’ should be included in that section 2, please.

The President: The Hon. Member, Mr Crookall.

Mr Crookall: Thank you, Madam President.

Mr Corkish actually picked up on it – I have also got ‘or the moving of’ on the end of that as well, just for clarification.

The President: The Lord Bishop to reply.

The Lord Bishop: I thank Members for their contributions.

Mr Turner is quite right, there is going to be no protection for vandals of war memorials any more than for any other area in which they might be involved.

I am very grateful to Mr Anderson for being ready to add his (d).

Mr Corkish and Mr Crookall raised the issue of, in particular, removal of a war memorial perhaps when a building is being demolished. I think the whole direction of this Bill does indicate that the first line of responsibility would be with the owner of the building, (**Mr Cretney:** Hear, hear.) who effectively owns the memorial, but that if the local authority was satisfied that that person was unable to deal with the process of effectively repairing it or protecting it ... because when you remove it what you are doing it, effectively, is protecting it and making sure that it has a future. Therefore, the local authority, I think, would have, in the end, to take responsibility for it.

Mr Corkish: Thank you.

The President: The motion is that clause 8 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 9.

The Lord Bishop: Madam President, clause 9 applies the registered building protections from parts 3 and 5 of the Town and Country Planning Act with modifications to registered war memorials. This does require Tynwald approval.

The President: Hon. Member, Mr Henderson.

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

The President: The motion is that clause 9 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clauses 10 and 11.

The Lord Bishop: Thank you, Madam President.

Clause 10 recognises the separate systems of protection under the laws of the Church of England by virtue of faculty jurisdiction. Faculty jurisdiction is the way by which changes or repairs of any significance in or around a church building are formalised.

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.

I beg to move that clause 10 stand part of the Bill.

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

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

The President: Hon. Member, Mr Henderson.

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

The President: The motion is that clauses 10 and 11 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes the clauses stage, Hon. Members, and concludes –