

6.2. Police (Amendment) Bill 2016 – Clauses considered

Mr Watterson to move.

The Speaker: The Police (Amendment) Bill then. I call on the mover, Hon. Member, Mr Watterson.

Mr Watterson: Firstly, can I thank you, Mr Speaker, and the Members of the House for your indulgence in changing the order of these two Bills.

Mr Speaker, I propose to move clauses 1 and 2 together.

Clause 1 provides that the short title of the Bill is the Police (Amendment) Act 2015.

Clause 2 provides that it will come into operation by Appointed Day Order. If passed by the Branches, it is envisioned that the provisions within the Bill will be brought into operation within six months of Royal Assent.

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

The Speaker: Mr Skelly.

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

The Speaker: Hon. Members, I put the question: clauses 1 and 2. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mr Watterson: Thank you, Mr Speaker.

Clause 3 is about the appointment or rather the reappointment of an incumbent Chief Constable.

What this clause does is to insert new subsections (3A) and (3B) into section 2 of the Police Act, to place beyond doubt two matters. Firstly, if the Department is satisfied with the performance of the incumbent Chief Constable and that person is willing to serve for a further term of office, the Department may reappoint that person for another fixed term.

Secondly, the amendments confirm that in such circumstances it will not be necessary to re-advertise the position and go through a fresh selection process.

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

The Speaker: Mr Skelly.

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

The Speaker: I put the question that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Watterson: Mr Speaker, I am aware in moving this clause and the associated Schedule that there are some amendments which the Department does support.

Clause 4 inserts a new section 77B into the Police Powers and Procedures Act 1998 to empower the Department to contract out functions currently performed by officers of the Isle of Man Constabulary.

Subsection (2) enables the Department by order to empower persons who are employees of a contractor so they can carry out functions set out in the contract.

Subsections (3), (5) and (6) set out what the order must contain in terms of the functions to be performed by contracted staff, their title and their powers and duties.

Other provisions require the Department to consult the Chief Constable, the Police Complaints' Commissioner and the Police Federation. The Department would also consult the Law Society and issue the draft order to general public consultation. The order must then be approved by Tynwald before it can take force.

Subsection (2) of this clause introduces Schedule 1 to the Act. This Schedule inserts new Schedule 2A in the Police Powers and Procedures Act 1998 which makes further provision about contracted staff.

A quick run through of the provisions in new Schedule 2A shows that paragraph 1 provides for the Chief Constable to designate and then assign functions in the designation to a contracted person named in it. Such a person must be fit and proper and have received adequate training.

Paragraph 2 sets out powers and duties.

Paragraph 3 enables the Police Complaints' Regime set out in Schedule 1 to the Police Act 1993 to be applied to contracted staff.

Paragraph 4 deals with offences against contracted staff.

I beg to move that clause 4 and its associated Schedule 1 stand part of the Bill.

The Speaker: Mr Skelly.

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

The Speaker: Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

I rise to move the amendments standing in my name.

I am grateful to the Minister and his officers in the Department for the opportunity to discuss my concerns about contracting out and to agree some amendments to clause 4 and Schedule 1 that will address one of my greater concerns, which is the police power to execute a search warrant to enter premises.

Turning to the amendment in my name, the insertions brought about by amendments one and two to clause 4 will mean that an order setting out functions that may be contracted out may not specify the functions of executing a search warrant to gain entry to premises as that will continue to be police function.

The other three amendments are to Schedule 1. Amendments three and five correct proofing errors. The first corrects the year of the Police Powers and Procedures Act from '1988' to '1998'. The second inserts the word 'be' in line 3 of subparagraph (5) in paragraph 2 so the sentence reads properly.

Lastly, amendment four omits subparagraph (3) of paragraph 2 which talked about the power of a contracted person to use force to enter premises. We have dealt with that earlier in amendments one and two, so these lines can be omitted as they are not now necessary.

Mr Speaker, I beg to move the two amendments to clause 4 and the three amendments to Schedule 1 standing in my name:

Amendments to clause 4:

Page 6, line 6, at the beginning insert 'Subject to subsection (5A)'.

Page 6, line 34 at the end insert —

'(5A) An order under this section may not specify any function, power or duty in relation to the execution of a warrant to enter and search any land or premises.

(5B) For the avoidance of doubt, this section is without prejudice to any power conferred by or by virtue of any other provision of this Act or any other enactment.'

Renumber accordingly.

Amendments to Schedule 1:

Page 9, line 3, for '1988' substitute '1998'.

Page 10, omit lines 29 to 36.

Renumber accordingly.

Page 11, line 3, after 'shall' insert 'be'.

The Speaker: Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

I beg to second.

The Speaker: I call on the mover to reply.

Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

Just to thank the Hon. Member for his engagement with the Department which I think has, as is often the case, brought around results. By working together we achieve far more. (**A Member:** Hear, hear.) It is a good message.

I am happy to support those amendments and – *[A mobile phone rang.]*

A Member: Sorry about that. It is me.

The Speaker: Carry on, Hon. Member.

Mr Watterson: With or without musical accompaniment.

The Speaker: I do remind Members of the House, all Members of the House, (**A Member:** Hear, hear.) that mobile phones should be switched off and not disturb the business of the House. Obvious really!

Now, clause 4 and Schedule 1: I put the amendments first. Dealing with the amendments in the name of Mr Houghton to clause 4: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

The amendments to Schedule 1 in the name of Mr Houghton: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4 and Schedule 1, then, as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5 and Schedule 2, please.

Mr Watterson: Mr Speaker, I will move and fully introduce this clause and the associated Schedule because the amendments proposed by Mr Thomas are designed to improve the law, not change policy.

Clause 5 amends the title of section 9 of the Police Act and the proceeding cross heading, so it refers to 'Complaints and conduct matters': adding in the words 'and conduct matters'.

It adds a few words at the end of the section to the effect that Schedule 1 of the Act applies also to the investigation of certain other matters relating to the conduct of the police.

Subsection (2) introduces Schedule 2 to the Bill which amends Schedule 1 to the Police Act.

Turning to the amendments in Schedule 2, they are designed to enable the Chief Constable or the Police Complaints' Commissioner to refer certain matters for investigation despite those matters not having been the subject of a complaint by a member of the public. This ensures that where a person

has either died or sustained serious injury in custody or following contact with the police it could be investigated even if no complaint has been made by a member of the public. The provisions of schedule 2 are designed to enable other matters to be investigated where the Chief Constable felt it appropriate because of the gravity of the matter or any other exceptional circumstances. This helps improve openness and transparency in the Police Force.

Other changes the Bill makes to schedule 1 of the Police Act include referring to disciplinary 'proceedings' instead of disciplinary 'charges', as the way police discipline is undertaken has been changed, requiring a few more definitions in paragraph 1 of schedule 1 to the Act. One of those new definitions in effect means that when an investigator is used from off Island that person may be from a police force or body in the UK, the Channel Islands or the Republic of Ireland.

The principal reason for this clause and the Department-sponsored amendments is to ensure that the police complaints process remains human rights compliant in the modern world.

Mr Speaker, I formally beg to move that clause 5 and schedule 2 do stand part of the Bill.

The Speaker: Mr Skelly.

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

The Speaker: Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I rise to move the amendment standing in my name – the substitute clause 5 and the associated schedule, schedule 2:

Substitution of clause 5

1. Page 7, for lines 11 to 21 substitute —

“5 Complaints and conduct matters

(1) In section 9 of the Police Act 1993 —

(a) for the section-heading substitute «Complaints and conduct matters»;

(b) at the end insert «, and the investigation of certain other matters relating to the conduct of the police».

(2) For the cross-heading immediately before that section substitute «Complaints and conduct matters».

(3) Schedule 1 to the Police Act 1993 is amended in accordance with Schedule 2 to this Act.

(4) This section applies to matters arising before as well as after this section comes into operation.”.

substitution of schedule 2

Pages 13 to 19 For Schedule 2 as printed substitute —

“SCHEDULE 2

Section 5(3)

amendments to schedule 1 to the police Act 1993

1 Interpretation

(1) In paragraph 1, at the appropriate places in alphabetical order insert —

«“conduct” includes acts, omissions and statements (whether actual, alleged or inferred), and “behave” has a corresponding meaning;»;

«“conduct matter” means any matter which is not and has not been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a member of the police force may have —

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings;»;

«“disciplinary proceedings” means proceedings against a member of the police force under regulations made by virtue of section 8(2)(e) or 8A(2)(c);»;

«“member of the police force” includes a special constable;»;

«“police custody” means —

(a) police detention (within the meaning of the Police Powers and Procedures Act 1998); or

(b) the custody of a member of the police force;»;

«“relevant person” means —

(a) a member of a police force in a relevant territory; or

(b) a member or officer of a body, or the holder of an office or an officer of such an office-holder, having functions in a relevant territory corresponding to any functions of the commissioner;»;

«“relevant territory” means any part of the United Kingdom, any of the Channel Islands or the Republic of Ireland;»;

«“serious injury” means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.».

(2) In paragraph 1, in the definition of “investigation”, for “paragraph 4 into a complaint.” substitute «paragraph 4, 4B or 4D.».

2 Appointment of commissioner

(1) In paragraph 2(1), for “after consultation with the Department” substitute «on the recommendation of the Council of Ministers».

(2) In paragraph 2(2) —

(a) in head (a) after “police force” insert «or a special constable»;

(b) in head (b) —

(i) after “he is” insert «or has been»;

(ii) at the end insert «at any time within the period of 3 years immediately preceding the date on which the vacancy arises.».

(3) In paragraph 2(3) —

(a) for “3 years” substitute «5 years»;

(b) for “but” substitute «and»;

(c) at the end insert «for one further term of 3 years.».

(4) For paragraph 2(4) substitute —

«(4) The Governor may call upon the commissioner to retire —

(a) in the interests of efficiency or effectiveness; or

(b) if satisfied that the commissioner has —

(i) since appointment been convicted of a criminal offence;

(ii) become bankrupt or made a composition or arrangement with his or her creditors; or

(iii) been guilty of serious misconduct.

(4A) Before calling upon the commissioner to retire, the Governor must give the commissioner an opportunity to make, either personally or otherwise, representations to him or her and must consider any representations that the commissioner makes.

(4B) A commissioner who is called upon to retire under sub-paragraph (4) must retire on such date as the Governor may specify or on such earlier date as may be agreed between the commissioner and the Governor.».

3 Complaints

(1) In paragraph 4(5)(b), for “a criminal or disciplinary charge” substitute «the bringing of criminal or disciplinary proceedings against the member of the police force whose conduct is the subject of the complaint.».

(2) In paragraph 4, after sub-paragraph (5) insert —

«(6) A complaint is not suitable for informal resolution if the conduct to which it relates —

(a) involves the death of, or serious injury to, any person; or

(b) is of a description specified for the purposes of this sub-paragraph in regulations made by the Department.».

4 Conduct matters

After paragraph 4 insert —

«Reference of conduct matters in certain cases

4A (1) The Chief Constable shall refer to the commissioner any conduct matter which comes to his or her attention, if it appears to the Chief Constable that the conduct in question —

(a) has resulted in the death of, or serious injury to, any person; or

(b) is of a description specified for the purposes of this sub-paragraph in regulations made by the Department.

(2) Nothing in sub-paragraph (1) requires the Chief Constable to refer any conduct matter if he or she is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

(3) The Chief Constable shall refer to the commissioner any conduct matter if the commissioner notifies him or her that the matter is to be referred to the commissioner for consideration.

(4) The Chief Constable may refer to the commissioner any conduct matter (other than one falling within sub-paragraph (1) or (3)) if the Chief Constable considers that it would be appropriate to do so by reason of —

(a) the gravity of the matter; or

(b) any exceptional circumstances.

Action on a reference under paragraph 4A

4B (1) The commissioner shall determine whether any conduct matter referred to him or her by the Chief Constable under paragraph 4A(1)(b) should be investigated, and shall inform the Chief Constable of his or her determination.

(2) If the commissioner determines under sub-paragraph (1) that a conduct matter should be investigated, the Chief Constable shall, after consultation with the commissioner, appoint a member of the police force to investigate it formally.

(3) Where a conduct matter mentioned in paragraph 4A(1)(a) is referred to the commissioner there shall be a formal investigation of the matter in accordance with sub-paragraphs (1A)(a) and (3A) of paragraph 5.

Notification of other cases involving death or serious injury

4C (1) This paragraph applies to any circumstances in or in consequence of which a person has died or suffered serious injury while in police custody.

(2) This paragraph also applies to any circumstances in or in consequence of which a person has died or suffered serious injury if —

(a) the death or injury occurred while or after the person had contact (of whatever kind, and whether direct or indirect) with a member of the police force acting in the execution of his or her duties; and

(b) there is an indication that the contact may have caused (whether directly or indirectly), or contributed to, the death or injury.

(3) The Chief Constable shall notify the commissioner of any circumstances to which this paragraph applies, unless —

(a) they are or have been the subject of a complaint;

(b) they amount to a conduct matter; or

(c) if he or she is satisfied that they have been, or are already being, dealt with by means of criminal or disciplinary proceedings against any person.

Action on a notification under paragraph 4C

4D Where circumstances are notified to the commissioner under paragraph 4C there shall be a formal investigation of those circumstance in accordance with sub-paragraphs (1B) and (3A) of paragraph 5.

Change of scope of investigation

4E (1) Subject to sub-paragraph (2), the commissioner may, after consultation with the Chief Constable, direct that any matter which is being, or is to be, investigated under paragraph 4, or paragraph 4B(2) shall instead be investigated under another of those provisions.

(2) The commissioner may not direct that a complaint which is being, or is to be, investigated under paragraph 4 be investigated under paragraph 4B(2) unless the complaint is withdrawn or the complainant indicates that he or she does not wish any further steps to be taken.».

5 Supervision of investigations

(1) In paragraph 5, after sub-paragraph (1) insert —

«(1A) The commissioner shall supervise the investigation of any conduct matter —

(a) which appears to him or her to have resulted in the death of, or serious injury to, any person;
or

(b) in which it appears to him or her that a member of the police force may have committed an offence falling within sub-paragraph (1)(b).

(1B) The commissioner shall supervise the investigation of any circumstances mentioned in paragraph 4D.».

(2) In paragraph 5(2), after “complaint” insert «or conduct matter», and after “sub-paragraph (1)” insert «, (1A), or (1B) as the case may be.».

(3) In paragraph 5(3) —

(a) after the words “the commissioner” insert «under sub-paragraph (2)»;

(b) in head (a), after “paragraph 4(1) or (3)” insert «or 4B(2)».

(4) After paragraph 5(3) insert —

«(3A) Where an investigation relating to a complaint in relation to any conduct mentioned in sub-paragraph (1) or an investigation into any matter mentioned in sub-paragraph (1A) or circumstances mentioned in sub-paragraph (1B) is to be supervised by the commissioner —

(a) the Chief Constable shall, appoint a relevant person to investigate the complaint, matter or circumstances formally; and

(b) the following sub-paragraph applies to such an investigation in substitution for sub-paragraph (3) —

“(3) Where an investigation is to be supervised by the commissioner under sub-paragraph (1), (1A) or (1B) —

(a) no appointment shall be made under paragraph (3A) unless the commissioner approves the relevant person whom the Chief Constable proposes to appoint;

(b) if such an appointment has already been made and the commissioner is not satisfied with the relevant person appointed —

(i) the Chief Constable shall, as soon as reasonably practicable, select another relevant person and notify the commissioner that the Chief Constable proposes to appoint him or her; and

(ii) the appointment shall not be made unless the commissioner gives notice to the Chief Constable that he or she approves that person.”.».

(5) In paragraph 5(4) after “police force” insert «or the relevant person».

6 Report on investigation

(1) In paragraph 6(2) after “police force” insert «or relevant person».

(2) In paragraph 6(3)(c)(i) and (4), for “the complainant” substitute «any complainant».

(3) In paragraph 6(5), for “disciplinary charge” substitute «disciplinary proceedings».

7 Steps to be taken after investigation

(1) In paragraph 7(2), for “has preferred disciplinary charges in respect of the conduct which was the subject of the investigation” substitute «referred the conduct which was the subject of the investigation to disciplinary proceedings».

(2) In paragraph 7(3), for “preferred or proposes to prefer disciplinary charges in respect of the conduct which was the subject of the investigation” substitute «referred or proposes to refer the conduct which was the subject of the investigation to disciplinary proceedings».

(3) In paragraph 7(4), after “(b)” insert «in the case of an investigation under paragraph 4,».

(4) For paragraph 7(6) and (7) substitute —

«(6) Subject to paragraph 9(5), if a memorandum under sub-paragraph (2) states that the Chief Constable proposes to refer the conduct which was the subject of the investigation to disciplinary proceedings, the Chief Constable shall so refer the conduct and shall not withdraw the case.

(6A) Subject to paragraph 9(5), if a memorandum under sub-paragraph (2) states that the Chief Constable has referred the conduct which was the subject of the investigation to disciplinary proceedings, the Chief Constable shall not withdraw the case.

(7) No memorandum need be sent under this paragraph if the conduct which was the subject of the investigation has been referred to disciplinary proceedings and the officer concerned has admitted the conduct and that it amounted to misconduct or gross misconduct, and has not withdrawn his or her admission.».

(5) In paragraph 7(8)(a), for “disciplinary charges preferred and of any punishment imposed” substitute «conduct which was the subject of the investigation and of any disciplinary action taken».

8 Power as to disciplinary proceedings

For paragraph 9 (including the cross heading immediately before it) substitute —

«Power as to disciplinary proceedings

9. (1) Where a memorandum under paragraph 7 states that the Chief Constable has not referred the conduct which was the subject of the investigation to disciplinary proceedings or does not propose to do so, the commissioner may recommend the Chief Constable to do so.

(2) Subject to sub-paragraph (5), the Chief Constable may not withdraw any case which he or she has referred to disciplinary proceedings in accordance with a recommendation under sub-paragraph (1).

(3) If, after the commissioner has made a recommendation under this paragraph and consulted him or her, the Chief Constable is still unwilling to refer the conduct to disciplinary proceedings, the commissioner may direct the Chief Constable so to refer that conduct, and where the commissioner does so, he or she shall furnish the Chief Constable with a written statement of his or her reasons for doing so.

(4) Subject to sub-paragraph (5), the Chief Constable shall refer a case to disciplinary proceedings in accordance with a direction under sub-paragraph (3) and shall not withdraw the case.

(5) The commissioner may give the Chief Constable permission —

(a) not to refer to disciplinary proceedings a case which paragraph 7(6) or sub-paragraph (4) would otherwise oblige the Chief Constable to refer; or

(b) to withdraw a case which paragraph 7(6) or (6A) or sub-paragraph (2) or (4) would otherwise oblige the Chief Constable not to withdraw.».

9 Relevant persons

After paragraph 12 insert —

«Powers of relevant persons

12A (1) A relevant person who is appointed to conduct an investigation under this Schedule, has, for the purposes of conducting that investigation all the powers and privileges (whether under an enactment or at common law) of a constable in the Island and within the seaward boundary of the territorial sea adjacent to the Island.

(2) The Department may pay to a relevant person who is carrying out an investigation under this Schedule such fees and allowances as it may with the concurrence of the Treasury determine.».

10 Regulations

(1) In paragraph 13, after sub-paragraph (1) insert —

«(1A) Without prejudice to the generality of sub-paragraph (1), regulations under that sub-paragraph may prescribe —

(a) the time within which any conduct matter is to be referred to the commissioner or any case is to be notified to the commissioner under paragraph 4C;

(b) the information and evidence to be supplied to the commissioner on any such reference or notification; and

(c) the steps to be taken to obtain and preserve evidence relating to the subject matter of the complaint, conduct matter or notification.».

(2) In paragraph 13(2) —

(a) at the appropriate places insert —

«(aa) subject to such exceptions as may be so specified, for the furnishing of particulars of any conduct matter referred to the commissioner under paragraph 4A to the person to whose conduct the matter relates;»;

«(ba) for giving the person to whose conduct a conduct matter relates an opportunity to comment orally or in writing on the matter;»;

«(da) for the notification of the outcome of the reference of any conduct matter under paragraph 4A to the person to whose conduct the matter relates;»; and

(b) omit head (h).

(3) After paragraph 13(2) insert —

«(3) The Department shall provide by regulations for the investigation, in such cases as may be specified in the regulations, of a complaint (other than a complaint mentioned in paragraph 5(1)) or a conduct matter (other than a conduct matter mentioned in paragraph 5(1A)) by a relevant person and for the modification of the foregoing provisions of this Schedule in relation to such an investigation.».”.

The situation has come about as a result of further scrutiny by the Attorney General’s Chambers from the perspective of European Court of Human Rights jurisprudence regarding the duty of the state to provide for the independent investigation of instances involving death or serious injury either in custody or following contact with the Police. What had been provided for in the green copy of the Bill was a mechanism for the investigation of such instances. It was always envisaged that investigation by an appropriate person would be provided for in regulations. However, Chambers have concluded this is insufficient and the Department has accepted the Bill will need to be amended, so provision for the investigation to be conducted by an outside police force or body is set out now in primary legislation.

Chambers also examined another part of schedule 1 to the Police Act and considered aspects of the appointment and terms of the Police Complaints Commissioner to fall short of human rights jurisprudence. These were not part of the original Bill, but in the light of the Attorney General’s Chambers’ advice they are included in the amendments.

Turning to the amendment specifically as listed on the Order Paper, the first amendment substitutes clause 5 and is required for technical drafting reasons relating to how the changes to the cross-heading and the section heading are amended to include conduct matters as well as complaints.

The second amendment substitutes the associated schedule 2 in order to neatly do two things when amending schedule 1 of the Police Act. Firstly, to amend a matter expressly not addressed by the Bill, namely the human rights deficiencies Chambers identified relating to the appointment of the Police Complaints Commissioner. The amendments within the substituted schedule provide for the Commissioner to be appointed by the Governor on the recommendation of the Council of Ministers, instead of after consulting the Department. Moreover, they provide for his or her term of office to be restricted to five years with the possibility of a single renewal for three years, instead of a term of three years that may be repeatedly renewed. And finally, for the ineligibility criteria to clarify that special constables, as well as serving or former police officers, are not eligible to be appointed, and that not only is a Member of Council or Keys ineligible to be appointed but also a former Member, unless three years or more have elapsed when the vacancy arises. Plus certain criteria have been set out in the event it is considered the Commissioner ought to be required to retire prior to the Commissioner’s term of office expiry.

And secondly, and primarily, to provide in primary law for death and serious injury cases to be investigated by an outside police force or body, such as the Independent Police Complaints Commission. The changes included in the proposed substituted schedule will also enable other serious cases to be investigated similarly.

Other than the changes I have outlined, the schedule provides for the self-referral and the investigation matters as previously set out in the green copy of the Bill.

Mr Speaker, Hon. Members, I beg to move the two amendments represented by the substitution of clause 5 and schedule 2 standing in my name.

The Speaker: Mr Joughin.

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

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

Mr Watterson: Thank you, Mr Speaker.

Firstly, to thank Mr Thomas and Mr Joughin for moving the amendment.

We took the decision, for the sake of ease of reading, that we should put all of the replacement schedule 2 in to make it easier to understand, rather than trying to read bits and bobs within it, which would have made reading it very difficult.

The general principle is to ensure that, firstly, it is human rights compliant on advice from the Attorney General's Chambers, and most of that is things that we would actually anticipate moving forward in regulations, moving them into the primary legislation.

So, with that and thanking Hon. Members for their support thus far, I beg to move.

The Speaker: Hon. Members, dealing with clause 5 and schedule 2, first the amendment, in the name of Mr Thomas, to clause 5: those in favour of the amendment, please say aye; against, no. The ayes have it. The ayes have it.

The amendment to schedule 2: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5 and schedule 2, then, as amended: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 6, Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

Clause 6 provides that the Act will expire on the day after its promulgation if all its provisions are in operation, or on the day after the last provision is brought in, if later.

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

The Speaker: Mr Skelly.

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

The Speaker: I put the motion that clause 6 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.