

## 5. Road Races Bill 2015 – Second Reading approved

Mr Corkish to move:

*That the Road Races Bill 2015 be read a second time.*

**The President:** We turn then to the next Item on our Order Paper, which is the Road Races Bill for Second Reading and clauses stage.

I call on the Hon. Member, Mr Corkish.

**Mr Corkish:** Thank you, Madam President.

I beg to move that the Road Races Bill 2015 be read for the second time.

This comprehensive Bill seeks to replace the Road Races Act 1982 with a new and updated Act.

The Bill seeks to modernise 30-year old legislation by creating clarity around roles and responsibilities, reducing unhelpful administration and paperwork, responding to the 26th milestone inquest and allowing for the future development of events.

This Bill both introduces a new Road Races Act and amends section 38 of the Highways Act 1986.

The Bill provides for racing with powered machines, including car rallies such as Rally Isle of Man and the Manx Rally, motorbike circuit races such as the TT and Southern 100, street sprints and hill climbs such as the Ramsey Sprint, and kart races such as those held in Peel.

Low risk events will be permitted under section 38 of the Highways Act 1986. These include cycle races, running races and soap box derbies.

The Bill removes the current legislative overlap that exists in the two Acts.

The Bill introduces the concept of a racing authorisation in addition to road racing orders. A racing authorisation is similar to the road racing order that can be issued under the existing legislation. In the medium term, the split between authorisations and orders will reduce the amount of paperwork and administration whilst maintaining standards and control.

A racing authorisation facilitates the closing of roads in relation to an event and the creation of prohibited areas. In addition, it will allow for all of the supplementary provisions required to hold a well-managed racing event. This will reduce the multiple orders currently being produced for each event to one comprehensive authorisation.

The Bill allows the Department to prohibit land, but a landowner and occupier can stop it being prohibited by request to the Department. The Department is of the opinion that the current system adds little value and distracts attention away from safety. In the event of a landowner and occupier not wanting their land prohibited, the Bill provides for the erection of signage making clear that it is not a safe location from which to view the race.

The Bill provides for the organiser to appoint marshals. It also makes clear that the organiser is responsible for ensuring that marshals are trained and competent to undertake the duties assigned to them. The Department recognise and appreciate the issues raised by Mr Turner whilst in the Department, and has tried to find a balanced and proportionate way forward that addresses his concerns.

The Bill creates new summary offences in relation to obstructing a racing official or interfering with signage. The maximum fine has been increased to £5,000 from £2,500, and the Bill provides for a custodial sentence not exceeding six months for a person committing an offence without reasonable excuse.

I am aware that the Lord Bishop and Mr Henderson have both tabled amendments today and the Department is supportive of these amendments.

I am also grateful to Mr Cretney, who has raised several important points with me and the Department over the past week. I hope that we have been able to resolve these issues to his satisfaction. Unfortunately, however, we have not been able to reconcile the hope that a marshal's

identity could be issued for multiple events. That said, I hope that we have demonstrated that the administration will be no more onerous on the organiser than it is currently.

The Isle of Man has a celebrated history of road racing and it is an important part of our unique cultural identity. The Bill makes a material improvement to our road racing law and in doing so promotes the public interest by protecting the future of road racing on the Isle of Man. As such, I commend the Bill to the House.

Madam President, I beg to move that the Road Races Bill 2015 be read a second time.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President. @@@

It is going to be quite interesting going through the provisions of this Bill because there are a few areas which I am still concerned about, which we will come to in the clauses. In summary, the Department know about these concerns because we have had very lengthy discussions about them.

One which does concern me is the functions, where at the moment the organiser of an event will approach a landowner and suggest that the area is potentially dangerous; they will ask for it to be prohibited and there is an agreement reached. This Bill is flipping that process on its head and basically putting the onus on the landowner to ask to opt out. I just do not think that is good enough, I am sorry. It is not for a landowner to have to start dealing with things because somebody wants to put an event on. The onus should be on the organiser of an event to take the appropriate steps, not bring in legislation. We know why it has been put in: it is because the Government is the organiser of one of the events and the words that were used to me in the Department were 'it was a nuisance and it was a hassle'. Well, again, I am sorry, that is not good enough. If you are putting an event on, then that is part of the work that comes with putting the event on, and that is getting landowners on side – because it may come as a huge shock to people, but not everybody who is living around the various courses, circuits and rally stages actually likes these things being on. This legislation and organisers should be trying to get people and working with them, rather than dictating to them.

This draft is a lot better than what was there originally, which was incredibly draconian. It was basically outlawing people from their own property at one stage and *very* heavy handed. It has been watered down considerably since then, but there still seems to be an onus on a landowner to ask, which I think is the wrong way round. They have bought the land, they are the legal holder of it, and if somebody wants to come and do something alongside that property, then it is up to them. I still maintain that, as in other areas of the world, if you have got dangerous corners then organisers should erect appropriate crash barriers and fencing – it happens everywhere else in the world. Just to turn around and shrug off all responsibility, and say, 'Well, we've told you it's dangerous, so your insurance will be invalid,' and all these other scare tactics I do not think is acceptable. I would be interested to hear from the mover exactly how this is going to operate.

I have already mentioned that the United Kingdom are bringing legislation in to permit similar racing on public roads. Obviously, residents are not used to events like they are in the Isle of Man, so how successful they will be in getting some of these events running ... Some have already been running for a number of years under special arrangements, such as in the Scottish Borders and in Northern Ireland, but once we see Wales and England taking part in these events then what they are going to be doing is taking our customers. They are going to be competing for events, weekends of enthusiasts' groups, classic cars, motorcycling and so forth. So we have to make sure that our provisions are not to the stage where we are going to create extra barriers in terms of the safety. The organisations such as the Auto Cycle Union (ACU) and the Motor Sports Association (MSA) are

incredibly experienced in these areas and we have got to be working in harmony with them. So, whilst it is important we revise this legislation, we do have to do it the same way as organisers are doing it in other areas, and that is where I think we need to concentrate.

I am disappointed that the Department has not included the criminal convictions element, because you are appointing marshals into a position of power and authority and there are certain criminal convictions ... You certainly would not be allowed to be a security guard in many other licensed capacities if you had certain convictions. I do not think this is the forum to nail down into the detail of what convictions are relevant, but I wanted to bring in a Private Member's Bill giving the power for one of the Departments to bring in an order listing which convictions they thought were unsuitable. I was appalled that one of the reasons given was that we might lose a few marshals who have got convictions. That is an absolutely disgraceful attitude to take! So what we have got is a situation where we have convicted sex offenders and people with violence convictions who – and it is on record, because one of these people actually overturned a decision of the Chief Constable – are still able to sign on and be put in that position of power. They are dealing with the public, who will not be aware of their conviction. I think there is a duty of care there, that people with certain convictions should not be able to do it. The Department of Home Affairs would not license them to be a security guard on alcohol premises, a nightclub, so I do not see why, when we are dealing with other public events and public issues, this should be any different because we might lose a few marshals. I think that is totally unacceptable.

I notice there is a provision in here for security and I did raise concern about this, that this might be a licence to outprice events. I notice the wording in clause 5(4), on page 10, says:

(b) there is or will be in place in connection with the race such security, or such insurance and indemnity, against risks, liabilities, injuries or damage as may be specified by the Department.

I would hope that this clause ... the security is not invoked by the Department if the organiser is an ACU or MSA permit holder, because the permits issued by those bodies are in effect the insurance and give that cover. I would hate to see a situation where we have legitimate events permitted by the MSA or the ACU and then tell them they have got to come up with a load of security or a bond or a guarantee, which just then makes the event completely financially unviable. Again, that is a new provision which is not there in the 1982 Act – and there are various other provisions that have come in.

I think on the whole it is in a lot better shape than it was when we saw the first draft, which was quite frightening.

**The President:** If no other Member wishes to speak, I call on the mover to reply.

**Mr Corkish:** Thank you, Madam President.

I thank Mr Turner for his observations, which are many, given his association with road racing events on the Isle of Man. I am aware that he has met with the Department and discussed organisers' approval with landowners. This, I hope, he will find will be addressed in the clauses as we move through the clauses today. This may be a point with which Mr Turner will forever be at odds, and there may be other areas within the Bill where Mr Turner may be forever at odds with the Department, but I do note amongst his remarks that there is a modicum of support from Mr Turner.

Following the 26th milestone incident, much safety and care was taken regarding all aspects of events, and these have been taken into consideration for all the perceived good of such events on the courses around the Isle of Man, and of course the ACU and the MSA we work very closely with.

With regard to marshals' power and authority, that of course would be after due regard of organisers and reporting of such, and I think I mentioned in my First Reading that licences can be revoked upon information being relayed to the organisers.

With regard to security, security is an alternative to insurance; it is not as well as. It is a failsafe, I think is probably the wording I would use in this particular case.

Madam President, I beg to move.

**The President:** 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.

**Road Races Bill 2015 –  
Consideration of clauses –  
Clauses related to marshals deferred to next sitting**

**The President:** We turn now to the clauses.

**Mr Corkish:** Thank you, Madam President.  
I would like to move clauses 1 and 2 together, if I may.

**The President:** Indeed.

**Mr Corkish:** These give the Bill its short title and provide for it to come into operation on one or more days appointed by the Department of Infrastructure.  
I beg to move that clauses 1 and 2 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The motion is that clauses 1 and 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Clause 3.

**Mr Corkish:** Thank you, Madam President.  
This clause deals with the application of the Bill. It makes clear that the new Act will apply to racing involving machines with a maximum net engine power of over 2kW. This clause seeks to limit the new Act's application to racing with machines that have a greater risk associated with them. It is not applicable to racing with lower-risk machines such as electric push bikes that are better described as entertainment. It eliminates the overlap with the Highways Act 1986 in respect of closing the road for entertainment racing.

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

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The motion is that clause 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Clause 4.

**Mr Corkish:** Madam President, clause 4 gives the interpretation of terms within the Act.  
I beg to move that clause 4 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The motion is that clause 4 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Clause 5.

**Mr Corkish:** Madam President, this clause was modified during its passage through the House of Keys and provisions relating to racing on a Sunday were removed to create a new clause. The provisions of clause 5 are subject to the new clause.

Clause 5 introduces the concept of a racing authorisation, which is similar to a road racing order under the existing 1982 Act.

The Department, upon written application from an organiser, may authorise the use of a road for racing. The authorisation must specify details of the race and may contain conditions relating to the race. It may also contain provisions for modifying enactments in support of the racing event.

As the asset owner, the Department can only issue a racing authorisation to an organiser that it believes is competent to organise the proposed event. Membership of an appropriate governing body, such as the MSA or ACU, and racing permits and licences will be accepted as strong indicators of competence.

A racing authorisation will not have effect unless appropriate securities, insurances or indemnities are in place.

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

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Coleman.

**Mr Coleman:** Mine is a very quick thing, really. Clause 5(2)(c), the days and times when a race may take place: is that designed to also incorporate contingency plans based upon weather?

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President.

Clause 5 consists of a reference to racing on a Sunday. It specifies the TT mountain course and the Billown circuit, racing between 1 p.m. and 9 p.m. Will the mover –

**The President:** No, that is – (*Interjections*)

**Mr Turner:** Sorry, that has been amended.

**The President:** Clause 6, that is, sir. (**Mr Corkish:** Amended.) We have not got to that yet.

**Mr Cretney:** No, it is clause 5 that has been amended.

**Mr Turner:** Right, yes, that is where I was confused. Sorry, I will ask the question in the next ... It is relevant to the next clause, I beg your pardon.

**The President:** Does any other Member wish to speak to clause 5?

**Mr Cretney:** Well, I had read, Madam President, that between 1 p.m. and 9 p.m., which I had understood was mended in the House of Keys, as in clause 5.

**The President:** Sorry. If we look at page 13 of your Order Paper, the amendments to clause 5 are set out at 1 and 2. After that, we have amendment 3, which inserts a new clause 6, which will be dealt with as clause 6.

Is everybody happy? I knew there would be some query on this.

**Mr Anderson:** Just for clarification, Madam President, it does mean that clause 6 supersedes –

**The President:** Renumbering of the printed numbers will occur then, so clause 6 as printed will be clause 7, and so on. We will deal with that. We will clarify each one as we go in case there is any confusion.

At the moment, we are dealing with clause 5, which has been subject to some amendment, and those amendments are set out at 1 and 2 on page 13 of your Order Paper. Okay?

Do you wish to comment on those?

**Mr Turner:** I do not know whether it will be of much value, Madam President, but I will make the comment anyway! *(Laughter)*

**A Member:** You normally do!

**Mr Turner:** Firstly, the original clause, subsection (6), I thought was quite fit for purpose, **(Mr Cretney:** Hear, hear.) but obviously it has been amended and we will come to that. I will explain when we come to the amendment why I feel that the existing clause 5 as written on the green paper was workable, **(Mr Cretney:** Hear, hear.) but I –

**The President:** Well, it is not before us, because subclause (6) was deleted **(Mr Turner:** Deleted, yes.) in another place.

**Mr Turner:** As I said, I appreciate that, but I think it was workable – but anyway ...

**The President:** So we are dealing with clause 5 as amended in another place.  
Do you wish to reply, sir?

**Mr Corkish:** I think I need to reply to Mr Coleman, thank you, Madam President, and thank you for trying to dilute the confusion, and the clarification.

The short answer to Mr Coleman regarding inclement weather is yes.  
I beg to move.

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

We now deal with clause 6, which was introduced in another place and is printed on page 13 of your Order Paper at amendment 3.

Hon. Member.

**Mr Corkish:** Thank you, Madam President.

I hope I am correct in this: this is the new clause, the racing authorisation with Sunday racing?

**The President:** Yes.

**Mr Corkish:** The new clause identifies requirements in respect of racing on a Sunday. The Department may not issue a racing authorisation unless it has complied with these requirements.

Although consultation forms part of the Department's normal approval procedure, it has taken into account the Chamber of Commerce's concern that closing the whole of the TT course can be particularly challenging for some businesses. Through the provisions of the new clause, racing on the whole of the mountain course may only be authorised if the Department has advertised its intention and taken regard to any representations made to it. There are, however, two exceptions: (1) racing on Sunday during the TT and (2) racing on one Sunday for the Festival of Motorcycling in the event of postponement from the previous week.

Racing on the whole of the TT course and the Southern 100 course may only take place between 1.30 p.m. and 5.30 p.m. with two exceptions, both on the Billown course: (1) racing as part of the Southern 100 event, and (2) racing as part of the Pre TT Classic Event. These two events, and indeed the Post TT Race contained within Mr Henderson's amendment following today, require around seven hours of good weather for the full programme of events. This is why they are noted as exceptions.

To be clear, the restrictions above, as said, do not apply to racing on parts of the two courses mentioned. For example, they would not apply to part of the TT course being used for a rally stage or a hill climb event.

All racing on a Sunday must be approved by the Council of Ministers.

The Department wishes to be able to authorise racing on a Sunday. Increasingly, Sunday is seen as a day of sport and entertainment within the community. The Department hopes that changes to Sunday racing may increase the popularity of some events and bring more competitors and tourists to the Island. Live sport is a firm fixture of Sunday afternoon television and this Bill will allow organisers and promoters to explore opportunities for the Isle of Man's events. Allowing some racing on Sundays will help to retain the Island's status as the road racing capital of the world.

Madam President, I beg to move the clause standing part of the Bill.

**The President:** Do we have a seconder? The Hon. Member, Mr Anderson.

**Mr Anderson:** Yes, I am happy to second, Madam President.

I would just comment on the new hours that have been included in this clause. I think these are a lot more reasonable than what was in the original draft. I think people being imprisoned in their houses for more than four hours on a Sunday afternoon is unreasonable and I think this is a reasonable compromise.

**The President:** The Lord Bishop.

**The Lord Bishop:** Madam President, the amendments that I wish to propose are purely grammatical.

The word 'only' can be an adjective or a conjunction, and in this case it is an adverb, as it usually is, in that it adds to a verb. The mover on two occasions used it in a verbal way: 'only be authorised if', he said, and 'may only take place if'. That is quite normal when you are speaking, because we move the word 'only' early in the sentence when we speak, but if we wish to write clearly we put it in relation to the verb, and on three occasions in this clause the 'only' has been put in the verbal way rather than in the written way. Therefore, my proposal is to make it clear by putting it in the way which makes the use of the word 'only' explicit.

I beg to move:

*Amendment to the new clause after clause 5*

1. *In subsection (1) of the new clause 6 —*
  - (1) *on the first line, after the word “may”, omit “only”; and*
  - (2) *after the word “Sunday”, insert «only».*
2. *In subsection (2) of the new clause 6 —*
  - (1) *on the first line, after the word “may”, omit “only”; and*
  - (2) *after the words “Tourist Trophy Mountain Course”, insert «only».*
3. *In subsection (4) of the new clause 6 —*
  - (1) *on the first line, after the word “may”, omit “only”; and*
  - (2) *before the words “between 1.30 p.m. and 5.30 p.m.”, insert «only».*

**The President:** A seconder?

**Mr Crookall:** I propose to second, Madam President.

**Mr Anderson:** Madam President, can I speak on this?

**The President:** Can I just take the other amendment, and then we can speak on them all at once?  
The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I propose the following amendment, as printed on our Order Paper, to go with this new clause.

Following a request from the Chairman of the Southern 100 Committee, I would like to propose the amendment standing in my name. The effect of this amendment is to allow the Post TT race at the Billown course to take place on Sunday should racing be postponed because of poor weather on the Saturday. The normal racing programme takes around seven hours to complete and the time restriction in the new clause would stop the full programme being run. If the programme was reduced so that it could fit into the Sunday time restriction, then spectators, tourists and competitors would all be badly served and rightly feel short-changed. Likewise, postponing the event to Monday would be unsatisfactory and would cause more disruption to the traveling public.

This event is held every year and there is an expectation and understanding from the public that the event should take place on a Sunday if it is delayed from the Saturday.

Eaghtyrane, I beg to move:

*Amendment to the new clause after clause 5*

1. *In subsection (5) of the new clause inserted by the Keys —*
  - (a) *omit “and” at the end of paragraph (a);*
  - (b) *for “.” at the end of paragraph (b) substitute «; or»; and*
  - (c) *after paragraph (b) insert —*  
*«(c) on one Sunday only, for the motorcycle races held on the Billown Circuit on the Sunday immediately following the Isle of Man Tourist Trophy motorcycle races.»*

**Mr Cretney:** Madam President, I am very happy to second that.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President.

The last few minutes, I think, are evidence as to why the original draft (**Mr Cretney:** Hear, hear.) of clause 5, which was not before us, was perfectly suitable, because ... (**Mr Cretney:** Hear, hear.) Why say something in a couple of lines when you can do it in four pages?

I think what is disappointing here is that what we are saying is we are going to give the Department of Infrastructure functions to pursue the policy. We have accepted we have events on the Island – we are having the TT, we are having the Manx Grand Prix, we have got the Southern 100, we have got various other things going on, and that is what we want to do. But then what we are saying is, ‘Actually, we don’t really trust them to do that and exercise judgement, so we are going to put all these things in primary law to wrap them up before we have even started,’ and I think that is really unfortunate. There is no reason why the Department could not have the function to be able to issue the racing authorisations any time it deems fit, but it should have regard right and proper to many other factors. I think this is where, then, the structure we have, that Council of Ministers can give directions to the Government Ministers ... If they are suddenly giving out road closing orders willy-nilly every weekend for anything and everything, then clearly that would be unacceptable, but what we have now is a very complicated, convoluted process, when before ...

I was of the opinion we should have just given the Department the ability to do it, and if, say, for example, the Jaguar Owners’ Club came to the Island and wanted to hold a weekend event here, they would apply to the Department and say, ‘We’re going to do some events on the Saturday, we’re going to do something at Jurby Airfield, and on Sunday morning, before we finish with a lunch,’ or whatever, ‘we want to do a hill climb up the Sloc or Lhergy Frissell,’ or wherever; the Department should then have regard for the factors negotiated – it already does with bodies like the Chamber of Commerce, as we have already heard – to see whether the event warrants the issuing of that order. That is, I think, the sort of provision we should be giving them in primary legislation. If we are going to be saying, ‘Right, well, okay, that could be abused,’ then there should be some powers put into the primary legislation to say under this they can issue some orders on how they are going to operate it. So, if we find that, rightly, the Church have concerns about places of worship being closed in on a Sunday morning, then that could be dealt with in regulations, where it could have amended provisions put in to enable it to happen a lot smoother.

I just think the amendments that have come through for this Bill have really overcomplicated things that they need not have done. And I still maintain that if we are giving the Department the power to exercise proper judgement responsibly, then we should allow them to do it.

I will support the amendment because obviously the Southern Hundred Club have identified a problem to them. It would be a nonsense to organise that event on the Monday, because everybody is set up, everything is geared up for it to happen, including the residents who live around the circuit. The last thing they would want is it dragging into next week.

So, again, I will support the amendments but I just think they are completely ... We have brought a new Act in and what we have done is we have already started taking it apart, and I do not think that is the way we should be dealing with primary legislation when we have had the opportunity to have a clean sheet of paper.

**Mr Cretney:** Hear, hear.

**The President:** The Hon. Member, Mr Anderson.

**Mr Anderson:** Thank you.

Just following on from the Hon. Member’s comments, I could not have supported the Bill in its previous form, particularly the timings that were included within that, between I think it was something like one ... 12.30 originally we were –

**Mr Cretney:** One until nine.

**Mr Anderson:** One until nine. I think that is quite unacceptable in this day and age, when, if you have racing on a Saturday and a Sunday on the TT course, people who have two days off for a weekend could be completely closed in and unable to get out to do *their* leisure pursuits. That is the way it was drafted originally, so I think this is actually an improvement.

The other thing I would mention at this stage is that I welcome Bishop Robert's interventions, and maybe his good services would be of use to the learned Attorney General's Chambers when he is stretched for help.

**The President:** If no one wishes to add anything, I call –  
Oh, you do, Lord Bishop.

**The Lord Bishop:** Madam President, just one thing. The blame does not fall with the learned Attorney General's Chambers but with the House of Keys.

**Mr Anderson:** The learned House of Keys!

**The Lord Bishop:** The learned House of Keys!

**The President:** The mover to reply.

**Mr Corkish:** Thank you, Madam President.

I hope I can address most of the queries raised. Mr Anderson, who came in twice but on the same tack, really: I think amendments and the Bill before us today illustrate the concern and consideration that was given to the clauses, and indeed the total Bill, and an agreement that Sunday is still seen by many and observed by many as being a special day, and I think observance has been given to that important issue. So I think much care has been observed by the Department on that issue.

With regard to the Bishop, I can advise the Bishop that the Department is minded not to resist the grammatical amendments, (**The Lord Bishop:** Thank you.) in that it does not change the Department's intended meaning, as noted above, and I and the Department apologise for our grammatical shortcomings and would accept as changed, Bishop.

I thank Mr Henderson for his clause.

Mr Turner: of course I respect his comments and views, which are many and involved through his long association with road racing events and rallies on the Isle of Man. The overall reason for the Bill in this form is after *much* consultation on *many* fronts. Such action that has been taken is much the same as before but noted differently perhaps. Can we agree to ...? Perhaps not. Is it overcomplicated? Perhaps it is. Is this being overzealous? Perhaps it is. However, it is an important issue and every care has been taken by the Department to dot each *i* and cross each *t* to the benefit of road racing in the Isle of Man. But overall I thank him for his support of this clause.

Madam President, I beg to move that the clause do stand part of the Bill.

**The President:** The motion is that clause 6 do stand part of the Bill.

To that clause we have two amendments, the first in the name of the Lord Bishop and the second in Mr Henderson's name.

I will take the amendment in the name of the Lord Bishop first. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And now the amendment in the name of the Hon. Mr Henderson: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I now put to you clause 6 as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7 – that is clause 6 as printed on your green Bill and now renumbered, Hon. Members.

**Mr Corkish:** Thank you, Madam President.

This clause provides for a racing authorisation to include supplemental provisions dealing with matters such as the erection of grandstands on land owned by the Government and prohibiting traffic on roads, including roads not being used for the purpose of the race.

Prohibition of land cannot proceed if the landowner and occupier object to it being prohibited. However, the Department will have the power to place signs on such land or elsewhere indicating that the Department considers that the use of the land by race officials or spectators would constitute a hazard to their safety.

This clause will reduce significantly the amount of paperwork and administration that will need to be undertaken by the Department and consequently improve safety.

I believe that this clause strikes a good balance between the rights of people to enjoy their land and a race organiser's obligations to organise a safe event.

Madam President, I beg to move clause 6.

**The President:** Clause 7.

**Mr Corkish:** Clause 7, sorry, being part of the Bill – clause 6 as was.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Madam President, I think this, as I mentioned at the Second Reading, is one of the clauses I do have an issue with, and this is to do with what is now clause 7(2)(b). It is to do with prohibition:

unless the owner and any other occupier of the land have notified the Department in writing that they object to the proposed authorisation so far as it concerns land they own or occupy ... ("the relevant land").

and I just feel that ... I would like to ask the mover how they are going to do that: whether there will be some form of pro forma, that when they write to the landowner the landowner can then fill it in and send it back, because I think when you own some land ... to then have to write to you to object to your own land being prohibited I think is a bit ... is not on. They might not wish to have anything to do with the Department in this case. It is certainly not a process which I think is acceptable. There was nothing wrong with the old process, where many landowners co-operated. You would go to them and you would say, 'We have an issue where we would like a prohibited area here, for good reason.' Many landowners, certainly farmers, were quite grateful for prohibited areas because they might have crops – it depends what time of the year it is – or livestock, and fences that get damaged and litter problems, so it does serve a useful purpose but I still maintain the onus should be on the organiser of an event to approach the landowner, and if the landowner objects then they should not have to be making their effort to something that is not of their making.

**The President:** The Hon. Member, Mr Cretney.

**Mr Cretney:** I may be misunderstanding this, but my understanding was that the process remained basically the same, other than the landowner, if they do object to the land being designated as a restricted area, would have to notify the Department – would have to, in writing, contact the Department about that – and I think that is entirely ... I do not have a problem with that because I am aware that there have been instances in the past where people have objected to their

land being designated and then others may be invited onto that land and may, as a result, inadvertently cause issues to follow. I do not have the same concerns, *if* I am reading this right, that Mr Turner has.

**The President:** The mover to reply.

**Mr Corkish:** Thank you, Madam President.

I thank Mr Turner once again. Yes, the question of land and safety of land and prohibition has been a matter for concern, regarding the TT Races certainly, for a great amount of time, and certainly since the 26th milestone, where great safety reports came forward. Some land, private land, was seen as being unsafe – and I agree with Mr Cretney, the same system is in place now where written objection is given to the Department. There would be an issue there if land was deemed to be unsafe but the landowner wanted to move it. That is in his right but the Department would arrange to put signs there to say, ‘This is not safe and we have told you this; we absolve ourselves,’ and if there were any claims following that, then there could well be a reduction in insurance claims coming to that.

Can I just add, which may help, the approach to the prohibition of land is designed to be failsafe. If there is a dispute between the owner and the occupier as to whether the land should be prohibited, then it will be prohibited. An example of this situation was seen last year where the occupier of a local authority house did not want his garden prohibited, but the local authority did. Under the current 1985 Act the land could not be prohibited.

If the organiser is forced to make the race safe for prohibited land users, then it is likely that events such as the TT and the Southern 100 would come to an end or that their appeal would be stripped away as the course is slowly converted to normal race-safe specification.

The provision of signs I mentioned before. That was indeed a part of your concerns regarding the safety of land or the concern that land should be deemed safe for spectators and organisers. The provision of signs on land that the owner and occupier do not want to be prohibited is to help inform visitors to that site during the race, and the Department remains to have the right to erect advice signage.

I hope that, in some part, addresses the concerns of Mr Turner. (**Mr Turner:** No.) I thought it may not.

**Mr Turner:** No, it doesn't. (*Laughter*) If anything, it makes it worse.

**Mr Corkish:** Madam President, I beg to move.

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

Clause 7 as printed, now renumbered 8.

**Mr Corkish:** The numbered clause, Madam President – thank you – provides for the variation, suspension and revocation of a racing authorisation within the four-hour period leading up to a race and during a race, but only if there has been a significant and serious failure to comply with the terms of the racing authorisation or an emergency. To be clear, this will not stop variations, suspensions and revocations at any other time leading up to the race.

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

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**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 8, now numbered 9. The Hon. Member wants to group some clauses. I do not whether the number you gave me was the old number or the new number. The printed number or the ...?

**Mr Corkish:** I think it's time to go home, Madam President! (*Laughter*) I asked to group clauses 9, 10 and 11 –

**The President:** Is that clauses 9, 10 and 11 as printed?

**Mr Corkish:** – so this was clause 8 and should not be –

**The President:** Right, okay, you want to move clause 8 as was printed?

**Mr Corkish:** As was, Madam President.

**The President:** Right, so this is now clause 9, clause 8 as printed, and you wish to move that by itself.

**Mr Corkish:** I do. Thank you for your clarification and help.

This clause provides for the appointment by the organiser of marshals. This will give the organisers the authority and responsibility to marshal the event safely.

Under the 1994 Act the Chief Constable appoints marshals. This is not appropriate, because the Chief Constable does not organise or instruct the marshalling of racing events and it can lead to confusion over the role of the Chief Constable in relation to the organisation of a race. There should be no room for confusion. The organiser is responsible for the arrangement of a safe event in its entirety. This includes the marshalling of both the sporting and spectator event.

Under this clause, marshals are required to have photographic identification and, given the extent of some of the powers being given to marshals, this is not unreasonable. It is worth noting that the organiser has discretion in the appointment of an individual marshal and can withdraw a marshal's authorisation at any time and must do so at the request of the Police or Department of Infrastructure.

Madam President, I beg to move that clause 8 as was do stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President.

Obviously, the mover has mentioned the difference between this and the 1982 Act, where the marshals were given the warrant cards signed by the Chief Constable for many years. The main purpose of that was really so that the marshal has the power to enforce the road closing order. But he is right – the Chief Constable never met the marshals most of the time. I recall, having been running an event in the 1990s, you would pick up the stack of printed marshal warrant cards at the police station, a couple of hundred of them bound with an elastic band, blank, and you would fill them out when you issued them to the marshals. So it was a bit of a nonsense and obviously this is a new process.

The identity card I know has caused some concern with organisers on how they are going to administer this, and I think there is a changing culture in all motorsport now and it is moving that way. Certainly the ACU and the MSA do issue their licensed officials with cards with their photographs on, so quite a lot of that work is already done and I wonder whether those identity cards would be covered in this clause, in subclause (3).

Subclause (4):

An organiser may revoke a marshal's appointment at any time, and must do so if the Department or the Chief Constable requests its revocation

is the watered-down provision of what I was asking for with regard to suitability of people. The question I have is ... the Chief Constable previously did revoke somebody's warrant card for an event, and, to the great consternation of the Department of Home Affairs and the Constabulary, the offender actually obtained legal aid at the public expense, I believe, and had the Chief Constable's decision thrown out at petition of dolence, which was a double-whammy for justice, I think, because not only did we have somebody who had committed a serious offence but they then used the public purse to have the Chief Constable's rightful decision thrown out. So I would like to know: this provision here, does it give them the absolute power to prevent undesirable people from getting a hold of these positions? It is pointless, if the Chief Constable requests the revocation of a marshal's appointment, if they can then just go along and have it overturned on human rights issues – that they have the absolute human right to go and take part in this event, which is basically what happened in that particular case. The Police were very keen, when I discussed this issue, to have that ability, because this is a protection. We see so many other areas where we have silly regulations stopping people from getting involved on school trips, and all the other hoops we have got to jump through to protect people, and here we have something that just flies in the face of all of that and something that should be so obvious.

So, is that clause fit for purpose? I would like some clarity from the mover. He already knows I do not think it goes far enough, but it is better than what we have got, because there is at least something there in black and white to say that they can be revoked – but can that revocation be challenged?

**The President:** The Hon. Member, Mr Cretney.

**Mr Cretney:** I just want to say that I agree with the latter remarks of Mr Turner in relation to a person perhaps being put in a position in which, in the public good, they should not be. I think the example he used at the Second Reading stage, of security workers or whatever, security officers – they would not be allowed to be exposed to that possible situation, and I do hope it is strong enough to prevent people who should not be in upfront positions from being so.

The other point I wanted to make was the position of the Chief Constable. Prior to Chief Constable Culverhouse, the Chief Constable certainly was involved. Chief Constable Robin Oake very often would come to the marshals' points to meet marshals and to play a full role. However, things changed. The Police decided that their involvement was going to be different – possibly part of the 2007 situation at the 26th milestone, but the Police's role now is completely different from that which it used to be, inasmuch as they come prior to the start of races and their role is one of traffic management and they withdraw from the situation. Whether that is a good thing or not a good thing is still open for debate, particularly at Ballaugh Bridge.

**The President:** The mover to reply.

**Mr Corkish:** Thank you, Madam President.

Again, I thank Mr Turner for his observation that more care and responsibility has been taken, I think, around this particular issue.

With regard to ID cards I might have to ask for clarification at a later date.

I do agree that cultures do change, as indeed everything else does change. The Chief Constable indeed did revoke ... He is asking is the clause fit for purpose and can a revocation be challenged. I can try and assist by giving some supplementary information if I can, and this goes back to the security, I think, that Mr Cretney mentioned as well.

Consideration was given to restricting the appointment of marshals to people who are capable of being appointed as police officers. It was decided this was not practical, appropriate or proportionate as it would require background checks on lots of individuals that would have to be submitted months in advance of the event. It would also stop many capable marshals – and I think this is something Mr Turner may have mentioned – from being appointed, because they did not meet the physical requirements of a police officer. An example may be that a physically disabled timekeeper is more than capable of fulfilling duties but could not be appointed as a police officer ... related, I think, to the question.

It was also considered if a list of prohibited offences could be contained within the Bill and the advice from the Attorney General's office suggested that this would prove impractical and would be problematic in respect of the Rehabilitation of Offenders Act. Making marshals' appointments exempt from the Rehabilitation of Offenders Act was considered disproportionate given the powers and duties of marshals.

Going back to an item also mentioned, a marshal's identity does not have to contain a photograph of the marshal, so the administration of signing on or receiving a marshal's identity should take no additional time. Photographic identification can include a driving licence, passport or an identity card issued by the governing body.

I hope those several remarks ... Oh, can I just also add to that, with regard to the Police – as Mr Cretney did mention the police role now taken – with all road racing the Police nominate a senior police officer who will sit in race control, and the role of the senior police officer is to co-ordinate external agencies in the event of a serious incident. But, to address Mr Cretney, as he well knows, the Police have withdrawn from most other involvement in the race. They will attend in support of marshals, a point that was brought up at the last reading, and they tend to monitor busy junctions, as Mr Cretney said, and that indeed was at the time when I had responsibility for the TT Races and I quite understand your sentiments, Mr Cretney, but they do in that respect little else. There is an employee there to review the organiser's arrangements prior to the event.

I hope that in some degree addresses the questions raised, Madam President, and with that I beg to move that what was clause 8, now clause 9, be part of the Bill.

**The President:** Can I just ask the Hon. Member to clarify a point, please: I may have misheard, but did you say that the identity card must contain or does not have to contain a photograph?

**Mr Cretney:** It says in here that it should not.

**Mr Corkish:** A marshal's identity does not have to contain a photograph of the marshal.

**Mr Cretney:** That is not what it says.

**The President:** Well, I think the Bill says it does.

**Mr Corkish:** Does one contradict the other, Madam President? Could I ... *[Inaudible]*?

**The President:** Yes. In subclause (3)(a).

**Mr Corkish:** Could I seek clarification? We have in the Chamber today the Director of Highways.

**The President:** Well, it is clear in the Bill, Hon. Member, that it must contain a photograph.

**Mr Corkish:** I accept that. On whether that is an error or not can I seek confirmation, Madam President?

**The President:** Well, it is in the Bill.

**Mr Corkish:** I know it is what we are voting on.

**The President:** If you seek to amend it, then it will have to be ... Are there other provisions? Do we need clarification?

**The Acting Attorney General:** Yes, Madam President, there are in fact other provisions in what is now clause 10(4), which makes reference to:

if the marshal's identity card does not contain a recent photograph of the marshal, the marshal must also —

(a) have relevant photographic identification in his or her possession, and

(b) produce that identification for inspection upon request.

**The President:** It seems to me very odd drafting, saying in one clause it must (**Mr Cretney:** Absolutely.) and then saying it does not have to.

**Mr Cretney:** Absolutely.

**Mr Coleman:** Madam President, what it does allow, though, is you could have a baby photograph on the permit and then just have a recent passport. That is what that would allow.

**The President:** Right, Hon. Member, do you wish your officer to make any point?

**Mr Corkish:** I thank the Acting Attorney General for his intervention and clarification, which comes up at a later clause. I do not know whether that confuses the issue further, or not.

**A Member:** Yes, it does.

**The President:** Well, we are considering the Bill as it is.  
Lord Bishop.

**The Lord Bishop:** Thank you, Madam President.

The odd thing is why the clause — in new clause 11, was it ... yes — should not be a subclause under clause 9(3).

**Mr Corkish:** Which it is now.

**The Lord Bishop:** In other words, 'contain a recent photograph, or if not'.

**The President:** New clause 10.

**The Lord Bishop:** It just seems very strange that it is in another clause.

**The President:** Yes, Hon. Member, Mr Turner.

**Mr Turner:** I did ask about the revocation and whether that can be challenged. I did not get an answer from the mover. Whilst I welcomed the clause, I asked could it be challenged.

**The President:** Can you respond to that point?

**Mr Corkish:** I cannot respond to the revocation being challenged without seeking confirmation of that fact, Madam President.

**The President:** Can we take advice from the Acting learned Attorney General?

**Mr Corkish:** Thank you.

**The Acting Attorney General:** Thank you.

Yes, the provisions of subclause ... what is 9(4), which simply give the power to revoke the marshal's appointment to the Chief Constable or the Department, would be capable of challenge, Madam President. It could be challenged by petition of dolence. The more obvious ground would be if it was made in bad faith, which will of course be very difficult for the person challenging to prove; but also, as the hon. mover has mentioned, if there was any allegation that the withdrawal was contrary to the individual's human rights. So there is certainly the ability to make a challenge there. It does not close the door.

**The President:** Do you want to add anything?

**Mr Corkish:** Just to thank the Acting Attorney General for that clarification, but also refer back, if I may, if it will help, to clause 4 on page 8, which relates to 'relevant photographic identification' and the meaning:

in relation to a marshal—

(a) photographic identification issued by a relevant governing body which identifies the holder as a marshal;

(b) a driving licence issued to the marshal—

(i) in the Island or any of the Channel Islands;

etc., if that is a help or hindrance to the matter before us.

**The President:** The words are used in the next clause, but we –

**Mr Corkish:** Yes.

**The President:** It is also used in the clause before us.

Yes, Mr Cretney, I think we do need some clarification, for everyone to be satisfied what we are voting about.

**Mr Cretney:** Yes. I just wondered is it possible if we have a moment of some reflection. Is there a mechanism whereby when we get to the next stage we can reconsider this?

This was the matter which I contacted the Department about. I thought, for example, to save bureaucracy, an annual licence issued by the ACU in terms of two and three-wheel motorcycle sport would save numbers of licences being issued. I was then assured by the Minister that a driver's licence, passport or an event-issued or ACU-issued ID would be applicable. But that is not what it says in the Bill.

**The President:** Well, it does not in this particular clause, but in the next clause it does seem to.  
(**Mr Corkish:** Later on.)

Well, I think you have a couple of options, Hon. Members. We can either proceed and then seek to amend at Third Reading, or we could adjourn for –

**Mr Anderson:** Madam President, can we propose an adjournment so that the officers can come back and clarify for our next sitting, and finish the reading at that sitting?

**The President:** Do you wish to adjourn the consideration of the rest of the Bill?

**Mr Anderson:** Yes.

**The President:** I think that would be better than just adjourning particular clauses, because there is further confusion with the next clause.

So, Hon. Members, we have a motion to adjourn. Do we have a seconder for that?

**Mr Henderson:** I will second that, Madam President.

**The President:** Right, that is before you. Do you wish to debate that?

**Mr Turner:** Yes, I would support it, because in my view it is quite clear that an organiser – which is defined in the interpretation – who appoints a marshal must issue an identity card. If one is issued by the ACU, they are not the organiser so the organiser still has to do it.

So I think it is important that we adjourn this, the Department looks at it and comes back with the right information and suggested amendments if we need them.

**The President:** Lord Bishop.

**The Lord Bishop:** Thank you, Madam President.

I do not know what the procedural rights and wrongs of this are, but new clauses 13 and following do not relate to marshals, and, since we do have a fairly heavy programme ahead of us, is it possible to defer consideration of those items that relate to the marshals – that is up to and including clause 12 – and to continue with clauses 13 and following?

**The President:** Right, we seem to have another motion!

**Mr Cretney:** I would like to second that, if I may.

**The President:** Right, okay.

Hon. Members, we have two proposals before us. We will take the first, the question of adjournment of the whole Bill, and that has been moved. I will put that to you, Hon. –

Do you want to speak to it first?

**Mr Anderson:** Yes, Madam President. Can I ask the mover of the Bill for his thoughts? (**The President:** His feeling.) His feeling.

**Mr Corkish:** Certainly, Madam President.

I first of all apologise for the confusion that appears to be in the Chamber today. Such clarification sought would delay the passage of the Bill, yes, but accepting this Hon. Chamber is not satisfied ... But can I just refer you to subclause (3)(a) on pages 8 and 9 ... Sorry, page 13 ... Sorry, clauses 8 and 9 as printed in the Bill. Subclause (3)(a) does say 'or be accompanied by relevant' –

**The President:** Clause 8(3)(a).

**Mr Cretney:** Yes.

**Mr Corkish:** Yes:

or be accompanied by 7 relevant photographic identification;

I accept that there is confusion here and I am not sure how we extricate ourselves from this, but hopefully that subclause (3)(a) may bring further clarification.

**Mr Cretney:** Yes.

**The President:** All right, well, relevant photographic identification is defined in the interpretation clause at page 8:

photographic identification issued by a relevant governing body which identifies the holder as a marshal;

**Mr Turner:** Madam President? (**The President:** Yes.) But it cannot get away from the fact that it does say:

- (2) An organiser who appoints a marshal in respect of a race must —  
(a) ensure ... the marshal has received appropriate training ...; and  
(b) give the marshal an identity card evidencing the marshal's authority.

The organiser must do that; so, regardless of these other facts, the organiser still has a legal duty to issue that card.

**The President:** I think ... yes.

**The Lord Bishop:** Madam President, if the mover is correct at this point an identity card must be issued, as in new clause 9(3)(a), and must contain a recent photograph or be accompanied by a relevant photographic identification, which is defined in clause 3 whatever-it-is.

**The President:** Yes, it is in clause 4, page 8, 'relevant photographic identification'.

**The Lord Bishop:** Yes, okay. So you can have a card with no photograph on it or an out-of-date photograph on it, but it has to have another card or document alongside it, and that must be carried, according to new clause 10(4)(a), when performing any duties.

So, oddly enough, even though I was confused earlier, I think I am clear now that this Bill does sort out the problem for us – but it is an awfully convoluted way of doing it.

**A Member:** Yes.

**The President:** Well, I am glad you are convinced, but it is for other Members to determine whether or not they are clear about it.

So we have a proposal –

**Mr Corkish:** Sorry, the photographic identification becomes part of a marshal's ID. I think that is what we are trying to say.

**Mr Turner:** It does not say that.

**Mr Corkish:** And if I am trying and have failed, I apologise to the Chamber.

**Mr Cretney:** Get the Bishop to redraft it! *(Laughter)*

**The Lord Bishop:** I could redraft it for you, if you want!

**The President:** A marshal must be given an identity card and the identity card must contain a recent photograph or be accompanied by a relevant photographic identification, which is photographic identification issued by a relevant governing body. So that might –

**Mr Turner:** Or be accompanied by.

**The President:** So that might be ... Well, I don't know.

I do think there is still some confusion on this, Members. We do have a proposal that consideration of the remainder of the Bill be adjourned. I will put that to you, and after that, if that is accepted, that is what will happen. If it is not accepted, I will put the other alternative, which is that we continue with those clauses from new clause 13 onwards.

So I will put to you first that we adjourn consideration of the remaining clauses, Hon. Members. Those in favour, please say aye; against, no. The noes have it.

*A division was called for and voting resulted as follows:*

**FOR**

Mr Turner  
Mr Anderson  
Mr Henderson  
Mr Crookall

**AGAINST**

The Lord Bishop  
Mr Coleman  
Mr Cretney  
Mr Corkish

**The Clerk:** It is 4-all. *(Laughter)*

**The President:** Hon. Members, I think that I will vote against and we will put to you the second motion, which is that we continue from clauses 13 onwards at this point and return to the other clauses at our next sitting. Those in favour of that motion, please say aye; against, no. The ayes have it. The ayes have it.

In that case, Hon. Members, we adjourn consideration of those clauses which we have not considered and start at clause 12 as printed, renumbered 13 in another place, with a view to the Department considering the other clauses and providing clarification to Hon. Members before we meet again. So I would invite Hon. Members to make their representations to the Department so that we are all clear about what it is we have concerns about.

Hon. Member, can I invite you to now take clause 12 as printed but renumbered 13 in another place.

**Mr Corkish:** Thank you, Madam President.  
This is the clause dealing with offences.

**The President:** No, this is clause 12 as printed, 13 in another place. Constables.

**Mr Corkish:** Thank you, Madam President – my confusion.  
This clause gives police constables in uniform the same powers as a marshal.  
I beg to move that clause 12 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** I beg to second, Eaghtyrane, and reserve my remarks.

**The President:** The motion is that clause 13 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 14 – that is clause 13 as printed, but renumbered.

**Mr Corkish:** Thank you, Madam President.

Clause 13, now 14, creates offences. It is appropriate, in the Department's view, to introduce the potential for a custodial sentence given the potential deadly consequences of inappropriate actions.

The clause provides for the defences of lawful authority and reasonable excuse.

I beg to move, Madam President, that clause 14 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Yes, it does, of course, refer to section 9(2)(b), which is actually 10(2)(b), which we have not yet discussed and we have not yet put through. So it is just to note that it does refer to a clause we have not yet decided upon.

**The President:** Guidance, then, as to whether we can take a clause that we have not yet heard.

**The Clerk:** I am sorry, Madam President, did Mr Turner say that this cross refers to –

**The President:** It does refer.

**Mr Anderson:** It is a reference.

**The Clerk:** – clause 10, which is not, at the moment, part of the Bill?

**The President:** We have not yet approved, yes, but –

**The Clerk:** I think that in principle you can decide to include a clause which cross-refers to another clause which has not yet been put in the Bill. It happens the other way round quite often.

**The President:** It does, yes, often, going forward, but we need to bear it in mind lest there is any change in numbering.

**Mr Corkish:** With that clarification, Madam President –

**The President:** If there is any other Member wishing to speak to the clause ...

The mover to reply.

**Mr Corkish:** With that clarification, Madam President, again, thank you for the clarification.

I beg to move that clause 14 stand part of the Bill.

**The President:** The motion is that clause 14 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 14 as printed, but renumbered 15.

**Mr Corkish:** Thank you, Madam President.

This clause allows racing machines and competitors to not comply with the normal law of the road whilst engaged in a race.

Madam President, I beg to move that clause 15 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Can I just ... for information, it was quite interesting that ... This is quite important, because I did not realise that when they issued a road closing order under the original Act, all the other enactments still stood, so although you have got your road closing order, going down through Kirk Michael village at a hundred-and-goodness-knows-what miles per hour you were breaking the speed limit. So this is required to actually suspend those other enactments.

It is an interesting question that does come up from people when they talk about how it all works. Whilst it might seem obvious that we have got a road closing order, there are technical amendments that have to happen, and this is part of that.

But also, it does go deeper in the fact that when some of the competitors are stuck out on the course after the race, there is provision here for the Department to suspend construction and use regulations. For example, sidecars: they would not pass the ... well, we have not got an MOT, but that type of thing.

So this is what this is for. I hope that has just been of some use to Members and to the record as to understanding what this clause is about.

**The President:** The Hon. Member, Mr Anderson.

**Mr Anderson:** I would just like to thank Mr Turner for that explanation, Madam President.

**Mr Cretney:** Can I just say that there used to be ... It does not happen very often these days, but it used to be that if people were staying near to the TT Grandstand they would, on occasion, ride their bike from the garage to the TT Grandstand prior to commencement of the event, and there used to be some agreement that you were allowed to do that. Is that covered in this situation?

**The President:** The mover to reply.

**Mr Corkish:** Madam President, I thank Mr Turner and Mr Cretney for their observations and clarifications.

Just for the sake of *Hansard*, I hope that Mr Turner prefaced the fact that hurtling through Kirk Michael village at 100 mph should be only in a race and not outside the confines of a race.

**(Mr Turner:** Of course!)

Yes, it does ... it is regarding lighting regulations, number plates, which would not normally be on a motorcycle and getting back after a race – perhaps they have broken down, or whatever, and were able to continue back to the Grandstand. And Mr Cretney is right. A rider ... at one time that would have been unlawful; now this is covered by the Bill.

Madam President, I beg to move.

**The President:** The motion is that clause 15 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 15 as printed, renumbered 16.

**Mr Corkish:** Thank you, Madam President.

Clause 16 relates to the suspension of other enactments to facilitate the holding of a racing event – for example, to allow special vehicles such as additional police cars or cone trucks to be used on Manx roads in support of a race without the need to pay Manx vehicle duty. Being able to include these provisions into a racing authorisation gives a better public overview of the provisions for the race as a whole and reduces the amount of administrative paperwork required.

Suspensions under this clause can be included in a determination and they must be notified to the public in accordance with clauses 4 and 5.

I beg to move to move that clause 16 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**The President:** The motion is that clause 16 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 16 as printed, renumbered 17.

**Mr Corkish:** Thank you, Madam President.

This clause gives the racing order the same powers as a racing authorisation and vice versa.

In time, this will allow the Department to reduce the routine detail needed in a racing authorisation by placing routine and repetitive requirements into an order approved by Tynwald. The racing authorisation can then become increasingly event specific.

I beg to move that clause 17 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** I beg to second, Eaghtyrane, and reserve my remarks.

**The President:** The motion is that clause 17 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17 as printed, renumbered 18.

**Mr Corkish:** Clause 17 as printed sets out the Tynwald procedure to be followed for the making of orders and regulations under the Bill.

Madam President, I beg to move that clause 18 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

**The President:** The motion is that clause 18 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 18 as printed, now numbered 19.

**Mr Corkish:** Thank you, Madam President.  
This clause makes consequential amendments to other Acts.  
I beg to move that clause 19 as reprinted do stand part of the Bill.

**The President:** Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The motion is that clause 19 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 19 and 20 as printed, now renumbered 20 and 21, which I understand you wish to move together.

**Mr Corkish:** Thank you, Madam President. Renumbered clauses 20 and 21.  
Clause 20, as renumbered, repeals the 1982 Act together with the two Acts that amended it.  
Clause 21 now deals with the expiry of clauses ... which were 18 and 19.  
I beg to move that clauses 20 and 21 stand part of the Bill.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Eaghtyrane, I beg to second and reserve my remarks.

**The President:** The motion is that clauses 20 and 21 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes our consideration of the Bill for today, Hon. Members. We will revert to some of the clauses along with the Third Reading at our next sitting.

**Mr Corkish:** Thank you, Madam President.

**The President:** The Council will now adjourn until 8th March.

*The Council adjourned at 12.37 a.m.*