



**LEGISLATIVE COUNCIL
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH**

P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 7th March 2006

Present:**The President of Tynwald (The Hon. N Q Cringle)**

The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles), The Attorney General (Mr W J H Corlett QC),
Mr D Butt, Mrs. C M Christian, Mrs. P M Crowe, Hon. A F Downie,
The Chief Minister (Hon. D J Gelling CBE), Mr L I Singer and Mr G H Waft,
with Mrs M Cullen, Clerk of the Council.

Business transacted

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The Council adjourned at 12.30 p.m.

Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

PRAYERS

The Lord Bishop

LEAVE OF ABSENCE GRANTED

The President: Good morning, Hon. Members. We have apologies from Mr Lowey who is attending a CPA seminar.

Orders of the Day

Registration of Electors Bill Second Reading approved

1. Mr Waft to move:

That this Registration of Electors Bill be now read a second time.

The President: We move straight on, with no Questions on the Order Paper, to Item 1, which is the Registration of Electors Bill. It is down for the Second Reading, Hon. Members, and it is in the hands of the Hon. Member, Mr Waft.

Mr Waft: Thank you, Mr President.

Could I, first, Mr President, clear up some of the remarks which were made during the First Reading of the Bill, in order to clarify the situation for Members.

As far as can be ascertained, there has been no proper consultation in the matter with regard to votes for 16-year olds. Several Members in another place have given anecdotal evidence, based on their personal conversations with a number of people from various schools. A poll of 500 students was undertaken by the Department of Education in an annual careers convention, but this was done after the decision of the Keys was announced.

There has not been any consultation either with the Registration Officer as to the viability of such a move and, indeed, there are some concerns with regard to whether the existing registration software packet will be able to cope with the proposed lowering of the voting age. Work is in progress, however, to minimise the technical impact of the amendment.

Mention was also made of prisoners' rights. The Registration Unit currently makes registration forms available at the prison. With the assistance of the prison staff, inmates are given the option of registering either at

their home address or the prison itself, depending largely on the duration of their sentence.

However, I must point out that this Bill involves registration only, and is not the appropriate vehicle to establish voting rights for prisoners. This falls within the Representation of the People Act which, with a fair interpretation, would allow postal votes to inmates.

The problem arises with regard to the argument as to what is to prevent you going to the polling station and the interpretation as to the physical voting rights and whether they would come under the auspices of being 'incapacitated' by being unable to attend the voting station. However, this might be down to the Returning Officer to allow postal votes.

Apparently, last year, two out of the 75 prisoners took the opportunity to return forms. Some may have been registered at their home address, so that might not be too relevant in this situation.

With regard to objections and appeals, specific dates of hearings have been excluded from this Bill. To accommodate the rolling aspect of the registration process, any such dates are to be included in the supporting regulations, which will also include a schedule of revision dates, rather than legislate for specific dates. It is envisaged that revisions will be published on the first Thursday of each month in which a revision is required. There will be no restriction on the time at which any person may make a claim or objection, in contrast with the current situation, where this can only be done between the 12th May and 25th June each year. Claims and objections outside this timeframe cannot be dealt with.

During the last seven years, the Registration Unit has received only two objections, which were dealt with by the Registration Officer. Since the Registration of Electors Act 1984 has been enforced, there have been no occasions when a revision court has been convened.

With regard to additional costs, it has been confirmed that Treasury concurrence is not required for any additional expenditure resulting from an amendment. In this instance, up to an additional £20,000 may be required to capture the registration details of additional electors in the current financial year. Should technical investigations find that the registration software package is deemed to require new legislative requirements, further additional forms could be requested, perhaps up to £40,000.

It has been confirmed by the Attorney General's Chambers that our concerns regarding the United Nations Convention would not cause interference from the UK authorities, in terms of granting Royal Assent. Any objections with regard to the publication of personal details would have to be raised on moral, rather than legal grounds.

Mr President, part 1 of the Bill deals with the franchise and the maintenance of the Register of Electors, the functions of the Registration Officer and require certain public officials to assist the Registration Officer.

Part 2 deals with the revision of the Register of Electors. This part provides for the preparation and revision of the Register of Electors. The Register will be revised on such dates as are prescribed in the regulations made by the Treasury.

With regard to claims, objections and corrections of the registers, part 3 deals with this aspect in respect of the entries in the Register, corrections and appeals to the High Bailiff.

Part 4 provides for the use of the information in the Register, the expenses incurred under the Bill and interpretation.

Mr President, I beg to move the Second Reading of the Bill.

Mr Gelling: I beg to second, Mr President, and reserve my remarks.

The President: Mr Singer.

Mr Singer: Can I ask the Hon. Member if he has any comment on what was said last week, about the publishing of the names and addresses of young persons under the age of 18. I think it was against the Human Rights Convention. Can we have any kind of direction on that?

The President: Mrs Crowe.

Mrs Crowe: I may be able to help. I am sure the Attorney General is going to advise us, but I did make some contact with the Chambers, because it was a question that was asked. I believe – but I am sure the Attorney General would confirm or otherwise – that that is not a problem. The publication of the names would not be against the Human Rights Act.

So, I just think that we, presumably, will be progressing to the clauses, very shortly, and we will be progressing the argument for lowering the age, at that stage.

The President: We will not progress to the clauses, unless Members pass the Second Reading.

Mr Downie.

Mr Downie: I have got a question, Mr President. At the present time, when the registration documents go out, they are out in the form of a Register of Electors, and they also indicate an area on the form where persons make themselves available for jury service. I do not think the Hon. Member made it clear whether giving 16-year olds an opportunity to vote will actually make them available to serve on juries.

I am not sure whether there is a different piece of legislation that covers the age of a person sitting on a jury, but, at the present time, the form that you fill in serves a number of purposes. I think, if we are to go down the route of allowing 16-year-olds to vote, I need to be convinced that it will not cause additional cost, and those forms will have to be dealt with in another manner and, perhaps, dealt with separately.

The President: Mr Gelling.

Mr Gelling: Yes, I think, Mr President, the concern which the mover has actually tried to illustrate to us is that the administration, if this is in being, is actually making it perform. The Hon. Member, Mr Downie, has highlighted just one area which, of course, would have to be either changed or whatever.

But I understood that it was not so much the name, it was the fact that you would have to have 15-year-olds identified by their birthday, and they were deemed to be under the age of 16, but to have a rolling programme, for when they attain their age of 16 to vote, in fact you are dealing with 15-year-olds, not 16-year-olds. I think that was where the problem lay and, of course, the difficulty which it highlights.

Again, Mr President, there is nothing wrong with amendment on the floor of another place, as indeed an amendment here, but there had been no preparation made

in the administration to actually take 16-year-olds on board. That, actually, is now being addressed by the Treasury, but I think there will be difficulties.

However, if it is not in for this year, certainly, of course, the preparation will be well in hand for the next election.

The President: Mr Attorney.

The Attorney General: Yes, thank you, Mr President.

Mr President, the relevant Convention which is engaged in this discussion is the United Nations Convention on the Rights of the Child. Members of my Chambers have researched the relevant articles, which are articles 8 and 16.

Mr President, the view of Chambers is that there would not be a breach of the Convention by virtue only of young persons of the age of 15 being on a list. The relevant articles state that states' parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as recognised by law, without unlawful interference. That is article 8.

Article 16 says that no child should be subjected to arbitrary or unlawful interference with his or her privacy, and so on.

Now, Mr President, it seems to us in Chambers that there could not be an attack against this legislation, on the basis that there was a breach of the Convention. I understand that a similar debate is ongoing in the United Kingdom, and the view is taken there that there would not be a breach of the Convention.

In relation to the second point that has arisen, Mr President, juries, the Jury Act 1980 is quite specific, insofar as the qualification of jurors is concerned. Basically, Mr President:

'every person who—
(a) is for the time being registered as a person entitled to vote in an election and is not less than eighteen nor more than sixty-five years of age; and
(b) has been ordinarily resident [...] for five years...'

shall be eligible.

So, Mr President, there would have to be a change of the primary legislation in the Jury Act, if this proposal were to be enacted.

The President: Mrs Crowe.

Mrs Crowe: Could I just clarify that, Mr Attorney. On the Registration of Electors form at present, if I am not mistaken, there is a box at the side which shows if you are exempt from jury service. So, presumably, any 16-year-old would just be required... The Act says from 18 – registered to vote from –

The Attorney General: You simply would not qualify as a juror, if you were less than 18, so it is not a question of claiming exemption. You simply do not qualify.

Mrs Crowe: Right, but that would have to be identified somewhere, presumably on the registration forms.

The Attorney General: There would have to be an amendment of the legislation.

Mr Downie: You would have to amend the legislation.

The President: There would have to be an amendment to make them –

The Attorney General: Of the Jury Act, yes.

The President: Of the Jury Act, to allow them to become jurors.

The Attorney General: To allow them, exactly.

The President: I am trying to get to Mrs Crowe's point. On the Register of Electors, it would have to show that that person was between the age of 16 and 18 and not eligible.

Mrs Crowe: Yes, that was the point I was trying to make. So, one of the boxes, right, okay.

The President: Any other Member wish to...? Mr Butt.

Mr Butt: Could I just comment on that particular last point, sir.

I presume the intention of this amendment is not to allow people to be on a jury at the age of 16. So, we do not need to amend any legislation in that case.

The Attorney General: Mr President, as I understood the question, from the Hon. Member, Mr Downie, it was being suggested that if people were old enough to vote in a general election, they might be old enough to act as jurors. If that was the proposal, then the Jury Act had to be amended. That is how I understood it.

The President: Mr Singer.

Mr Singer: It bothers me that the names and addresses of young people are going to be published, because the Electoral Register is used as a marketing tool. Children 15 to 18 could well be targeted to enter into various contracts which they are not allowed to do until they are 18. It just bothers me that it can be used to use young children.

Mrs Christian: Mr President, is it not the case, though, that when you sign the Electoral Roll – and I am arguing this point in favour of 16-year-old voting – you can put your name down for the Electoral Roll only, and that list is not accessible, now, under recent changes in legislation to businesses who want lists of names and addresses – unless those 16-year-olds say that they want to be on those sorts of lists.

Now, that they may do so and that may be –

Mr Singer: As they are under the age of 18, maybe this is something we should recommend that, in fact, automatically, those names are not put onto the list.

The President: Right. Mr Waft.

Mr Waft: Thank you, Mr President.

I thought I had covered it, actually, the publishing of names – I did mention it last week.

The problem is arising, as has been mentioned by Members, especially Mr Singer and Mrs Crowe. We did have this amendment put through in the House of Keys, the other

place. It did not have a lot to do with – it strayed from the principle of – the Registration of Electors Bill somewhat, as it came as a bolt from the blue, as it were. So, we are going to have to sort it out one way or another, if it does go through this Legislative Council.

There was a suggestion that, maybe, we could get round that by putting an 'A' against the name or something, and that has been mentioned by Mrs Christian, that, possibly, there is no ability for it to be made public, those people in that situation. So, whatever goes through, we will have to sort it out, at the end of the day.

With regard to Mr Downie, registration documents, and making them available for jury service, as has been mentioned by the Attorney, it does get us into the Juries Act. I have just no wish to amend the Juries Act, at this stage – I have got enough problem with this amendment, at the moment. But I think that has been clarified, Hon. Member, from the Attorney General, with regard to not having the ability to vote until 18, anyway.

Mr Gelling is correct with regard to the 15-year-olds and the problems, and that has been highlighted, more so in this Chamber, I would think.

The Attorney General also confirmed there is no breach of the Convention. He must have been aware of the situation in the UK, that they are thinking of bringing this in, as well, and the same debates are going on over there.

I cannot clarify the situation any further than what we already know. I think we have all got our thoughts on the amendment and publishing of the names etc. I have tried to establish what can be done, in the meantime, to try and get over the problems that are perceived, but it will depend on how the Bill progresses and where we go from there, Mr President.

I beg to move the Second Reading.

The President: The motion, Hon. Members, that I put to Council is that the Registration of Electors Bill 2005 be read for a second time. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Registration of Electors Bill

Consideration of clauses commenced and adjourned

The President: We turn, then, Hon. Members, to the clause stage of this particular piece of legislation. I think we will take them individually, and see how we run on, anyway. So, first, dealing with clause 1, Mr Waft, please.

Mr Waft: Mr President, the first clause provides that a person who is registered in the Register of Electors for an electoral area shall be entitled to vote in an election in the area. A person must not vote more than once in the same election.

I beg to move, Mr President.

Mr Gelling: I beg to second, Mr President, and reserve my remarks, sir.

The President: The motion, Hon. Members, is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, Mr Waft.

Mr Waft: Clause 2, Mr President, deals with the Register of Electors.

Subclause (1) requires that the Register of Electors shall be made of all people entitled to vote at elections of universal suffrage, for example, the right to vote regardless of sex, race, religion or social status.

Subclause (2) provides that, on the coming into force of the Bill, the Register of Electors, under the Registration of Electors Act 1984, shall have effect as the Register of Electors under the Bill, until it has been revised in accordance with the Bill.

I beg to move clause 2 stand part of the Bill.

The President: Mr Gelling.

Mr Gelling: I beg to second, Mr President, and reserve my remarks, sir.

The President: The motion, Hon. Members, is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, Mr Waft.

Mr Waft: Clause 3, Mr President: subclauses (1) and (2) state the qualifications for inclusion in the Register.

Subclause (3) provides that the person may not be registered in more than one polling district. This clause has been amended by the Keys to lower the eligible voting age to 16 years.

I beg to move, Mr President.

Mr Gelling: I beg to second, Mr President, and reserve my remarks.

The President: Hon. Member, Mrs Christian.

Mrs Christian: Thank you, Mr President.

Mr President, we have heard Members comment on changes which have been made in another place, with regard to the voting age and the reduction in another place from 18 to 16. It was described this morning that that had been introduced as a 'bolt from the blue', that there had been no previous consultation or discussion about it and that there have, since it has been changed, been various surveys taken and so on.

I have some concerns and this is why I am tabling an amendment to revert to 18:

Page 2, line 14: for '16 years' substitute '18 years'.

This is just to give Council an opportunity to debate this point, rather than me simply voting against – well, I may still vote against clause 3, if this amendment is not accepted.

We have had it suggested that there are certain activities which young people under the age of 18 can legally embark upon, such as marriage or driving or possessing cigarettes, if not smoking, whatever – or rather the other way round, smoking, if not possessing and buying them. But I do not believe that we have had any real argument for this reduction in years, except it has been suggested in another place that, if you get young people younger, they will generate an interest in politics.

Frankly, I think that the analysis – and, again, I am speaking anecdotally here and without real statistics – but I

would suggest that at the last election the people who tend to vote are the older people. There is no real evidence to suggest that the 18s to 20s turn out in any great numbers because they have got the vote at 18.

You could argue, well, if there is no real evidence for that, there is no real evidence to stop you going to 16, and those who are keen will vote. I think that we are better sticking to the age of majority. It is a clear-cut point, at which they become legally responsible in their own right, and I believe that that is the appropriate age.

There are definitions of what a child is, what a young person is. I think the young person currently is 17, but there is an intention on the part of the DHSS to move that, for consistency, and I think sentencing policy, in treatment of young children to 18.

For that reason, Mr President, and on the grounds that I think there is still, even at 16, there is a lack of knowledge on the part of many young people about our parliamentary institutions, how Tynwald works, what politics is about and to ask them to vote at that age on the basis of not very much knowledge... you cannot necessarily say it is any better for the vast majority of the population. But I think unless we really improved our education in relation to politics, there is not a justification, at this time, for reducing that age.

I, therefore, beg to move the amendment standing in my name.

The President: Mr Singer.

Mr Singer: I will second that to put it out for discussion. I am not necessarily going to support it, but I will second it.

The President: Mrs Crowe, Hon. Member.

Mrs Crowe: Well, no, I will be supporting the amendment that has come from the Keys and is in the Bill that we have before us. I would like to suggest... in fact, I was considering this Bill on Saturday, whilst I was working, and Question Time was on on Radio 4 – a political programme, Jonathan Dimbleby, that normally takes part from a school somewhere. Every question that had been selected for the panel to answer had come from a school child on that particular programme. He actually commented on the fact that they had had no idea who the questions had come from on that occasion, but he did make comment about how interesting it was to see so many people – so many young people – obviously interested in the topics of that week, that month. So, that was a little aside.

We were talking about engaging the young people of the Island and encouraging them to vote. Now, we do not have the statistics and the surveys have not been done on the Isle of Man, but there are places that have lowered the voting age: Austria and Germany now vote from the age of 16, and both of those countries have had and identified the comparisons in the voting ages for the young people. They would say – though not exact – that 80 per cent plus of the newly enfranchised voters turned out to vote.

Now, that, to me, is a tremendous effort, if we can rely on the figures that I have been told. I would say that the voting age is not necessarily an end in itself and that, indeed, we need education, particularly for the Isle of Man, in their local politics. We hear that they do have politics lessons, as we all know, but generally it focuses on the UK.

We know we are employing a full-time Education Officer for Tynwald, hopefully to engage more younger people into

the world that we live in, in a political sense. I just believe that the more we encourage, the more we talk about, the more we get them listening, the more we get them in here to our empty seats in the public galleries, the more interested that, perhaps, they will become.

I know that not every child or every young person will take an interest in politics, but on the First Reading we had Mr Lowey, the now 'Father of the House', who actually stated that the young people would not be interested in voting, but he remembered when he was 14 years old, helping out in the local elections.

Mr Singer: He was paid!

Mrs Crowe: And I would believe that perhaps even our President, as a young man, was very interested in the political system of the day, so –

The President: I sat in the public gallery many a time.

Mrs Crowe: Precisely! So, we cannot make the suggestion that 'one size fits all', but I do believe, for those young people that are interested... and there is only half the older people that are actually interested enough to vote in politics on the Island, so if we only got a half of the young people to vote, or even less, I think it would have value in lowering the voting age.

I do hope that we are able to support the amendment that has come from the Keys.

The President: Mr Singer.

Mr Singer: The weakness in this amendment is that we do not know, we have no idea, what the feeling is out there, because, as we heard, there has been no consultation at all, or proper consultation. It has been very haphazard. It has been anecdotal.

I was pleased, after last week, that we did hear on the radio that schools were introducing political information, hopefully in the Isle of Man system, maybe under the term of 'citizenship'. But then we heard the views, the other day, of some pupils from one of the schools who were interviewed: some said they were interested, some said they were not interested, some said they might vote but it would not be on the political or what the candidates views were, but more whether they liked them or they did not like them.

They were asked did they know the name of the Chief Minister – and they did not!

Mr Gelling: Obviously the north of the Island, Mr President!

Mrs Crowe: We all know in the south!

Mr Singer: I think we are in a very difficult position here. We are really making judgement, pulling either yes or no out of the air, as to whether it is going to be advantageous. If a few young people turn out, it makes no difference to the election. If many turn out, and they do have an effect, then we can say that decision was right. But I believe we really do not know.

Having heard that there will be, or understanding that there will be, more education in the schools now on Isle of Man politics, I am tending to come down on the side of giving

them the vote at 16 years. Certainly, my view has changed slightly, as I have now heard that statement come out.

Last week, my experience, as I recounted then, was that there were only a very few young people who had any political education at all, or had any education at all in the Isle of Man system, and that was only the class that I spoke to, the political class – the GCSE class – who were doing, I think it was, a review of the Legislative Council, as part of their project.

Having heard this last week, I am tending – and only just – it is 51:49 – to come down on changing the law to allow 16-year-olds to vote.

The President: Mr Butt.

Mr Butt: Thank you, sir.

I will also, like Mrs Crowe, be supporting the original amendment from the other place. I just think it is unfortunate that the amendment has come through attached to this Bill.

I suspect that, had it come through in a properly researched Bill, designed specifically for this purpose, we probably would all perhaps agree with it, having had the consultation and the research. The fact that it has come through in this way is, perhaps, giving people a different view.

My limited research – not as much as Mrs Crowe, I must say – is that the older people, generally, are opposed to this and the younger people are, generally, in favour, which is fairly predictable.

Mr Singer: And which are you in? (*Laughter*) You should be opposed to it!

Mr Butt: It was mentioned last week about children not having their childhood as long as they could have, a lost childhood, that they are growing up too soon. But I think, actually, that is a slightly false point, because that battle has been lost a long time ago. Children have been... not maturing, but acting much older for a long time in the last few years.

When you think back to my generation, and generations before me, we were children until the day we left school. The moment you left school and took a job, at 16 or even younger, you were in a suit and a tie and behaving yourselves and doing what you were told. You grew up at the age of 16, immediately. I think the maturity of previous generations is the same as the maturity of these generations, because we were forced to be more mature at a certain age. So, I think the lost childhood argument does not quite wear.

I think, as the Attorney General said, there is a similar debate in the UK. There is a wind of change. Other Western nations are going that way, gradually, and I think it is inevitable that it will happen here. I think we should grasp it. If we can lead the way in the British Isles... It is not a gimmick because we are trying to please the young people. It is just the way things are going and, perhaps, if we are there earlier, it should not make any great difference.

Most of the age limits in legislation for young people – people under 18 – are to do with them being prevented from being harmed or harming themselves, because of their lack of maturity. We must admit that there is a lack of maturity in lots of people at the age of 16, 17, 18 –

Mrs Crowe: Or 30.

Mr Butt: – or even 40! Most of that is to stop them

coming to harm.

I, personally, cannot see what harm can be done to them by giving people a vote. It cannot do any harm to the people concerned themselves, and I do not really think it would harm our political system.

So, I think we should grasp the nettle and, perhaps, go forward and become the first place in the British Isles that lowers the voting age.

Thank you, sir.

The President: Mr Downie.

Mr Downie: Mr President, it has been an interesting discussion, but I do not think anybody has, actually, covered another option that may be available to us, and that is a form of a half-way house.

We could make a provision in the law to make it possible for a person to vote at the age of 16 years or above, provided they make application themselves. Although it has not been covered in the legislation that is drafted, it would solve a lot of problems, because you would not have this question about when the birth date falls and whether they get on to this particular year's allocation or registration period.

I wonder if it is worth pursuing having a simple provision with the Treasury, who operate the registers, that when a person does attain the age of 16 years, they can apply straightaway to go onto the list and, provided they make the arrangements themselves and fill the form in, they can be included on the list.

Now, that will, I think, first and foremost, send a signal out that the vote is available to them. If they are interested to go down that route, yes, they should be able to vote in the election following their particular birthday. I would suggest that that should be available not just for the general election, but to the local authorities' elections and elections to the Board of Education.

Some of us know that some young people, when they get to 16, 17 years, a lot of them go off to colleges and educational establishments in the United Kingdom and, in fact, they do miss out. I listened to one very bright young guy on the radio the other day. He wanted to pursue a degree in politics, and he was very much looking forward to the opportunity of exercising his right to vote at 16 years. He felt he was mature enough.

I am just putting this forward as a topic of debate, to see if there is any support for looking at something like this, instead of just a straightforward 16/18 – can/cannot – that we are faced with today.

The President: You are at the drafting stage, sir. You are dealing with the clauses. If you wish to do that, it should be in the form of an amendment, I would have thought, but there you are. Lord Bishop.

The Lord Bishop: Can I, first of all, react to what Mr Downie has just said. I think we have already got that, because you do not have to put your name onto the Register of Electors. You can choose not to put your name onto the Register of Electors and, once it is on, you can choose not to vote. So, if your parents put your name onto the list and you choose not to go, then nobody is going to come round and force you to go.

I am one of those people who was enfranchised at 18. I can remember the law changing from 21 to 18, and I think

the interesting thing that I can remember is being lectured by my father on the responsibility that I now had. The first election in which I voted was a municipal election to the local borough council and that, for me, was good because it meant that I, actually, knew the people. I lived in a fairly small town.

I think one of the things, if we do vote for 16 years, that we must take on board is the responsibility that is, therefore, ours as the legislators to ensure that the education that is required to go with that does happen. Not everybody is going to have a schoolmaster father, as I had, who will take him aside and give him a lecture on politics – and, whether I agreed with my father's politics or not, is another matter. *(Laughter)* But I received the lecture on the responsibility.

I do agree with Mr Singer that, if we move this way, then the responsibility is ours to do all in our power, to educate and to make clear what the privilege is that is being granted.

So, therefore, I am of a mind to stick with 16, rather than 18, but with the proviso that we know that we have to go out there and argue the case.

The President: Mr Gelling.

Mr Gelling: Yes, Mr President, having seconded the clause as amended from the Keys, I do, actually, believe that we are starting on a road where not only the Jury Act will be brought back into question, because I think, following other speakers, what we are saying now is that, at 16 years, you have become an adult. You have become a responsible person.

In my opinion, if you are electing the government to control and to take your country forward, you have got to be a responsible person. However, in other legislation – and I come back to what Mr Singer has said about the consultation that, in fact, has not taken place – I think we will find an awful lot of other areas within our law, where we are saying, 'Yes, you are responsible to vote for the Government that you should have in your Island', and yet we are thinking of putting up the age when you can take up a provisional licence. So, we are saying, 'Ah, but you are not responsible enough to look at the situation of driving at 16; we should put that up to 17.'

I think we will find a lot of areas within our legislation where we are, at the present time, saying that 18 is the time when you become an adult. You have become responsible. You have learned all the problems of life and you can, therefore, make these decisions.

However, I think that, as far as I am concerned, I would go along with the amended clause that has come through, but I still believe that, administratively, we will find a lot of areas that, perhaps, we will not be in a position to be able to implement this for our forthcoming general election and, from there on, we will find other areas which we will have to look at, which will then be thrown to us to say, 'Well, you can vote at 16, so, therefore, why cannot you do this at 16?' I think that they will come out of the woodwork which would have been very nice had they come out at the beginning, rather than after it has come to us by way of an amendment.

The President: Mr Waft to reply.

Mr Waft: Thank you, Mr President.

I take on board the Hon. Member, Mrs Christian's views

on her amendment with regard to getting children interested in politics, and the older people, perhaps, are more interested in politics, but she recognised the fact that, if they are keen, they will certainly vote. They will be very vociferous, I would have thought, once they get into political sciences groups, and the groups that they have at school, with regard to voting, and who they should or should not be voting for. They will have different views, and I think that will be all for the better.

However, I do understand that she thinks that 16 is a bit too young and the lack of knowledge... The knowledge of how Tynwald works, and what happens within the political processes, is perhaps not taught to any great degree within the schools, to enable them to be in a situation to take a considered opinion with regard to voting.

However, I would say with that, that is not the fault of the children. It is, perhaps, the fault of the educational system that has not done enough for political sciences within the curriculum. I do not know exactly what depths they go into, but I know that, by the answers to the questions that are given sometimes on the radio, there does not seem to be a lot there. Then you get the occasional person who will be very bright and fully aware of what is going on and who the Chief Minister is.

Mr Singer: Who is he?

Mr Waft: With regard to Mr Singer, and no proper consultation, I think that has been well brought out. The fact that citizenship and political science problem has not been thoroughly gone into might open the eyes of the educational establishments to realise the need to progress their political views and views on the economy and the situation, generally – the political situation. It might be a searchlight into the educational system, to show exactly how many children come and attend Tynwald Court, how many attend the Legislative Council and, indeed, how many attend the other place. It is a reflection, perhaps, I would have thought, on the educational system.

The Hon. Mrs Crowe referred to the radio engaging people on the Island, and the answers, I think, will be very much... I think it is quite enlightening really. I will not go into the answers, particularly.

I would just mention with regard to the situation in Germany and different places, the information I have with regard to Germany and Austria, those two European countries, they have introduced voting for 16 years in local authority elections, not in the general elections, so there might be some clarification there.

I did mention, previously, the fact that it is only a handful of countries throughout the world that have adopted the age of under 18 years, the likes of Cuba, Indonesia, North Korea, Sudan, Seychelles, Iran, Brazil, Nicaragua and Somalia. So, that gives you some insight into what is happening around the world. However, I think we should realise that the United Kingdom is certainly considering the situation.

She does mention the fact that one size fits all. That would be encompassing everyone on the 16 years, and what will happen is that you will get people who will vote and people who will not vote. Well, that is the situation really throughout the population. Some will vote avidly every year. Some are well versed in politics, and they have to rely what is printed in the paper or what they have heard on the radio, as to what is exactly happening within Tynwald. Sometimes, it does not

always reflect what we think is happening but, nevertheless, they do have the ability to find out for themselves.

Mr Butt did give his support and referred to the fact that it probably will be inevitable and, probably, sooner rather than later. It would probably be best and the fact that the children do have a lack of maturity. Some do, some do not, of course.

Mr Downie referred to a half-way house: vote at 16, provided they make the application themselves. That is a possibility, of course, but I do think we would be causing, perhaps, a few more problems for the registration officer to put another side to the issue.

The Lord Bishop stated the fact that you do not have to put the name down on the list and referred to the educational system. The problem I have with the educational system is when they refer to kids and not children. Kids are young goats, as far as I understand it, but it is in some of their legislation, 'kids' comes to the fore.

I think I have covered most of the Members' concerns. I think, really, to make progress with the Bill, we have to vote on the clauses.

The President: In that case, Hon. Members, we have reached decision time on clause 3 and, to that, you have the amendment in the name of the Hon. Member, Mrs Christian, seconded by Mr Singer. I am putting to you first the amendment, Hon. Members. Those in favour of the amendment moved by Mrs Christian, please say aye; against, no. The noes have it. The noes have it.

I put to you, Hon. Members, the clause in its form, carrying the year 16, instead of 18. Clause 3, Hon. Members, those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR	AGAINST
The Lord Bishop	Mrs Christian
Mr Waft	
Mr Singer	
Mr Butt	
Mr Gelling	
Mrs Crowe	
Mr Downie	

The President: Just the 1 vote against, Hon. Members, therefore clause 3 carries.

We move straight on, Hon. Members, to clause 4. I call on the Hon. Member, Mr Waft.

Mr Waft: Thank you, Mr President.

Clause 4 is with regard to the Registration Officer and provides for the appointment of a person as Registration Officer.

Subclause (2) specifies the functions of the Registration Officer.

Subclause (3) specifies the penalties which may be imposed: summary conviction for neglect of duty by either the Registration Officer or the clerk of a local authority.

Subclause (4) specifies that an offence under this clause may only be brought by the Attorney General or with the consent of the Attorney General.

I beg to move clause 4, Mr President.

The President: Mr Gelling.

Mr Gelling: I beg to second, Mr President, and reserve my remarks, sir.

The President: Seconded by Mr Gelling.

The motion I put to Council, Hon. Members, is that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5, Mr Waft.

Mr Waft: Clause 5, Mr President, revision of registers: subclause (1) results in regular returns of deaths from the registrars of each registration district.

Subclause (2) recognises the clerk to the local authorities will have local knowledge not available to the Registration Officer, and will be invited to inspect and comment on the registers for the districts when produced.

Subclause (3) enables the Registration Officer to require information.

Subclause (4) makes it an offence not to comply with the requirement or to give false information.

Subclauses (3) and (4) are necessary, if the Registration Officer is required to prepare the registers of all eligible electors. Compulsory registration as an elector does not interfere with the individual's choice to vote or not to vote.

I beg to move clause 5, Mr President.

Mr Gelling: I beg to second, Mr President, and reserve my remarks, sir.

The President: The motion, Hon. Members, is that clause 5 do stand part of the Bill.

Now, we turn to part 2 of the Bill and clause 6. Mr Waft, please.

Mr Waft: Thank you, Mr President.

Part 2, revision of the Register of Electors and revision of registers: subclauses (1) and (2) provide for the revision of the Register of Electors and dates in each year to be specified in regulations.

Subclause (3) enables regulations to be made in respect of the revised Register of Electors.

Subclause (4) provides that the Registration Officer will place the letter 'J' against the name entered in the Register of Electors of any person qualified to serve as a juror.

Subclause (5) requires the Registration Officer to send to the Coroner of each Sheading and to the Chief Registrar a list of jurors for the Sheading in alphabetical order and a copy of every objection to inclusion for jury service.

I beg to move clause 6, Mr President.

Mr Gelling: I beg to second and reserve my remarks, sir.

The President: Mr Butt.

Mr Butt: Mr President, just a small query, if I may.

Clause 6(1) describes the prescribed dates in each year, but I think, in Mr Waft's preamble, he mentioned the first Thursday of each month, which should be in the regulations. I wonder if that is the actual case. In effect, there are 12 times per year which are the prescribed dates. This, in effect, makes it the rolling register.

The President: Lord Bishop.

The Lord Bishop: I am about to propose an amendment, Mr President.

In clause 6(2) –

'The revised registers of electors shall be in such a form as the Treasury may determine'

– that is, actually, quite an interesting point because it might be that Treasury decides that it will, facetiously, shall we say, publish it in Aramaic, and nobody would then be able to say that we do not want it in that form.

My amendment is going to say that Tynwald should, actually, determine what form the Register of Electors should appear in. So, in other words, does it appear in CD form only, does it appear in printed form, can you only get it off the internet? In other words, it is, actually, quite a powerful political statement to say that the Register of Electors can only come out in one particular form and that, therefore, if it has political content to it, then Tynwald Court ought to be the people who, actually, make that decision.

Therefore, I move the amendment standing in my name:

Clause 6

Page 3, line 26: in clause 6(2) for 'Treasury' substitute 'Tynwald'.

The President: Hon. Member, Mr Gelling.

Mr Gelling: Sorry, Mr President, I do not wish to be at odds with the Lord Bishop!

The Lord Bishop: Oh, why not?

Mr Gelling: However, I would have thought that this immediately transfers the ownership and responsibility to Tynwald, rather than the Treasury.

At the moment, the Treasury are the Department of Government which has to make this work and has to make sure that it is available and if we just substituted 'Treasury' with 'Tynwald', I would have thought that it would immediately become a parliamentary issue. Of course, Treasury would be quite happy, I would have thought, to transfer all the responsibility over for elections and election registers to the Tynwald Office.

However, I just wonder at the practicalities of it being in such a form as 'Treasury' substitute 'Tynwald' if, in fact, it should not be 'as Treasury may determine and Tynwald accept' or Tynwald approve, or something to that effect. I am just thinking, again, of the machinery in actually performing that particular duty which is invested with the Treasury, at the moment.

The President: Mr Attorney.

The Attorney General: Thank you, Mr President.

I wonder whether there may be some saving provision to comfort the Lord Bishop –

The Lord Bishop: I do need to be comforted!

The Attorney General: – in clause 16 of the Bill. If we look at clause 6(2), which is the clause the Lord Bishop is concerned about:

'The revised registers of electors shall be in such form as the Treasury may determine.'

Then clause 6(3) says:

'Regulations may make provision in respect of the revised registers of electors'.

Then, if we turn to clause 16(1) and (2), we will see there that the Council of Ministers make regulations to give effect to the Act and those regulations have got to be approved by Tynwald.

So, as I read it, Mr President, there are, in fact, three bodies which have input into the subject of these regulations. First of all, the Treasury determines a form, but the form has to be approved by the Council of Ministers, because they make the regulations. Then, there is a further break, insofar as the regulations themselves have got to be approved by Tynwald.

If my analysis is correct, I think we are okay, in that respect.

Mr Singer: So, Tynwald would have to approve Aramaic, would it?

The Attorney: Yes, indeed!

The President: Mr Attorney, do you know if that wording is in line with what is in the original Bill, in relation to the regulations?

The Attorney General: Can I just check that, Mr President?

The President: Hon. Members, whilst that is being checked, I have to acknowledge that, in my urgency to get on, and realising that nobody had, in fact, spoken in relation to clause 5, I am reliably informed that I did not put clause 5 formally to Council, which I should certainly have done and will be recorded on *Hansard*.

In which case, Hon. Members, whilst I...

Mr Singer: I was going to ask a question, but you did not move on on that. It was something –

The President: I am reverting to clause 5, sir.

Mr Singer: Yes, but you moved on, so I did not ask the question.

The President: On clause 5?

Mr Singer: You had moved on, because I was thinking about what I was going to ask, and then you said, 'clause 6'.

The President: Apologies, but I thought nobody had... Alright, we will just hold there. We will sort this one, and I will come back.

Mr Downie, do you wish to continue on clause 6, sir?

Mr Downie: I do, Mr President, and I want to speak on the amendment that has been moved by the Lord Bishop. I wonder if, when moving the amendment –

The President: It has not been seconded, I think, sir, but, nevertheless...

Mr Downie: – the Bishop actually understood that these lists were collated by the Economic Affairs Section in the Treasury. They also deal with the rates, valuations, jurors and a whole host of other data-gathering mechanisms that take place. They do, from time to time, put people out onto the ground, they do door-to-door canvassing and they make sure that they have got the lists right and so on.

My own view is that there would be a significant amount of money and resources required elsewhere, if that responsibility were to be transferred to Tynwald.

The President: Mr Attorney.

The Attorney General: Mr President, under the existing law – that is the Registration of Electors Act 1984 – section 3 provides that the list of electors shall be in such form as the Treasury may determine. Again, here, regulations have to be approved by Tynwald. So, the new Bill is replicating the existing procedures.

The President: Dealing with clause 6, we will continue with this, please. Does anybody wish to further contribute to clause 6? Well, we will just stand on that, Hon. Members.

Bearing in mind that nobody wishes to speak to clause 6, and Mr Waft has the right to reply to clause 6, I wish to revert to clause 5, which I did not formally put, and I now understand that Mr Singer wishes to raise something on clause 5.

Mr Singer: A matter of clarification: it says under (2):

'Every local authority shall assist the registration officer in the preparation of a register of electors',

and then (3) says:

'The registration officer may require any householder [...] or the agent of any person, to give information'.

I assume that is if anybody has to put their name on the Register of Electors. It was said before that we have a choice. I think it was the Lord Bishop who said that we have a choice: a 16-year-old need not register if they do not want. Anybody need not register, if they do not want.

Now, as I read this – and maybe I am wrong – if they do not register, as they should do, then they are liable to a fine. Is that correct?

The President: Is that the only point that is wished to be raised on clause 5?

Mr Waft. Clause 5 and the wind up of clause 6, sir. The question basically is: is it compulsory to register?

Mrs Christian: Yes.

The Attorney General: The answer is yes, I think.

Mr Singer: So, what was said before was incorrect then. A 16-year-old could not choose to have their name not put on the Register.

The President: But they could choose not to vote.

Mr Downie: That is why I wanted a half-way house.

The President: Mr Waft.

Mr Waft: Thank you, Mr President. I beg to move clause 5.

The President: Clause 5 is fine, sir. I am happy with clause 5. But clause 6.

Mr Waft: Clause 6.

The President: We will come back on the voting of it. Clause 6 – wind up of clause 6.

Mr Waft: My colleague, Mr Butt, referred to the 12 times per year. (*Interjections*)

The President: Mr Butt, if you are raising a query, raise it so that we can all hear, and *Hansard* can get it clear as well, sir.

Mr Waft: If I could just repeat, Mr President, with regard to subclauses (1) and (2), revision of the registers, in clause 6, which provide for the revision of registers of electors on dates in each year to be specified in the regulations. So, that will be specified within the regulations on a rolling programme of registering of electors.

Thank you.

Mr Butt: Yes, Mr President, my query was: I think, Mr Waft did mention the first Thursday of each month, which would, in effect, giving the rolling effect to the registration. I presume the regulations will cover that.

Mr Waft: With regard to the Lord Bishop, the concerns of possibly Treasury putting it out in Aramaic – I certainly hope not! I have got enough problems with what they put out at the moment!

The political content to it: we are the vehicle, Treasury is the vehicle by which they are able to put forward legislation, we put it forward on their behalf. As we do, they come under the Treasury umbrella, and we progress it.

I think the Attorney General did point to clause 16, with regard to regulations having gone through Treasury and the Council of Ministers and Tynwald. I do not think anything will have skipped scrutiny, by the time it has been through that process, sir.

Mr Downie, as well, referred to the amount of resources that have to be put in with regard to the registration of electors, and the problems encountered by the Registration Office every year and the concerns that are expressed. I think this Bill does help the situation, with regard to that and it does account for much money and resources, with regard to elections – especially the big one coming up in November. There is a lot of work being done at the present time with regard to that.

I beg to move clause 5 and clause 6, Mr President.

The President: Hon. Members, so that we are absolutely clear, what I will put to Council first is that clause 5 do stand part of the Bill. Hon. Members, those in favour of clause 5, please say aye; against no. The ayes have it. The ayes have it.

Now we are dealing with clause 6, Hon. Members. Those in favour of clause 6, please say aye; against no. The ayes have it. The ayes have it.

We turn, then, to 7, Mr Waft please.

Mr Waft: Clause 7, Mr President, preparation of registers: subclause (1) provides that the Registration Officer shall, in accordance with the regulations, place the Register of Electors for all of the polling districts in each constituency, in order to allocate a unique register number to each entry on the Register.

Similarly, subclause (2) indicates that, on the completion of each revision, the Registration Officer shall, in accordance with the regulations, allocate a unique register number to each entry on the Register.

Subclause (3) requires the Registration Officer to sign the registers of electors and to deposit them in the General Registry, subject to notification of a decision on appeal, under paragraph 14 of schedule 1, and the registers of electors deposited shall constitute the register of electors for that constituency until the next election.

Subclauses (4) and (5) require the Registration Officer to place certified copies of the revised registers of electors for all in the polling districts and each district or each ward of the district in order, and numbered in series by polling district or by wards.

Subclause (6) provides that certified copies of the Register of Electors is to constitute the Register of Electors to vote at any local election in the district in question, or respective wards of the district until the Register is revised. This is subject to notification of a decision on appeal, under paragraph 14 of schedule 1.

Subclause (7) provides that the registers of electors for the respective wards of the borough of Douglas shall constitute the ward rolls. The ward rolls together shall constitute the Burgess roll of the borough.

Subclause (8) indicates that no register of electors shall be invalidated if it has not been available for inspection for the full time required, or by reason of default by the Registration Officer.

Subclause (9) provides that if a register of electors has not been prepared for a polling district, has not been available for inspection, or has not been revised, the applicable register that was previously in force shall be taken to be the relevant part of the Register of Electors of that polling district.

I beg to move clause 7, Mr President.

Mr Gelling: I beg to second, Mr President, and in so doing would just raise one query, if I may. That is, in the preparation of the Register, I take it that this leaves it that, perhaps, a candidate for an election does not have to be on the register of the constituency in which he or she stands.

Also, that if now 16-year-olds are going to be on the Register, does that mean that someone who has attained their age of 16 and is on the electoral roll of any district in the Isle of Man can, in fact, stand as a candidate, sir?

The President: Mr Waft, reply, sir.

Mr Waft: I will ask the Attorney General about the first question. (*Laughter*) I am pretty sure it is 21. However, perhaps the Attorney might clarify that.

The President: The question is does an individual have to be on the electoral register for the area in which they stand, or do they just need to have their 20 assentors, or whatever?

The other question is: if they are on the electoral roll at age 16, can they stand as a candidate?

Mr Waft: As I understand it, as long as they are on an

electoral roll on the Island, they can stand in any area that they so wish, or they think they might achieve success.

The President: They must have the assentors on the electoral roll.

The Attorney General: Well, Mr President, I think we have to look at the Representation of the People Act 1995, which tells us what the qualifications for membership of the Keys are. You have to be of full age – that is the first thing –

Mr Downie: Twenty-one?

The Attorney General: – which, of course, is 18; and you have to be either a British citizen or have the right to remain in the Island; and you must not be the holder of an office of profit, under the Government; and you must be ordinarily resident in the Island and have been so resident for a period of, or for periods amounting in the aggregate to, five years or more; and you must not be under any disability or any incapacity.

So, in other words, Mr President, it does not matter which polling district you reside in. The fact is you have got to be ordinarily resident in the Island, and that is what gives you the right to be a Member of Keys.

The President: Mrs Crowe.

Mrs Crowe: I just wonder if the Attorney could clarify what the legal – presumably, it is legal terminology – ‘full age’ is?

The Attorney General and The President: Eighteen.

Mrs Crowe: Oh, really? Excellent.

The President: Mrs Christian.

Mrs Christian: Could the learned Attorney clarify the issue of whether or not you had to be on a voters’ register to be a candidate?

The Attorney General: The answer to that, under the... Section 1 does not say that, but I think...

The President: There is a requirement for a person to be registered in a previous clause.

Mrs Crowe: To be a candidate?

The Lord Bishop: No.

Mrs Crowe: To be... Oh, if you are living... of course, yes.

Mr Gelling: Mr President, if I may just come back again.

The President: Mr Gelling.

Mr Gelling: The practical terms: an 18-year-old will stand for the election, but there is nothing stopping that 18-year-old going up to the local high school and getting 20 16-year-olds who are registered to assent.

Mrs Crowe: Great, yes.

Mr Singer: Am I correct, Mr President, that for local elections it is ordinarily resident for 12 months, before you can stand?

The Attorney General: Well, we would have to look at – (*Interjections*)

The President: We would have to look at that particularly. Mrs Christian, I think you wished to make a point, did you? (**Mrs Christian:** No.) No, okay. Mrs Crowe.

Mrs Crowe: So, Mr President, just to clarify: presumably, one of the things the recording officer checks is the fact that the candidate is registered on an electoral roll – or should do.

The President: That was my understanding, but maybe not.

Mrs Christian: It does not say in the –

The Attorney General: It does not say that in the Representation of the People Act, Mr President. It does say, insofar as voting is concerned – this is section 24 of the Act –

‘every person registered as an elector for a constituency and entitled to vote shall be entitled to demand and receive a ballot paper and to vote in that constituency.

(2) A person shall not be entitled to demand or receive a ballot paper or to vote if it appears from the register of electors that he is under the age of 18 years on the date of the poll.’

Mrs Crowe: I should not question any further.

The President and Mrs Christian: Does that need amendment?

The Attorney General: That would need amendment, as well.

The President: That requires an amendment.

The Attorney General: There will be significant amendments, Mr President.

The President: That requires an amendment to the principal Act, the Representation of the People Act.

The Attorney General: Yes, it does, absolutely.

The President: Right. Well, we have not reached that. Oh dear.

Mrs Christian: But there does seem to be some grey area, Mr President, as to whether or not you actually have to have a vote yourself to be a candidate.

The Attorney General: Well, perhaps I can research that, Mr President. I am sure there will be a simple answer.

The President: There probably is and I have no idea. My understanding has always been that a person is required

to be on an electoral roll on the Isle of Man. Once we are on the electoral roll –

Mrs Crowe: It is not a question you are asked, though.

The President: – they can then stand in any constituency, providing they get sufficient assentors in that constituency.

But maybe that is not right. We have now a query raised in relation to a possible amendment needed to the Representation of the People Act, in relation to... which has not been picked up in relation to the age of 16.

The Lord Bishop: Schedule 2.

The President: Mr Waft, clause 7, sir. I have not raised it, particularly, but it also introduces for the first time, I think, schedule 1. I think we can pick that up when we reach clause 10, which also refers to schedule 1. Members ought to be aware that clause 7 introduces paragraph 14 of schedule 1, at the same time.

Mr Waft.

Mr Waft: Yes, Mr President, we are straying from the Registration of Electors Bill, and I do realise that it does have ramifications with regard to the Representation of the People Act. It has been agreed by the Attorney General that 16-year-olds can vote, but 18-year-olds can stand. So, that is all we have from that, with regard to this clause.

I think the ramifications of the Bill will have to be reflected on. Perhaps, changes can be made with amendments, if necessary. In the meantime, if this clause is to go through, as stands, we are only delving into the Representation of the People Act. I think we will have to identify clearly what clauses will need to be changed within that Act, if we are to progress this Bill, at the present time.

The President: Hon. Members, the motion that I put to Council is that clause 7 do stand part of the Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Hon. Members, before we turn to clause 8, I have to say that I have a concern that Mr Attorney has indicated to Council that, in order for a 16-year-old or 17-year-old to get a ballot paper under the Representation of the People Act, notwithstanding clause 3 in this particular Bill, there would be a requirement to amend the Representation of the People Act.

Therefore, we need to take cognisance of that and I think, if we are to properly pass this particular piece of legislation, it ought to at least marry the two together.

Having said that, Hon. Members, I am in your hands, and I move on to clause 8.

Mr Attorney.

The Attorney General: I know I do not have the capacity to move any formal deliberation in relation to this Bill, but could I respectfully suggest, Mr President, that, really, this is such an important piece of legislation that the time should be taken to take stock of what we have done in reducing the age for electors. I am sure that the drafters in my Chambers would very much welcome the opportunity to review it. It would be terribly wrong, if we were to pass this Bill, without taking stock.

The President: Hon. Members, you have heard the

Attorney. Certainly, I raise my concern, but there we are. I am in your hands.

Hon. Member, Mrs Christian.

Mrs Christian: Mr President, just on that point, and before we move to the next clause, I think there is potential to amend schedule 2. Now, whether we could do that at the Third Reading.

I would be loath... Well, one could put in the amendment of the clause that the learned Attorney has referred to, in the Representation of the People Act, but there is a danger that we might miss something else. So, perhaps the best way forward would be to have a review, again, at the Third Reading stage.

The President: Mrs Crowe.

Mrs Crowe: I wonder, perhaps, if we might be better adjourning, at this particular point, and letting the draftsmen just review where we are at, from hereon in. I actually do not think it will be that terribly complicated, but it may well be. I would not deliberately like to feel that we had misled young people into the fact that they may be getting the vote, and then find, at a later date, we have got to revise whatever we have done.

So, I think it might be better, and I would beg to move an adjournment at this present time, Mr President.

Mr Downie: I will second that, Mr President.

Could I further suggest that, when reviewing what we have done thus far, there should be an opportunity taken to have some dialogue with the returning officers, because they may have concerns.

I think there have been enough concerns expressed here about the overall effect this has on the Representation of the People Act. They are in a unique position to have to work within this legislation. There is a very good group of people there, who I am sure would be willing to get on and deal with this, as quickly as possible.

The President: Hon. Members, you have had the proposal, proposed by Mrs Crowe and seconded by Mr Downie, that we adjourn the deliberation of this particular Bill.

Hon. Members, I am on the horns of a dilemma: whilst I understand the logic of that – and I think this is perfectly logical and reasonable – I wonder whether we should put some limitation on our adjournment. It will appear as if Council are trying to hold it up. I think, my view is that Council in no way wish to hold this piece of legislation up, but what Council do wish to have, is that it is right and proper and in line with the Representation of the People Act.

Now, Hon. Members –

Mrs Crowe: Could we ask, Mr President, for the Chambers to treat it as a priority, to bring it back to Council as soon as practically possible. I do understand that that might not be next week, but, certainly, we would not want to delay it much further, if that was...

The President: Mr Waft, do you wish to comment, sir?

Mr Waft: I would just like to say that this is what comes of putting amendments through on the hoof, as it were,

without going into all the side effects and the Bills and the schedules etc that it might affect.

I have not got the Representation of the People Act – it is an entirely different Act. If it is involved there and we have to make changes within the Representation of the People Act, obviously, we will have to adjourn and take cognisance of the information that is necessary to proceed.

The President: It simply appears to me, Hon. Members, that if we do not take cognisance of the Attorney's view of the Representation of the People's Act, that somebody could be subject to a legal challenge, if, in fact, ballot papers were not issued and the age in this Bill was put to 16.

Hon. Members, I put to Council the view that further deliberation of the Registration of Electors Bill should be adjourned, but brought back as soon as is practical. Hon. Members, those in favour, please say aye; against no. The ayes have it. The ayes have it.

In that case, Hon. Members, we will endeavour to bring this particular matter back. I am sure Mr Waft will co-operate with that, that it should come back to Council, at the earliest opportunity that he can so do.

Minerals (Amendment) Bill **First Reading approved**

2. Mr Singer to move:

That the Minerals (Amendment) Bill be now read a first time.

The President: Now we turn, Hon. Members, to the Minerals (Amendment) Bill. It is for First Reading, and it is in the hands of the Hon. Member, Mr Singer.

Mr Singer: Thank you, Mr President.

I am pleased to be able to bring this Bill, which is promoted by the Department of Trade and Industry, before Council today. The purpose of the Bill is to update the Minerals Act 1986, to reflect modern conditions and possible future developments, to improve the efficiency of the application and consultation processes, and to clarify certain sections of the Act.

The Minerals Act 1986 establishes that the property in all aggregates and minerals existing in their natural state on the Isle of Man, including its territorial waters, is vested in the Department of Trade and Industry. The Minerals Act sets out those rights that may be conferred and the conditions and restrictions that may be imposed by the DTI, in respect of the prospecting for and the working of minerals. It gives instruction as to the procedures that must be followed and the requirements that must be met in applications to prospect or work minerals.

The Act, also, makes provisions with regard to: royalties, payable to the DTI, for extracting materials; the sums payable by mineral operators to landowners; and compensation, as applicable.

Mr President, I think it might be useful to clarify, at this stage, certain elements of the Minerals Act 1986, as it presently operates, and which will be referred to in the various clauses later on.

Permissions to search for or work minerals are issued

by the Department of Trade and Industry in the following forms: prospecting licences; mining permissions; mining licences; and mining leases.

Prospecting licences are issued for the purpose of searching for minerals or ascertaining what the specific geological nature of a given area might be. Provisions relating to prospecting licences require the Department to issue statutory notices to relevant local authorities, Government bodies and landowners or occupiers whose land is to be prospected, three months before the licence is issued.

The material extracted under a prospecting licence may well be very small in amount and not sold, but used for analysis. The income to Government from these licences is, therefore, very low – maybe only £100 for each permission.

Mining permissions are issued for the working of minerals in small quantities or for very limited periods. They are issued where the working of minerals is ancillary to some other activity, such as building work on a small scale. Mining permissions are not required to be subject to the statutory notices I have referred to, in connection with prospecting licences.

A mining permission will take the form of a letter from the Department to the operator, setting out the terms and conditions under which they may work.

Mining licences are issued for longer periods or for greater amounts of materials than for mining permissions, but still fairly limited in both aspects. It is likely that such licences would be issued for mineral extraction that is ancillary to other work. A good example would be the extensive excavations at Greenfield Road in Douglas for the water treatment works being constructed there.

A mining licence does not require statutory notices to be issued. A mining licence takes the form of a formal document prepared by the Department, in conjunction with the Attorney General's Chambers.

Finally, there are mining leases. These are the most significant and long-term permissions issued by the Department. Typically, they can be between five and 20 years' duration. If they were to be greater than 21 years' duration, Tynwald approval would be required.

They can permit the extraction of up to tens of thousands of tons of material each year, and are issued for areas where extraction is the primary purpose of the operator at a given site. So, they will apply to the Island's main quarries and sandpits.

Mining leases do require the statutory notice procedures to be followed. Mining leases are formal documents prepared by the Department and the Attorney General's Chambers.

To make clear, Mr President, the so-called statutory notice procedures, which apply in respect of prospecting licences and mining licences, require the DTI to issue notices of its intention to grant such a licence or lease on: every local authority in whose area the prospecting is intended to take place; every Government Department, Statutory Board or other public body which the DTI feels will be affected by the prospecting licence; and, also, the owners and occupiers of the land in which the pertinent materials are affected.

In terms of sums of money which pertain to consent under the Mineral Acts, I shall briefly go over these. Royalties are paid by the minerals operator to the DTI. The Department, under the Minerals Act, owns materials of value existing in its natural state in the ground, and the operator is effectively

buying that material from the Department.

Compensation is paid by the minerals operator to the landowner or occupier for damage or inconvenience caused by prospecting for, or the working of, the minerals.

'Reasonable sum' is a short term given to the payment the minerals operator is required to pay the landowner by way of consideration for the material extracted, as set out under several sections of the Minerals Act. It has tended to be a sum agreed between the operator and the landowner, acceptable to both. It has been interpreted, in a court case concerning Poortown Quarry, some years ago, however, that the DTI must not only be notified of this sum, once it has been agreed between the operator and landowner, but it must also approve it.

If I can now, Mr President, go into the reasons for the Bill. The Act and this Bill, though largely technical, serve an important Manx industry, supporting the basis of much of the Island's infrastructure, offering the potential for the exploitation of oil and gas within the Island's territorial waters, and providing an income to Government, derived from royalties, for these minerals and hydrocarbons.

In addition, there is the potential impact on the environment and to local residents of quarrying and offshore minerals activities to be taken into account. All these mean we need to ensure that the current Act needs to be an instrument for delivering practical and efficient administration and regulation of and assistance for the industry.

Over the last few years, Mr President, the DTI has identified several areas in which it feels that the Minerals Act needs amending. Such amendment would serve four purposes: to update the Act to reflect modern conditions and possible future developments; to streamline the way mines and mineral activities are administered; to enable permissions to be considered, completed and issued in a more timely manner, whilst still ensuring that the views and concerns of interested parties such as local residents, local authorities and those tasked with representing the interests of agriculture, heritage etc are heard; and finally, to clarify certain matters within the Act that are open to differing interpretation.

Once a Bill was drafted, Mr President, a consultation exercise took place last autumn, when the Department sought the views of all the Island's minerals operators, the local authorities, the utilities and, in Government, the Treasury, the Departments of Local Government, Transport and Agriculture and Manx National Heritage.

In respect of the interests of many of the Island's landowners, the Manx National Farmers' Union was also consulted, earlier this year.

Responses were received from the Treasury, DoLGE and the Department of Transport. Treasury sought assurance that its consent would still be required to the level or method of calculation of royalties, in respect of mining licences and mining leases. DoLGE required that planning permission would still be required before permissions under the Mineral Act would be considered. The DTI was able to assure both Departments that this would be the case.

The Department of Transport suggested that 'prospecting' be defined, but this was felt to be too inflexible, given changing technologies and how prospecting might actually be carried out.

No comments were received from any of the local authorities, utilities or from the Manx National Farmers' Union. Only one late response was received from a mineral operator, and this was positive.

Mr President, the most significant changes which it is proposed should be introduced by this Bill may be summarised in the following eight points.

Firstly, the statutory notice period for the Department to advise appropriate local authorities, Government bodies, landowner/occupiers of its intentions to grant a prospecting licence or a mining lease would be reduced from three months to four weeks before the grant. The time limit for responses to such notice would be reduced from two months to four weeks.

This is intended to streamline a system which, at present, means that even an application that is not contentious can take up to four months to process and this after the completion of the planning application procedure, which the DTI insists on. The Department remains committed, however, to ensuring that those interested parties retain their right to make representations in respect of mineral applications.

Secondly, the Department would be able to extend a mining lease by up to six months, or a mining licence by up to three months, from their respective expiry dates. This would improve flexibility and efficiency of operations, insofar as any small amount of material remaining in a site coming to the end of its permitted period of operation could be extracted. It would not permit an increased level of operation, nor an increase in the area being worked.

Thirdly, alleged offences under the Act would be triable on information in a Court of General Gaol, as well as summarily in the Magistrate or High Bailiff's Court, thereby increasing the time limit for bringing a prosecution from six months to three years, and increasing the maximum penalty to an unlimited fine and/or two years' imprisonment.

In addition the Department's powers to obtain information to investigate suspected breaches of the Act would be increased by a written notice requiring information and/or use of a warrant issued by a justice of the peace.

The main value of these provisions would be to extend the time in which an alleged breach of the Minerals Act might be investigated and brought to court, as General Gaol carries a longer limitation period.

Fourthly, removal of the need for Treasury concurrence for the payment for a prospecting licence, as agreed between the DTI and prospector, and I have stated, Mr President, prospecting licences are issued infrequently and bring in very small sums of money. It is therefore felt that the bureaucracy involved is rather disproportionate.

Fifthly, establishing that the amount of money payable by the mineral operator to the landowner, in consideration of the material removed, as distinct from compensation for damage caused by quarrying or mining, known as a 'reasonable sum', must be merely notified to the DTI, and is not subject to the Department's approval. This is to remove what is felt to be a needlessly bureaucratic and interfering input into what should simply be a commercial agreement between the landowner and the mineral operator.

Sixthly, the Department would be able to recover legal, professional and technical expenses from applicants for permissions, from the applicants themselves. The DTI is led to believe that such powers of recovery are common in the United Kingdom and, in addition to the sums recouped, would make it in everyone's interest for the legal and consultative processes to be completed as efficiently as possible.

Seven: to require the Department to be notified of an

excavation involving the removal of more than 200 cubic metres of material. This would clarify some confusion that seems to have arisen within the building industry of how much material they may extract and use off-site without permissions, under the Minerals Act.

Finally, the repeal of the Sand and Gravel Pits Regulation Act 1968. This is an Act that now merely provides for the registration of the Island's five sand and gravel pits every three years at a nominal fee, and annual inspections of the site which are carried out anyway, jointly, by the DTI and the Health and Safety at Work Inspectorate. No royalty income is derived under this Act, and all the sites are subject to permissions under the Minerals Act.

I would conclude, Mr President, by emphasising that the purpose of this Bill is to better tailor the Minerals Act to the conditions and potential developments that exist 20 years after the first Act came into force.

Mr President, I beg to move that the Minerals (Amendment) Bill be read for the first time.

Mr Downie: I beg to second, Mr President, and reserve my remarks.

The President: Mrs Christian.

Mrs Christian: Mr President, just a quick point going through.

I wonder if the mover could just confirm he mentioned that leases in excess of 21 years need Tynwald approval. Is that the current position or is there a change there?

Mr Singer: No, that is the current position, under the Minerals Act 1986.

Mrs Christian: And that has remained.

Mr Singer: That is staying, yes. It was only those last eight points that I mentioned where the changes are being made.

Mrs Christian: Right. It is interesting that where Treasury mostly need to approve the way people charge for other things, they do not require to be involved in the method of calculation of royalties. I wonder why that is the case and, presumably, there is no change there.

Mr Singer: But they –

The President: Now, hold on, you will get your turn to wind up.

Mrs Christian: Right, we will deal with it, perhaps, in clauses.

The President: Perhaps, and Mrs Crowe wishes to –

Mrs Crowe: Well, mine was actually, strange to relate, just another query about concurrence of Treasury which I never feel to be that onerous, but the perception is that it is. However, it is the abolition of Treasury concurrence to the charge for prospecting licences, and the clause 7A, which I will be querying when we come to the clauses stage.

Just if there was any information could be provided to me, at some stage, as to why:

'Where the Department exercises any power to dispose of an estate in any mines and minerals in the land, [...] shall be transferred [...] and the

Department shall not nor shall any member or officer of the Department be liable in respect of such liabilities or obligations.'

I presume that links to the Treasury concurrence and perhaps that could be clarified, at some stage, for me. That was just one of the things I picked up.

Thank you, Mr President.

The President: Mr Gelling.

Mr Gelling: Yes, I think, it is only the comment on the previous speaker, Mrs Crowe, on the abolition of Treasury concurrence. I understood that that was purely and simply on the prospecting licence and, therefore, what would come into play in clause 3, 7A, would be that any disposal of any land by any Department has to have the concurrence of Treasury. I would have thought it would be picked up in that area.

That was all, Mr President.

The President: Just out of interest, Mr Singer, before you reply, perhaps you would be able to tell us whether or not there are any prospecting licences still in vogue in the Isle of Man, still within time. Mr Singer, a reply, sir.

Mr Singer: If I could take that last point first, it is indicated to me that there is one prospecting licence.

As far as royalties are concerned, there is no change, other than as Mr Gelling said, that under prospecting licences, there is only about £100 comes in, because there is very little mineral extracted. Some of that is used for... it is not material that is sold. Otherwise, royalties are usually on a fixed formula, and I think they are usually linked to the sale of material from Crown land in the United Kingdom, and we tend to, for royalties...

The only thing that changed, the main change really, is the 'reasonable sum' in that we felt that the Department work from a fixed formula, and they felt that, sometimes, they had to turn round and say... When the landowner and the company agreed a sum, DTI looked at the formula, and said, 'Under our formula that is not enough.' That sometimes caused problems.

We are now saying that, if the landowner and the company agree a figure, that is nothing to do with DTI.

I think that answers all the questions.

The President: Hon. Members, if everybody is content with the winding-up, I put to Council that the Minerals (Amendment) Bill 2006 be read for a first time. Those in favour, please say aye; against no. The ayes have it, the ayes have it.

Minerals (Amendment) Bill Standing Order 22(2) suspended to take Second Reading

The President: Now, Mr Singer.

Mr Singer: Mr President, as we have got a lot of Bills coming through in the next weeks, months – (**The President:** Maybe.) maybe! – and there has not been a lot of questions or queries on it, would it be suitable, to save time, now to

take the Second Reading – maybe save half an hour, so next week we can go straight into the clauses?

The President: You are proposing the suspension of Standing Orders to take the Second Reading, at this stage.

The President: Mrs Crowe.

Mrs Crowe: I will second that, Mr President.

The President: Hon. Members, I put to you that we suspend Standing Orders to allow Mr Singer to take the Second Reading of the Minerals (Amendment) Bill. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Minerals (Amendment) Bill Second Reading approved

The President: You may continue with the Second Reading.

Mr Singer: Thank you, Mr President.

May I thank Members for approving to take the Second Reading – and it is not quite as long as the First Reading!

Mr President, as I indicated just now, at the First Reading, the purpose of this Bill is to modernise the Minerals Act 1986 to clarify certain matters and better equip the Act for present and future conditions in the minerals industry.

Referring to the contents of the Bill, I have summarised the main proposed changes, already, in the First Reading, and I would now like to give some fuller background to these proposed changes.

The statutory notice period in respect of prospecting licences or a mining lease would be reduced from three months to four weeks before the grant. The time limit responses to such notices would be reduced from two months to four weeks.

The present system means that the application process can take up to four months, even if the proposed development is not contentious. This is over and above the planning application procedure, which the DTI would expect to be completed, before an application under Minerals Act is even considered. The DTI considers that this is unreasonably long, particularly with regard to prospecting licences, which may be dependent on the seasons for effective working.

The reduction in these time limits may seem to pose a threat to the interests of those living and working around the site or proposed mineral activities but, as I have stated, the DTI is in the practice of requiring planning permission to be in place, before even considering an application under the Act. It is, therefore, felt that any development would have been fully considered and debated at the planning stage. In addition, Mr President, the Department feels that those parties interested enough to make representations would do so promptly.

The Department would be able to extend a mining lease by up to six months, or a mining licence by up to three months, from their respective expiry dates. This would add a useful degree of flexibility to the operator, particularly if circumstances have dictated that, at the end of the permission period, they find a small amount of workable material still

left in a quarry. It would help in the efficient exploitation of materials from a given area and, given the fees that would be charged for such extensions, make the operators carefully assess the amount of material they plan to take out of a site.

It should be emphasised that extensions will not involve enlargement of a worked area or more intensive working of a given area and only one extension would be permitted in respect of each licence or lease.

Alleged offences under the Act would be triable on information, as well as summarily, therefore increasing the time limit for bringing a prosecution from six months to three years, and increasing the maximum penalty to an unlimited fine and/or two years' imprisonment.

In addition, the increase in the Department's powers to obtain information to investigate suspected breaches of the Act, by a written notice requiring information and/or use of a warrant issued by the justice of the peace. Even on such a small Island as ours, it can happen that DTI can only be made aware of possible breaches of the Minerals Act some considerable time after they have occurred. Minerals are a precious resource and the methods of protecting these, as well as the environment in which they exist, is efficient policing.

We discussed the removal – again, this is in one of the changes – of the need for Treasury concurrence to the payment for a prospecting licence, as agreed between the DTI and the prospector. They are comparatively small amounts and the present procedure serves to unnecessarily extend the application process.

The Department is not seeking the removal of Treasury concurrence in respect of royalties payable under full mining licences or mining leases, and an amendment to the Bill passed in another place makes this clear.

The Department, in introducing this Bill, is establishing that the amount of money payable by the mineral operator to the landowner in consideration of the material removed as distinct to compensation for damage caused by quarrying or mining must merely be notified to the DTI, and is not subject to the Department's approval.

This refers to the so-called 'reasonable sum' issue, whereby, at present, the DTI is required to effectively approve the sum that a mineral operator agrees to pay the owner of a land and is consideration for the material taken. A situation can and has arisen whereby the two parties have agreed a sum in which they are both satisfied, but the DTI, using a settled formula for calculation, has been obliged to tell both that this is too low. The Department considers this is a needlessly bureaucratic and interfering position to be in, and seeks to disengage itself from this responsibility.

At the same time, the opportunity is also taken to make clear that the reasonable sum payable to the landowner for the material is distinct from any compensation payable for the damage that operations would do to the landowner's property. The Department would be able to recover its legal, professional and technical expenses from applicants for permission, from the applicants. I am sure it will be appreciated how significant these costs can be.

In addition to following practice which is commonplace elsewhere, this measure would also encourage applicants to make clear unambiguous applications in the first instance, and not overly prolong negotiations with the DTI over matters such as royalties, terms of leases or licences etc. It is felt that this measure will not only serve to reduce the

Department's expenditure, but also improve efficiency in the application process.

It is, also, intended to require the Department to be notified of an excavation involving the removal of more than 200 cubic metres of materials. The DTI, under the present Act, is required to be notified of any intention to sink a shaft, bore-hole or well, or make an excavation greater than 50 feet deep. There has been confusion, in some quarters of the building industry, as to whether consent under the Minerals Act, with due royalties payable, is required when a quantity of valuable material such as sand or rock is removed as part of a building development. The Department has, therefore, sought to clarify this by making reference to an overall volume, as well as depth.

The figure settled upon was made with broad and generous reference to the excavations assumed for the foundations of a large house or, perhaps, a pair of semi-detached houses. The intention is not to trouble or penalise the one-off development, but to require those building on a larger scale to check that they do not need permission under the Minerals Act, as a material of value removed on such a scale is more likely to be saleable if taken off-site and used elsewhere. It is, however, unlikely that much valuable material, such as Manx slate or good quality sand, is extracted this way.

Finally, there is a repeal of the Sand and Gravel Pits Regulation Act 1968. The Sand and Gravel Pits Regulation Act 1968 requires the DTI to register such pits and issues certificates every three years as confirmation of each site entry on the register. The Act also provides for the Department to carry out inspections of sites. Commencing last April 2005, the DTI, together with the Department of Local Government and the Environment, employed an independent inspector to carry out inspections for the purpose of this Act and for DoLGE's Health and Safety Inspectorate.

There are presently five sites registered, all of which are subject to permissions under the Minerals Act 1986. The royalties paid to Government from these sites are all obtained under the Minerals Act. Apart from a fee of £15 per site every three years, no income is received from the Sand and Gravel Pits Regulation Act and the inspection of sand pits and, indeed, all other quarries would continue with or without this Act. That is why the Department has recommended the repeal of the Act.

As I advised at First Reading, Mr President, a consultation exercise was carried out, involving all the Island's minerals operators, the local authorities, the utilities and, in Government, the Treasury, the Departments of Local Government, Transport and Agriculture and Manx National Heritage. In respect of the interests of many of the landowners, the Manx National Farmers' Union was also consulted, earlier this year.

The results of the consultation exercise were broadly encouraging, with general agreement with some of the changes and little comment on the rest. The Treasury expressed its desire to retain right of approval or otherwise on all other royalties payable to the Department under a lease or licence and DoLGE sought assurance that planning permission would still be required, before consideration of an application under the Minerals Act. No such changes in respect of royalties or planning are sought under this Bill.

The Department of Transport suggested that prospecting for the purposes of the Minerals Act be specifically defined, but it was felt this would be too restrictive, potentially

inflexible. No comment was received from local authorities or the utilities, and only one of the larger minerals operators responded, albeit well after the deadline for responses. In any case, their comment was generally positive, only differing from the proposals by suggesting a larger volume, 1,000 cubic metres, of material to be extracted, before the Department is to be notified.

Mr President, the purpose of this Bill is to better tailor the Minerals Act to the conditions and potential developments that exist, as I have said before, 20 years after the Act first came into force. I hope Hon. Members will express their support.

So, Mr President, I beg to move that the Minerals (Amendment) Bill be read a second time.

Mr Downie: I second, Mr President, and reserve my remarks.

The President: Mrs Christian.

Mrs Christian: Mr President, the mover has indicated what is a fairly laborious process currently that the Department seeks to speed up and shorten, and he has alluded to the fact that a planning permission application still has to be processed before the Department would consider the licence application.

I wonder if any discussion took place during the consultation process about whether or not those could run in parallel. They certainly do for licences of other types. Now, there may be some element of risk in that, in that you might not get your planning permission and you may have embarked on the licensing process. But I wonder if he would just comment on whether that issue was, in fact, explored.

The President: Mrs Crowe.

Mrs Crowe: Mine was just about... and I have waded through minerals, not only in the legislation, but in practical terms, up to my knees, in the wellies, in Dreemskerry, when they were having problems in that area.

However, there were a couple of queries: one about the process involving planning, which Mrs Christian has alluded to; but, also, there was mention in here that there would be no regulation from DTI, regarding the monies paid between a landowner and the extractor. I am not sure whether any problems would be foreseen there, if a landowner set up his own company to do the extraction and charged whatever it might be – a penny a ton, I do not know. I just wondered had that been thought of or if, indeed, it mattered in any case.

I think in all this the actual main beneficiaries are not the people to whom the minerals actually belong, that is the people of the Isle of Man, but in fact the main beneficiaries are the local authorities, the rating authorities, in whose area these various mines actually happen to be. I think it is unfortunate that that could not have been addressed, and I understand that, perhaps, is in other legislation.

Thank you, Mr President.

The President: I was just working out the system where a landowner could set up a company to become the extractor, sell it at £1 a ton and sell it on to a third company that might... At which stage do you break the chain? Yes!

Mrs Crowe: Exactly.

Mr Downie: Can I just come in here. There is no point in pursuing that particular line of argument, because, at the end of the day, the Department would get its royalties, as were its rights, (**Mrs Crowe:** Right.) and whatever was contained in the amount, in the agreed figure, really, has caused tremendous problems for the Department in the past, and it has held up extraction of minerals –

Mrs Crowe: Oh, I know

Mr Downie: – and really cost the Isle of Man Government a fortune. It is because of the problems that have occurred in the past and, in fact, we had to resolve that problem about two or three years ago, that we are now in a position that we will bring forward the new regulations and the new legislation.

The President: Mrs Christian.

Mrs Christian: I would just like the mover to confirm that, presumably, if no agreement can be achieved between an owner and a minerals extractor, then nothing happens.

The President: Mr Attorney.

The Attorney: Mr President, may I just make one comment. I think the hon. mover of the Bill stated that an opportunity was being taken in relation to offences, to make offences triable not only summarily, but also in the Court of General Gaol. I think clause 7 of the Bill seeks to achieve that.

Mr President, I just wanted to point out that there is not, in fact, a three-year time-limit in relation to proceedings in the Court of General Gaol Delivery. There is not actually any limitation period at all, although, of course, the longer it takes to bring proceedings in the Court of General Gaol, the more likely it is that the Deemster will rule that the defendant can not get a fair trial.

But I just wanted to make that as a general point.

The President: Mr Waft.

Mr Waft: I just wonder, Mr President, whether some of these things could have been done by regulation, rather than a new Bill, but I will accept that a new Bill is necessary.

The President: Mr Singer, wind up, please, the Second Reading debate, sir.

Mr Singer: Thank you.

First of all, replying to Mrs Christian, there was consultation with DoLGE, and the comment from DoLGE came back saying, 'We want to make sure there is permission, that the planning permission is there before...' I know of no other further consultation as to whether two could be run in parallel.

To a certain extent, there is a safety net here, as I have said, for any objectors that they have got a longer period of time to object, if they so wished. If there is no agreement between the extractor and the landowner, I understand that it can go to arbitration.

Mrs Crowe: I think Mrs Crowe asked about the landowner being the extractor, and I thank Mr Downie, who gave an explanation on that particular point. We will still get our royalties, when the material is extracted, and that is to a fixed formula. So, whatever he does – maybe he has got two companies or whatever – we will still get our rightful money.

Finally, I am very grateful to the Attorney General for making that point clear, and the Department will take note of that.

So, therefore, I wish to move that the Second Reading be taken.

The President: Hon. Members, the motion I put to Council is that the Minerals (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Procedural

The President: Now, Hon. Members, we have concluded our Order Paper in good time, this morning. The adjournment is from today to the 14th March next, and we will continue our deliberations, on the understanding that we will be bringing back, as quickly as possible, the Registration of Electors Bill. You might be interested to know that, unless there is an alteration, local elections will still remain 18. That has not been altered.

That, Hon. Members, concludes our business for this morning.

The Council adjourned at 12.30 p.m.