



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 15th January 2013**

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**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (Hon. A R Bell) (Ramsey);  
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);  
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);  
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);  
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);  
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);  
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);  
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);  
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);  
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);  
with Mr R I S Phillips, Secretary of the House.

**Business Transacted**

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*The House adjourned at 10.13 a.m.*

## House of Keys

*The House met at 9.30 a.m.*

[THE SPEAKER *in the Chair*]

**The Speaker:** Moghrey mie. Good morning, Hon. Members.

5 **Members:** Good morning, Mr Speaker.

**The Speaker:** The Chaplain will lead us in prayer.

### PRAYERS

10 *The Chaplain of the House of Keys*

### Good wishes for the New Year

15

**The Speaker:** Hon. Members, if it is not too late, I wish you all a very happy New Year.

20

## Orders of the Day

### BILL FOR FIRST READING

25

#### Law Officers Bill 2013

**The Speaker:** We turn to Item 1, the Law Officers Bill, the only Item on the Order Paper. I call on the Secretary of the House.

30

**The Secretary:** The Law Officers Bill 2013, Member in charge, the Chief Minister.

35

### LAW OFFICERS BILL 2013

#### Standing Orders suspended to take Second Reading, clauses and Third Reading

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2.1. The Hon. Member for Ramsey (Mr Bell) to move:

45

*That Standing Orders (in particular Standing Orders 2.2, 4.6, 4.7, 4.8, 4.9 and 4.11) be suspended in relation to the progress of the Law Officers Bill 2013 to the extent necessary to permit the Second Reading, clauses and Third Reading stages of the Bill to be taken at this sitting; and to allow amendments to the Bill and new clauses to be proposed at this sitting without notice.*

**The Speaker:** We move to Item 2, suspension of Standing Orders. I call the Hon. Member for Ramsey, Mr Bell.

50

**The Chief Minister (Mr Bell):** Thank you, Mr Speaker.

I beg to move that Standing Orders, in particular Standing Orders 2.2, 4.6, 4.7, 4.8, 4.9 and 4.11, be suspended in relation to the progress of the Law Officers Bill 2013, to the extent necessary to permit the Second Reading, clauses and Third Reading stages of the Bill to be taken at this sitting; and to allow amendments to the Bill and new clauses to be proposed at this sitting without notice.

**The Speaker:** Hon. Member for Ayre, Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.  
I beg to second, sir.

**The Speaker:** I put the motion that Standing Orders be suspended, as moved by the Chief Minister. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Law Officers Bill 2013**  
**Second Reading approved**

2.2. Mr Bell to move:

*That the Law Officers Bill 2013 be read the second time.*

**The Speaker:** We turn now to the Second Reading. Chief Minister.

**The Chief Minister (Mr Bell):** Thank you, Mr Speaker and can I thank Members for agreeing to this unusual procedure.

Mr Speaker, the circumstances giving rise to the need for this Bill are well known to all Hon. Members and indeed, a presentation has been given to them recently to explain the background to this. So for obvious reasons, I do not propose to comment on them any further. Suffice to say, this Bill seeks to address the situation where Her Majesty's Attorney General is precluded from discharging his functions and to provide an alternative mechanism for their discharge.

There have been ongoing discussions between the Chief Secretary's Office, the Ministry of Justice and Buckingham Palace to deal with the gap created by the current unavailability of the Attorney General. Arising from these discussions, Her Majesty the Queen has agreed that she will make a temporary appointment for 12 months of an Acting Attorney General to discharge the Attorney General's functions. The changes to Acts of Tynwald are required to put beyond any doubt the Acting Attorney General's power to act.

This Bill deals with this in two ways. First, it amends the definition of the Attorney General in section 3 of the Interpretation Act 1976. That has the effect that when Her Majesty appoints an acting Attorney General for the Island, that officer will be able to discharge all the Attorney General's statutory functions in relation to the conduct of prosecutions, dealing with other litigation and advising Government.

Secondly, and perhaps of more direct relevance to Hon. Members, the Bill also amends section 7 of the Isle of Man Constitution Act 1919 to permit either the Attorney General, or the Acting Attorney General, but not both, to attend Tynwald and the Legislative Council.

Mr Speaker, given the urgent need to address the current unavailability of the Attorney General, I beg to move the Second Reading of this Bill.

**The Speaker:** Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.  
I beg to second that the Second Reading of this Bill be taken and reserve my remarks.

**The Speaker:** Mr Karran, Hon. Member.

**Mr Karran:** Vainstyr Loayreyder, I have no problems with supporting the Second Reading of this Bill. I am glad to see that... From my concerns of 4th December 2012 in the House of Keys about the legal basis for the proposed role of an acting Attorney General, I was told there was no need for a legal basis is required, as far as the role of an Acting Attorney General. I am glad to see that we have seen what is the right way to go about, as far as a modern functioning democracy is

concerned. That is why the parliamentary role should come in, as far as making sure that things are done on this Island.

115 The one issue that I have with this Bill, and one issue that I am deeply concerned about this Bill, is we have seen under confidentiality the executive summary, as far as the independent Report of the Attorney General's Chambers. I think that, as far as the executive is concerned, they need to be applauded for us getting... or whoever actually initiated that proposal needs to be applauded, as far as that issue is concerned.

120 But I am concerned in this Bill that there is a fundamental flaw and I think sometimes, you have to have somebody from outside the cosiness. There are great advantages, as far as the Isle of Man is concerned, from being a small jurisdiction, and there are great disadvantages, as far as being a small jurisdiction. We need to see that Report through, if the executive summary is anything to go by, it would be really interesting to see the full extent of that Report, as far as the AG's department is concerned.

125 Hon. Members, I will support the Second Reading of this Bill, but I will be moving an amendment to actually give a broader base as far as who should be able to be an Attorney General. It grieves me greatly that we might end up with somebody who has got 10 years' experience in the role of being a member of the Manx Bar, but the Manx Bar has not served this Island very well, as far as the general public is concerned. I feel that there needs to be the flexibility put into this  
130 legislation, that what we need is somebody who is going to do it on the basis of it will not be in any way embarrassed or compromised, with them being part of a cosy arrangement we have had with the legal profession in the past.

We need to see this review of the Attorney General's Chambers sorted out, without fear or favour, and that is why I will be supporting the Second Reading of this Bill, but I think we need to  
135 make sure we follow... and I am disappointed that an Acting Attorney General, in particular, in those sort of circumstances, that we need that flexibility for the future and I hope Hon. Members will consider my amendment when it comes down.

I have no problem supporting this legislation. I am glad to see that, from 4th December there has been a mindset, as far as putting it down for primary legislation in the Isle of Man, and that is  
140 why I hope that we will see the flexibility in what I am looking for.

**The Speaker:** Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr Speaker.

145 I am also very happy to support this Bill through its passage, all the way through, today. I do welcome it, not for the occasion that has been brought upon it, but I do welcome it because I do feel that, in this day and age, somebody carrying such an extremely important role for the Isle of Man should have a deputy sitting alongside them, for illness and other rare occasions.

150 I do invite the Chief Minister to also consider *his* position in Government, that really *he* should have a deputy, and anyone else who has an important role. I do in the Water Authority – I have a deputy, and so on – and Members are deputised for their Ministers, when Ministers are absent themselves.

So it is for that very point that I welcome this anyhow, and of course I would welcome any  
155 comments the Chief Minister may have in his summing up, in respect of obviously maintaining this now in law through into perpetuity, and any other comments that I have made this morning.

Thank you.

**The Speaker:** I call on the Chief Minister to reply.

160 **The Chief Minister:** Thank you, Mr Speaker.

As Members well know, we always bow to the superior wisdom of Mr Karran on these matters, and I thank him for the comments he has made on that.

**Mr Karran:** It is in *Hansard*.

165 **The Chief Minister:** Mr Speaker, whatever comments were made in December, the purpose of this Bill is to give absolute clarity to the position of the Acting Attorney General to make absolutely sure there can be no legal challenge to his possession and to his decision-making during the 12 months, or whatever period it is that the office continues for. That is the reason for bringing  
170 through the Bill today: it is to give clarity. Regardless of what previous interpretation there might be on it, we want to be sure that there cannot be any legal challenge at any time in the future.

175 His comments about the review of the Attorney General's Chambers... I initiated the review. It was one of the first things I did after taking over as Chief Minister, because of the very serious concern I had about certain operations within that Department. Members have had the executive summary of that Report, and I can give Members a categorical assurance I have asked for every item, every recommendation within that Report to be implemented as soon as possible. So I can give the Hon. Member the absolute assurance that that will take place.

180 I would just remind the Hon. Member that this proposal for an Acting Attorney General is only for 12 months. Many of the issues he is talking about have longer-term implications. This is a short-term action we are taking to fill the hiatus that we are facing at the moment, so I hope he will bear that in mind and put it in that context.

185 Mr Houghton – I thank him again for his support. One of the recommendations, as he well knows, within the review of the Attorney General's Chambers, was actually to introduce a Deputy Attorney General to help to share that workload. We are working on that. There will be a Bill later on this year. I am not quite sure what the timeframe of that is at the moment, but there will be a Bill before this Hon. House which will enable us to debate exactly that point, and it will recommend the introduction of a Deputy Attorney General to help out at that time. The nature, I think, and the workload of the Attorney General's department has changed a lot over the years and it is vitally important, I think, that we do review that situation.

190 As a deputy Chief Minister, I already have 31 deputies sitting in Tynwald – I do not know if I need another one! *(Laughter)*

With that, Mr Speaker, I beg to move.

195 **The Speaker:** Hon. Members, I put the question that the Law Officers Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

200 **Law Officers Bill 2013**  
**Clauses considered**

2.3. Mr Bell to move.

205 **The Speaker:** We turn now to the consideration of clauses and to move clause 1, I call on the Chief Minister.

**The Chief Minister:** Mr Speaker, with your permission, could I perhaps move clauses 1, 2 and 5 together, as they are essentially all formal and separate from the actual meat of the Bill.

210 **The Speaker:** That is in order.

**The Chief Minister:** Clause 1 will provide the resulting Act with its short title.

215 Clause 2 empowers the Council of Ministers to make one or more Orders bringing the Act into operation and to make transitional provision in connection with commencement.

Clause 5 provides for the repeal of the Isle of Man (Constitution) (Amendment) Act 1975, which is spent, and also provides for the Act resulting from the present Bill to expire on the day immediately following its promulgation, or if it is not fully enforced then, on the day after the last provision comes into operation.

220 Mr Speaker, I beg to move clauses 1, 2 and 5 together.

**The Speaker:** Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.

225 I beg to move that clauses 1, 2 and 5 be read and to reserve my remarks, sir.

**Mrs Cannell:** No, you are not moving. The Chief Minister is moving. You are seconding.

**Mr Teare:** I beg to second.

230 **The Speaker:** I take it you are seconding?

**Mr Teare:** I apologise. I beg to second.

235 **The Speaker:** I put the motion that clauses 1, 2 and 5 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it. Thank you.  
We turn to clause 3. Minister.

**The Chief Minister:** Thank you, Mr Speaker.

240 Clause 3 contains the amendment to the Interpretation Act 1976 so as to include within the definition of 'the Attorney General' a person whom Her Majesty has appointed as Acting Attorney General by a warrant under the Royal Sign Manual – that is Her Majesty's official signature.

The amendment has the effect that references to the Attorney General in any Act of Tynwald will be read as including the Acting Attorney General, thus putting that officer's power to act in the stead of the Attorney General beyond any doubt.

245 The final amendment in clause 3 also makes it clear that the amendment to the definition of 'the Attorney General' does not limit the scope of any existing delegation of the Attorney General's powers or functions.

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

250 **The Speaker:** Mr Teare.

**Mr Teare:** Thank you.

I beg to second that clause 3 be read and reserve my remarks, sir.

255 **The Speaker:** I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Clause 4, sir.

260 **The Chief Minister:** Mr Speaker, clause 4 amends section 7(a)(1) of the Isle of Man Constitution Amendment Act 1919. The effect of the amendment to this subparagraph is to permit either the Attorney General or the Acting Attorney General to attend the meetings of Tynwald and the Legislative Council.

Mr Speaker, I beg to move clause 4.

265 **The Speaker:** Mr Teare.

**Mr Teare:** I beg to second that clause 4 do stand part of the Bill, sir, and to reserve my remarks.

270 **The Speaker:** I put the question that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.  
Mr Karran.

275 **Mr Karran:** Vainstyr Loayreyder, as I say, we are pleased to see that the Bill is actually having to come here to legitimise the issue of enacting the Attorney General. My amendment is about the ability of the Attorney General to conduct litigation in person in Manx courts.

The broad issue is whether the Attorney General or an Acting Attorney General should always have to be a member of the Manx... be a Manx advocate.

280 At the moment, there is no statutory requirement that an Attorney General should be a Manx advocate; however, the convention in recent years has been that the Attorney General has to be selected from the Manx bar and, as such, has been able to conduct litigation in person in line with the convention that the recent advertisements specifically, that the candidate has to have 10 years' experience at the Manx bar.

285 The policy underlining this amendment is that a person appointed as an Attorney General should not necessarily have to be a Manx advocate. The amendment would amend the section of the Advocates Act 1995, which sets out who can be given an advocate's commission by the First Deemster. This is who can appear before Manx courts. The effect of the amendment would be to permit persons who were not Manx advocates, if appointed AG, to conduct litigation in Manx courts. Given other provisions of the Law Officers Bill 2013, this would apply to an Acting Attorney General.

290 The amendment would not directly change the criteria of appointment for an Attorney General or an Acting Attorney General, and would not directly affect the recruiting process which is currently underway, but it would make the practice in future to consider off-Island appointments in this role.

295 My concern, as far as the Attorney General's department is concerned, is the fact that, as I say,  
with this report and this problem, as far as the AG's department, has not just happened overnight.  
This is a problem that we have had for a number of years about the accessibility of justice for  
many of our people.

I believe that one of the problems that we have at the present time is if we really want to see  
this sorted out, we need to get it away from the fact that it is the Manx Bar being able to have a  
300 *guaranteed* post as far as the AG is concerned.

I want to see the AG's department once and for all being put on the right basis that represents  
the people and that it is something that all our citizens can trust as far as justice on this Island. I  
believe that this amendment will give the flexibility for us to try and get somebody who is not in  
bed in the present system that we have got at the present time. I believe that Hon. Members should  
305 support this proposal. I know that people will say, 'Isn't it terrible that we are going to try and get  
somebody from off Island to be our Attorney General?' but I believe that sometimes we need that  
flexibility.

My other concern is that here we have an important report that has been done as far as the  
AG's department, and I am just worried that if you end with somebody in 10 years' time from the  
310 Manx Bar, I do not think there will be the same will to follow it up as far as making sure that once  
and for all we put it on the right basis.

I hope Hon. Members will support the amendment standing in my name:

315 *On page 6 at the beginning of line 12 insert –*  
*'4A Amendment of the Advocates Act 1995: s.16*  
*(1) Section 16 of the Advocates Act 1995 (qualification for an advocate's commission) is*  
*amended as follows.*  
*(2) Renumber the existing text as subsection (1).*  
*(3) At the end insert –*  
320 *"(2) A person is also qualified for the issue of an advocate's commission if the person is the*  
*Attorney General.".'*  
*Renumber the following clause accordingly.*

325 **The Speaker:** Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
I beg to second and reserve my remarks.

330 **The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** I would just like to put a few questions to the hon. mover of this amendment  
because I am a little bit concerned about where he is going with this and might seek some  
reassurance before I come to vote on it.

I appreciate that the law as it stands at the moment says that the Attorney General does not  
335 have to be a Manx advocate – that is a matter, shall we say, for the job description – and then a  
matter of convention that they should have 10 years' standing, and I can see the reason for that,  
inasmuch as it is the duty of the Attorney General to provide Tynwald with legal advice. It is the  
job of the Attorney General to provide Government with legal advice. Of course, it is essential that  
the legal advice that we get is based on Manx law because that is, at the end of the day, what he is  
340 going to have to be advising on.

So I do not deny that *in extremis* I could potentially see that there would be cause for a UK  
Attorney General, should we find some sort of endemic corruption in the Manx system. I do not  
foresee that that is realistic, but let us never say never on some things.

345 But he would be heading up a Chambers of Manx advocates and I therefore do not see why we  
need to go out of our way to allow him to appear in court in person, appearing in front of a Manx  
court without Manx experience to argue points of Manx law. That is what gives me the worry and  
I was wondering perhaps if the mover could just provide some sort of assurances as to why he  
thinks that somebody with *no* experience in Manx law should be able to come in and argue Manx  
law in front of a Manx Deemster without that sort of experience. I have no problem with him  
350 heading up the Chambers, which is one thing, but appearing in Court arguing Manx law is perhaps  
something else.

So I would just look for that from the mover.



355 **The Speaker:** Continuing with the debate in principle on the new clause. I call on the Hon. Member from Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

360 I would follow on from the previous speaker in that whoever heads up the Attorney General's Chambers needs to have a real understanding of Manx law, irrespective of whether they actually practise in the courts or not.

But the thing I will take issue with is the explanatory memorandum provided by the Hon. Member, Mr Karran, and the start of the second paragraph says:

365 'At the moment there is no statutory requirement that the Attorney General should be a Manx advocate...'

So why legislate? That is my question. What is the requirement for the clause?

370 At the moment there is not an obligation that the AG should be a Manx advocate. So there is freedom of choice if the selection process decided that they were going to appoint somebody from off Island. I cannot see the point of the amendment when there is no statutory requirement that the Attorney General should be a Manx advocate, which seems to be the main bone of contention for the Member.

So I cannot support the amendment in principle I am afraid.

375 **The Speaker:** Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

380 Just on the mover of the clause and his comments to the clause there, I am sorry but I think the Member is disparaging to the Manx Bar and to the advocates who are on the Island. I wish that if the Member has this bundle of evidence that we are cosy or that we are bought off, or whatever, he brings it to this House or another place.

385 Regarding these allegations regarding the AG's department, we are well aware of what has gone on. I do not know whether it has gone on in the past before I was actually into this particular House, but I have high regard for those advocates who are in the Manx Bar, and really to denigrate the advocates, who are young advocates and older advocates who are coming towards the end of their careers as such, I think is poor.

I think that for myself, really, I will not be supporting the clause.

**The Speaker:** Hon. Member for Douglas North, Mr Houghton.

390 **Mr Houghton:** Thank you, Mr Speaker.

395 Mr Speaker, Mrs Cannell makes an excellent point, but I would like to build on that and to say that this Bill has a sunset clause, so what is the point of putting an amendment in this particular clause? Far better to wait for the Chief Minister to bring the appropriate Bill that he has already mentioned in the Second Reading for a permanency, if it was so supportable by the House then.

**The Speaker:** Chief Minister.

**The Chief Minister:** Thank you, Mr Speaker.

400 Mr Speaker, whilst the Hon. Member moving the amendment considers it does not change the criteria of appointment for the Attorney General or Acting Attorney General, this is not the case. Although there is no statutory requirement that the Attorney General should be a Manx advocate, one of the essential criteria held by candidates applying for the position is 10 years' experience at the Manx Bar, as is set out in the agreed formal practice and process in regard to this appointment, which has been discussed and endorsed by the UK on behalf Her Majesty the Queen. Do not  
405 forget this is a Crown appointment. Consequently, the recent advert of the post for Her Majesty's Acting Attorney General included this requirement.

410 The broader issue underpinning this amendment is whether the Attorney General need always to have this experience as a Manx advocate, and there has been no consideration or discussion on this. By convention, in common law jurisdictions the Attorney General is the leader of the relevant local Bar – that is the case here. If the convention is to change, that ought to be done after proper discussion with all parties (**A Member:** Hear, hear.) who have legitimate interest in relation to the point and not, I would suggest, in the context of a Bill which has been framed to deal with a particular issue only, and within a particular limited timeframe.

415 In my view, it is clearly desirable that the Attorney General should have strong substantial  
experience of the laws of the Island and of the practices of its courts. Mr Speaker, if the Hon.  
Member wishes to change the criteria for the position of Her Majesty's Attorney General to allow  
420 applications from other than Manx advocates, it is my view that a more appropriate mechanism  
will be the Law Officers (No. 2) Bill, which will come forward later this year in respect of the  
establishment of a second Crown law officer, who can deputise for the Attorney General. More  
importantly perhaps, this will allow proper consultation on the proposal both on and off Island,  
and would prevent the Bill before this Hon. House today, as much emergency, from being delayed.

The Ministry of Justice has advised that the Bill, as currently drafted, can be put forward for  
Royal Assent. Should the Bill be amended though, we will need to discuss further with the  
425 relevant parties in the UK and this will then lead to a delay in the consideration of Royal Assent.

I think it is most important, Mr Speaker, that Members remember this: this is a short-term  
exercise. It does have a sunset clause, as has been mentioned, to deal with a specific immediate  
problem that we have. The issue that the Hon. Member raises in his amendment broadens it out  
considerably and we do need to have thorough understanding, discussion and consultation on that.

430 We have worked very closely with the Minister of Justice and with the Palace – and as I say,  
do not forget this is a Crown appointment ultimately – to agree a timetable to get this Bill fast  
tracked through Privy Council as quickly as possible, to allow an Acting Attorney General to be  
put in post as quickly as possible. We have agreed that timeframe.

If an amendment or any amendment... but if *this* amendment was to be passed today it would  
435 completely change that timeframe that we have talked about and probably delay the granting of  
Royal Assent by anything up to another couple of months. I do not believe that is acceptable under  
the present circumstances. We have gone without the position of Attorney General being filled  
actively now for over 12 months. We need to get it sorted out as quickly as possible.

There is an opportunity for the Hon. Member to bring back the amendment in the next Bill  
440 when it comes along. I have no problem with that at all, but it needs to be brought along in a  
proper and structured way, where it can get proper discussion.

So I would urge Hon. Members, please, to help us get this urgent matter out of the way, do not  
to vote for this today and let us move on as quickly as we can.

445 **The Speaker:** I call on the mover to reply. Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, Mr Watterson asked the question about the experience as  
far as having somebody who is not a member of the Manx Bar is concerned. The situation would  
be that obviously the first thing is that it would not necessarily be a person who was from the UK  
450 that we would be looking at.

The second is the fact that under the present criteria of becoming a member of the Manx Bar, it  
takes several years on that point. If you had somebody who was bright, sharp and would not need  
to wait and jump through the loopholes of the closed-shop arrangement that we have already got  
with the Manx Bar on the Island as far as being able to get himself up to speed, as far as being  
455 experienced enough as far as the Manx law is concerned.

So I think it is important that when we talk about this, we might not just be talking about our  
colonial colleagues from the adjacent isle. We could be talking about somebody from somewhere  
else who would not be a member of the English Bar either. The point is that if we want somebody  
who is bright enough, they would be quick enough to be able to pick up the different facets as far  
460 as the Manx law, particularly over the UK law, even though increasingly we just seem to follow an  
awful lot of the United Kingdom law on many things.

I think the point as far as the Hon. Member for East Douglas is concerned is the real  
understanding of why I am wanting to try and do this. I believe that this and the whole structure  
that we have seen develop over the last 25 to 30 years, we have seen a revolution in this Island as  
far as how things have matured. Like the point, even the quip about how it is good to know that  
465 Mr Karran... whatever it was from the Chief Minister.

The fact is at one time these things would never have come near this Hon. House. What we  
must do is develop a real understanding of what we want as far as a modern functioning  
democracy is concerned. I believe that the problem is, and what Mrs Cannell does not realise is the  
fact it is still that the Manx Bar is too cosy.

470 The reason why I brought this proposal in front of us today is that I want somebody with firm  
commitment to see what needs to be done as far as the Attorney General's department, which has  
not just happened in the last 18 months; it has been happening for a long time.

As far as Mr Quirk is concerned about him taking offence, he is not a lawyer. He is a Member  
of the House of Keys and it is a shame that he does not understand the difference; but then nothing

475 surprises me with the Hon. Member (*Interjections*) for Onchan. I think that is about all that can be...

480 The very relevant point that the Hon. Member for North Douglas raises is about the issue of the sunset clause, and I understand that. What I am trying to do is highlight the fact that issues have been raised about potential replacements for an Acting AG is concerned, and I think it is important that we put a marker down here that we want to make sure that we get somebody who is not compromised in any way and will actually get on with this job that needs to be done of getting this report sorted out.

485 Mr Bell talks about the issue that he is the leader of the Manx Bar. I understand that and I understand that that is a swipe at the chops of the Manx Bar, what I am proposing here today, but one of the reasons why I have moved this amendment, I had new young... newer Members, not *younger* Members, on to me the other week there about how they want independence and we have got to have independence. We have to have firm, robust systems in Government, both in parliamentary scrutiny, the executive, the judiciary and the AG's department as far as the criminal and civil justice is concerned. My concern is that I feel that we are losing the opportunity that  
490 allows for the sunset clause that we should not be looking at somebody to be coming in, to be the Acting Attorney General, who has 10 years' experience, because I believe there will not be the will to address the real issues. I think this House needs to address the issue of access to justice for the ordinary working people.

495 I believe there are a number of fundamental issues which are not part of this Bill, which I would be wrong to go into, but I hope Hon. Members will consider what I am saying and will actually support this proposal. Do not come back later on and be full of shock horror and disbelief when we find out who we are going to be replaced with, as far as the Acting Attorney General is concerned.

500 I think this needs to be down. It needs to be a marker, and yes, I know it is difficult. It is great to see this function not being just going by colonial power. They have had to come back here – I thought they had to come back here, because of my Question on 4th December.

I hope Hon. Members will support the amendment by myself to this Bill because I think it needs to happen. I beg to move.

505 **The Speaker:** Hon. Members, the new clause having been moved and debated in principle, I put the question that the new clause form part of the Bill. Those in favour, please say aye; against no. The noes have it.

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

**FOR**

Mr Karran  
Mrs Beecroft  
Mr Gawne

**AGAINST**

Mr Quirk  
Mr Hall  
Mr Ronan  
Mr Crookall  
Mr Anderson  
Mr Bell  
Mr Singer  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Cregeen  
Mr Houghton  
Mr Henderson  
Mrs Cannel  
Mr Robertshaw  
Mr Shimmin  
Mr Corkish  
Mr Cretney  
Mr Watterson  
Mr Skelly  
The Speaker

**The Speaker:** With 3 votes for, 21 votes against, the motion fails to carry.  
That concludes the clauses stage of the Bill.

515

**Law Officers Bill 2013**  
**Third Reading approved**

520 2.4. Mr Bell to move:

*That the Law Officers Bill 2013 be read the third time.*

525 **The Speaker:** I call the Chief Minister to move the Third Reading.

**The Chief Minister:** Thank you, Mr Speaker, and again, I thank Hon. Members for their indulgence in moving the Bill forward in this manner.

530 Mr Speaker, I do not think there is any need for me to go over the bones of this Bill again. It is a very straightforward Bill. I think Members are fully *au fait* now with what it is we are proposing to do.

It is a very urgent piece of legislation and we need to get it in so that we can rectify what is an incredibly sensitive situation that we have at the moment with the Attorney General's office. We need to get that regularised and on a normal platform again, as it has been in the past, as quickly as possible.

535 This Bill allows us to put a temporary Acting Attorney General in for a period up to 12 months. That period may reduce depending on other circumstances, how they develop around it, but the timeframe is urgent.

540 It is important that we get this Bill through today so we can move it on as quickly as possible to the Privy Council for Royal Assent. The timetable has been agreed with the Ministry of Justice and so it should move quickly from this and I think it will enable us to rectify this situation as quickly as possible. so that we can get an Attorney General back into Tynwald again as quickly as possible.

So with that, I thank all Members for their support so far.

545 **The Speaker:** Mr Teare.

**Mr Teare:** Thank you, Mr Speaker.

I beg to move that the Third Reading of the Bill now be taken, sir. (*Interjection*)

550 **The Speaker:** To second.

**Mr Teare:** To second, I should say.

555 **The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

It is just a very quick query, but an important one. I notice that on the explanatory memorandum at number 7, it states:

560 'No statement of the financial consequences arising from the resulting Act has been prepared.'

565 Can the Minister advise the House whether or not this person will be paid at the same level as if they were the Attorney General and whether or not we are in fact still paying the Attorney General, despite the fact that he is currently suspended?

**The Speaker:** Mr Karran.

570 **Mr Karran:** Vainstyr Loayreyder, can the mover of the Bill, the Ard-shirveishagh, inform this House the timescale which the appointment of an Acting Attorney General will take place?

**The Speaker:** Chief Minister to reply.

575 **The Chief Minister:** I can confirm, Mr Speaker, that the current Attorney General is still being paid. He is only suspended at this stage, depending on the outcome, obviously, of external matters. Obviously the incoming Attorney General will be paid as well and therefore there will be an extra cost to this, although I accept that has not been quantified in the paperwork.

As far as the timeframe is concerned, we are hoping to get it through to the Privy Council I think for next month, which will enable us to have this in position, I hope, by March and that is the ambition at the moment if we can stick to that; but as I say, any further delay would knock that

580

timeframe back quite considerably.

With that, I beg to move.

**The Speaker:** Hon. Members, I put the motion that the Law Officers Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it.

585

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

<b>FOR</b>	<b>AGAINST</b>
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Anderson	
Mr Bell	
Mr Singer	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannel	
Mr Robertshaw	
Mr Shimmin	
Mr Corkish	
Mr Cretney	
Mr Watterson	
Mr Skelly	
Mr Gawne	
The Speaker	

**The Speaker:** With 24 votes for, none against, carried unanimously.

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Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10.30 today, in Tynwald Court.

*The House adjourned at 10.13 a.m.*