

SWEARING-IN OF SECOND DEEMSTER, DEEMSTER AND  
ATTORNEY GENERAL AT COURT NUMBER 3,  
ISLE OF MAN COURTS OF JUSTICE – 1<sup>ST</sup> APRIL 2011

HIS HONOUR DEEMSTER DOYLE

Your Honours, Mr. President, Chief Minister, Mr. Speaker, distinguished guests.

It is my great pleasure this afternoon to welcome you all to the ceremony of the administration of oaths on the appointment of Andrew Thomas Kaneen Corlett as Second Deemster, Alastair Aitken Montgomerie as Deemster and Stephen Mark Harding as Attorney General. Three important appointments within this jurisdiction.

I especially welcome the families and friends of Andrew Corlett, Alastair Montgomerie, and Stephen Harding. It is also good to see Marianne Kerruish here with us today.

Without further ado I now ask Judge of Appeal Tattersall to read the Warrant of Appointment of Andrew Thomas Kaneen Corlett as Her Majesty's Second Deemster.

JUDGE OF APPEAL TATTERSALL QC

Can I first of all give you a clue that if you listen very carefully you will discover how old the recipients are.

Elizabeth the Second by the Grace of God of the United Kingdom and Northern Ireland and of Our other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith to all to whom these Presents shall come, Greeting!

Know ye that We of Our especial grace certain knowledge and mere motion have given and granted and by these Presents do give and grant unto Our Trusty and Well-beloved Andrew Thomas Kaneen Corlett, the Office and Place of Second Deemster of and in Our Island of Man as from the 1<sup>st</sup> April 2011 in the room of Our Trusty and Well-beloved David Charles Doyle, on his appointment as First Deemster and Clerk of the Rolls of Our Island of Man. To have, hold, exercise and enjoy the said Office and Place during Our Pleasure together with all honours regards profits and advantages due thereto; he the said Andrew Thomas Kaneen Corlett accounting for all the fees to be by him received as such Second Deemster to the department entitled thereto, but in every other respect to hold and

enjoy the said Office and Place in as full and ample manner to all intents and purposes as any other person hath formerly held and enjoyed the same.

Provided always and Our Will and Pleasure is that he the said Andrew Thomas Kaneen Corlett shall cease to be the Second Deemster of Our Island of Man and these Presents shall cease to have effect on the second of March two thousand and twenty nine being the day when the said Andrew Thomas Kaneen Corlett attains the age of seventy years.

Provided always that the said Andrew Thomas Kaneen Corlett perform any additional duties which may be imposed upon him with the consent of Our Lord Chancellor.

Given at our Court at St. James's the 28<sup>th</sup> day of March 2011 in the sixtieth year of Our Reign.

HIS HONOUR DEEMSTER DOYLE

Thank you Judge of Appeal.

I will now administer the Oath of Allegiance and the Oath of Deemster to Deemster Corlett.

HIS HONOUR DEEMSTER CORLETT

I, Andrew Thomas Kaneen Corlett, do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors. So help me God.

HIS HONOUR DEEMSTER DOYLE

I now turn to the Oath of Deemster.

HIS HONOUR DEEMSTER CORLETT

By this book and the holy contents thereof and by the wonderful works that God hath miraculously wrought in heaven above and in the earth beneath in six days and seven nights I; Andrew Thomas Kaneen Corlett, do swear that I will without respect of favour or

friendship, love or gain, consanguinity or affinity, envy or malice, execute the Laws of this Isle justly betwixt Our Sovereign Lady the Queen and Her Subjects within this Isle, and betwixt Party and Party as indifferently as the Herring Backbone doth lie in the midst of the fish. So help me God and by the contents of this book.

HIS HONOUR DEEMSTER DOYLE

Thank you very much.

Deemster Corlett will now sign an entry which will form part of the Liber Juramentorum which indicates that the Oath of Allegiance and the Oath of Deemster were administered to and taken by Andrew Thomas Kaneen Corlett sworn into the office of Second Deemster by virtue of his Warrant dated the 28<sup>th</sup> March 2011 and this entry is dated the 1<sup>st</sup> April 2011.

Judge of Appeal Tattersall will now present the Warrant of Appointment to Deemster Corlett.

JUDGE OF APPEAL TATTERSALL QC

Andrew, I've known you for some years both now as an advocate appearing in front of me and as a fellow judge and I'm looking forward very much to working with you in the future.

HIS HONOUR DEEMSTER CORLETT

Thank you very much indeed.

HIS HONOUR DEEMSTER DOYLE

I now ask Judge of Appeal Tattersall to read the Warrant of Appointment of Alastair Aitken Montgomerie as Deemster.

JUDGE OF APPEAL TATTERSALL QC

In the exercise of the powers conferred on me by section 3B of the High Court Act 1991 and of all other enabling powers I hereby appoint Alastair Aitken Montgomerie to the office of Deemster to hold office from the period beginning the 1<sup>st</sup> April 2011 to 17<sup>th</sup> December 2017 being the day when the said Alastair Aitken Montgomerie attains the age of sixty five years. As witness my hand the 9<sup>th</sup> March 2011 signed by the Lieutenant Governor Sir Paul Haddacks.

HIS HONOUR DEEMSTER DOYLE

I will now administer the Oath of Allegiance and the Oath of Deemster.

HIS HONOUR DEEMSTER MONTGOMERIE

I, Alastair Aitken Montgomerie, do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II Her Heirs and Successors. So help me God.

HIS HONOUR DEEMSTER DOYLE

I now turn to the Oath of Deemster.

HIS HONOUR DEEMSTER MONTGOMERIE

By this book and the holy contents thereof and by the wonderful works that God hath miraculously wrought in heaven above and in the earth beneath in six days and seven nights; I, Alastair Aitken Montgomerie, do swear that I will without respect of favour or friendship, love or gain, consanguinity or affinity, envy or malice, execute the Laws of this Isle justly betwixt our Sovereign Lady the Queen and Her Subjects within this Isle and betwixt Party and Party as indifferently as the Herring Backbone doth lie in the midst of the fish. So help me God and by the contents of this book.

HIS HONOUR DEEMSTER DOYLE

Deemster Montgomerie will now sign a document which will form part of the Liber Juramentorum and which confirms that the Oath of Allegiance and Oath of Deemster were duly administered to and taken by Alastair Aitken Montgomerie.

Judge of Appeal Tattersall will now present the Warrant of Appointment to Deemster Montgomerie.

JUDGE OF APPEAL TATTERSALL QC

Alastair, it's many, many years ago since we first met in the robing room at Carlisle Crown Court. I was a very young barrister and you were a very young prosecuting solicitor and how far we have both travelled. Congratulations.

HIS HONOUR DEEMSTER MONTGOMERIE

Thank you very much.

HIS HONOUR DEEMSTER DOYLE

I now invite Judge of Appeal Tattersall to read the Letters Patent of Stephen Mark Harding as Her Majesty's Attorney General.

JUDGE OF APPEAL TATTERSALL QC

Now believe it or not there is no full stop.

Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories QUEEN Head of the Commonwealth Defender of the Faith To all to whom these Presents shall come Greeting

Know Ye that We of Our especial grace certain knowledge and mere motion have given and granted and by these Presents do give and grant unto Our Trusty and Well-beloved Stephen Mark Harding Esquire the Office and Place of Our Attorney General of and in all of Our Courts of Justice within Our Island of Man and him the said Stephen Mark

Harding Our Attorney General in all our Courts of Justice within our aforesaid Island of Manx, We do by these Presents constitute and appoint with effect from the first day of April two thousand and eleven to have and enjoy the said Office of Our Attorney General within Our said Island unto the said Stephen Mark Harding for and during Our Pleasure in the room and place of Our Trusty and Well-beloved William John Howarth Corlett Esquire who has vacated the said office Provided Always and Our Will and Pleasure is that he the said Stephen Mark Harding shall cease to be Attorney General of our said Island of Man and these Letters shall cease to have effect on the eleventh day of November two thousand and twenty six being the day when the said Stephen Mark Harding attains the age of sixty five years We have also granted and given and by these Presents do give and grant unto the said Stephen Mark Harding full power and authority to make ordain and depute such Clerks and Officers unto him in all Our Courts within the aforesaid Island in as full and ample manner and form as the said William John Howarth Corlett or any other person formerly having or occupying that office hath made ordained deputed or could or was used to have made ordained or deputed and We do give and grant to the said Stephen Mark Harding full power and authority to receive all fees fines casualties profits and commodities heretofore received and taken to the said Office belonging or appertaining for which he shall from time to time duly account to the Department entitled thereto and which he shall pay over to such Department Provided also and Our Will and Pleasure is that the said Office shall be held by the said Stephen Mark Harding upon such terms and conditions as the said Office was held by the said William John Howarth Corlett and in accordance with any instructions which may be given from time to time by one of Our Principal Secretaries of State Provided lastly and We will and by these Presents firmly and joining do command that the said Stephen Mark Harding do and shall be resident within Our Island and that he shall execute the said Office in his proper person except in case of sickness or any other incapacity or when absent from duty with the permission of our Lieutenant Governor In Witness whereof We have caused these Our Letters to be made Patent Witness Ourselves at Westminster the twenty eighth day of March in the sixtieth year of Our Reign

HIS HONOUR DEEMSTER DOYLE

Thank you Judge of Appeal.

I will now administer the Oath of Allegiance and the Oath of Attorney General to Mr. Harding. First of all the Oath of Allegiance.

ATTORNEY GENERAL

I, Stephen Mark Harding, do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors. So help me God.

HIS HONOUR DEEMSTER DOYLE

We now turn to the Oath of Attorney General.

ATTORNEY GENERAL

I, Stephen Mark Harding, will faithfully, justly, truly, without favour or affection, dread or fear, envy or malice, and without respect to love or gain, kindred or friendship, consanguinity or affinity, plead and defend the causes of Our Sovereign Lady the Queen in all and everything and things whatsoever as by Law required. I will also from time to time when thereunto required by the Lieutenant Governor or Deputy Governor of this Isle of the time being, plead and defend the cause of all widows, orphans and fatherless children. I will from time to time be aiding and assisting with my best advice and Counsel to the Lieutenant Governor or Deputy Governor so often as is needful or I shall be called upon for the furtherance of the Government and benefit and preservation of this Isle. These and all other things and things whatsoever which shall or may in any wise concern my said Office of Her Majesty's Attorney General of this Isle, I will truly and faithfully do and perform to the best of my skill. So help me God.

HIS HONOUR DEEMSTER DOYLE

Mr. Harding will now sign an entry in the Liber Juramentorum that confirms that the Oath of Allegiance and the Oath of Attorney General have been duly administered to and taken.

I now ask Judge of Appeal Tattersall to present the Letters Patent to Mr Harding.

## JUDGE OF APPEAL TATTERSALL QC

Mr. Harding these are your Letters Patent. I have peeped inside and there is something inside. The Letters Patent tell you to have and enjoy your office and I hope you do enjoy your office. Congratulations.

## HIS HONOUR DEEMSTER DOYLE

The first week in April 2011 is a week of change for the Isle of Man. I began the day by bidding farewell to the outgoing Lieutenant Governor Sir Paul Haddacks and Lady Haddacks at the Sea Terminal in Douglas this morning. We shall be swearing in the new Lieutenant Governor next Thursday the 7<sup>th</sup> April 2011.

I finish the day by presiding over the swearing in ceremony of the Second Deemster (in effect the Deputy Chief Justice of this Island), the Deemster and the Attorney General.

The first written reference to Deemster can be traced back to the early 1400s but the office of Deemster is probably much older dating back to the Norse Kingdom and the origins of Tynwald in the 10<sup>th</sup> century. There is reference to the Lord's Attorney General in 1636 in volume 1 of the Manx Statutes and no doubt the office of the Lord's Attorney General can be traced back well before then to the 1400s and probably earlier. But we are not gathered here today for a Manx history lesson. We are here today to participate in and to witness the ceremony of the Administration of Oaths of two Deemsters and an Attorney General but it is right that we acknowledge the ancient status of those important offices and the proud history of this wonderful Island.

In preparation for my address today I have been, as I often do, reflecting on the wise words of our experienced Judge of Appeal. Judge of Appeal Tattersall has just finished a busy week in the Appeal Division and had to spend some 5 days in my company but he also found time to address a meeting on Tuesday evening about women Bishops. His talents and interests know no bounds. Indeed he was hoping this very evening to go with his family to a Kylie Minogue concert in Manchester. Yes you heard me right the first time, a Kylie Minogue concert in Manchester but he has been unable to fulfil that important commitment such is his dedication to this Island.



## JUDGE OF APPEAL TATTERSALL QC

The writ will be issued.

## HIS HONOUR DEEMSTER DOYLE

And it will go all the way to the Privy Council.

I remember the wise words of the Judge of Appeal at my swearing in ceremony last December.

Judge of Appeal Tattersall was, of course, right to stress the responsibility involved in undertaking the functions of a public office and he was right to advise us not to take ourselves too seriously.

Judicial office and the office of Attorney General do indeed involve very serious responsibilities. The heavy workload includes the making of many difficult decisions that can have serious consequences. We should however remember the words of a former Chief Justice of Western Australia, David Malcolm, who served for a period just short of 18 years and whose motto was twofold:

“Firstly, take your work seriously, and take any office you hold seriously, but don't make the mistake of taking yourself too seriously.

Secondly, however difficult and challenging the office or the task, find a way to make it fun. If it is not fun it is not worth it.”

Sadly due to the nature of our work we cannot always find a way to make it fun (although I have to confess that I had great fun in the Appeal Division in court number 1 this week) but following on from Judge of Appeal Tattersall and Chief Justice Malcolm I say to Deemster Corlett, Deemster Montgomerie and Attorney General Harding, take your work and the office you hold seriously and get on with the serious stuff but also try and set aside some time for some fun along the way.

Deemster Corlett has had a distinguished career as an advocate and as a Deemster and has had a lot of fun along the way. He is a fine example of a Manx success story. He

started off at that internationally renowned educational establishment Ballasalla Primary School and ended up at that somewhat obscure place Pembroke College, Oxford, wherever that may be. The Judge of Appeal also went to this place known as Oxford.

In 1981 Deemster Corlett entered articles with William Cain when William was the Attorney General. William who is with us today also went to that place known as Oxford. You can see how envious I am of them and of their intellect.

Deemster Corlett was called to the English and Manx Bars in 1984. He has had significant and varied legal experience in both the private and public sectors. He has a first class judicial mind (that does not of course mean that he will not on occasions, like the rest of us, be overturned on appeal).

Deemster Corlett as Second Deemster will continue to focus on family and civil matters – his main areas of expertise. Deemster Corlett will be in charge of Family Court matters.

Judge of Appeal Tattersall last December somewhat mischievously mentioned the decline in my physical fitness levels. The same allegation cannot justifiably be levied at Deemster Corlett. Andrew keeps fit by regular sessions at the gym.

Deemster Corlett has the support of his wife Angelina and their two children James and Annabel.

Deemster Montgomerie is ideally suited to preside over the Court of General Gaol Delivery in view of his extensive experience in respect of criminal law and procedure. He is an acknowledged expert in those demanding areas of the Manx legal system. Deemster Montgomerie will be in charge of General Gaol Delivery matters.

Deemster Montgomerie was educated at Fettes College Edinburgh (at the same time as that individual known as Tony Blair) and graduated from Manchester University becoming an English solicitor in 1979. From 1980 to 1991 he was involved in a wide range of criminal cases in England. He came over to the Island in 1991, fell in love with the Island as so many people do, and worked within the Attorney General's Chambers as so many people do.

Since June 2003 he has held the position of Deputy High Bailiff with great distinction. Deemster Montgomerie approaches his judicial duties with great care and in a very fair and

considerate way. Moreover, when necessary, he has the ability to be firm and robust. That ability will no doubt be of great assistance to him in presiding over the Court of General Gaol Delivery.

Alastair is married to Wendy and has two adult sons Roger and Fraser. Alastair has represented the Isle of Man at tennis and keeps fit by hitting balls over (and sadly sometimes into) the net on a regular basis.

I turn now to Stephen Mark Harding the Attorney General who I understand, and indeed I have witnessed this at first hand with my own eyes, keeps physically fit by the use of a mountain bike.

At my swearing in ceremony last December the former Attorney General William John Howarth Corlett who is with us today (and who was my principal when I was a trainee advocate in the early 1980s and from whom I learnt a great deal) referred to the Island's developing relationship with the United Kingdom, the European Union and the wider world.

John Corlett in Tynwald on Tuesday the 15<sup>th</sup> March 2011 referred to the way in which the Island had positively responded to the many international challenges which the new age had presented. John added:

"Far from clinging to a local authority image, the Island now, in certain respects, conducts itself as if it were a small state, with capacity on the international stage."

The learned former Attorney General also referred to the Island's standing in the international arena.

Deemster Corrin also a distinguished former Attorney General who is with us today in a case known as *Scroop Limited* 16<sup>th</sup> January 1997, referred to the Island being an active member of the Commonwealth.

Stephen Mark Harding the new Attorney General is well placed to assist, advise and guide the Island forward in respect of our developing international relationships and the international challenges which will continue to be presented to this Island.

It is important, I venture to suggest, that the Island continues to see the issues of the day through the eyes of the world. The Island should be proud of its ability to make and enforce its own laws but we should also be proud of the fact that we are a responsible member of the international community.

Of course we must take account of our history, our culture, our traditions and our local needs but we should never lose sight of the wider international dimension and the responsible role we have to play in the international community.

I well remember as an advocate attending, as a mere observer, a sitting of the Legislative Council on Tuesday the 29<sup>th</sup> June 1993 in the presence of a very learned and far sighted Attorney General who was well ahead of his time. I speak of course of William Cain who also served this Island as Second and First Deemster with great distinction and who on that Tuesday morning in his capacity as the Island's Attorney General uttered the following words:

"As the Island's law officer, I consider that it is essential and also in the best long-term interests of the Island that the Manx Government and Legislature is scrupulous in observing international law both in the letter and in the spirit."

It is indeed the Attorney General's onerous duty to assist the Island to comply with its international obligations and I am sure that Attorney General Harding will also rise to that challenge.

Stephen was educated at King Williams College, St. Ninians High School and Lancaster University Management School. At another educational establishment he was in 1984 awarded the Baton of Honour for Best Student by the then Home Secretary Sir Leon Britton. When Stephen returned to the Island he was articled to George Ramsey Martin Moore. Martin recently retired after 49 years with a well known firm of local advocates. Martin is the son of Deemster George Moore and the grandson of the first full time salaried Attorney General Ramsey B. Moore who was appointed in 1921 and who in 1926 published his book aptly titled *The Isle of Man and International Law*. Stephen joins a long list of distinguished persons who have occupied the office of Attorney General. Stephen was called to the Manx Bar in 1992 and has had extensive private and public sector legal experience.

The position of Government Advocate (in effect Deputy Attorney General) which Stephen has held from February 2002, working very closely with John Corlett, has prepared him well for the exciting challenges that he will face as Attorney General. Stephen has been and is a dedicated and committed public servant of this Island.

Stephen is married to Tracey and they have two children Anna and Robert.

In addition to his heavy workload I hope that Stephen will still find time for his family and for his mountain bike.

Indeed that is not a mere hope let me elevate it to a formal direction delivered by Her Majesty's First Deemster and Clerk of the Rolls which I trust the new Attorney General will comply with.

We should all make more time for our families, for our friends, for our sporting and other leisure activities. Public office and the law place huge demands on the human mind and body. We should all endeavour to keep mentally and physically fit. In addition to the hard and serious work we should also try to have some fun along the way.

I offer my congratulations and best wishes to Deemster Corlett, Deemster Montgomerie and Attorney General Harding and their families and their friends who have supported them along the way to this important day and who continue to do so.

I now invite the President of the Isle of Man Law Society to address us.

JASON STANLEY, PRESIDENT OF THE ISLE OF MAN LAW SOCIETY

Your Honours, Mr. President, Chief Minister, Mr. Speaker, Mr. Attorney General, distinguished guests.

It is my privilege on behalf of the Isle of Man Law Society to offer the Society's congratulations to His Honour Deemster Andrew Thomas Kaneen Corlett on his appointment as Second Deemster, to His Honour Deemster Alastair Aitken Montgomerie on his appointment as Deemster and to Mr. Stephen Mark Harding on his appointment as Her Majesty's Attorney General. The Isle of Man Law Society would wish to associate itself

firstly with the words of His Honour the First Deemster and Clerk of the Rolls, Deemster David Charles Doyle.

His Honour Deemster Corlett and His Honour Deemster Montgomerie and Her Majesty's Attorney General Mr. Harding are each well-known amongst the Isle of Man Bar for their exceptional ability and acute sense of fairness and their independence of thought.

As advocates in private practice, His Honour Deemster Corlett and Her Majesty's Attorney General Mr. Harding were each held in the highest esteem by their colleagues within the Bar and each subsequently held the important public office of Government Advocate. His Honour Deemster Montgomerie on moving to the Isle of Man took up the position of Chief Prosecutor within the Attorney General's Chambers, an office he executed with conspicuous fairness and objectivity before being appointed to the office of Deputy High Bailiff where he continued to administer justice within the Island justly and impartially. With the appointments today of His Honour Deemster Corlett, His Honour Deemster Montgomerie and Her Majesty's Attorney General Mr. Harding, the Isle of Man continues its tradition of ensuring a strong and independent justice system within the Island with the full support of its strong and independent Law Society and all of the members of the Manx Bar.

HIS HONOUR DEEMSTER DOYLE

I now invite Her Majesty's Second Deemster His Honour Deemster Corlett to address us.

HIS HONOUR DEEMSTER CORLETT

Thank you Your Honour. Your Honours, Mr. President, Chief Minister, Mr. Speaker, ladies and gentlemen. It is said that the frequency of April Fools hoaxes sometimes makes people doubt real news stories released on April 1<sup>st</sup> so perhaps you will all wake up tomorrow to find that these proceedings were an elaborate and humorous prank. Speaking for myself I very much hope that that is not the case because it is for me an enormous honour and privilege to be appointed to the office of Second Deemster.

I would like to take advantage of the privilege of being allowed to address you by saying a few words about the work I have been doing as a Deemster over the last three or so years. I will of course be as concise as my judgments aspire to be.

I have greatly enjoyed the work which I have been privileged to undertake over the last three years. It has been intellectually challenging, extremely varied and I must add of a very considerable volume. I quickly realised on appointment that the Isle of Man gets a very good deal from its small permanent judiciary who I can safely say work at least as hard as the hardest working judges in England and Wales. The judiciary are greatly helped by a strong and independent legal profession and particularly by those who undertake legal aid work. There is much I could say on this topic but for now I will simply express the hope that the Manx Government will not follow the UK Government in proposing swingeing cuts in the legal aid budget. This in my view would be a dangerous move and a false economy. But enough of matters of perhaps controversy.

It is not only necessary but my considerable pleasure to thank certain people. Angelina, James and Annabel are the primary recipients of my thanks of course but I would also like to pay tribute to my immediate predecessor His Honour Andrew Williamson who bore virtually singlehanded all the work of the Family Division and from whom I learned a great deal during our hand over period. I am very pleased to see him back in the Courts where he sits from time to time on family cases. Unfortunately he is unable to be with us today and our thoughts are with him and Carol at this rather sad time.

The illness and untimely death of Mike Kerruish meant that civil and family work had rapidly to be re-allocated. I must express my particular thanks in this regard to John Needham the High Bailiff who as a result of that allocation of work had to shoulder a considerable burden of both family and civil work. Without his help which has been so readily offered and his expertise as a judge, there is no doubt that major problems would have arisen. I would also like to thank the several court clerks who look after me in Court and deal with all the administrative tasks associated with today's complex litigation. They have had to cope in recent times not only with a revolution in our Rules of Court but also with a building which appears maybe to some of you as observers to have been caught in the middle of some form of guerrilla warfare with disintegrating windows and bullet-like holes in the walls but our judiciary are extremely fortunate in having a dedicated and very efficient Court Administration staff. I am very grateful to Stephen Cregeen and Jock Waddington in particular for organising today so efficiently.

I would also like to thank Deemster Doyle for his considerable support and encouragement over the last three years and more recently for his leadership. Deemster

Doyle and I of course go back a long way. We were articled clerks and junior advocates in the 1980s. Heady days indeed of champagne, big hair, even bigger shoulder pads and the Big Bang. Plenty of material there for a much longer speech some other time, so enough of Deemster Doyle.

I must not of course forget to thank our Judge of Appeal Geoffrey Tattersall QC. We are extremely fortunate in having such a dedicated and first class Judge of Appeal who has the interests of the Island very much in mind at all times. He was a pleasure to appear before when I was an advocate and he is a true privilege to sit with in our Appeal Court.

It is easy to forget that we are alumni of two colleges who face each other in ancient enmity from opposite sides of St. Aldates Street in Oxford. His college is of course much grander than mine.

But this has been a very sad period for the Manx judiciary as a whole and certainly for me personally. The late Deemster Kerruish was a wonderful person to work with. I had the privilege of working very closely with him when I was Government Advocate and he was Attorney General and I shall never forget the very considerable support and encouragement he gave me during that time. He continued to be a marvellous source of advice and good humour during the regrettably short time I was privileged to work with him as a judge. I am delighted that Marianne is able to be with us here today.

Despite the sadness I am sure that Mike would be delighted to see the current makeup of the judicial team which is now returning to full strength. I certainly look forward to many years of challenging but interesting work as the Second Deemster. I would like to congratulate Alastair and Stephen on their well-deserved and welcome respective elevations. I would like to thank you all and especially those who have travelled some distance to be here for attending this afternoon and for making this for me a day to remember. Thank you very much.

HIS HONOUR DEEMSTER DOYLE

I now invite Deemster Montgomerie to address us.



## HIS HONOUR DEEMSTER MONTGOMERIE

Your Honours, Your Worships, Mr. President, Mr. Attorney, Chief Minister, Mr. Speaker, honoured guests. I think I now know what it must be like to win a prestigious award. Don't worry however I'm not going to burst into tears, well hopefully not anyway.

Can I too take this opportunity first of all to congratulate His Honour the Second Deemster on his appointment and also Stephen Harding on his appointment as Her Majesty's Attorney General. As was said earlier both are richly deserved.

I would like to thank Mr. Stanley for his kind words on behalf of the Law Society. I would also like to thank the Judge of Appeal for resisting a possible punch line when he referred to the fact that he was very young when we met at the robing room at Carlisle Crown Court. I was actually waiting for his comments as to my age but I'm grateful for his reservation.

I would also like to thank His Honour the First Deemster for his words of advice and for his on occasions dare I say over-generous words on my behalf. You're obviously now aware from what he has said of many of my past misdemeanours including my dalliance I hasten to add at a very young age with a certain Tony Blair. I sincerely hope that he won't hold these past misdemeanours against me.

His Honour the First Deemster also referred to tennis something that is very close to my heart and believe it or not at this present moment in time Andy Murray and I have something in common and that is neither of us has any idea whenever our next set of tennis is coming from.

I moved to the Isle of Man with my family some twenty years ago now. As was touched on by the First Deemster, I loved this Island from the outset and knew it was the place where I wished to spend the rest of my life. My two children have been raised here and I've now spent the vast majority of my professional career here. I certainly hope it's still got a few more years to go. 2017 was it?

Today is the proudest moment of my professional career. I am very much aware of the great honour that has been bestowed upon me today and the trust being reposed in me. This has really been brought home to me by the large number of messages of

congratulations and well wishes that I have received. I can say that I have been overwhelmed by the number of cards, letters, texts, telephone calls and people stopping me in the street. I have found it to be truly humbling.

My primary role as Deemster as you're aware is to preside over criminal proceedings in the Court of General Gaol Delivery. Hopefully my heavy involvement in crime of over thirty years (perhaps I should say criminal law) will stand me in good stead. I am very much excited by the prospect and I relish the challenges that lie ahead.

It is a daunting challenge particularly so as I shall be following in the footsteps of His Honour the First Deemster. However I have an advantage that no previous Deemster in the Court of General Gaol Delivery has had. I refer of course to His Honour the First Deemster's weighty tome on *Manx Criminal Law and Procedure* and I'd like to quote the words of His Honour the Judge of Appeal in his foreword to the book:

"It is a work of unadulterated thoroughness and detail covering every aspect of the subject which seamlessly combines both scholarship and practicality. Anyone involved in criminal law in the Island would do well to read it and I warmly commend it."

Practitioners note.

Looking round the guests here in court 3 this afternoon, I am delighted to see so many friends and in particular I would like to pay particular thanks to Marianne for attending this afternoon. That leads me on to thank you because it is true to say that I would not be where I am today if it were not for others. There are those who have had a great influence on my career here in the Isle of Man and if I may just be permitted to mention two who are in the court room here this afternoon that's His Honour William Cain and His Honour Jack Corrin. Thank you.

Furthermore, I would not have been able to carry out my judicial duties over the past eight years were it not for the magnificent staff in the General Registry. Regrettably I can't mention everybody who over the years has clerked for me or assisted me in my work in that regard. Can I simply mention my chief clerks over those eight years namely Lillian Robertson, Deirdre Davies, Fiona Robinson and Liz Cull. Thank you.

I would like to thank my family whom I love with all my heart and of whom I am so proud namely my wife Wendy, my sons Roger and Fraser. You are my rock, thank you. I am also delighted believe it or not that my mother-in-law is here today as well. Hester thank you very much for coming over to the Island and I'd also like to thank Joanna, Roger's young lady, who is also present here today. Thank you.

Finally, I would like to pay a personal thanks to the First and Second Deemsters. From the moment of my appointment to the judiciary some eight years ago, David Doyle has assisted and encouraged me and supported me to the hilt. Exactly the same can be said of Andrew Corlett since his appointment in 2007. Your Honours I can never repay the faith that you have shown in me. However you can be sure that I will try my utmost to do so. Thank you.

HIS HONOUR DEEMSTER DOYLE

I now invite Her Majesty's Attorney General Mr Harding to address us.

ATTORNEY GENERAL

Thank you Your Honour. Your Honours, Mr. President, Chief Minister, Mr. Speaker, Your Worship, distinguished guests and friends. It is indeed a great honour for me to address you and this assembly today on the unique occasion of the handing over of the Warrants of Appointment and swearing in of the newly appointed Second Deemster Corlett and Deemster Montgomerie and indeed my own swearing in to the office of Her Majesty's Attorney General of this Island.

Allow me at the outset to extend my sincere and heartiest congratulations to my learned friends Andrew and Alastair upon their achieving the high office of Deemster and to all their families who must be rightly proud.

I have had the pleasure of working with them both at times in the past and wish them all the very best in their appointments which are well-deserved. I would also like to thank the Judge of Appeal, the First Deemster Doyle and the President of the Law Society Mr. Stanley for their kind words of encouragement to us all.

I would like to take this opportunity of wishing my predecessor and friend John Corlett QC and his wife Janice a very long and happy retirement together and to thank John for his wise counsel over the years. The Island owes him a debt of gratitude for the manner in which he has quietly and tactfully discharged his duties as Her Majesty's Attorney General, often in very difficult and challenging circumstances. I shall do my best to be a worthy successor to him.

I must also thank my wife Tracey and my children Anna and Robert and all of my family and friends for all the support and encouragement they have given to me over the years.

The office of the Attorney of the Isle of Man is a role of considerable breadth and complexity. The Attorney General has many hats to wear and I do not have the time to describe all of them today. Fortunately the Attorney does not have to do all these things alone. He works with a skilled team of amongst others legislative drafters, civil lawyers and criminal prosecutors in his Chambers to discharge his functions. What is notable however is that he is the only law officer with a role in relation to the legislative procedure on the Island in the Court of Tynwald. As the learned Deemster Corrin has written to me in a most encouraging letter that is an honour I will carry with me for the rest of my life. Thank you Deemster Corrin.

As to the role of Attorney in the adjacent isle, there have in the past been some interesting observations as to the nature of the office. In 1819 J.P. Collier published a book impertinently called *Criticisms of the Bar*. He said:

"If as was shown when speaking of the Attorney General of all the offices in the gift of the Crown that of the Attorney General is least to be coveted. That of the solicitor is perhaps most to be desired. In point of rank the latter is but just inferior to the former and the Solicitor General is relieved from the great part of the weight of public odium which his co-adjudicator is under the necessity of sustaining."

One of the 17<sup>th</sup> century English Attorneys Francis Bacon would not agree with Collier and described the role of Solicitor General as one of the painfulest places in the kingdom and the posts of Solicitor and Attorney as the extreme painful places wherein we serve. Yet I should add history also records that Bacon went to rather a lot of trouble to land the job of Attorney General and he was a law officer for ten years so he must either have quite liked

the pain or thought it worth enduring. Some law officers have had more reason than others to complain. Of course the most extreme perhaps was John Cooke the first Solicitor General of the English Commonwealth who in 1649 led for the prosecution in the trial of King Charles I only to be rewarded with execution for high treason after the Restoration. The only law officer to be hanged, drawn and quartered, so far.

I know that at times life will be challenging as Attorney. At least it is unlikely that I will suffer the fate of John Cooke unless of course I incur the displeasure of one of our assembled Deemsters on a bad day.

Finally, I would like to say that at the swearing in of His Honour Deemster Doyle as Her Majesty's First Deemster and Clerk of the Rolls, the learned Judge of Appeal Tattersall said that he hoped that the Deemster would reflect upon and hold firmly in his heart the responsibilities he was undertaking, particularly his responsibilities to other people. He identified that not only were the Deemster's responsibilities to this Island, to this community, to justice between persons administered as indifferently as the herring backbone doth lie in the midst of the fish and to all those who work and use the Courts but as importantly that he reflect upon and hold firmly in his heart his responsibilities for this Island, for this community and for justice between all people. Those public responsibilities apply equally to the office of Attorney General and I thank the learned Judge of Appeal for those words which are marked and inwardly digested.

I know that this appointment will be a great challenge and brings with it enormous responsibility. I will strive to meet those challenges to the best of my ability. Thank you.

HIS HONOUR DEEMSTER DOYLE

Thank you all for your attendance at this ceremony this evening. I also thank our efficient Chief Registrar Stephen Cregeen and his colleagues in particular Jock Waddington for all the work they have put into organising this ceremony today. Hopefully that experience may have exhausted Jock so much that we will all have a chance of getting to Peel before him in this year's Parish Walk – some hope of that.

You may be conscious of the relative youth on the bench today. You will I hope, as I am, be comforted by the fact that in addition to the relative youth that appears before you on the bench today we also have the experience and wisdom of our Judge of Appeal. I take

this opportunity in all seriousness to thank Judge of Appeal Tattersall publicly in this forum this evening for his continuing assistance to the Island in his capacity as Judge of Appeal. The Judge of Appeal is a great asset to this Island even or perhaps especially when he overturns my judgments. Thank you Judge of Appeal.

You have all this afternoon witnessed the swearing in of a new Second Deemster, a new Deemster and a new Attorney General. We will all endeavour to undertake our work to the best of our ability and to comply with our oaths in the positions we occupy. We can do no more than that. Oh yes we can, we can also remember that along the way we must find time to have some fun. The serious business of the day is now over.

The platform party will in a moment adjourn and you're all invited to join us for refreshments on the concourse.

Shee as raah dy row erriu. May peace and prosperity be on you.

Thank you. That concludes the formalities of the swearing-in ceremony. Thank you very much.