



**REPORT OF THE SELECT COMMITTEE ON
THE GREATER USE OF MANX GAELIC
(SKEEAL Y VING REIHT MYCHIONE JANNOO
TOOILLEY YMMYD JEH'N GHAE LG)**

EXTRACTS FROM THE VOTES AND PROCEEDINGS

12th December 1984

Manx Gaelic -

Motion made -

Tynwald is of the opinion:-

- (1) That Manx Gaelic should be supported and encouraged by all agencies of Government and Boards of Tynwald so far as they are practically able.
- (2) That all official oaths and declarations should be able to be made in Manx Gaelic or English at the option of the person making any such oath or declaration.
- (3) That all documents expressed in Manx Gaelic shall have equal official and legal standing as documents expressed in English.
- (4) That where places, roads or streets are bilingually named in English and Manx Gaelic, the use of the Manx name should have the same official and legal standing as the use of the English name.

Mr. Cain

Amendment moved -

That the resolution be referred to the Manx Heritage Foundation for consideration and report.

Mrs. Hanson

Amendment moved -

That the resolution be referred to a Committee for consideration and report.

Mr. Maddrell

Mr. Maddrell's amendment carried

Mrs. Hanson's amendment lost

Messrs. Maddrell, Cain, Lowey, Dr. Moore and Mrs. Christian elected.

REPORT OF THE SELECT COMMITTEE ON THE GREATER USE OF MANX
GAELIC (SKEEAL Y VING REIHT MYCHIONE JANNOO TOOILLEY YMMYD
JEH'N GHAE LG)

To: His Excellency Sir Nigel Cecil, K.B.E., C.B., Lieutenant Governor of the Isle of Man and the Honourable the Council and Keys in Tynwald assembled.

1. INTRODUCTION

- 1.1 At the sitting of Tynwald on 12th December 1984, a Resolution was tabled seeking the Courts support for the greater use of the Manx Gaelic in various aspects of national life. This Resolution was referred to a Committee for consideration and report, and we were appointed to be members of that Committee.
- 1.2 At our first meeting, Mr. Cain, who had tabled the original resolution, was elected Chairman.
- 1.3 Before giving detailed consideration to the proposal, we sought evidence from interested parties, and to that end placed advertisements in the insular press inviting submissions, as well as writing to various officials and organisations such as the Law Officers and the Boards of Tynwald whose observations would, in our opinion, be relevant. We also had the benefit of seeing responses from local authorities to a similar request from the Manx Heritage Foundation some months earlier. We wish to record our appreciation to all those who responded to our request for evidence, particularly those from the business and legal sectors whose views on the practicalities of the greater use of Manx Gaelic was of special interest.

2. GENERAL OBSERVATIONS

- 2.1 In analysing the evidence, which is attached in the Appendix to this Report, we readily acknowledge that the bulk of evidence from the general public, other than from those in the business sector, was from those in the community who favour a greater use of the Manx language. This group may be in a minority, but it is only thanks to their efforts and those of their predecessors who have been active in the Manx language societies that the language has remained alive and not gone the way of so many other native languages of small communities. We wish to pay tribute to their efforts and to their dedication - the fact that they are a small but vocal minority does not detract from the relevance of their submissions, and the worth of their cause.
- 2.2 Before proceeding to consider the four sections of the resolution referred to us, which we will take in turn, we must make a statement of the philosophy we have agreed which has helped us to reach the decisions we have made.
- 2.3 Wales apart, the majority of the countries that were united in use of a Celtic language no longer can claim that the indigenous language is an everyday medium of expression of a majority of the population except perhaps in a few remote rural areas: in most cases the language has been preserved and is regarded as a second language even by those practitioners, themselves a minority of the population, who wish to see its resurgence, and

there is no suggestion that the indigenous language should supplant the commonly accepted first language, be it English, French or Spanish. However there is a general desire to see the indigenous language preserved and promoted as a mark of national identity and used wherever possible and practicable. We feel that these considerations apply to the Isle of Man, and that the latter guideline, namely that the use of the Manx Gaelic should be encouraged wherever possible and practicable should be the rule applied in examining the four areas of activity suggested in the resolution.

- 2.4 However we do feel it necessary to stress the practicalities of the greater use of Manx Gaelic in the day to day life of the Island, particularly in governmental, commercial and legal circles. As will be pointed out later the costs involved in implementing the resolution by government, let alone banks and other businesses, could be considerable and in times of economic restraint, hard to justify for a very small but voluble minority of the population. Were this minority to increase significantly, such expenditure might be easier to justify. Thus, whilst giving overall support to the greater use of Manx Gaelic, and recommending that Tynwald declare its backing for the language, we consider that the best practical way such support can be expressed is in encouragement to Manx people, particularly young people, to learn their native tongue and assimilate to a far greater extent the indigenous identity of their homeland. Were the overall percentage of the population familiar with the language to grow, many of the practical difficulties inherent in the greater use of Manx Gaelic would be overcome, and Government and commerce justified in the expenditure required. What the Committee is therefore suggesting is that, whilst we cannot recommend immediate equality of the Manx language, Tynwald should declare its intent that the language should be encouraged and its use increased on a gradual basis as practicable.
- 2.5 In line with these observations, it has become apparent that the Manx Gaelic has been preserved as a living language by the efforts of a dedicated but small group of volunteers. Thanks to their efforts there are now officially recognised courses operated in the Island's educational establishments - however these courses are all voluntary and the level of participation is not large. Whilst we are not, by any means, advocating compulsory classes in the Manx language, we do feel that it is desirable that Manx young people should be given a greater appreciation of their national heritage and culture. All schools should include a foundation course in Manx studies, to include the constitution (a subject on which there is woeful ignorance), history, language and culture, with the opportunity given for interested students to take their studies further. It would be particularly appropriate if, in Manx Heritage Year, real efforts were made to improve the educational opportunities available in Manx schools (without of course impeding the vital practical studies essential to attaining the overall educational standards so necessary in this fast moving technological society) but progress along that road cannot be achieved unless the teachers are encouraged, and given the opportunity to acquire the skills and knowledge necessary to offer such courses. We are gratified to learn that the Manx Heritage Foundation sees this as an important area and proposes to pursue the matter in conjunction with the Board of Education. Unless a greater proportion of the population become familiar with the Manx language, granting of equality of status with English could not be justified.

3. "MANX GAELIC SHOULD BE SUPPORTED AND ENCOURAGED BY ALL AGENCIES OF GOVERNMENT AND BOARDS OF TYNWALD SO FAR AS THEY ARE PRACTICALLY ABLE."

- 3.1 As the Attorney-General stated in his submission to the Committee, the Government of the Isle of Man has been conducted in English since the grant of the Island to Sir John Stanley in 1405. Indeed since Manx was not a written language until the 17th Century it could not have been otherwise. Whilst other submissions berated previous Governments for having encouraged the decline of the language, the Committee feels such recrimination is not profitable, but recommends that Tynwald should place on record its support for a resurgence of the language to mark the Island's national identity.
- 3.2 Undoubtedly Government needs to ensure clarity and understanding amongst the people - to do otherwise would be to promote confusion - and the essence of the Governmental structure bequeathed to the Island by the Vikings is that the people should know the law. This aspect will be considered in further detail in our recommendations on the wider use of the Manx Gaelic in oaths and documents, but inevitably a greater use of Manx in Governmental circles would require additional staff trained to handle Manx documentation, and the increase in general administration created by such a policy. In times when efforts are being made to restrict the size of the public service, we could not support any proposal which would reverse this policy and increase calls on Government expenditure.
- 3.3 That being said, we agree with the comments of the Civil Service Commission that there is a lamentable lack of knowledge on the part of new entrants into the service of Manx history, constitution and culture. This reflects a failure in the school syllabus which we mention elsewhere. We understand that the Board of Social Security has instituted inaugural courses for new staff on that Board including a lecture on the Manx constitution and recommend that the Civil Service Commission adopt this proposal for all new entrants into the service. We also applaud the initiative taken by the Clerk of Tynwald in offering to give talks or lead seminars in the sixth forms of all Island schools on the Manx governmental system.
- 3.4 It is ironic that, whilst one of the reasons given for the decline in the spoken Manx Gaelic was the Islands emergence as a tourist centre, the promotion of the Island's national identity by a greater use of the language is now seen as a definite marketing strategy promoting the Island. Certainly the greater use of the language by the Tourist Board in promotional literature and by the Harbour and Airports Boards at the ports of entry would project the Island's identity and whilst we endorse all efforts taken thus far, we do support even greater activity along that path. We also support any other efforts to promote the Manx language by individual Boards and Departments such as the use of bilingual notices on vehicles, offices and on headed notepaper. These uses may be essentially cosmetic but they do serve to emphasise and encourage the appreciation that the Isle of Man is a nation with its own identity. We congratulate those departments of Government which have started along this path, and at least use bilingual notices on offices on their official notepaper. We are also gratified to see that various Boards, particularly the Health Services Board and Board of Social Security have used Manx names on new homes - it is to be hoped that others will follow their example.

- 3.5 We see no reason why Manx speakers should not write letters in Manx to Government departments, but they must accept that, unless a translation is included, there may be some delay in an answer, and moreover that any misunderstandings arising as a result of translation will be at the risk of the sender. However it is recommended that Government should establish a list of Manx speakers capable of translating any documents or letters and make that list readily available to all departments. Further reference to this proposal is made later in our report.
- 3.6 Whilst we favour a greater use of Manx Gaelic within Government, we do accept with some sympathy the comments from the Local Government Board concerning the difficulties which might be experienced by certain technical officers who have to be recruited off the Island due to an absence of those skills within the local work force. With such a small potential work force we recognise that it would be impossible to specify that certain posts should be filled by Manx speakers in line with the pattern followed by certain Welsh local authorities, nor would it be desirable to give preference to Manx speakers over better qualified non-Manx speakers. It is essential that the public service has available the best qualified technical officers and we regard the technical qualifications as more important than other considerations.
- 3.7 To summarise this section, we do recommend that wherever practicable, Government departments should seek to promote a greater use of the Manx Gaelic but at the same time should not do so to the expense of efficient and cost effective administration.
4. "ALL OFFICIAL OATHS AND DECLARATIONS SHOULD BE ABLE TO BE MADE IN MANX GAELIC OR ENGLISH AT THE OPTION OF THE PERSON MAKING ANY SUCH OATH OR DECLARATION."
- 4.1 Turning to the greater use of the Manx Gaelic we are grateful for the observations of His Honour the First Deemster and Clerk of the Rolls, H.M. Attorney-General and the Chief Registrar.
- 4.2 We appreciate that the administration of justice in the Island has always been conducted in English, except in certain courts of summary jurisdiction, and have noted particularly the comment of Mr. D. Faragher that in times past, certain Deemsters would not hear advocates who were unable to plead in Manx; although this is now not the case, we are gratified that His Honour the Second Deemster has taken the time to learn sufficient Manx to promulgate the laws at Tynwald on July 5th and congratulate him on his efforts - it would have been all too easy to rely on Yn Lhaihder.
- 4.3 However we do appreciate that certain difficulties would be created were the Manx language to be given the same legal status as English in the context of the administration of justice. In particular we note that certain oaths are specified in statute and it would be necessary to embody Manx versions in statutory form by Act of Tynwald were that to be seen as desirable.
- 4.4 Both the First Deemster and the Chief Registrar have drawn to our attention the practical difficulties in the General Registry were all oaths to be capable of being taken in Manx at the instance of the deponent, and would refer to their evidence in the appendix. We find we cannot entirely

accept the argument that a deponent might argue that he had not understood the meaning of the oath taken if it was taken in Manx - if he had opted to take a certain oath in Manx it would be on the basis that he understood Manx sufficiently to comprehend the oath, and in any event an English equivalent could be readily available on the card bearing the text of the oath. We feel that a deponent forwarding such an argument would receive little sympathy.

4.5 However it is clear that the texts of any oaths taken or administered in Manx would need to be unequivocal and accepted as being accurate and uniform in style. We can see little point in providing that the routine oaths in day to day use, such as witness attestation oaths, and oaths relating to routine commercial transactions should be capable of being taken in Manx at this stage, because of the practical and time difficulties such a course would entail, but we do feel that, by way of an experiment, certain ceremonial oaths should be capable of being taken in Manx at the instance of the deponent, providing prior notice is given. We are aware that there are twenty six principal ceremonial oaths namely those entered in the Liber Juramentorum. These are as follows:-

1. Advocates
2. Archdeacon
3. Attorney General
4. Captains of Parishes
5. Chief Registrar
6. Coroners
7. Deemster
8. Diocesan Registrar
9. Gaoler etc.
10. Governor or Lieutenant Governor
11. High Bailiff
12. House of Keys - Secretary
13. House of Keys - Member
14. Justices - Clerk of the
15. Justices of the Peace
16. Legislative Council - Clerk to the
17. Legislative Council - Appointed Members
18. Legislative Council - Elected Members
19. Lieutenant Governor or Governor
20. Lord Bishop
21. Notary Public
22. Registrar of Births, marriages and Deaths
23. Superintendent Registrar of Births, Marriages and Deaths
24. Surrogates
25. Vicar General
26. Allegiance

4.6 We see no reason why these should not be capable of being taken in Manx and so recommend on two conditions, firstly that at least two days prior notice is given to the Registry by the deponent and secondly that the Manx texts of all oaths are settled by a body of Manx scholars whose authority is unimpeachable by other Manx speakers. It must also be accepted by any intending deponent that the Manx text of the oath he is taking is accepted as being not susceptible to any challenge - if that is not accepted the oath must be taken in English. The deponent is always required to sign the Liber Juramentorum as evidence of having taken the oath, and this must imply acceptance of the text of the oath in full.

4.7 We made reference in the preceding paragraph to a body of Manx scholars whose authority is accepted by other Manx speakers. We consider that a Manx Language Advisory Commission should be established by the Manx Heritage Foundation on an entirely voluntary basis to advise on all matters relating to Manx Gaelic and in particular -

- (a) to provide authoritative translations of oaths and documents for use in Government
- (b) to adjudicate in the case of dispute on wording
- (c) to advise on the general development of Manx Gaelic and its application in the life of the Island, particularly in the public sector.
- (d) to advise on the teaching of Manx Gaelic

Whilst not being vested with statutory powers, we consider that the establishment of such a body would be seen as an earnest of Government's desire to encourage the greater use of the Manx Gaelic, and accordingly recommend its early creation.

5. "ALL DOCUMENTS EXPRESSED IN MANX GAELIC SHALL HAVE EQUAL OFFICIAL AND LEGAL STANDING AS DOCUMENTS EXPRESSED IN ENGLISH."

5.1 The increased use of Manx Gaelic in legal documentation provides perhaps the most difficult area of development. As H.M. Attorney-General stated, Manx has no particular legal status, and English is the language of Government and the Courts. However there is nothing to prevent the use of Manx except where it is by custom or statute prohibited.

5.2 However with the Island seeking to promote itself as an international business centre, the use of the English language and easy communication are two of the sector's strongest selling points. To introduce into this area increased complication and potential misunderstanding over wording of documents would have an immediate and detrimental effect on the Island's commercial activity to the ultimate disadvantage of all sectors of the community. With the economy so dependent on the financial and insurance sector, their views must bear particular weight, notwithstanding the emotional appeal of having a bi-lingual community. In this context we must dismiss the arguments of those submitting evidence that the introduction of bi-lingual documentation would present few difficulties -clearly they have little appreciation of the complexities of modern business life. Not only would considerable delays occur, but the cost of bankers, accountants and lawyers would escalate to an unacceptable level. Moreover it is vital that any documents which might be subjected to legal examination in Court should be capable of being understood by all involved - this could clearly not be the case if some documents were in Manx.

5.3 As both the Collector of Customs and the Administrator of the Board of Social Security have pointed out, considerable savings are made by the use of readily available guides and forms to customs and V.A.T. regulations and welfare benefits. To introduce a requirement that such guides and forms should be bi-lingual, as in the case in Canada where all Government publications must be in French and English, would be prohibitively expensive. We accept that such a proposal is plainly not feasible, as would any suggestion that all legislation should be bi-lingual. However we appreciated the constructive approach of the Collector of Customs that his department should at least display bi-lingual signs at

offices and ports of entry as is the custom in Ireland. Such an approach is a welcome indication that there is sympathy for the greater use of Manx despite the practical difficulties.

5.4 On the more positive side, we do see various areas where Manx Gaelic could be introduced into documentation without undue detriment:-

- (a) Banknotes, coins and stamps - provided the denominations are clearly understood we think it is highly desirable that all Manx legal tender and stamps should incorporate some Manx Gaelic. Indeed this might increase their appeal to worldwide collectors as well as emphasising the Island's national identity. The Irish Republic's coinage, notes and stamps incorporate the Irish language and are much admired.
- (b) Manx Passports - although Manx passports are essentially U.K. passports with an overstamp, we see no reason why a section of the introductory page should not be in Manx and English, together with "Ellan Vannin" on the cover. The cost would be minimal and such a move would provide an interesting talking point for Manx travellers, although we readily accept the Government Secretary's point that the wording must be readily understandable and the form immediately accepted as being a U.K. passport.
- (c) Cheques - we understand that some distress has been caused to Manx speakers in the past by the temporary inability of banks to accept cheques drawn in Manx. However we readily appreciate the reservations expressed by the banks themselves. The law relating to cheques and other negotiable instruments and the manner in which banks deal with them is governed by the Bills of Exchange and Cheques Acts and whilst neither of these acts stipulate that negotiable instruments shall be in a particular language a bank has a right to reject documents expressed in a language other than its own working language to maintain its statutory protection. However if the drawer of an instrument expressed in a language other than the bank's working language provides a suitable indemnity to the bank, it would seem quite inappropriate for the bank to decline to accept such instruments. We hope that this will be acceptable to the banks, but recommend no change to the law. However there is no reason why Manx registered banks should not be encouraged to incorporate some Manx wording on the cheques following the pattern of coins and banknotes.
- (d) Company documentation - under U.K. company legislation companies with registered offices in Wales are permitted to use certain Welsh expressions in their company name, and to have their memorandum and articles in Welsh provided they are accompanied by a translation in English certified by a notary public or solicitor. We understand that, by custom, this is permitted in the Isle of Man although in any case of dispute it is the English translation that is taken on the authoritative version.

5.5 We recommend a gradual and progressive introduction of Manx Gaelic into the areas we suggest, perhaps starting with coins, banknotes, cheques and stamps in 1986, Manx Heritage Year, but always subject to the proviso that nothing should present an impediment to the expeditious transaction of commercial activity which is so essential to the Island's economic wellbeing.

6. "WHERE PLACES, ROADS OR STREETS ARE BILINGUALLY NAMED IN ENGLISH AND MANX GAELIC, THE USE OF THE MANX NAME SHOULD HAVE THE SAME OFFICIAL AND LEGAL STANDING AS THE USE OF THE ENGLISH NAME."

6.1 The Highway Board and many local authorities have already started to use Manx names for new roads and streets and bi-lingual signs for existing streets with either Manx or Anglicised names. However, there is some concern that where an existing Manx place name is the universally accepted and used name, the introduction of English translations is tending to drive the traditional Manx name out of circulation. We would therefore recommend that bilingual name signs be used where the name is English, or where a heavily anglicised Manx name is in general use. Where, however, the accepted name is already Manx or Norse, no English translation is either necessary or desirable. Provided that the generally accepted name is given prominence, we see no confusion or time wasting as envisaged by the Chief Inspector of the Local Government Board, whose objections we regard as spurious.

6.2 In general the local authorities have all indicated their willingness to continue this policy, the only exception being Castletown. We trust the Commissioners of the Island's former capital may be more enlightened in the future.

6.3 We were disappointed at the response of the Isle of Man Post Office Authority, and the apparent reluctance to deliver letters addressed in Manx. Since some 80% of place names in the Island are in Manx Gaelic and a further 15% in Norse, it is clear that the Authority have not grasped the problem. What it appears is that the Authority is unwilling to deliver letters other than to an address which is conventionally and widely recognised. Where an alternative name is in use, and advertised by the use of street names, the Authority should be able to deliver letters utilising both addresses. In the Channel Islands all street names are bi-lingual as they are in Ireland and no difficulty is experienced. The Committee do not see why any real difficulty should be experienced in the Isle of Man and hope that the Authority will adopt a more sympathetic approach in future.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 The Committee's general philosophy in approaching this resolution has already been expressed, namely, that however desirable a greater use of the Manx Gaelic might be, its introduction must always be subject to the overriding provisos that nothing must hinder the commercial development of the Island, and that its use must be practicable and feasible.

7.2 If the Committee has achieved nothing else, it is hoped that Tynwald will declare its intent that the encouragement of the Manx Gaelic and its wider use is a desirable development in the Island's life, and should be actively pursued. However until a more significant proportion of the population is familiar with the language, its integration into day to day life, particularly in Government, will perforce be limited. We do recommend a greater availability of courses in Manx studies and would consider the introduction of an 'O' level course in that subject with an optional paper in language as highly desirable. However with regard to Manx Gaelic, we consider that any proposal to make it compulsory, or to force it down the throats of a reluctant population should be strongly resisted. At all times we would urge

reasonableness on those students of the language who would wish to persuade their sometimes reluctant co-residents of the wealth of their linguistic heritage.

7.3 Our specific recommendations are as follows:-

- (a) Tynwald declares its intent that the preservation and promotion of the Manx Gaelic should be an objective of the Isle of Man Government.
- (b) The Board of Education in consultation with the Manx Heritage Foundation should provide foundation courses in Manx studies for all pupils in both primary and secondary schools with opportunities for further specific courses on a voluntary basis and to that end should also provide courses for teachers (para 2.5). We also recommend that an 'O' level course be created in Manx studies (para 7.2).
- (c) Boards and Departments should use bi-lingual signs for offices, vehicles and on notepaper and should, wherever possible and practical, make greater use of the Manx Gaelic insofar as this can be done without increasing costs or reducing efficiency (para 3.7).
- (d) The Ceremonial Oaths entered in the Liber Juramentorum should be capable of being taken in Manx Gaelic provided certain conditions are fulfilled and appropriate legislation introduced where necessary. (para 4.6).
- (e) The Manx Heritage Foundation should establish a voluntary Manx Language Advisory Commission (para 4.7).
- (f) The use of bi-lingual documentation should not be discouraged provided such use does not deleteriously affect commercial activity or the expeditious administration of justice (para 5.4).
- (g) Street name signs and village and town boundary signs should be bi-lingual except where the traditional Manx name is the accepted form. (para 6.1).

C.A. Cain (Chairman)
Mrs. C.M. Christian
E.G. Lowey
D.G. Maddrell
Dr. D.L. Moore

R.B.M. Quayle (Secretary)

18th June 1985.