

Order of the Day

4. BILLS FOR SECOND READING

4.1. Council of Ministers (Amendment) Bill 2019 – Second Reading approved

Mr Malarkey to move:

That the Council of Ministers (Amendment) Bill 2019 be read a second time.

The Speaker: Item 4, Bills for Second Reading, the Council of Ministers (Amendment) Bill 2019, in the name of Mr Malarkey.

Obviously Mr Malarkey is not here today, he is also unwell. Standing Order 3.11A permits another Member to move a motion standing in another's name, if the Speaker decides it is in the public interest and the House gives leave. I am content that it is in the public interest and I ask the House if it is content to give leave for Dr Allinson to move it: is that agreed, Hon. Members?

Members: Agreed.

The Speaker: Thank you.

With that, I call on Dr Allinson to move the Second Reading of the Council of Ministers (Amendment) Bill.

Dr Allinson: Thank you, Mr Speaker.

In moving the Second Reading of the Council of Ministers (Amendment) Bill 2019, I wish to highlight at the outset that the principles of the rule of law and the independence of the judiciary are key to our freedoms as a democratic society. Although these principles have been previously unwritten they have served us well but, times are changing, and in many cases conventions are being replaced with statute law.

Hon. Members will know, for example, that the principles set out in the articles of the Humans Rights Act 2001, require important matters to be set out or prescribed by law. As I have said, times are changing and, as a proud nation and an international financial and business centre, we are experiencing ever more scrutiny from the international community. Bodies such as Moneyval, the EU, the IMF and others have shown an interest in how we conduct ourselves.

Responsibility for ensuring the rule of law and the independence of the judiciary may not be presently set out in our laws, but this does not mean that no one is responsible. In fact, responsibility currently lies with His Excellency on behalf of the Crown. This Bill will, in effect, place a responsibility also on our own Council of Ministers. Importantly, it represents another step along the road of our country taking fuller and greater responsibility for its own affairs and represents a further constitutional development on the part of the Island. (**Mr Thomas:** Hear, hear.)

The Department of Home Affairs believes that by bringing forward this Bill on behalf of the Council of Ministers it is affirming that Government binds itself to the key principle that the rule of law is supreme. It also provides assurance to the judiciary that its independence in the determination of cases is so important that the duty on Council to uphold and support that independence should be stated in law.

This Bill also speaks to the international community and says that we are a mature and progressive jurisdiction that is taking responsibility for more and more aspects of our own good governance.

This Bill is good for business because it clearly states the basic principle that everyone will receive independent and impartial justice in any dispute, entirely free from interference by Government.

Mr Speaker, the Bill is very short and clause 3 contains the detail, as it inserts two new sections into the Council of Ministers Act 1990. New section 6A states that:

The constitutional principle of the rule of law continues to exist.

And subsection (2) places the responsibility for upholding and supporting that principle on the Council of Ministers. Hon. Members should note that this is *a* responsibility not *the* responsibility. The Lieutenant Governor will also retain a responsibility in this area.

New section 6B places a duty on the Council of Ministers, as a body, and also on each individual Minister, to uphold, support and indeed defend the continued independence of the judiciary.

Mr Speaker, I beg to move that the Council of Ministers (Amendment) Bill 2019 be read a second time.

The Speaker: Hon. Member for Douglas East, Miss Bettison.

Miss Bettison: Thank you.

I beg to second and reserve my remarks.

The Speaker: Mr Hooper, Hon. Member for Ramsey.

Mr Hooper: Thank you very much, Mr Speaker.

This Bill seems to tie in quite well with recent Tynwald approval of the Justice Committee's recommendation that there should be a single ministerial responsibility for the portfolio of justice, specifically the section in here relating to the need for the judiciary to have the support necessary to enable them to exercise all their functions.

The question I was hoping to pose to the Minister today was has there been any progress made on that particular recommendation in respect of this Bill and whether it ties in together. Obviously I cannot ask the Minister that question, but I would be grateful if the hon. mover could put that question to the Minister and provide us with a response.

Thank you.

The Speaker: Mover to reply.

Dr Allinson: Thank you, Mr Speaker.

I am very grateful to the Hon. Member for Ramsey for his comments. I shall be posing that question to the Minister.

The Speaker: Beg to move?

Dr Allinson: And I beg to move, sir.

The Speaker: The question is that the Council of Ministers (Amendment) Bill be read a second time. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.