

## 5. CONSIDERATION OF CLAUSES

### 5.1. Council of Ministers (Amendment) Bill 2019 – Clauses considered

Mr Malarkey to move.

**The Speaker:** We then move to Item 5, Consideration of Clauses, Council of Ministers (Amendment) Bill 2019, and I call on Mr Malarkey to move.

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

Before moving the clauses of the Council of Ministers (Amendment) Bill 2019, I wish to thank Hon. Members for their support through the Second Reading in permitting the Bill to be moved by the Hon. Member for Ramsey, Dr Allinson, in my absence.

Mr Speaker, clauses 1 and 2 of this very short Bill provide that the title of the Act is the Council of Ministers (Amendment) Act 2019 and the Act will come into effect automatically at the beginning of the month following the sitting at which Royal Assent is announced.

I beg to move that clauses 1 and 2 do stand part of the Bill.

**The Speaker:** Dr Allinson.

**Dr Allinson:** I beg to second.

**The Speaker:** I put the question that clauses 1 and 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

**Mr Malarkey:** Clause 3 is the final clause, Mr Speaker.

Clause 3 introduces two new sections into the Council of Ministers Act 1990, section 6.

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 the principle of the Council of Ministers; note, Hon. Members, that this is *a* responsibility and not *the* responsibility. The Lieutenant Governor will also retain a responsibility in this area. Nevertheless, Hon. Members, this does represent an important step in the Island's continuous constitutional development.

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. Subsection (3) makes it clear of the separation of powers. As a Minister and as a member of the Council of Ministers I, and my ministerial colleagues, have no right to any greater influence on the outcome of any particular court case than I or anyone else would have as an ordinary member of the public.

Subsection (4) spells out some matters concerning which I and my colleagues at the Council of Ministers have a special regard.

Subsection (5) defines 'the judiciary' for the purpose of this Act.

Moving on, Hon. Members, at the Second Reading the Hon. Member for Ramsey, Mr Hooper, asked how the provision related to the judicial independence in section 6B would affect the possible future liaison with the proposed Justice Minister. I am grateful to Mr Hooper for his question and we will be writing to the Chair of the Constitutional and Legal Affairs and Justice Committee to understand how she feels such a role might work in practice in the future. Through working together we may better understand some of the issues which may need to be addressed in relation to appropriate liaison and any dialogue moving forward with Tynwald's motion last month.

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

**The Speaker:** Dr Allinson.

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

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