

## IN THE KEYS

---

# CONSTITUTION BILL 2007

---

### EXPLANATORY NOTES

*These notes are circulated for the information of Members to be read in conjunction with the Bill, but do not form part of the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.*

#### *Overview*

1 The Constitution Bill 2007 is designed to provide for a single parliamentary chamber, the House of Keys, with 32 Members elected from 16 two-seat constituencies. The House of Keys will be the sole legislative branch of the High Court of Tynwald, and all Bills passed by the House will, on receiving the Royal Assent, become Acts of Tynwald.

2 The existing Legislative Council will be dissolved. The Attorney General and the Lord Bishop will become Members of the House of Keys, but will not have the right to vote in the House or in any of its committees. The revising function of the Council is replaced by a committee of the Keys, called the Scrutiny of Legislation Committee, of which the Bishop and the Attorney will be members.

#### *Clause 1*

3 The High Court of Tynwald is redefined in its historic form as the assembly of the Lord of Man's Governor, the Deemsters, the Attorney, the Bishop, the Clergy, the Keys, the Coroners, Captains of Parishes etc., as they meet on Tynwald Hill. There is provision for additions to this list as ordered by the Governor, with the approval of the Keys.

#### *Clauses 2 & 3*

4 The functions of Tynwald Court meeting on 5<sup>th</sup> July are stated: to proclaim the laws enacted, to swear the Coroners and to receive Petitions; provision is made to add to these functions if the Court so decides.

#### *Clause 4*

5 This clause is the central feature of the Bill, defining the democratically elected House of Keys as the Island's sole legislature, expanding its number to 32 and adding the Speaker – see clause 5 – the Bishop and the Attorney as non-voting Members, making a total of 35 as in the presently constituted Tynwald.

### *Clause 5*

6 The election of Speaker is to take place in the concluding three months of the preceding House, or at once if the House is dissolved prematurely. The same person would be eligible for re-election on subsequent occasions.

7 In the event of a new Speaker having to be elected during the life of the House to serve before the next General Election (which would not normally be the case), a by-election would result to fill the seat, but otherwise the timetable provided for would put the Speaker elected in place shortly in advance of a General Election to serve during the next House.

8 The holder of the office is removed from political involvement once in office as Speaker. The Speaker would thus not have an ordinary vote, but would have a casting vote in the case of an equality of votes; and he or she could be removed from office by a vote of the House. A Speaker would be eligible for re-election.

### *Clause 6*

9 Clause 6 contains largely formal provisions about the meetings of the House of Keys, and provides for a special sitting of the House to be convened whenever there is a written request to the Speaker by a majority of Members.

### *Clauses 7 & 8*

10 The reformed House of Keys is charged with the approval and enactment of all legislation, both primary and secondary i.e. Acts, Orders, Regulations, Schemes, Codes, etc., and with undertaking all the functions now discharged separately by Tynwald Court, the Legislative Council and the present House of Keys - including electing the Chief Minister. The reformed House succeeds to all the rights, powers and privileges of Tynwald Court, the Legislative Council and the present House of Keys.

11 Reference is also made here to the functions of the Scrutiny of Legislation Committee, provided for in clauses 9 to 11, and in subclause (2) to the duty of the House to consider and vote upon that Committee's recommendations on a Bill before it is submitted for the Royal Assent.

### *Clause 9*

12 This clause establishes the Scrutiny of Legislation Committee, consisting of the Speaker, five Members of the House, the Attorney and the Bishop.

13 The five Keys Members are elected to this Committee at the first sitting after a General Election. The elected Members of the Committee may be discharged by the House and replaced, and the Committee is given the same powers to summon witnesses and to require documents which are presently enjoyed by select committees.

*Clause 10*

14 The Committee meets, in public, as and when provided by Standing Orders or when summoned by the Speaker. All Members (including the Attorney and the Bishop, but without a vote) must attend its meetings save with leave of the Speaker, and the Committee's business has precedence over that of all other committees of the House.

*Clause 11*

15 The essential function of the Scrutiny of Legislation Committee is defined as being to review all Bills passed by the House. The Committee is thus specifically established as a reviewing body, and not as a chamber potentially conflicting or competing with the House of Keys. Its members will have been privy to the debates on a Bill during its various stages, and they will know what concerns or reservations have been expressed and will have the opportunity to reflect on them or to call, if they wish, for public evidence.

16 The Committee must report back to the House within 60 days, and there is therefore a guarantee that legislation will not be unnecessarily delayed. The Committee also has the task of scrutinising EU legislation having effect in the Island referred by the Council of Ministers, and of deciding whether the issue merits a report to the House.

*Clause 12*

17 This provides that any primary legislation passed by the reformed House continues, following the Royal Assent, to be known as an 'Act of Tynwald' and is in all respects the same as an Act of Tynwald at present.

*Clause 13*

18 The Legislative Council is dissolved from such day as may be appointed under clause 16. In practice, this is likely to coincide with the date of the next General Election. Subsection (2) leaves open the possibility that elections to the Council will cease earlier than that but, unless an Order is made bringing the subsection into effect, elections to Council will continue according to the established rhythm.

*Clauses 14, 15 & 16*

19 Formal and technical provisions are contained in these clauses, and flexibility in Appointed Day Orders and transitional provisions is provided for in Orders made by the Governor in Council.

*Schedule 1*

20 This amends Schedule 1 of the Representation of the People Act 1995 to provide for the reformed House of Keys to be elected from 16 two-member constituencies, for the usual boundary committee exercise to be undertaken now to redraw the constituency boundaries accordingly, and to report to the present House of Keys who will determine the matter.

*Schedules 2, 3 & 4*

21 These Schedules contain consequential and technical amendments.

JDQC