

IN THE KEYS

CONSTITUTION BILL 2007

EXPLANATORY NOTES

- 1 *Clause 1* states the purpose of the Bill, namely to effect the reform of the Legislative Council.
- 2 The changes made by the Bill are designed to be fully implemented by September 2013. Elections to the Council will continue as at present until subsection (2) is brought into operation, at which time elections will cease and the Members then in office will remain until the end of August 2013.
- 3 *Clause 2* defines the membership of Tynwald. The total number remains as at present, and includes the Attorney General and the Bishop, the eight other Members of the Council being those directly elected under the subsequent provisions in the Bill, and the members of the House of Keys.
- 4 *Clause 3 and Schedule 1* provide the details of election machinery for the Council, which mirror those in place for elections to the House of Keys. All the Members are elected at the same time for five year terms, to run from two years after the previous Keys general election.
- 5 *Clause 4 and Schedule 2* establish eight constituencies for the elections to the Council. The eight constituencies are to be defined by a committee appointed under section 11 of the Representation of the People Act 1995 reporting to Tynwald, which makes the final decision on the boundaries. The mechanism is, in effect, the same as that which currently applies to modifications of the Keys constituencies.

- 6 The committee must begin work within three months of the Bill being passed; its meeting is further required within three months of any change being made to a Keys constituency. The overall freedom to initiate a boundary review at any time continues.
- 7 *Clause 5* specifies the composition of the Legislative Council: the President of Tynwald, the Bishop and Attorney General, and eight elected Members. The Attorney continues to have no voting rights, as at present. The position of the Bishop, as to both voting rights and being a Member of the Council, may be changed in the future by an order made by the Governor in Council and approved by Tynwald.
- 8 *Clause 6* deals with the election of Chief Minister, and provides that Tynwald shall be summoned as soon as practicable after a general election of the Keys, to nominate a Chief Minister in accordance with the existing provisions in section 2 of the Council of Ministers Act 1990.
- 9 Chief Ministers may, as now, be chosen either from the Keys or the Council. The President of Tynwald has no vote in the selection of Chief Minister.
- 10 *Clause 7* deals with the election of the President of Tynwald. This provision follows very closely the existing pattern of five year terms; it continues to be the case that the person elected goes out of office as an elected Member, and that a by-election is therefore triggered unless the person elected is a retiring President already in office. If the office of President is vacant after a general election to the Keys, an election to fill it is held immediately before that of the Chief Minister: *clause 6(2)*.

- 11 *Clause 8* maintains the rule that Bills must be passed in both branches, and may originate in either.

- 12 *Clause 9 (formerly Clause 10)* deals with consequential amendments, repeals and commencement. The Act is brought into force by means of appointed day orders made by the Governor in Council, which may contain transitional provisions, and approved by Tynwald.

May 2007 [and revised January 2009]