



HOUSE OF KEYS
Y Chiare as Feed
ORDER PAPER
Claare Obbyr

Douglas
Tuesday 29th June 2004
10.00 am

1. QUESTIONS FOR ORAL ANSWER

1. The Hon Member for Rushen (Mr Gill) to ask the Chief Minister
- (1) What, if any, "political pressure" was applied to force the closure of the Isle of Man Online Chat Room;
 - (2) who applied such pressure;
 - (3) how was such pressure applied; and
 - (4) why was it felt necessary or appropriate to gag a legitimate forum for discussion?

2. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister

Will you make a statement explaining the Government's continuing delay in bringing the provisions of the Human Rights Act 2001 into force, and indicate when the delay is likely to be at an end?

3. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for the Treasury -

In view of the considerable receipts received by the Treasury due to the increase in VAT from 15% to 17.5% year on year will you continue to provide a rebate scheme to defray the Manx Electricity Authority charge on customers' accounts into the future?

4. **The Hon Member for Rushen (Mr Gill) to ask the Minister for Tourism and Leisure -**
- (1) **What contractual arrangements does your Department have in respect of coverage of the TT Festival;**
 - (2) **when were these entered into;**
 - (3) **when was this contract advertised for competitive tender;**
 - (4) **what are the benefits of such a contract to the Isle of Man; and**
 - (5) **what are the disadvantages of such a contract?**
5. **The Hon Member for Rushen (Mr Gill) to ask a Member for Health and Social Security -**
- (1) **Do you believe the Southern Group Practice provide a "second-rate service", if so, in what respect; and**
 - (2) **what do you propose doing to remedy the situation?**
6. **The Hon Member for Ayre (Mr Quine) to ask a Member for Local Government and the Environment -**
- (1) **What knowledge, if any, do you have of a proposal to deposit waste at the Point of Ayre which relates to a new site or extends beyond the existing planning approvals for Wrights Pit East and Wrights Pit North;**
 - (2) **should there be any such proposal -**
 - (a) **would it be compatible with the planning approval and licence for the Energy from Waste Plant at Richmond Hill, Braddan;**
 - (b) **what would be the implications for the proposed landfill site at Archallagan; and**
 - (c) **if privately owned and operated, what steps would be necessary to ensure security and efficacy of operation, and to enforce long term after care of the site?**
7. **The Hon Member for Onchan (Mr Karran) to ask a Member for Home Affairs -**

Are the alternatives to custody for persons in possession of prohibited drugs, available through the Drug Referral System, being allowed to work effectively?

8. **The Hon Member for Rushen (Mr Gill) to ask the Chairman of the Office of Fair Trading -**

Have you met with Manx Telecom to discuss their undertaking to reconsider their use-it-or-lose-it mobile phone policy and other associated issues, and what progress can you report?

9. **The Hon Member for Rushen (Mr Gill) to ask the Chairman of the Office of Fair Trading -**

Do you believe the levels of charges for Manx Telecom's mobile telephones warrant a comprehensive investigation by your Office?

2. QUESTIONS FOR WRITTEN ANSWER

1. **The Hon Member for Rushen (Mr Gill) to ask the Chief Minister -**

- (1) How many staff are employed in the Personnel Office; and**
- (2) how many were employed in the Personnel Office in 1990 and 1995?**

2. **The Hon Member for Rushen (Mr Gill) to ask the Chairman of the Office of Fair Trading -**

- (1) Were you due to meet with senior managers of Manx Telecom on 14th June 2004;**
- (2) was discussion about the use-it-or-lose-it practice Manx Telecom currently employ, but have agreed to review, on the agenda; and**
- (3) what progress was made in this matter and associated matters?**

3. **The Hon Member for Rushen (Mr Gill) to ask the Chairman of the Communications Commission -**

- (1) What are the comparative costs of Manx Telecom's mobile telephone charges and text message charges compared with O2 charges and the six other main service providers in the UK;**
- (2) if there is a discrepancy in Manx Telecom and other providers' charges will you explain them and advise if you are satisfied that the Manx mobile telephone users are receiving a reasonably priced service; and**
- (3) if you are not satisfied, what do you propose doing to remedy the situation?**

3. MOTIONS

1. Constituency Boundaries

The Hon Member for Middle (Mr Quayle) to move -

That, notwithstanding Standing Order 150(2), the leave of the House, given on 24th June 2003, to introduce a Bill *to amend the Representation of the People Act 1995 to make fresh provision in regard to the constituencies from which the Members of the House of Keys are elected, to make provision for the definition and approval of their boundaries, and for connected matters* be extended to the Session 2004-05.

Mr Quayle

2. Conflicts of Interest

The Hon Member for Onchan (Mr Karran) to move -

That, notwithstanding Standing Order 150(2), the leave of the House, given on 5th November 2002, to introduce a Bill *respecting the Conduct of Members and Officers of Tynwald, Government Departments and Statutory Boards and Bodies, and advisors or consultants thereto, in relation to conflicts of interest, and connected matters* be extended to the Session 2004-05.

Mr Karran

4. BILLS FOR FIRST READING

1. Fiduciary Services Bill

Mr Bell

2. Trees and High Hedges Bill

Mr Rimington

5. BILL FOR THIRD READING

1. Housing (Multi-Occupation) Bill

Mr Houghton

6. BILL FOR CONSIDERATION OF CLAUSES

1. Constitution (Legislative Council) Bill

Mr Quine

Tabled Amendments

New Clauses AA1, A1, A2 & New Schedule (Mr Cannan)

New Clause (Mr Rimington)

Clause 1 Schedule 1 (Mr Cannan)

Clause 1 Schedule 1 (Mr Rodan)

Clause 1 (Mr Rimington)
Clause 2 Schedule 2 (Mr Cannan)
Clause 2 Schedule 2 (Mr Rodan)
Clause 2 (Mr Quayle)
Clause 2 & Schedule 1 (Mr Rimington)
Clause 3 (Mr Cannan)
Clause 3 (Mr Rodan)
Clause 3 (Mr Karran)
Clause 4 (Mr Cannan)
Clause 4 (Mr Rodan)
Clause 4 (Mr Rimington)
Clause 4 (Mr Karran)
Clause 5 (Mr Cannan)
Clause 5 (Mr Rimington)
Clause 6 (Mr Cannan)
Clause 6 (Mr Rimington)
Clause 7 (Mr Cannan)
Clause 8 (Mr Cannan)
Clause 9 Schedules 2 & 3 (Mr Rodan)
New Schedule (Mr Rodan)
Clause 10 & Schedules 2 & 3 (Mr Cannan)
Clause 10 (Mr Rodan)
Clause 10 (Mr Rimington)

7. MOTION

1. Gender-neutral legislation

The Hon Member for Peel (Mrs Hannan) to move -

That the House calls upon Her Majesty's Attorney General to instruct the persons in his Chambers responsible for the preparation of legislation to implement, from the Session 2004-05 onwards, the use of gender-neutral language in Bills coming before the House.

Mrs Hannan

The House may be asked to suspend Standing Orders to take further stages of the above Bills.

Unless the House otherwise determines, the above business will be considered in the order shown.

Malachy Cornwell-Kelly
Secretary of the House

IN THE KEYS

CONSTITUTION (LEGISLATIVE COUNCIL) BILL 2003

Amendments to be moved by Mr Cannan

NEW CLAUSE

Dissolution of the Legislative Council

AA1. (1) The Legislative Council shall be dissolved from and after the appointed day.

(2) Notwithstanding any enactment to the contrary, the members of Legislative Council in office immediately before this subsection comes into operation shall remain in office until the dissolution of the Council unless a member resigns or the office is otherwise vacated (otherwise than by the passage of time).

NEW CLAUSE

Constitution of Tynwald

A1. (1) The members of Tynwald are —

- (a) the President of Tynwald;
- (b) the Bishop;
- (c) the Attorney General; and
- (d) the members elected pursuant to the Representation of the People Act 1995 ("the elected members of Tynwald").

(2) Tynwald shall consist of the members of Tynwald meeting together pursuant to a lawful summons in that behalf or by adjournment.

(3) Accordingly Her Majesty may assent to a Bill by and with the advice and consent of the members of Tynwald in Tynwald assembled, notwithstanding any law or custom to the contrary.

NEW CLAUSE

Elections of members of Tynwald

A2. (1) For Part 1 of the Representation of the People Act 1995 there are substituted the provisions set out in Schedule A1.

(2) For section 11 of that Act there is substituted the following —

"11. Constituencies

(1) For the purposes of an election, the Island shall be divided into 16 constituencies, and each constituency shall return and be represented by the 2 members.

(2) The areas of those constituencies shall be the areas specified in the resolution of Tynwald under subsection (4).

(3) The Governor in Council shall, as soon as practicable after the appointed day, appoint a committee of such persons as the Governor thinks appropriate to recommend boundaries for the said constituencies and to report thereon to Tynwald.

(4) On receipt of a report under subsection (3) Tynwald shall consider the recommendations of the Committee and by resolution specify the boundaries of the constituencies.

(5) The Treasury shall prepare a map of the Island upon which shall be delineated the boundaries of each constituency, and shall cause the map to be deposited in the General Registry.

(6) The Chief Registrar shall make the map prepared under subsection (5), or a copy of it, available for inspection by any person at the General Registry at all reasonable times, and shall supply a copy thereof to any person on payment of such reasonable charge as the Treasury may determine.

(7) If Tynwald so resolves, the Governor in Council shall appoint a committee of such persons as he thinks appropriate, to review the number and boundaries of the said constituencies and to report thereon to Tynwald.

(3) Schedule 1 to that Act shall cease to have effect.

NEW SCHEDULE

Section A2(1).

SCHEDULE A1

SUBSTITUTED PART 1 OF THE REPRESENTATION OF THE PEOPLE ACT 1995

"PART 1

TYNWALD

Qualifications for membership of Tynwald

Qualifications for membership of Tynwald

1. (1) Any person may stand as a candidate for and be elected a member of Tynwald for a constituency if at the time he is nominated as a candidate —

- (a) he is of full age; and
- (b) he either is a British citizen or has the right to remain in the Island; and
- (c) he is not the holder of an office of profit under the government of any country or territory outside the Island; and

- (d) he is ordinarily resident in the Island and has been so resident for a period of, or for periods amounting in the aggregate to, 5 years or more; and
- (e) he is not subject to any incapacity by virtue of this Act.

(2) For the purpose of subsection (1)(b) a person has the right to remain in the Island if —

- (a) he has indefinite leave to remain in the Island, within the meaning of the Immigration Act 1971 (an Act of Parliament), as it has effect in the Island; or
- (b) he does not under the said Act of 1971 require leave to enter or remain in the Island, by virtue of section 7(1) of the Immigration Act 1988 (an Act of Parliament), as it has effect in the Island;

and, in either case, he is not liable to deportation under section 3(5) or (6) of the said Act of 1971.

Term of Tynwald

Term of Tynwald

2. Tynwald, subject as hereinafter provided and unless sooner dissolved under section 3, shall be dissolved on the Thursday during the fifth succeeding month of October (computed from the day on which the last general election of Tynwald has been held) following the third Tuesday in that month.

Summoning and dissolution of Tynwald

3. (1) The Governor may, whenever he thinks it expedient —
- (a) by precept under his hand summon Tynwald when not in session, or when Tynwald stands adjourned though adjourned to a more distant date or for a longer period; or
 - (b) by proclamation dissolve Tynwald and issue fresh writs for a general election of members to serve therein.

(2) No proclamation under subsection (1)(b) shall be made on the dissolution of Tynwald by virtue of section 2.

(3) Unless it is impracticable to do so, the Governor shall seek the advice of the Chief Minister before exercising any of the powers conferred by this section.

Extension of term of Tynwald in emergency

4. (1) During any period of national emergency the Governor may by order —
- (a) extend the term of Tynwald, by a period of one year from the date when otherwise the term of Tynwald would expire; and
 - (b) declare that the register of electors in force at the time of the making of such order shall remain in force for a period of one year after the date when such register would otherwise cease to be in force.

(2) On any such order being made, the provisions of this and any other enactment relating to members of Tynwald shall be construed as if they were modified in such a manner as to give effect to this section, and the order, or a subsequent order under subsection (1), may make such provision as is necessary to effect such modification.

(3) Where an order under subsection (1) has been made, a further such order may not be made with respect to a subsequent year unless —

- (a) a general election of Tynwald intervenes, or
- (b) the making of the order is previously approved by Tynwald.

(4) If any question arises as to any matter under this section, or the operation of this section, the question shall stand referred to the Deemsters, who shall determine it summarily after hearing any parties they consider ought to be heard.

(5) In this section "national emergency" means any period which, in the opinion of the Governor, constitutes a state of national emergency due to a state of war, or apprehended or threatened war, or international disturbance.

Vacancies in Tynwald

Report of casual vacancies

5. The President of Tynwald shall, within 7 days of any casual vacancy in the members of Tynwald coming to his notice, report the vacancy in writing to the Governor, stating the name of the constituency by which the new member is to be returned.

Vacancy in seat

6. (1) A sitting member of Tynwald may resign his seat by notice in writing to the President of Tynwald or, if the office of President of Tynwald is vacant, to the Governor.

(2) If any sitting member of Tynwald is punished by a court in the Island with custody (whether or not suspended) for any offence triable on information, his seat shall be vacant —

- (a) if he appeals, or applies for leave to appeal, against his conviction or sentence, on the determination or withdrawal of the appeal or, if leave to appeal is refused, on the refusal of such leave;
- (b) if he does not so appeal or apply, on the expiration of the period within which the appeal or application must be made.

(3) Tynwald may by resolution declare the seat of a member of Tynwald to be vacant where he —

- (a) has been certified by the Clerk of the Rolls to the President of Tynwald to be incapable by reason of mental disorder of taking care of himself or of managing his own affairs; or
- (b) fails to attend within any period of 12 months —
 - (i) at least three-quarters of the total number of sittings of Tynwald, and
 - (ii) at least three-quarters of the total number of sittings of the Keys or the Legislation Committee, as the case may be.

(4) The Clerk of the Rolls shall not certify a member of Tynwald under subsection (3)(a) except on the written or oral evidence of 2 or more registered medical practitioners, at least one of whom is approved for the purposes of section 12 of the Mental Health Act 1998 as having special experience in the diagnosis or treatment of mental disorder.

(5) For the purpose of subsection (3)(b) a member of Tynwald shall not be treated as failing to attend any sitting of Tynwald, or of the Legislation Committee or the Keys, in respect of which he is granted leave of absence by the President of Tynwald, or by the President of Tynwald or the Speaker, as the case may be.

(6) If the holder of any office of profit under the Government of the Island is elected as a member of Tynwald, his seat shall become vacant unless within 7 days from the date of his election to Tynwald, he gives such notice or takes such other step as is necessary to vacate that office on the earliest practicable day thereafter; and if he subsequently withdraws that notice or revokes that step, he shall be treated for the purpose of subsection (8) as having accepted that office.

(7) If any sitting member of Tynwald is adjudicated bankrupt, the High Court shall certify the fact to the President of Tynwald; and if within 6 months of the date of the order of adjudication —

- (a) the adjudication is not annulled, and
- (b) the member does not obtain his discharge, with a certificate under section 16(2)(b) of the Bankruptcy Code 1892 (bankruptcy caused by misfortune without misconduct),

the High Court shall on the expiry of that period certify the fact to the President of Tynwald, and the seat of the member shall thereupon be vacant.

(8) If any sitting member of Tynwald —

- (a) accepts an office of profit under the Government of the Island or the government of any country or territory outside the Island, or
- (b) becomes a member of a local authority,

his seat shall thereupon be vacant.

(9) For the purpose of subsection (8) —

- (a) a person shall not be treated as accepting an office of profit by reason only—
 - (i) of accepting any payment under the Payment of Members' Expenses Act 1989, or
 - (ii) during a national emergency, of enlisting in or being appointed to a commission in any of Her Majesty's forces;
- (b) a person becomes a member of a local authority on his making a declaration of acceptance of office as such pursuant to section 10 of the Local Elections Act 1986.

(10) A member of Tynwald who accepts an office of profit shall be eligible for re-election to any constituency on his vacating such office.

Penalty for sitting or voting when seat vacant

7. If the seat of a member of Tynwald has become vacant and he sits or votes as a member of Tynwald, the Keys or the Legislation Committee during the vacancy of the seat, he is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 in respect of each occasion upon which he so sits or votes.

Oaths

Members to take oaths

8. No member of Tynwald (except the Bishop or the Attorney General) shall be permitted to sit and to vote in Tynwald, the Keys or the Legislation Committee until he has taken and subscribed to an oath of allegiance and oath of office.

Privileges

Privileges

9. Tynwald, the Keys and the Legislation Committee, and the members of Tynwald, the Keys and the Legislation Committee, shall have, exercise and perform the same power and authority, and be subject to the like obligations (except where expressly otherwise provided by this Act), and be entitled to and enjoy the same rights and privileges, in as full and ample manner as the Keys, and the members thereof, heretofore had, exercised and performed, and was or were entitled to and enjoyed.

CLAUSE 1: SCHEDULE 1

Page 1 line 1, for clause 1 substitute —

“Constitution of Keys and Legislation Committee

1. (1) The Keys shall consist of the members of Tynwald elected under the Representation of the People Act 1995, excluding the members specified in subsection (2).

(2) There shall be a Legislation Committee of Tynwald which shall consist of 11 members, as follows —

- (a) the President of Tynwald;
- (b) the Bishop;
- (c) the Attorney General;
- (d) 8 members elected under section 1A (“the elected members of the Committee”).

(3) The Legislation Committee will meet separately from the House of Keys.

(4) The Legislation Committee will take precedence over all other committees of Tynwald.

(5) Neither the Bishop nor the Attorney General shall have the right to vote in Tynwald or in the Legislation Committee, and their presence shall not reckon towards the constitution of a quorum of Tynwald or the Legislation Committee.

Election of Chief Minister and members of Legislation Committee

1A. (1) The President of Tynwald or, if the office of President of Tynwald is vacant, the Governor shall, as soon as may be after a general election of members of Tynwald, summon the members of Tynwald to assemble for the purposes of elections under subsection (2); and the members of Tynwald assembled in pursuance of such a summons shall be to all intents and purposes a sitting of Tynwald.

(2) At the sitting held in pursuance of a summons under subsection (1) Tynwald —

- (a) shall nominate the Chief Minister in accordance with section 2 of the Council of Ministers Act 1990,
- (b) if the office of President of Tynwald is vacant, shall next elect the President of Tynwald in accordance with section 1B, and
- (c) shall then elect 8 members of the Legislation Committee in accordance with Schedule 1.

(3) Where the seat of an elected member of the Committee is vacated otherwise than by the dissolution of Tynwald, Tynwald shall, as soon as may be after the vacancy in the members of Tynwald is filled, or after the election of the President of Tynwald, as the case may be, elect one of their number in accordance with Schedule 1 to fill the vacancy in the elected members of the Committee.

(4) The President of Tynwald the Attorney General and the Bishop shall not have the right to vote in an election under subsection (2)(a) or (c) or (3)."

(5) The Attorney General and the Bishop shall not have the right to vote in an election under subsection (2)(b).

Page 6, for Schedule 1 substitute —

Section 1A.

SCHEDULE 1

ELECTION OF MEMBERS OF THE LEGISLATION COMMITTEE

Procedure for election

1. (1) Any proposal that a person be elected as Chief Minister or as an elected member of the Legislation Committee shall be made in writing and delivered to the Clerk of Tynwald not less than 7 days before the sitting of Tynwald at which the election falls to be made.

(2) No person shall be so elected unless at least 17 votes are recorded in his favour.

(3) If a person has a majority of the votes of the members of Tynwald present and voting recorded in his favour but the majority is less than 17 votes, the members of Tynwald shall forthwith vote separately on the name of that person and, if he then receives a majority of at least 17 votes, he shall be elected as Chief Minister or a member of the Legislation Committee as the case may be.

(4) Where 2 or more persons receive a majority of the votes of the members of Tynwald present and voting but the majorities of those persons are less than 17 votes, Tynwald shall forthwith vote separately upon the name of the person who received the largest majority and so on in the order of their majorities. Where there is an equality in the amount of 2 or more majorities, the order in which such persons shall be voted upon separately shall be decided by lot.

CLAUSE 2 : SCHEDULE 2

Page 2 line 1, for clause 2 substitute —

“President of Tynwald

2. (1) Tynwald shall from time to time by resolution elect an elected member of Tynwald to be President of Tynwald.

(2) The person elected to be President of Tynwald shall forthwith go out of office as an elected member of Tynwald.

(3) The office of President of Tynwald shall be vacated —

- (a) on the death of the President of Tynwald;
- (b) on his resignation by notice in writing to the Governor;
- (c) on his removal by a resolution of Tynwald;
- (d) on the day of the first ordinary sitting of Tynwald held in the month during which falls the 5th anniversary of the sitting at which he was elected; or
- (e) where he was elected to fill a casual vacancy, on the day when the person in whose place he was elected would ordinarily have gone out of office,

and section 6(2) to (4) and (6) to (9) of the Representation of the People Act 1995 applies to the office of President of Tynwald as it applies to the seat of an elected member of Tynwald, with the substitution of references to the Governor for references to the President of Tynwald.

(4) Where the seat of an elected member of Tynwald is vacated, his seat as a member of the Keys or the Legislation Committee, as the case may be, shall also be vacated; and the seat of an elected member of Tynwald may not be vacated otherwise than —

- (a) on the vacation of his seat as a member of Tynwald,
- (b) on his election to be President of Tynwald, or
- (c) in the case of a member of the Keys, on his election to be an elected member of the Legislation Committee.

(5) Where the President of Tynwald goes out of office under subsection (3)(d) or (e), that person shall be eligible for re-election; and accordingly the reference in subsection (1) to an elected member of Tynwald includes a reference to a retiring President of Tynwald who is eligible for re-election by virtue of this subsection.

(6) The Governor shall, as soon as may be after the vacation of the office of President of Tynwald (otherwise than under subsection (3)(d) or (e)), summon Tynwald for the purpose of electing the President of Tynwald.

Office of Speaker

2A. (1) The members of the Keys shall —

- (a) on their first assembling after the election of members of the Legislation Committee under section 1A, and
- (b) on the vacation of the office of Speaker under subsection (2)(a), (b) or (c),

forthwith proceed to elect one of their number to be Speaker.

(2) The office of Speaker shall be vacated —

- (a) on the death of the Speaker;
- (b) on resignation by notice in writing to the Secretary of the Keys;
- (c) on removal by a vote of the Keys;
- (d) on the vacation of his seat as a member of the Keys;
- (e) on the vacation of his seat as a member of Tynwald;
- (f) by the dissolution of Tynwald.

CLAUSE 3

Page 2 line 24, for clause 3 substitute —

Voting in Tynwald

3. Notwithstanding anything from time to time contained in the standing orders of Tynwald, the Keys and the Legislation Committee shall not vote separately on any question in Tynwald but shall vote as one body.

CLAUSE 4

Page 3 line 26, for clause 4 substitute —

“Consequential amendment of enactments

4. The Governor in Council may by Order make such provision repealing or amending any provision of an enactment (other than this Act) which is inconsistent with, or is unnecessary or requires modification in consequence of this Act.”.

CLAUSE 5

Page 3 line 31 : In the cross-heading for “Council” substitute “Legislation Committee”.

lines 32 and 33 : For clause 5 substitute –

“Bills.

5. The Legislation Committee shall consider all Bills that have been passed by the House of Keys.”.

CLAUSE 6

Page 4 line 1 : For "Council" substitute "Legislation Committee".

CLAUSE 7

Page 4 line 9 : For "Council" substitute "Legislation Committee".

CLAUSE 8

Page 4 line 19 and 24 : For "Council" substitute "Legislation Committee".

CLAUSE 10

Page 4 lines 30 and 31 : Omit "(Legislative Council)".

Page 5 lines 1 to 5 : For subsection (2) substitute –

"(2) This Act shall come into operation immediately after the announcement of Royal Assent to Tynwald as provided by Order made by the Governor in Council and different days may be so appointed for different provisions and for different purposes.

(3) An Order under subsection (2) may contain such transitional provisions as the Governor in Council may consider appropriate for the purpose of bringing this Act into operation."

Page 7, for Schedule 2 substitute —

Section 9(1)

SCHEDULE 2

AMENDMENT OF ENACTMENTS

The Constitution Act 1990 (c.6)

1. For section 5(2) substitute —

"(2) The office of Deputy President of Tynwald shall be vacated —

(a) on the death of the Deputy President of Tynwald;

(b) on his resignation by notice in writing to the President of Tynwald or, if the office of President of Tynwald is vacant, to the Governor;

(c) on his removal by a resolution of Tynwald."

The Representation of the People Act 1995 (c.13)

2. (1) In section 14(1), for paragraphs (f) and (g) substitute —

"(f) any member of Tynwald;

(g) any person who has served as a member of Tynwald in the session immediately preceding the election, or in the current session in the case of a by-election."

(2) In section 15(a), for "the Keys" substitute "Tynwald".

- (3) In section 55, in the definition of "candidate", for "the Keys" substitute "Tynwald".
- (4) In section 56(1), for "the Keys" substitute "Tynwald".
- (5) In section 66, for "the Keys" (in each place) substitute "Tynwald".
- (6) In section 77 —
- (a) in the definition of "election", for "the Keys" substitute "Tynwald";
 - (b) for the definition of "member" substitute —
 ""member" means a member of Tynwald (other than the President of Tynwald, the Bishop or the Attorney General);".
- (7) In Schedule 1, in paragraphs 1, 51 and 52, for "the Keys" (in each place) substitute "Tynwald".
- (8) In Schedule 3 —
- (a) in paragraph 6, 8, 15 and 17(1), for "the Keys" substitute "Tynwald";
 - (b) in paragraphs 8, 14, 15, 17, for "Speaker" (in each place) substitute "President of Tynwald";
 - (c) in paragraph 17(2), for "he shall not sit or vote in the Keys until the Keys have been informed of the report on the petition" substitute "he shall not sit or vote in Tynwald, or in the Keys or the Legislation Committee, until Tynwald has been informed of the report on the petition".
- (9) In Schedule 4 —
- (a) in paragraph 1 —
 - (i) for "the Keys" substitute "Tynwald";
 - (ii) for "Speaker" substitute "President of Tynwald";
 - (b) for paragraph 8 substitute —
 - "8. (1) In section 11 (constituencies), for "the number of members specified in relation thereto in column 2 of that table" substitute "one member"
 - (2) For the purposes of sub-paragraph (1), section 11 and Schedule 1 of this Act have affect as they were in force immediately before the day on which section A2 of the Constitution Act 2004 came into operation."

Page 7, for Schedule 3 substitute —
Section 9(3).

SCHEDULE 3
ENACTMENTS REPEALED

| <i>Reference</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|------------------|---|---|
| X p.390 | The Isle of Man Constitution Amendment Act 1919. | Sections 6 to 23. Sections 25 and 26. |
| XXI p.104 | The Isle of Man Constitution Act 1969. | The whole Act. |
| 1971 c.13 | The Isle of Man Constitution Act 1971. | The whole Act. |
| 1971 c.34 | The Isle of Man Constitution (Elections to Council) Act 1971. | The whole Act. |
| 1975 c.12 | The Isle of Man Constitution (Amendment) Act 1975. | The whole Act. |
| 1978 c.1 | The Constitution (Amendment) Act 1978. | The whole Act. |
| 1990 c.6 | The Constitution Act 1990. | Sections 2 and 3. In Schedule 1, paragraphs 3 and 4(1) and (2). |

Amendments to be moved by Mr Rimington

CLAUSE 1

Page 1, lines 8 to 12 : for subsection (2) substitute –

“(2) The Attorney General shall not have the right to vote either in Tynwald or in the Council, and the presence of the Attorney General at a sitting of Tynwald or of the Council shall not reckon towards a quorum of either body.”.

CLAUSE 2 and SCHEDULE 1

Page 2, line 1 : omit “postal”.

line 4 : omit “postal”.

lines 11 to 15 : for subsection (5) substitute –

“(5) For the purposes of an election of elected members, the Island shall be one electoral area which shall return 8 members.”.

lines 16 to 23 :omit subsections (6) and (7).

Page 6 : omit Schedule 1.

CLAUSE 4

Page 3, line 28 : for “October” substitute “April”.

CLAUSE 5

Page 3, line 32 : after “the Keys” insert “or a private member’s Bill”.

CLAUSE 6

Page 4, after line 5 : insert –

“(3) In subsection (1), “public document” means an instrument of a legislative character made under an Act of Tynwald.”.

CLAUSE 10

Page 5, lines 1 to 5 : for subsection (2) substitute –

“(2) This Act shall come into operation on such day or days as may be appointed by the Governor in Council but, such an order shall not be made unless the commencement of this Act is supported by a majority of persons voting in a referendum held under the Referendum Act 1979.”.

NEW CLAUSE

“Tynwald voting

[]. (1) Notwithstanding anything from time to time contained in the Standing Orders of Tynwald, the Council and the Keys shall not vote separately on any question in Tynwald but shall vote as one body.

(2) Section 2 of the Isle of Man Constitution Act 1961 shall cease to have effect.

(3) In section 6(2)(b) of the Constitution Act 1990, for “, whether sitting separately or in Tynwald (except when voting as one body)” substitute “when sitting separately”.

Amendments to be moved by Mr Rodan

CONSTITUTION (LEGISLATIVE COUNCIL) BILL 2003

CLAUSE 1: SCHEDULE 1

Page 1 line 1, for clause 1 substitute —

1. Constitution of Council and Keys

(1) The Council shall consist of 11 members, as follows —

(a) the President of Tynwald;

(b) the Bishop;

(c) the Attorney General;

(d) 8 members elected under section 1A ("the elected members of the Council").

(2) The Attorney General shall not have the right to vote in Tynwald or in the Council, and his presence shall not reckon towards the constitution of a quorum of Tynwald or the Council.

(3) The Keys shall consist of the members of Tynwald elected under the Representation of the People Act 1995¹, excluding the members specified in subsection (1).

1A. Election of Chief Minister and members of Council

(1) The President of Tynwald or, if the office of President of Tynwald is vacant, the Governor shall, as soon as may be after a general election of members of Tynwald, summon the members of Tynwald to assemble for the purposes of elections under subsection (2); and the members of Tynwald assembled in pursuance of such a summons shall be to all intents and purposes a sitting of Tynwald.

(2) At the sitting held in pursuance of a summons under subsection (1) Tynwald —

(a) shall nominate the Chief Minister in accordance with section 2 of the Council of Ministers Act 1990²,

(b) if the office of President of Tynwald is vacant, shall next elect the President of Tynwald in accordance with section 1B, and

(c) shall then elect 8 members of the Council in accordance with Schedule 1.

(3) Where the seat of an elected member of the Council is vacated otherwise than by the dissolution of Tynwald, Tynwald shall, as soon as may be after the vacancy in the members of Tynwald is filled, or after the election of the President of Tynwald, as the case may be, elect one of their number in accordance with Schedule 1 to fill the vacancy in the elected members of the Council.

(4) The President of Tynwald and the Bishop shall not have the right to vote in an election under subsection (2)(a) or (c) or (3).

¹ 1995 c.13

² 1990 c.3

SCHEDULE 1

ELECTION OF MEMBERS OF LEGISLATIVE COUNCIL

Selection of elected members of Council

1. In any election of members of the Council under section 1A(2) one member shall be chosen from the elected members of Tynwald representing each of the following constituencies —

Douglas North

Douglas South

Garff

Middle

Onchan

Peel

Ramsey

Rushen

Casual vacancies

2. Paragraph 1 applies with any necessary modifications to an election under section 1A(3) as it applies to an election under section 1A(2).

Procedure for election

3. (1) Any proposal that a person be elected as an elected member of the Council shall be made in writing and delivered to the Clerk of Tynwald not less than 7 days before the sitting of Tynwald at which the election falls to be made.

(2) No person shall be so elected unless at least 17 votes are recorded in his favour.

(3) If a person has a majority of the votes of the members of Tynwald present and voting recorded in his favour but the majority is less than 17 votes, the members of Tynwald shall forthwith vote separately on the name of that person and, if he then receives a majority of at least 17 votes, he shall be elected a member of the Council.

(4) Where 2 or more persons receive a majority of the votes of the members of Tynwald present and voting but the majorities of those persons are less than 17 votes, Tynwald shall forthwith vote separately upon the name of the person who received the largest majority and so on in the order of their majorities. Where there is an equality in the amount of 2 or more majorities, the order in which such persons shall be voted upon separately shall be decided by lot.

(5) This paragraph has effect subject to paragraph 4.

Selection by elected members representing constituency

4. (1) Where a nomination complying with sub-paragraph (2) is delivered to the Clerk of Tynwald not less than 7 days before the sitting of Tynwald at which the sitting of Tynwald at which (apart from this paragraph) the election would fall to be made, the person thereby nominated shall be deemed to have been elected a member of the Council pursuant to section 1A(2)(c).

- (2) A nomination under sub-paragraph (1) shall —
 - (a) be in writing;
 - (b) nominate one of the members of Tynwald representing one of the constituencies specified in paragraph 1 as a member of the Council; and
 - (c) be signed by all of the members representing that constituency.
- (3) A nomination under sub-paragraph (1) shall be of no effect where the person nominated is —
 - (a) nominated as Chief Minister pursuant to section 1A(2)(a), or
 - (b) elected President of Tynwald pursuant to section 1A(2)(b).
- (4) Where a member of Tynwald representing any constituency is nominated in accordance with this paragraph, no member representing that constituency shall be eligible to be elected a member of the Council in accordance with paragraph 3.

CLAUSE 2: SCHEDULE 2

Page 2 line 1, for clause 2 substitute —

2. President of Tynwald

- (1) Tynwald shall from time to time by resolution elect an elected member of Tynwald to be President of Tynwald.
- (2) The person elected to be President of Tynwald shall forthwith go out of office as an elected member of Tynwald.
- (3) The office of President of Tynwald shall be vacated —
 - (a) on the death of the President of Tynwald;
 - (b) on his resignation by notice in writing to the Governor;
 - (c) on his removal by a resolution of Tynwald;
 - (d) the day of the first ordinary sitting of Tynwald held in the month during which falls the 5th anniversary of the sitting at which he was elected; or
 - (e) where he was elected to fill a casual vacancy, the day when the person in whose place he was elected would ordinarily have gone out of office;

and section 6(2) to (4) and (6) to (9) of the Representation of the People Act 1995 applies to the office of President of Tynwald as it applies to the seat of an elected member of Tynwald, with the substitution of references to the Governor for references to the President of Tynwald.

- (4) Where the seat of an elected member of Tynwald is vacated, his seat as a member of the Council or the Keys, as the case may be, shall also be vacated; and the seat of an elected member of the Council or member of the Keys may not be vacated otherwise than —
 - (a) on the vacation of his seat as a member of Tynwald,
 - (b) on his election to be President of Tynwald, or

- (c) in the case of a member of the Keys, on his election to be an elected member of the Council.

(5) Where the President of Tynwald goes out of office under subsection (3)(d) or (e), he shall be eligible for re-election; and accordingly the reference in subsection (1) to an elected member of Tynwald includes a reference to a retiring President of Tynwald who is eligible for re-election by virtue of this subsection.

(6) The Governor shall, as soon as may be after the vacation of the office of President of Tynwald (otherwise than under subsection (3)(d) or (e)), summon Tynwald for the purpose of electing the President of Tynwald.

2A. Office of Speaker

- (1) The members of the Keys shall —
 - (a) on their first assembling after the election of members of the Council under section 1A, and
 - (b) on the vacation of the office of Speaker under subsection (2)(a), (b) or (c),

forthwith proceed to elect one of their number to be Speaker.

- (2) The office of Speaker shall be vacated —
 - (a) on the death of the Speaker;
 - (b) on his resignation by notice in writing to the Secretary of the Keys;
 - (c) on his removal by a vote of the Keys;
 - (d) on the vacation of his seat as a member of the Keys;
 - (e) on the vacation of his seat as a member of Tynwald;
 - (f) by the dissolution of Tynwald.

CLAUSE 3

Page 2 line 24, for clause 3 substitute —

3. Voting in Tynwald

Notwithstanding anything from time to time contained in the standing orders of Tynwald, the Council and the Keys shall not vote separately on any question in Tynwald but shall vote as one body.

CLAUSE 4

Page 3 line 26, for clause 4 substitute —

4. Bill rejected by Council or Keys

- (1) Where a Bill —
 - (a) is passed by either Branch in any session, and
 - (b) having been sent to the other Branch, is not passed by that Branch within 12 months after it is sent,

it shall be placed on the order paper of the next available sitting of Tynwald, and the member of Tynwald by whom the third reading of the Bill was moved in the Branch by which it was passed shall move that it be approved by Tynwald.

(2) If that member fails or is unable to move a resolution under subsection (1), any other member of Tynwald may at that sitting move that the Bill be approved by Tynwald.

(3) A Bill placed on the order paper under subsection (1) and approved by the affirmative vote of at least 17 elected members of Tynwald shall be deemed to have been passed by both Branches and, if it is signed by not less than 17 members of Tynwald, both Branches shall be deemed to have concurred therewith, although it may not have been signed by a quorum of each Branch.

(4) A Bill to amend any of the Constitution Acts 1919 to 2003 shall not be treated as having been passed by the Keys for the purpose of subsection (1)(a) unless it has received at least 16 votes in its favour at the third reading.

(5) A Bill shall not be treated for the purpose of subsection (1)(b) as passed by a Branch unless it is passed either —

(a) without amendments, or

(b) with such amendments only as are approved by both Branches.

(6) In this section —

"Branch" means the Council or the Keys;

"elected member" means an elected member of the Council or a member of the Keys.

CLAUSE 9: SCHEDULES 2 & 3

Page 4 line 29, at the end insert —

"(3) The transitional provisions set out in Schedule 4 shall have effect."

Page 7, for Schedule 2 substitute —

Section 9(1).

SCHEDULE 2

AMENDMENT OF ENACTMENTS

The Constitution Act 1990 (c.6)

1. For section 5(2) substitute —

"(2) The office of Deputy President of Tynwald shall be vacated —

(a) on the death of the Deputy President of Tynwald;

(b) on his resignation by notice in writing to the President of Tynwald or, if the office of President of Tynwald is vacant, to the Governor;

(c) on his removal by a resolution of Tynwald."

The Representation of the People Act 1995 (c.13)

2. (1) In section 14(1), for paragraphs (f) and (g) substitute —
- (f) any member of Tynwald;
 - (g) any person who has served as a member of Tynwald in the session immediately preceding the election, or in the current session in the case of a by-election."
- (2) In section 15(a), for "the Keys" substitute "Tynwald".
- (3) In section 55, in the definition of "candidate", for "the Keys" substitute "Tynwald".
- (4) In section 56(1), for "the Keys" substitute "Tynwald".
- (5) In section 66, for "the Keys" (in each place) substitute "Tynwald".
- (6) In section 77 —
- (a) in the definition of "election", for "the Keys" substitute "Tynwald";
 - (b) for the definition of "member" substitute —
""member" means a member of Tynwald (other than the President of Tynwald, the Bishop or the Attorney General);".
- (7) In Schedule 1, in paragraphs 1, 51 and 52, for "the Keys" (in each place) substitute "Tynwald".
- (8) In Schedule 3 —
- (a) in paragraph 6, 8, 15 and 17(1), for "the Keys" substitute "Tynwald";
 - (b) in paragraphs 8, 14, 15, 17, for "Speaker" (in each place) substitute "President of Tynwald";
 - (c) in paragraph 17(2), for "he shall not sit or vote in the Keys until the Keys have been informed of the report on the petition" substitute "he shall not sit or vote in Tynwald, or in the Council or the Keys, until Tynwald has been informed of the report on the petition".
- (9) In Schedule 4 —
- (a) in paragraph 1 —
 - (i) for "the Keys" substitute "Tynwald";
 - (ii) for "Speaker" substitute "President of Tynwald";
 - (b) for paragraph 8 substitute —
- "8. In section 11 (constituencies), for "the number of members specified in relation thereto in column 2 of that table" substitute "one member".

Page 7, for Schedule 3 substitute —
Section 9(3).

SCHEDULE 3

ENACTMENTS REPEALED

| <i>Reference</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|------------------|---|--|
| X p.390 | The Isle of Man Constitution Amendment Act 1919. | Sections 6 to 23. Sections 25 and 26. |
| XIX p.586 | The Isle of Man Constitution Act 1961. | Section 2. Section 10. |
| XXI p.104 | The Isle of Man Constitution Act 1969. | The whole Act. |
| 1971 c.13 | The Isle of Man Constitution Act 1971. | The whole Act. |
| 1971 c.34 | The Isle of Man Constitution (Elections to Council) Act 1971. | The whole Act. |
| 1975 c.12 | The Isle of Man Constitution (Amendment) Act 1975. | The whole Act. |
| 1978 c.1 | The Constitution (Amendment) Act 1978. | The whole Act. |
| 1990 c.6 | The Constitution Act 1990. | Sections 2 and 3. In Schedule 1, paragraphs 3 and 4(1) and (2). |
| 1995 c.13 | The Representation of the People Act 1995. | In section 17(1), the words "or (b) becomes a member of the Council,". |

NEW SCHEDULE

Section 9(1).

SCHEDULE 4

TRANSITIONAL PROVISIONS

President of Tynwald

1. The person holding the office of President of Tynwald immediately before the 19th October 2006 shall remain in office as if he had been elected pursuant to section 2.

Existing members of the Council

2. The elected members of the Council holding office immediately before the 19th October 2006 shall go out of office on that date.

Registers of electors

3. The registers of electors to be prepared in 2006 pursuant to the Registration of Electors Act 1984³ shall, instead of being prepared for the constituencies specified in section 11 of the Representation of the People Act 1995 as it has effect on the passing of this Act, be prepared for the constituencies specified in the said section 11 as substituted by section A2.

Polling districts

4. Not later than the 31st March 2006 the Department of Local Government and the Environment shall exercise the functions conferred by section 12 of the said Act of 1995.

Dissolution of the Keys

5. (1) The Keys may not be dissolved pursuant to section 3 of the Representation of the People Act 1995 after the passing of this Act.

(2) The Keys shall stand dissolved on the 19th October 2006.

First election of members of Tynwald

6. The Governor shall, as soon as may be after the 19th October 2006, issue writs for a general election of members of Tynwald.

Isle of Man Board of Education

7. Where a casual vacancy in the members of the Isle of Man Board of Education arises after the 30th June 2006 and before the 1st October 2007 —

(a) no election to fill the vacancy shall be held; but

(b) the Department of Education shall, with his consent, appoint a person qualified to be elected a member of the Board to fill the vacancy,

and the person so appointed shall hold office until the member in whose place he was appointed would ordinarily have gone out of office.

³ 1984 c.3

CLAUSE 10

Page 4 line 30, for clause 10 substitute —

10. Short title and commencement

(1) This Act may be cited as the Constitution Act 2003, and the Constitution Acts 1919 to 1990 and this Act may be cited together as the Constitution Acts 1919 to 2003.

(2) The following provisions shall come into operation on the 1st January 2006 —

(a) section 9, so far as it relates to the provisions specified in paragraphs (c) and (d);

(b) this section;

(c) paragraph 1 of Schedule 2; and

(d) paragraphs 3, 4 and 5(1) of Schedule 4.

(3) Except as provided by subsection (2), this Act shall come into operation on the 19th October 2006.

Amendment to be moved by Mr Quayle

CLAUSE 2(5) - (see paragraph 3.7(d) of the Report)

Amendment to provide for eight single member electoral areas -

Replace Clause 2(5) with the following -

“for the purposes of an election of elected members, the Island shall be divided into 8 electoral areas specified in columns 1 and 2 of Schedule 1, and each electoral district shall return one member.”

Consequential amendment will then be required to Schedule 1.

Amendments to be moved by Mr Karran

CLAUSE 3

Page 2, after line 28 : insert a new subsection –

“(2) No member of the House of Keys may stand as a candidate for election to the Council.”,

and re-number the subsequent subsections.

CLAUSE 4

Page 3, line 29 : for the words “in each fifth year thereafter” substitute –

“in each 2 years and 6 months thereafter”.