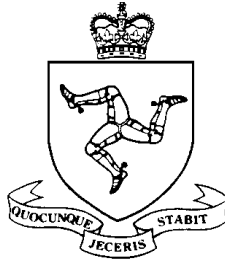


**REPORT OF THE STANDING ORDERS COMMITTEE  
OF THE LEGISLATIVE COUNCIL  
ON A REVIEW OF STANDING ORDERS**



## LEGISLATIVE COUNCIL

### REPORT OF THE STANDING ORDERS COMMITTEE ON A REVIEW OF STANDING ORDERS

To the Honourable President and Members of the Council

#### **Introduction**

1. Your Committee has undertaken a comprehensive review of the Council's Standing Orders. The aims of the review have been:
  - a) to ensure the Standing Orders are consistent with primary legislation and other constitutional developments;
  - b) to align the Standing Orders more closely with current practice in a number of areas where the two have diverged;
  - c) to remove redundant provisions;
  - d) to clarify the drafting and to render it gender-neutral; and
  - e) to make the layout and numbering easier to follow.

#### **Layout of the new draft in this Report**

2. The later pages of this Report contain a draft set of Standing Orders designed to address these points. The vast majority of the proposed new Standing Orders are based very closely on existing Standing Orders. The existing Standing Orders are therefore reproduced on facing pages to enable comparisons to be made.

3. Proposed new Standing Order 6.3 is based on a provision in the Standing Orders of Tynwald Court (3.36). Proposed new Standing Order 7.2 and the Annex are new, although the latter is based on previously existing material which was not part of Standing Orders.

#### **Power to introduce Government Bills**

4. Under point (a) above, your Committee has considered the provision in what is currently Standing Order 21(1) under which the Governor may still introduce Bills into the Legislative Council. This provision looks to your Committee inconsistent with the relationship between the Governor and Tynwald as it has developed over the past thirty years.
5. The nearest equivalent in the Standing Orders of the House of Keys is Standing Order 4.2 which allows Bills to be introduced into the Keys not by the Governor but by the Council of Ministers. Your Committee recommends as part of the new draft that the Council adopt a provision parallel to this. Your Committee has consulted with both His Excellency and the Chief Minister on this proposal and they have indicated that they are content.

#### **Other changes in the new draft**

6. The other changes in the new draft are self-explanatory.

#### **Recommendation**

7. That the Council adopt the new draft with immediate effect.

N Q Cringle (Chairman)  
C M Christian  
E G Lowey

February 2008

**NEW DRAFT**

**ISLE OF MAN**

**STANDING ORDERS  
OF THE  
LEGISLATIVE COUNCIL**

**Douglas  
2008**

Adopted by the Legislative Council on  
[date]

## NEW DRAFT

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## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 2. SITTINGS OF THE COUNCIL

The Council shall sit on such days, and at such hours, and in such places as the President of Tynwald (hereafter called "the President") may determine.

### 4. SUMMONS

- (1) The Council shall be assembled (except when meeting by adjournment) by notice sent under the authority of the Governor to each member of the Council by hand or by prepaid letter not less than two days before the date of the meeting, and addressed to the member's usual place of abode. The notice shall be deemed to reach a member when in the ordinary course of post it would be delivered at his usual place of abode.
- (2) In case of emergency, the President may summon the Council at shorter notice than above required, and in any manner by which intimation of a sitting may be given to a member; a record of such emergency shall be entered in the proceedings of the Council.
- (3) When the Council is sitting as part of Tynwald, the President may at his discretion verbally require the attendance of the members then present at a sitting of the Council without any other notice being required to be given.

### 3. ADJOURNMENT

The President may adjourn the Council of his own motion at any time, or may adjourn any particular business before the Council.

### 6. AGENDA

The President shall cause an agenda of matters to be brought before a sitting of the Council (other than an emergency sitting) to be prepared and circulated to the members as early as conveniently may be before the date of the sitting. A member desirous of bringing any matter before the Council shall give notice thereof in writing at a previous sitting or to the Clerk of the Council not less than five days before the date of the meeting of the Council at which he proposes to raise the matter.

## **NEW DRAFT**

### **I: SITTINGS OF THE LEGISLATIVE COUNCIL**

#### **1.1 SITTINGS OF THE COUNCIL**

The Legislative Council (in these Standing Orders referred to as “the Council”) shall sit on such days, and at such hours, and in such places as the President of Tynwald (in these Standing Orders referred to as “the President”) may determine.

#### **1.2 SUMMONS**

- (1) The Council shall be assembled (except when meeting by adjournment) by notice sent under the authority of the Governor to each member of the Council by hand or by prepaid letter not less than two days before the date of the meeting, and addressed to the member's usual place of abode. The notice shall be deemed to reach a member when in the ordinary course of post it would be delivered at that member's usual place of abode.
- (2) In case of emergency or in such other circumstances as the President may consider appropriate, the President may summon the Council at shorter notice than above required, and in any manner by which intimation of a sitting may be given to a member; a record of such emergency or other appropriate circumstances shall be entered in the proceedings of the Council.
- (3) When the Council is sitting as part of Tynwald, the President may require the attendance of the members then present at a sitting of the Council without any other notice being required to be given.

#### **1.3 ADJOURNMENT**

The President may at any time adjourn the Council or any particular business before the Council.

### **II: ARRANGEMENT OF BUSINESS**

#### **2.1 AGENDA**

- (1) The President shall cause an agenda of matters to be brought before a sitting of the Council (other than an emergency sitting) to be prepared and circulated to the members as early as conveniently may be before the date of the sitting.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 15. ORDER OF BUSINESS

The President shall from time to time determine the order in which he proposes to take the business before the Council.

### 5. ABSENCE

A member of the Council who is unable to attend when notified to do so shall inform the Clerk of the Council, for the information of the President, of his inability and apply to be excused.

### 10. OPENING OF SITTING

Members of the Council shall be in their places at the time appointed for the commencement of the sitting. The approach of the President shall be announced by the officer on duty and the members shall stand on the entrance of the President and remain standing until he has taken his seat.

### 11. ABSENCE OF PRESIDENT

- (1) If the President is absent from any sitting, Council shall elect some Member of the Council to preside thereat.
- (2) If only one Member is proposed and seconded, he shall be called to the Chair of the Council without question put.
- (3) If more than one member be proposed, the Clerk of the Council shall proceed to take the votes of the Members present by ballot, and shall then declare the result of the voting; and the Member receiving the majority of votes cast shall be elected. In the event of an equality of votes, the Clerk shall call for fresh nominations.
- (4) The President shall preside over the Council but he may designate a Member of the Council (hereinafter referred to as "the Chairman") to preside over a Committee of the whole Council, and the attendance of the President shall not then be necessary at a sitting of such Committee.

## **NEW DRAFT**

- (2) A member desirous of bringing any matter before the Council shall give notice thereof in writing –
  - (i) at a previous sitting; or
  - (ii) to the Clerk of the Council not less than five days before the date of the sitting at which the member proposes to raise the matter.

### **2.2 ORDER OF BUSINESS**

The President shall from time to time determine the order in which the business before the Council shall be taken.

## **III: GENERAL RULES OF PROCEDURE**

### **3.1 ABSENCE**

A member of the Council who is unable to attend when notified to do so shall inform the Clerk of the Council, for the information of the President, of such inability and apply to be excused.

### **3.2 OPENING OF SITTING**

Members of the Council shall be in their places at the time appointed for the commencement of the sitting. The approach of the President shall be announced by the officer on duty. The members shall stand on the entrance of the President and remain standing until the President has sat down.

### **3.3 ABSENCE OF PRESIDENT**

- (1) If the President is absent from any sitting, Council shall elect some member as acting President of the Council.
- (2) If only one member is proposed and seconded, that member shall be called to be acting President of the Council without question put.
- (3) If more than one member be proposed, the Clerk of the Council shall proceed to take the votes of the members present by ballot, and shall then declare the result of the voting; and the member receiving the majority of votes cast shall be elected. In the event of an equality of votes, the Clerk shall call for fresh nominations.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 12. PRAYERS

Prayers shall be read by the Lord Bishop or, in his absence by the President or in the absence of both by the Clerk of the Council before any business be proceeded with. No person shall enter or leave the Chamber while prayers are being read. The prayer, which shall be preceded by the Lord's Prayer, shall be in the following form or any such other form as the Council may from time to time by resolution determine:-

#### **The Lord's Prayer**

Almighty God, humbly acknowledging our need for Thy guidance in all things and laying aside all private and personal interests, we beseech Thee to grant that we may conduct the affairs of this Legislative Council and of our Island to the Glory of Thy Holy Name, the maintenance of true religion and justice, the honour of the Queen, and the public welfare, peace and tranquillity of the Isle of Man, through Jesus Christ our Lord - Amen.

### 13. QUORUM

A quorum of the Council shall consist of five members of Council exclusive of the President. If on a division at any stage of Bill it appears that a quorum is not present, the President or chairman shall declare the question not decided, and the debate thereon shall stand adjourned to the next sitting of the Council.

### 17. MOTIONS

A motion shall be moved by a member and seconded by another member before it can be debated. The President or chairman may require a motion to be put in writing before accepting the same.

### 19. AMENDMENTS, ETC

A motion may be opposed either by direct negative, or by amendment, or moving "the previous question". One amendment only may be submitted at one time. At the conclusion of the debate on the amendment, the amendment shall be put to the Council, and, if adopted, shall become the substantive motion or part thereof before the Council, and be subject to further amendment. When "the previous question" is carried, the matter then before the Council shall not be further proceeded with on that day.

## NEW DRAFT

### 3.4 PRAYERS

Prayers shall be read by the Lord Bishop, or in the Bishop's absence by the Chaplain of the House of Keys, or in the absence of both by the President or in the absence of all three by the Clerk of the Council before any business be proceeded with. No person shall enter or leave the Chamber while prayers are being read.

### 3.5 QUORUM

- (1) Subject to paragraphs (2) and (3), a quorum of the Council shall consist of five members.
- (2) In such exceptional circumstances as the President may determine, the quorum for a particular sitting shall consist of four members. Such determination, together with an explanation of the exceptional circumstances being relied on, shall be published as soon as practicable before the date of the relevant sitting.
- (3) Neither the President nor the Attorney General shall count towards the quorum.
- (4) If on a division at any stage of a Bill it appears that a quorum is not present, the President shall declare the question not decided, and the debate thereon shall stand adjourned to the next sitting of the Council.

### 3.6 MOTIONS

A motion shall be moved by a member and seconded by another member before it can be debated. The President may require a motion to be put in writing before accepting the same.

### 3.7 AMENDMENTS AND ADJOURNMENTS

- (1) A motion may be opposed either by direct negative or by amendment.
- (2) At the conclusion of the debate on any amendments, the President shall determine the order in which the amendments shall be put. If amendments are adopted, the amended motion or part thereof becomes the substantive question to be put to the Council.
- (3) Any motion or amendment may be adjourned by resolution of the Council.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 18. VOTING

- (1) All questions shall be decided by a majority of voices. At the conclusion of the debate the motion discussed shall be read by the President or Chairman and put to the voting of the members of the Council. The President or Chairman shall thereupon announce that the motion is carried, or lost, as the case may be. If no member of the Council calls for a division, the President or Chairman will thereupon declare the motion carried, or lost, as the case may be. Any member of the Council may call for a division immediately after the President or Chairman has intimated his opinion on the voting of the Council. A division shall thereupon be taken by the Clerk of the Council calling upon each member by name to state whether he votes for or against the motion and recording such votes. The Clerk shall report to the President or Chairman the votes for or against the motion and the President or Chairman shall thereupon declare the result of the count so taken.
- (2) The person presiding over the Council shall not vote, except where there is an equality of votes, in which case he shall have a casting vote.

### 20. WITHDRAWAL

A motion or amendment, after having been moved and seconded, can only be withdrawn by the unanimous leave of the Council.

### 14. SPEAKING

Members of the Council must address their speech to the President or Chairman, as the case may be. Members will normally speak sitting and uncovered, but a member may, if he so desires, stand while speaking. If two or more members desire to speak at the same time, the President or Chairman shall call upon the member who is to speak first. A member shall not speak after the question has been put, except to raise a point of order. A member may speak once or oftener, with the approval of the President or Chairman, on any question before the Council. Debate must be relevant to the question before the Council, and when more than one question has been put the debate must be relevant to the last question proposed until it has been disposed of. A member may by leave of the President or Chairman explain matters of a personal nature, although there is no question before the Council.

## NEW DRAFT

### 3.8 VOTING

- (1) All questions shall be decided by a majority of voices. At the conclusion of the debate the motion discussed shall be read by the President and put to the Council. The President shall thereupon announce that the motion is carried, or lost, as the case may be. If no member of the Council calls for a division, the President will thereupon declare the motion carried, or lost, as the case may be.
- (2) Any member of the Council may call for a division immediately after the President has intimated an opinion on the voting of the Council. Subject to paragraph (5) below, a division shall thereupon be taken by the Clerk of the Council calling upon each member by name to say "for" or "against" and recording such votes. The Clerk shall report to the President the votes for or against the motion and the President shall thereupon declare the result of the count so taken.
- (3) The President shall not vote, except where there is an equality of votes, in which case the President shall have a casting vote.
- (4) The Attorney General shall not vote.
- (5) Votes may be taken by a system of electronic voting in accordance with directions issued by the President.

### 3.9 WITHDRAWAL

A motion or amendment, after having been moved and seconded, can only be withdrawn by the unanimous leave of the Council.

### 3.10 SPEAKING

- (1) Members of the Council must address their speech to the President.
- (2) If two or more members desire to speak at the same time, the President shall call upon the member who is to speak first.
- (3) A member may speak once or more often, with the approval of the President, on any question before the Council.
- (4) Debate must be relevant to the business before the Council.
- (5) A member may by leave of the President explain matters of a personal nature, although there is no question before the Council.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 9. ADMISSION OF PUBLIC

The sittings of the Council shall normally be open to the public so far as the accommodation available will permit, but the Council by resolution may determine at any time that the Council shall sit in private.

### 28. STRANGERS TO WITHDRAW IF ORDERED

At any sitting of the Council, if any member move that strangers be ordered to withdraw, the President or chairman shall forthwith put the question without debate "That strangers be ordered to withdraw." If the question be carried in the affirmative, strangers shall be excluded from the Council Chamber.

### 16. ORDER

All questions of order shall be determined by the President, or, in the case of a committee of the whole Council or a special committee not presided over by the President, by the chairman of the committee.

### 7. BILLS

Prints of any Bills to be brought before the Council shall be circulated to the members thereof before the sitting of the Council. When a Bill has been introduced into the House of Keys and amended by that House, a reprint of the Bill so amended, or a memorandum of the amendments, shall, when practicable, be circulated to the members of the Council.

### 21. PUBLIC BILLS - INTRODUCTION

- (1) The Governor may cause any Bill to be introduced into the Council as a Government measure. Prints of such Bills shall bear an endorsement to the effect that the same have been prepared by the direction of the Governor.
- (2) Any member of the Council may ask leave to introduce a Bill into the Council, and, if the Council by resolution grant such leave, the Bill shall be printed and circulated by the Clerk of the Council.

## **NEW DRAFT**

### **3.11 ADMISSION OF PUBLIC**

The sittings of the Council shall normally be open to the public so far as the accommodation available will permit, but the Council by resolution may determine at any time that it shall sit in private.

### **3.12 STRANGERS TO WITHDRAW IF ORDERED**

At any sitting of the Council, if any member move that strangers be ordered to withdraw, the President shall forthwith put the question without debate "That strangers be ordered to withdraw." If the question be carried in the affirmative, strangers shall be excluded from the Council Chamber.

### **3.13 POINTS OF ORDER**

- (1) Any member may speak on a point of order (which the member must specify) suddenly arising.
- (2) A member shall not speak after the question has been put, except to raise a point of order.
- (3) All questions of order shall be determined by the President.

## **IV: BILLS**

### **4.1 BILLS - CIRCULATION**

Prints of any Bills to be brought before the Council shall be circulated to the members thereof before the sitting of the Council. When a Bill has been introduced into the House of Keys and amended by that House, a reprint of the Bill so amended, or a memorandum of the amendments, shall, when practicable, be circulated to the members of the Council.

### **4.2 PUBLIC BILLS - INTRODUCTION**

- (1) The Council of Ministers may cause any Bill to be introduced into the Council as a Government measure. Prints of such Bills shall bear an endorsement to the effect that the same have been prepared by the direction of the Council of Ministers.
- (2) Any member of the Council may ask leave to introduce a Bill into the Council, and, if the Council by resolution grant such leave, the Bill shall be printed and circulated by the Clerk of the Council.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

- (3) Bills shall be divided into clauses, each having a side note of the matter dealt with in the clause. A memorandum specifying the general purport of the Bill shall accompany the Bill.

### 22. **BILLS - CONSIDERATION**

#### (1) **Reading of Bills**

A Bill must be read three times and the motion for each reading of a Bill must be carried by a majority of the members present, otherwise the Bill is lost.

#### (2) **Stages**

Not more than one stage of a Bill shall be taken on the same day, unless Standing Orders are previously suspended.

#### (3) **First Reading**

The question to be put on the first reading is "That this Bill be now read a first time."

#### (4) **Second Reading**

The question to be put on the second reading is "That this Bill be now read a second time". If this motion is agreed to, and no motion is passed to refer the Bill to a special committee, it stands committed to a committee of the whole Council.

#### (5) **Committee**

A committee of the whole Council is formed by a resolution being passed to the effect that the Council do resolve itself into committee. Unless the Council shall otherwise decide, a Bill committed to a committee of the whole Council shall be considered clause by clause, or, if the President or chairman considers it advisable so to do, the sub-clauses of any clause may be considered separately. When all amendments to a clause have been disposed of, the question to be put shall be that the clause or the clause as amended, as the case may be, stand part of the Bill.

#### (6) **Resumption**

When all the clauses of a Bill including any preamble and schedules, have been dealt with, the sitting of the Council may be resumed on a resolution to that effect being passed.

#### (7) **Third Reading**

- (a) On the third reading of a Bill the question to be put is "That this Bill be now read a third time." Amendments may be moved on a third reading of a Bill, and when such amendments have been disposed of, the question to be put is "That this Bill do pass."
- (b) Any such amendment proposed on the third reading of a Bill shall not be carried or passed unless at least six members shall have voted in favour of such amendment.

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- (3) A memorandum specifying the general purport of the Bill shall accompany the Bill.

### 4.3 BILLS - CONSIDERATION

#### (1) Reading of Bills

A Bill must be read three times and the motion for each reading of a Bill must be carried by a majority of the members present, otherwise the Bill is lost.

#### (2) Stages

Subject to paragraph (5) below, not more than one stage of a Bill shall be taken on the same day, unless Standing Orders are previously suspended. The President and members shall have regard to the purpose of each stage as set out in the Annex.

#### (3) First Reading

The question to be put on the first reading is "That this Bill be now read a first time".

#### (4) Second Reading

The question to be put on the second reading is "That this Bill be now read a second time". If this motion is agreed to, and no motion is passed to refer the Bill to a special committee, the Clauses Stage shall follow in accordance with (5) below.

#### (5) Clauses Stage

Unless the Council shall otherwise decide, a Bill whose second reading has been agreed to shall thereupon be considered clause by clause, or, if the President considers it advisable so to do, the sub-clauses of any clause may be considered separately.

#### (6) Third Reading

- (a) On the third reading of a Bill the question to be put is "That this Bill be now read a third time".
- (b) Amendments may be moved on a third reading of a Bill. No such amendment shall be carried unless at least six members shall have voted in favour of it.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

**(8) Transmission to Keys of Bills passed by Council**

A Bill which has been first introduced into the Council and has been passed by the Council shall be signed by the President and transmitted to the House of Keys.

**(9) Procedure where amendments made in Council Bill by Keys**

If the House of Keys pass the Bill with amendments, the amended Bill shall again come before the Council. The Council may -

- (i)** agree with the amendments made by the House of Keys; or
- (ii)** reject the Keys' amendments; or
- (iii)** amend the Keys' amendments; or
- (iv)** disagree with the Keys' amendments with a view to a conference.

If the Council agree to the Bill as amended by the Keys, the Bill is then passed. If the Council reject to amend the Keys' amendments, the Bill shall be returned to the Keys, and if the Keys decline to agree with the Council's amendments, the Council may disagree with a view to a conference. If the Council disagrees with the amendments with a view to conference the Bill shall come again before the Council on the conclusion of the conference.

**(10) Procedure where Keys' Bill comes to Council**

A Bill which has been first introduced into the House of Keys and has come to the Council, shall, if any amendments have been made therein by the Council, be returned to the House of Keys, after the amendments have been initialled by the President. If the House of Keys disagree with amendments made by the Council, the Council may ask for a conference. The procedure as to conferences shall be followed with respect to each further amendment of any clause in question until the Keys and Council both agree to the amendment or one Branch declines to agree to the amendment or one Branch declines to agree and the other Branch insists on its amendment. The Council may at any stage ask for a further conference with the Keys, to endeavour to come to an agreement with the Keys, and such further conference shall be treated as being at the same stage of the Bill as the first conference thereon.

## **NEW DRAFT**

- (c) When any amendments have been disposed of, the question to be put is "That this Bill do pass".

### **4.4 PROCEDURE FOR BILLS FIRST INTRODUCED INTO THE HOUSE OF KEYS**

- (1) This Standing Order applies where a Bill has first been introduced into the House of Keys, has come to the Council, and has been amended by the Council.
- (2) A Bill to which this Standing Order applies shall be returned to the House of Keys after the amendments have been initialled by the President.
- (3) If the House of Keys rejects or amends the amendments made by the Council, the Council shall consider the Keys' amendments and shall act in accordance with Standing Order 4.6.

### **4.5 PROCEDURE FOR BILLS FIRST INTRODUCED INTO THE COUNCIL**

- (1) This Standing Order applies where a Bill has first been introduced into the Council and has been passed by the Council.
- (2) A Bill to which this Standing Order applies shall be signed by the President and transmitted to the House of Keys.
- (3) If the House of Keys amends the Bill, the Council shall consider the Keys' amendments and shall act in accordance with Standing Order 4.6.

### **4.6 COUNCIL CONSIDERATION OF KEYS' AMENDMENTS**

- (1) When the Council considers a Bill under this Standing Order it may –
  - (i) agree with the Keys' amendments; or
  - (ii) reject the Keys' amendments; or
  - (iii) amend the Keys' amendments; or
  - (iv) disagree with the Keys' amendments with a view to a conference.
- (2) If the Council agrees with the Keys' amendments, the Bill is passed.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 23. CONFERENCES

A conference between the Council and the House of Keys may, at the request of either body, be held during the consideration of any measure. The time and place for a conference shall be appointed by the President of Tynwald, and shall be attended by members of the Council or such members as the Council may appoint for that purpose, and the members of the House of Keys appointed to meet the Council. Conferences shall be held in private, and the proceedings thereat shall not be disclosed by any member present, but the conclusion arrived at by the conference shall be reported to the Council and the House of Keys. The President of Tynwald shall preside over the conference and shall determine the manner in which the matters before the conference shall be discussed.

*Amended October 2004*

### 32. PRIVATE BILLS: INTRODUCTION

Every private Bill (which includes a local and a personal Bill, and a Bill involving the taking of land) shall be introduced into the Council only on leave being given by the Council, on the motion of a member, or on leave being given by Tynwald. Such leave is given by the Council on the petition of the promoters, which petition may, if the Council think fit, be referred to a Committee to inquire whether the Standing Orders applicable thereto have been complied with. If a Committee be appointed, the Council shall decide whether leave be given or not, after the report of the Committee has been brought up.

### 33. DATE BY WHICH PRIVATE BILLS MUST BE INTRODUCED

No private Bill except those which have been passed by the House of Keys shall be considered by the Council unless the same be introduced and the printed copies delivered on or before the first day of meeting of the Council in April in the legislative year in which the same is to be discussed.

### 34. EXPENSES OF PRIVATE BILL

The expenses of taking notes of evidence before any committee, including the charges for a shorthand writer, if the committee decide that one shall be employed, and of the printing and distributing such notes and the report of the Committee, if required by the committee or the Council to be printed; also of printing and distributing the Bill, whether at first or after amendments, of engrossing or printing the Bill if passed, and of translation into the Manx language, if the Bill receives Royal Assent, and all expenses incurred in connection with the consideration of the Bill must be borne by the promoters. The amount payable in respect of expenses incurred by the Government must be paid by the promoters or their advocates to the Treasury to be accounted for to the public revenue. The amount payable shall be certified by the Chief Financial Officer.

### 35. TRAVELLING EXPENSES OF COMMITTEE DEALING WITH PRIVATE BILL

All members of the Council serving on a committee of the Council, to which any private Bill is referred, shall be entitled to receive their travelling expenses, the same being payable by the promoters of such private Bill to the Clerk of the Council.

## **NEW DRAFT**

- (3) If the Council rejects or amends the Keys' amendments it shall send the Bill back to the Keys. If the House of Keys rejects or amends the amendments made by the Council, the Council shall again consider the Keys' amendments and shall again act in accordance with this Standing Order.
- (4) If the Council disagrees with the Keys' amendments with a view to a conference it shall request a conference. On conclusion of a conference requested under this paragraph, the Bill shall come again before the Council.

### **4.7 CONFERENCES**

- (1) A conference between the Council and the House of Keys may at the request of either body be held during the consideration of any measure.
- (2) The procedure as to conferences shall be in accordance with the Standing Orders of Tynwald Court and shall be followed with respect to each further amendment of any clause in question until –
  - (i) the Keys and the Council both agree to the amendment; or
  - (ii) one Branch declines to agree and the other Branch insists on its amendment.

### **4.8 PRIVATE BILLS - INTRODUCTION**

Every Private Bill shall be introduced into the Council only on leave being given by the Council on the motion of a member. Such leave is given by the Council on the petition of the promoters, which petition may, if the Council think fit, be referred to a Committee to inquire whether the Standing Orders applicable thereto have been complied with. If a Committee be appointed, the Council shall on receiving the Committee's report decide whether leave be given or not.

### **4.9 EXPENSES OF PRIVATE BILL**

All expenses of a Private Bill shall be borne by the promoters.

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 29. PUBLIC PETITIONS

- (1) A petition may be presented to the Council through a member thereof. The member presenting the petition shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it and to the reading of the petition.
- (2) Every petition must be signed by the persons whose names are appended thereto by their names or marks, and in the case of a corporation aggregate, under its common seal.

### 31. PRIVATE PETITIONS

Private petitions are those which relate to private Bills. A private petition must be signed by the petitioner or his advocate, and presented by a member of the Council. On leave being given, the petitioner or his advocate may be heard on the matters raised by the petition. Any person to whom notice has been given of the introduction of any private Bill or the petition to Tynwald for leave to introduce such Bill may appear by himself or his advocate before the Council or a committee thereof without special leave being given. The Council may decide at what stage a private petitioner or his advocate or any noticed party may be heard.

### 25. MEMORIALS

A memorial to the Council may be presented by any member of the Council on behalf of the person or persons signing the same. A memorial shall be read by the Clerk of the Council at such time as the President may determine.

### 27. APPEARANCE BEFORE COUNCIL

No person shall have the right of appearing or being heard before the Council on any Bill of a general public character, but [subject to SO 26] any person particularly affected by a Bill before the Council in his personal or proprietary rights may present a memorial through a member of the Council for leave to be heard on the Bill in person or by counsel, or to give evidence on any matter, and the Council may by resolution resolve that such person be heard or may resolve to refer the Bill or any particular clauses of the Bill to a committee of the Council, before which persons affected thereby may appear in person or by counsel and may tender evidence. The report of the committee shall be presented to the Council by one of the members of the committee.

## NEW DRAFT

### V: PETITIONS, MEMORIALS AND APPEARANCES

#### 5.1 PUBLIC PETITIONS

- (1) A petition may be presented to the Council through a member thereof. The member presenting the petition shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it and to the reading of the petition.
- (2) Every petition must be signed by the persons whose names are appended thereto by their names, and in the case of a corporation aggregate, under its common seal.

#### 5.2 PRIVATE PETITIONS

- (1) Private petitions are those which relate to Private Bills.
- (2) A private petition must be signed by the petitioner or his or her advocate, and presented by a member of the Council.
- (3) On leave being given, the petitioner or his or her advocate may be heard on the matters raised by the petition.
- (4) Any person to whom notice has been given of –
  - (i) the introduction of any Private Bill; or
  - (ii) a petition for leave to introduce such a Billmay appear by himself or by his or her advocate before the Council or before a committee thereof without special leave being given.
- (5) The Council may decide at what stage a private petitioner or his or her advocate or any noticed party may be heard.

#### 5.3 MEMORIALS

A memorial to the Council may be presented by any member of the Council on behalf of the person or persons signing the same. A memorial shall be read by the Clerk of the Council at such time as the President may determine.

#### 5.4 APPEARANCE BEFORE COUNCIL

No person shall have the right of appearing or being heard before the Council on any Bill of a general public character, but any person particularly affected by a Bill before the Council in his or her personal or proprietary rights may

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### **26. MEMBERS OF TYNWALD AND THEIR PARTNERS WHO ARE ADVOCATES NOT TO APPEAR BEFORE COUNCIL**

A member of the Legislature who is a practising advocate of the Manx Bar, or any partner of such member, may not appear before the Council as an advocate in any matter and may not be retained by, or give professional advice or assistance to any person or corporation concerned or interested in any Bill, Petition, Memorial or Resolution submitted or intended to be submitted to the Council.

### **1. ENROLMENT OF COMMISSION OR CERTIFICATE OF APPOINTMENT AND TAKING OF OATHS**

Members of the Legislative Council (in these Standing Orders referred to as "the Council") must enrol their commissions or certificates of appointment in the General Registry, and take the oaths of fidelity to Her Majesty and the statutory or customary oath for the performance of their duties. The Clerk of the Rolls shall intimate to the Clerk of the Council when a member of the Council has enrolled his Commission on appointment and taken the necessary oaths.

### **8. DUTIES OF CLERK**

- (1)** The Clerk shall keep the Minutes of the Proceedings of the Council and of Committees of the Council.
- (2)** The Minutes shall record the names of the members attending and all decisions of the Council.
- (3)** In the case of a division of the Council or Committee of the whole Council, the Minutes shall include the numbers voting for and against the question, and the names of the members so voting.
- (4)** The Clerk shall be responsible for the custody of the records, Bills and other documents laid before the Council, which shall be open to inspection by members of the Council and other persons under such arrangements as may be sanctioned by the President.

## **NEW DRAFT**

present a memorial through a member of the Council for leave to be heard on the Bill in person or by counsel, or to give evidence on any matter, and the Council may by resolution resolve that such person be heard or may resolve to refer the Bill or any particular clauses of the Bill to a committee of the Council, before which persons affected thereby may appear in person or by counsel and may give evidence. The report of the committee shall be presented to the Council by one of the members of the committee.

### **5.5 MEMBERS OF TYNWALD AND THEIR PARTNERS WHO ARE ADVOCATES NOT TO APPEAR BEFORE COUNCIL**

A member of the Legislature who is a practising advocate of the Manx Bar, or any partner of such member, may not appear before the Council as an advocate in any matter and may not be retained by, or give professional advice or assistance to any person or corporation concerned or interested in any Bill, Petition, Memorial or Resolution submitted or intended to be submitted to the Council.

## **VI: DUTIES OF MEMBERS AND OFFICERS**

### **6.1 ENROLMENT OF COMMISSION OR CERTIFICATE OF APPOINTMENT AND TAKING OF OATHS**

Members of the Council must enrol their commissions or certificates of appointment in the General Registry, and take the oaths of fidelity to Her Majesty and the statutory or customary oath for the performance of their duties. The Clerk of the Rolls shall intimate to the Clerk of the Council when a member of the Council has enrolled his or her Commission on appointment and taken the necessary oaths.

### **6.2 DUTIES OF CLERK**

- (1)** The Clerk of the Council shall keep the Minutes of the Proceedings of the Council and of Committees of the Council.
- (2)** The Minutes shall record the names of the members attending and all decisions of the Council and of Committees of the Council.
- (3)** In the case of a division of the Council or a Committee of the Council, the Minutes shall include the numbers voting for and against the question, and the names of the members so voting.
- (4)** The Clerk shall be responsible for the custody of the records, Bills and other documents laid before the Council, which shall be open to

## EXISTING STANDING ORDERS ON WHICH THE NEW DRAFT IS BASED

### 24. CLERK TO TRANSMIT BILLS TO KEYS

The Clerk of the Council shall transmit to the House of Keys Bills which have been introduced into and passed by the Council or Bills which have come from the House of Keys and been amended by the Council.

### 30. SUSPENSION OF STANDING ORDERS

The Council may upon a motion of a member agreed to by a vote of at least five members, suspend all or any of the Standing Orders.

## **NEW DRAFT**

inspection by members of the Council and other persons under such arrangements as may be sanctioned by the President.

- (5) The Clerk shall transmit to the House of Keys Bills which have been introduced into and passed by the Council or Bills which have come from the House of Keys and been amended by the Council.

### **6.3 DUTIES OF MESSENGERS**

The Messengers shall take such steps as may be necessary to execute such orders as they receive from the President for the enforcement of Standing Orders.

## **VII: STANDING ORDERS**

### **7.1 SUSPENSION OF STANDING ORDERS**

The Council may, upon a motion of a member agreed to by a quorum, suspend all or any of the Standing Orders.

### **7.2 INTERPRETATION**

In Standing Orders 2.2, 3.5(4), 3.6, 3.7(2), 3.8, 3.10, 3.12, 3.13, 4.3, 4.4, 4.5 and 5.3 a reference to the President applies equally to –

- (1) an acting President of the Council elected under Standing Order 3.3;  
and
- (2) a member of the Council chairing a special committee of the Council.

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### ANNEX: THE STAGES OF A BILL

#### A.1 FIRST READING

- (1) The main purpose of the First Reading is to draw attention to the fact that the Bill is before the Council. Strictly, therefore, it is sufficient for the member in charge of the Bill to move the first reading formally.
- (2) The usual practice, however, is to give a brief outline of the purposes for which the Bill is introduced and for other members to indicate matters they may raise at a later stage. This is particularly valuable given the Council's practice of moving immediately from Second Reading to Clauses Stage (Standing Order 4.3(5)). If specific concerns can be indicated at First Reading, the member in charge has more time to consider those concerns, to seek advice on them, and to respond in a well-informed manner to any amendments arising at Clauses Stage.

#### A.2 SECOND READING

This stage is primarily concerned with the principle of a measure. At this stage debate is not strictly limited to the contents of the Bill, but other methods of obtaining its proposed object may be considered.

#### A.3 CLAUSES STAGE

This is the stage at which the wording of the Bill receives the most detailed attention. Each clause is usually moved separately and there is an opportunity for debate and amendment. Schedules are usually moved along with the clauses to which they are related.

#### A.4 THIRD READING

The purpose of the Third Reading is to review the Bill in its final form after the shaping it has received in the earlier stages. The debate is confined to the contents of the Bill and should not wander afield as it may on the Second Reading.

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