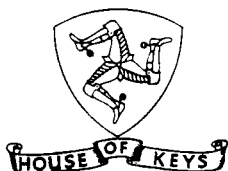


CONSTITUTION (AMENDMENT) BILL

**REPORT OF THE DELEGATION ELECTED
BY THE HOUSE ON 27TH NOVEMBER 2007**



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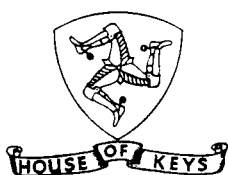
Hon P A Gawne MHK (Rushen) (Caairliagh)

Hon J A Brown MHK (Castletown)

Mr W M Malarkey MHK (Douglas South)

The remit of the Delegation was to:

*“Confer with the Council with regard to their amendments to the
Constitution (Amendment) Bill and to report to the House”.*



CONSTITUTION (AMENDMENT) BILL CONFERENCE BETWEEN THE HOUSE OF KEYS AND THE LEGISLATIVE COUNCIL

Introduction

1. The Constitution (Amendment) Bill was introduced into the House of Keys on 1st May 2007 and passed by the House on 23rd October 2007. It was introduced into the Legislative Council on 30th October 2007 and passed, with amendments, on 13th November 2007. The House of Keys considered the Council's amendments on 27th November 2007 and requested a conference. Meetings of the conference were held on 11th January, 5th February and 12th February 2008.

2. After these discussions, the delegations have agreed to recommend to their respective Branches the further amendments to the Bill set out in the Annex.

Section 10 vacancies

3. The Bill proposed a period of one month and 14 days for the making of proposals and their consideration before any election takes place. The Keys' proposal was that this period should commence *after* a vacancy had arisen. The Council had proposed that in the case of section 10 vacancies (i.e. the regular retirement of four members by rotation under section 10 of the Isle of Man Constitution Amendment Act 1919), the period should commence *one month and 14 days before* the vacancy arose.

4. After discussion, the conference agreed that it would be acceptable to provide that the period should commence *one month before* a vacancy arose under section 10. There would then be a 14-day period for the assessment of those nominated. This could be given effect by Amendment 1.

Timing of elections after the period of one month and 14 days has elapsed

5. The Bill proposed that elections be held after the period of one month and 14 days has elapsed, with that period running only after the Members had gone out of office. But, as the Bill was originally proposed by the Keys, there was no provision about *how long* after the period had elapsed the election should be held. The Council, by contrast, had proposed that the elections should be required to take place within a week of Members going out of office.

6. After discussion the conference agreed that it would be acceptable to provide that the elections take place *as soon as practicable* after the end of the period of assessment. This could be given effect by Amendments 2 to 3.

Completing the election in one day, adjourning the election etc

7. The Bill provided that the election should be completed in one day, subject to certain exceptions. As originally introduced into the Keys, the exception was that if the election process failed the Speaker could call for further nominations and thus initiate a fresh period of one month and 14 days. However, this provision was removed by an amendment in the Keys. The Council had proposed an alternative régime under which, if the election was not completed in one day, the Keys could adjourn to the next day, and with the additional safeguard that the election would be required to take precedence over all other Keys business.

8. The Council's intention was to provide that an election, once started on Day 1, could be adjourned to Day 2 and if necessary to Days 3, 4, and 5 etc for as long as it took to fill the vacancies. The Keys did not, however, accept that this was the effect of the amendment as drafted by the Council.

9. After discussion the conference agreed that it would be acceptable to provide that:

- the ability of the Speaker to re-initiate the election process by calling for further nominations, which had been removed in the Keys, should be restored;
- an expectation should remain that the part of the election process prior to any such re-initiation should be completed in one day if possible;
- nevertheless it should be possible to adjourn this part of the election process to the next day, but that this part of the election process would still take precedence over other Keys business.

These proposals could be given effect by Amendments 4 to 5.

P A Gawne

J A Brown

W M Malarkey

March 2008

ANNEX

Amendments recommended to both Branches by the Conference

Line and page references are to the second reprint of the Bill, i.e. that printed in the name of Mr Gawne and dated November 2007.

1 Page 2, line 16:

Delete “and 14 days”

2 Page 2, lines 35 to 36:

Delete “and not more than 21 days”

3 Page 2, line 37:

After “proposals” insert “, but as soon as practicable thereafter”.

4 Page 2, lines 38 to 42:

For subsection (1F) substitute –

(1F) (a) In this subsection –

(i) a “round of elections” means voting by the Keys on candidates proposed in accordance with subsections (1B) to (1D) or under subsection (1I); and

(ii) a round of elections is “completed” when all the vacancies have been filled or the Speaker has called for proposals under subsection (1K).

(b) Once the Keys have commenced a round of elections then, subject to paragraph (c), that round of elections must be completed on that day.

(c) A round of elections may be adjourned to the next day once only.

(d) When a round of elections appears on the Keys Order Paper for a sitting then, once it has commenced, no other business may be taken by the Keys sitting alone either that day or the next day until that round of elections is completed.

After subsection (1J) insert –

- (1K) If a vacancy remains in the Council after the members have been given the opportunity to make proposals under subsection (1I), the Speaker shall invite the members of the Keys to propose persons to be candidates for election to the Council.
- (1L) An invitation under subsection (1K) shall be treated as an invitation under subsection (1B) and subsections (1C) to (1K) shall apply accordingly.

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