

4. MOTION

**4.1. House of Keys Standing Orders Committee –
First Report 2017-18: Nomination of Chief Minister –
Report received and recommendation approved**

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move:

That the House of Keys Standing Orders Committee First Report for the Session 2017-2018 – Nomination of Chief Minister ([PP 2018/0061](#)) be received and the following recommendation approved:

Recommendation

We recommend the following Standing Orders be adopted as a new Chapter XII of Keys Standing Orders (as well as the amendment to Standing Order 6.3(6))

Sitting to nominate a Chief Minister

12.1 Notwithstanding Standing Order 1.1, a sitting of the House for the purpose of nominating a Chief Minister shall be held not less than ten and not more than fourteen days –
(a) after a General Election of Members of the House of Keys; or
(b) after the sitting at which a resolution of no confidence in the Council of Ministers is passed under section 2(3)(b) of the Council of Ministers Act 1990; or
(c) after a casual vacancy in the office of Chief Minister has arisen.
(in consequence of Council of Ministers Act 1990, s. 2(2))¹

Proposal for nomination as Chief Minister and statement by nominee

12.2 (1) A proposal for the nomination of a Member as Chief Minister shall be made in writing and delivered to the Secretary of the House not less than seven days before the sitting to which Standing Order 12.1 refers.

(Council of Ministers Act 1990, s. 2(2A))

(2) A person proposed for nomination under paragraph (1) shall submit to the Secretary of the House, not less than five days before the sitting referred to in that paragraph, a written statement specifying the policies which, if appointed, he intends to pursue.

(in consequence of Council of Ministers Act 1990, s. 2(2B))

(3) Any proposal for nomination or statement submitted under this Standing Order shall, on receipt, be sent by the Secretary of the House to each Member.

(in consequence of Council of Ministers Act 1990, s. 2(2B))

(4) A statement submitted under paragraph (2) shall be laid before the House at the sitting to which Standing Order 1.5.1 refers.

Nomination of Chief Minister

12.3 (1) Unless Standing Order 12.2 has been satisfied, no vote shall be taken on a proposal to nominate a Member as Chief Minister.

(Council of Ministers Act 1990, s. 2(2B))

(2) Where more than one proposal for the nomination of a Member as Chief Minister has been made –

(a) an election shall take place in accordance with the procedure set out in Standing Order 6.3(4) to (6), (9), (10) and (12); and where Standing Order 6.3(10) has been applied and no Member is successful in the election, the Speaker shall adjourn the House in the same manner as in Standing Order 12.5;

(b) the Speaker shall put to the House the motion that the Member who was successful in that election be nominated as Chief Minister;

(c) if a division is called for, the motion shall be declared carried if it is supported by no fewer than thirteen Members present and voting.

(Council of Ministers Act 1990, s. 2(2))

12.4 In any ballot under Standing Order 12.3, notwithstanding any other provision in Standing Orders, the results to be read out at each stage shall include not only the number of votes recorded for each candidate but also for which candidate each Member has voted and whether any Member has cast an invalid vote.

12.5 Notwithstanding the provisions of Standing Order 12.2 –

(a) in the event that the Speaker considers that no candidate is likely to receive thirteen votes, the Speaker shall adjourn the House to later the same day and call for fresh nominations; and

(b) if the Speaker considers that there is no prospect of reaching agreement that day, the Speaker shall adjourn the House until the next day.

In Standing Order 6.3(6), to add at the end the words ‘unless electronic voting is used’.

¹ *The Act, as amended, provides that a nomination to the Governor shall be made by a resolution supported by no fewer than 13 members of the House of Keys present and voting at a sitting of the House of Keys held one month after one of the events mentioned in Standing Order 1.5.1 (a), (b) or (c).*

The Speaker: Item 4 on our Order Paper, and I call on Mr Cregeen to move the motion.

Mr Cregeen: Thank you, Mr Speaker.

At the January 2018 sitting, Tynwald sent the Council of Ministers (Amendment) Bill 2016 for Royal Assent with the consent of the House of Keys only. Under the provisions of the Constitution Act 2006, the Act moves election of the Chief Minister from Tynwald to the House of Keys.

I move on behalf of the House of Keys Standing Orders Committee that the First Report for the Session 2017-18 – Nomination of the Chief Minister be received and the recommendations approved.

I beg to move.

The Speaker: Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: Miss Bettison.

Miss Bettison: Thank you and I thank the work of the Standing Orders Committee in bringing this to us.

There is one small point I would like to make in 12.2 part (2), where we have gone away from gender neutrality in our Standing Orders and legislation and we have mentioned that ‘if appointed, *he* intends to pursue’ and I would be keen if we could perhaps consider whether this is how we wish to move forward, when in even just the most recent Chief Minister’s election we did not have three men as candidates; we had two men and one woman in our hon. colleague from Douglas South.

So I would just like a comment from the Committee with regard to that.

The Speaker: Hon. Member, Mr Malarkey.

Mr Malarkey: Thank you, Mr Speaker.

Just some clarification please with regard to 12.2, the nomination of Chief Minister. It does not say whether we need a seconder or any assenters. For us to nominate and have Members of the Legislative Council, we now need four Members in this Hon. House. Are we saying here that we only just need one nomination as to who is Chief Minister or not? Does it not need a seconder or maybe some assenters to give them a few more votes within the nominations?

And also I point to 12.4, where it says 'whether a Member has cast an invalid vote' – what is classed as an invalid vote? Surely if there are maybe three candidates, and I do not consider any of the three candidates to be suitable for the position of Chief Minister and I decide not to vote for any of them, does that make mine an invalid vote?

I think you should have the right not to vote if you do not think any of the candidates standing at that time are suitable candidates, because Mr Speaker then calls in the afternoon for fresh nominations, and you might have someone else in mind who might be lined up because none of the three candidates that morning have been suitable. So why can you then punish somebody for having an invalid vote? Are you telling us you only have to just vote or you cannot vote against both?

Just a bit of clarification, Mr Speaker, please.

The Speaker: Mrs Corlett, Hon. Member for Douglas Central.

Mrs Corlett: Thank you, Mr Speaker.

Just to follow on from Miss Bettison's remarks regarding gender neutrality, I too wanted to remove the assumption in 12.2 item (2) that all future Chief Ministers would be male, but rather than amend that one item, I feel we need to make our Standing Orders gender neutral and will be bringing a motion forward at the next sitting to that end.

The Speaker: Mr Hooper:

Mr Hooper: Thank you, Mr Speaker.

I would just like to briefly comment on 12.2. The wording in 12.2 is actually not drawn from Standing Orders; it is in consequence of the Council of Ministers Act 1990, so that is the wording taken directly from the legislation.

So if you would like to make the Standing Orders gender neutral, unfortunately you will have to be tabling amendments to the Bill itself, rather than just to our Standing Orders, I feel.

The Speaker: Mr Cregeen to reply to the debate.

Mr Cregeen: Thank you, Mr Speaker.

This is a straight lift from the Tynwald Standing Orders with a few amendments in. All proposals do require a seconder.

Mr Malarkey: Just a seconder?

Mr Cregeen: A seconder, yes.

I beg to move.

The Speaker: Right, the question before the House is at Item 4. *(Interjection by Mr Malarkey)*

I do not intend to read out the entire motion. Those in favour please say aye; against, no. The ayes have it.

A division was called for.

Mr Malarkey: You did not answer my question about the vote.

Electronic voting resulted as follows:

FOR

Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

AGAINST

Mr Malarkey

The Speaker: With 23 votes for, 1 against, the ayes have it. The ayes have it.

Hon. Members, that completes the work before the House this morning. We now stand adjourned until Tuesday, 8th May in our own Chamber.

The House adjourned at 11.23 a.m.