



# **STANDING ORDERS OF THE LEGISLATIVE COUNCIL**

**UPDATED EDITION FEBRUARY 2013**

## EDITORIAL NOTE

Standing Orders were first adopted by the Legislative Council in 1932. They were comprehensively reviewed in 2007/08 and the new Standing Orders were adopted on 26<sup>th</sup> February 2008. The present edition is based on the 2008 text and incorporates the amendments made by the Council which are set out below, superseding the September 2011 consolidated edition (PP 0130/11). The Annex is part of the text approved by the Council. The footnotes have been added editorially.

<b>Date</b>	<b>Standing Order(s) affected</b>
27 <sup>th</sup> April 2010	3.6, 7.2
18 <sup>th</sup> December 2012	4.2, 4A.1, 4A.2

Clerk of the Council  
25<sup>th</sup> February 2013

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

### **Sittings of the Council**

- 1.1** 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.

### **Summons**

- 1.2** (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.

### **Adjournment**

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

## **II: ARRANGEMENT OF BUSINESS**

### **Order Paper**

- 2.1** (1) The President shall cause an Order Paper 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.

- (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.

### **Order of business**

- 2.2 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**

### **Absence**

- 3.1 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.

### **Opening of Sitting**

- 3.2 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.

### **Absence of President**

- 3.3 (1) If the President is absent from any sitting, the Council shall elect a 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.

### **Prayers**

- 3.4 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.

### **Quorum**

- 3.5** (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.

### **Questions and motions**

- 3.6** (1) 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.
- (2) Subject to the discretion of the President, no Question or motion shall refer to any matter which is *sub judice*.<sup>1</sup>

### **Amendments and adjournments**

- 3.7** (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.

### **Voting**

- 3.8** (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

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<sup>1</sup> 3.6(2) inserted 27<sup>th</sup> April 2010

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.

### **Withdrawal**

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

### **Speaking**

- 3.10**
- (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.

### **Admission of public**

**3.11** 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.

### **Strangers to withdraw if ordered**

**3.12** 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.

### **Points of order**

- 3.13** (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**

### **Bills - circulation**

**4.1** 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.

### **Public Bills - introduction**

- 4.2** (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.
- (1A) A Bill may be introduced into the Council if it has been passed by the Keys.<sup>2</sup>
- (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.
- (3) A memorandum specifying the general purport of the Bill shall accompany the Bill.

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<sup>2</sup> 4.2(1A) inserted 18<sup>th</sup> December 2012

## **Bills – consideration**

### **4.3**

#### *Reading of Bills*

- (1) 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.

#### *Stages*

- (2) 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.

#### *First reading*

- (3) The question to be put on the first reading is “That this Bill be now read a first time”.

#### *Second reading*

- (4) 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.

#### *Clauses stage*

- (5) 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.

#### *Third reading*

- (6)
  - (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.
  - (c) When any amendments have been disposed of, the question to be put is “That this Bill do pass”.

#### **Procedure for Bills first introduced into the House of Keys**

- 4.4** (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.

#### **Procedure for Bills first introduced into the Council**

- 4.5** (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.

#### **Council consideration of Keys' amendments**

- 4.6** (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.
- (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.

### **Conferences**

- 4.7** (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.

### **Private Bills – introduction**

- 4.8** 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.

### **Expenses of private Bill**

- 4.9** All expenses of a private Bill shall be borne by the promoters.

## **IV(A): COMMITTEES**

### **Standing Orders Committee**

- 4A.1** (1) There shall be a Standing Orders Committee to consider the Standing Orders of the Council.
- (2) The Committee shall be composed of HM Attorney General and three other Members.<sup>3</sup>

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<sup>3</sup> 4A.1 inserted 18<sup>th</sup> December 2012. Location of insertion corrected editorially.

### **Expiry of appointment to committee or deputation**

- 4A.2** (1) When a person ceases to be a Member of the Council, his or her membership of any committee of the Council, or of any deputation of the Council to a Bill conference, is vacated but he or she –
- (i) must continue to serve on the committee or deputation until a successor is elected; and
  - (ii) remains eligible to be re-elected as a member of the committee or deputation if otherwise qualified.<sup>4</sup>

## **V: PETITIONS, MEMORIALS AND APPEARANCES**

### **Public petitions**

- 5.1** (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.

### **Private petitions**

- 5.2** (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 Bill
- may appear by himself or by his or her advocate before the Council or before a committee thereof without special leave being given.

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<sup>4</sup> 4A.2 inserted 18<sup>th</sup> December 2012. Location of insertion corrected editorially.

- (5) The Council may decide at what stage a private petitioner or his or her advocate or any noticed party may be heard.

### **Memorials**

- 5.3** 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.

### **Appearance before Council**

- 5.4** 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 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.

### **Members of Tynwald and their partners who are advocates not to appear before Council**

- 5.5** 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**

### **Enrolment of commission or certificate of appointment and taking of oaths**

- 6.1** 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.

### **Duties of Clerk**

- 6.2 (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 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.

### **Duties of Messengers**

- 6.3 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**

### **Suspension of Standing Orders**

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

### **Interpretation**

- 7.2 (1) 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 –
- (i) an acting President of the Council elected under Standing Order 3.3; and
- (ii) a Member of the Council chairing a special committee of the Council.
- (2) “*Sub judice*” includes any civil case in which papers for the commencement of proceedings have been filed in the office of any

court or tribunal, whether or not they have been served on or communicated to the other party or any criminal case where a person has been charged or summoned to appear at court. A case will remain *sub judice* until it is discontinued, or judgment has been or verdict and sentence have been delivered and until the time for appealing has expired; it will continue to be *sub judice* after papers for the commencement of any appeal have been lodged until judgment or discontinuance.<sup>5</sup>

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<sup>5</sup> 7.2(2) inserted 27<sup>th</sup> April 2010

## **ANNEX: THE STAGES OF A BILL**

### **First reading**

- A.1** (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.

### **Second reading**

- A.2** 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.

### **Clauses stage**

- A.3** 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.

### **Third reading**

- A.4** 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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