

## CONSTITUTION BILL 2007

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### Explanatory Memorandum

1. The Bill is a Private Member's Bill to create a unicameral legislature by dissolving the Legislative Council and transferring the functions of the legislature and Tynwald Court (with the exception of the St John's sitting) to an enlarged House of Keys.
2. Part 1 (*clauses 1 to 3*) sets out the constitution of Tynwald Court. It provides for the Court to meet once in each year and sets out the business of the court.
3. Part 2 (*clauses 4 to 8 and Schedule 1*) deals with the constitution of the legislature (the House of Keys). The House will consist of the Speaker, 32 elected members, the Attorney General and the Bishop. This Part provides for the appointment of the Speaker, the meetings of the House and the business of the house. Provision is made for the continuation of the privileges of the House.
4. Part 3 (*clauses 9 to 11*) establishes a new statutory committee of the House of Keys to be called the Scrutiny of Legislation Committee and provides for its meetings and business.
5. Part 4 (*clauses 12 to 16 and Schedules 2 to 4*) contains supplemental provisions. Clause 12 provides for Royal assent to be given to Bills passed by the House of Keys. Clause 13 deals with the dissolution of the Legislative Council. Clause 14 defines certain expressions used in the Bill. Clause 15 introduces Schedules 2 to 4 which contain consequential amendments and modifications. Clause 16 provides a short title and provides for commencement by appointed day order.
6. The implementation of the Bill may entail some expenditure.
7. In the view of the member moving the Bill, its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

## **Arrangement of Sections**

### PART 1

#### THE HIGH COURT OF TYNWALD

1. Constitution of the Court
2. Meetings of the Court
3. Business of the Court

### PART 2

#### THE LEGISLATURE

4. Constitution of the House of Keys
5. The Speaker
6. Meetings of the House
7. Business of the House
8. Privileges, etc. of the House

### PART 3

#### SCRUTINY OF LEGISLATION COMMITTEE

9. Constitution of the Scrutiny of Legislation Committee
10. Meetings of the Scrutiny Committee
11. Business of the Scrutiny Committee

### PART 4

#### SUPPLEMENTAL

12. Royal assent to Bills
13. Dissolution of Legislative Council

- 14.** Interpretation
- 15.** Consequential amendments and modifications
- 16.** Short title and commencement

SCHEDULES :

- Schedule 1 — Amendment of Representation of the People Act 1995
- Schedule 2 — Consequential amendments
- Schedule 3 — Modification of enactments, etc
- Schedule 4 — Transfer of property and staff

## A BILL

to require members of Tynwald to be subject to popular election; to make new provision for the constitution of the House of Keys and the Legislative Council; and for connected purposes.

**W**E, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

### PART 1

#### THE HIGH COURT OF TYNWALD

1. The High Court of Tynwald (“the Court”) shall consist of — Constitution of the Court
- (a) the Governor;
  - 5** (b) the First Deemster;
  - (c) the Second Deemster;
  - (d) the Deputy Deemster;
  - (e) the Attorney General;
  - (f) the Bishop;
  - 10** (g) the beneficed clergy of the Island;

- (h) the Speaker of the House of Keys;
- (i) the members of the House of Keys;
- (j) the Coroners for the Sheadings of Glenfaba, Michael, Ayre, Garff, Middle and Rushen;
- (k) the Captains of the parishes; and **5**
- (l) such other persons and the holders of such other offices as the Governor may, by order made with the consent of the House of Keys, declare.

Meetings of  
the Court

**2.** (1) The Court shall meet in public session at St John's on 5 July in each year (or if that day is a Saturday or a Sunday, on the Monday next following). **10**

(2) When meeting in accordance with subsection (1), the Court and its members shall have the same rights, powers and privileges as they would have had at a meeting of Tynwald Court before the commencement of this Act. **15**

Business of  
the Court

[c.3]

- 3.** The business of the Court shall be —
- (a) the promulgation of Acts of Tynwald in accordance with the Promulgation Act 1988;
  - (b) the swearing in of the Coroners;
  - (c) the receiving of petitions for the redress of grievance; **20**  
and
  - (d) such other business as the Court may determine.

## PART 2

### THE LEGISLATURE

Constitution  
of the House  
of Keys

**4.** (1) The legislature of the Island shall consist only of the House of Keys ("the House") as constituted in accordance with this Act. **25**

(2) The House shall consist of —

- (a) the Speaker of the House;
- (b) 32 members elected pursuant to the Representation of the People Act 1995; **30**

[c.13]

- (c) the Attorney General; and
  - (d) the Bishop.
- (3) The Bishop and the Attorney General shall not —
- 5 (a) be obliged to attend sittings of the House or committees of the House;
  - (b) be reckoned towards a quorum of the House or committees of the House;
  - (c) have the right to vote in the House or committees of the House.
- 10 (4) Subsection (3) is subject to section 10(3).
- (5) The members of the House shall have all such rights, powers and privileges as were exercisable by a member of Tynwald immediately before the date on which this Act comes into operation.
- 15 (6) The amendments in Schedule 1 shall have effect with respect to the election of members of the House and the other matters specified in that Schedule.
5. (1) The House shall —
- The Speaker
- 20 (a) within the 3 months preceding the dissolution of the House under section 2 of the Representation of the People Act 1995; or
  - (b) forthwith on a proclamation dissolving the House being made under section 3(1)(b) of that Act,
- 25 elect one person from those specified in section 4(2)(a) and (b) to be the Speaker of the next House and for the whole of the term of that House.
- (2) In the event of a temporary vacancy in the office of Speaker occurring during the term of the House, the House shall elect one person from those specified in section 4(2)(b) to be the
- 30 Speaker of the House for the remainder of the term of the House.
- (3) In the event of a Speaker being elected pursuant to subsection (2), the seat of the member so elected shall be vacant and the member shall within 7 days report the vacancy to the
- 35 Governor, stating the name of the constituency by which a new member is to be returned.

(4) There shall be a temporary vacancy in the office of Speaker —

(a) on the death of the Speaker;

(b) on resignation of office by notice in writing to the members of the House; **5**

(c) on removal by a vote of the House.

(5) A person elected Speaker under this section shall be eligible for re-election.

(6) The Speaker shall not vote in the House or in any committee of the House except where there is an equality of votes, when he shall exercise a casting vote. **10**

Meetings of  
the House

**6.** (1) As soon as practicable after a general election of the House, the Speaker or, if the office of Speaker is vacant, the Governor shall summon the members of the House to assemble.

(2) After the first meeting, the House shall meet pursuant to a lawful summons or by adjournment. **15**

(3) The Speaker, upon receipt of a request signed by a majority of the members of the House, shall, in the usual manner, and with all reasonable speed, convene a meeting of the House.

Business of  
the House

**7.** (1) The House shall, in accordance with the standing orders of the House, consider and, if thought fit, pass or approve such Bills and public documents put before it. **20**

(2) The House shall not submit a Bill to Her Majesty for Her assent until the House has considered and resolved upon such recommendations as may be made in a report to the House under section 11(1). **25**

(3) The House shall have all such other functions as were exercisable by the House of Keys, the Legislative Council and the Tynwald Court (with the exception of those to be exercised by the Court under section 3) immediately before the date on which this Act comes into operation. **30**

(4) The business of the House shall be conducted in accordance with the standing orders of the House.

Privileges,  
etc. of the  
House

**8.** The House shall have all such rights, powers and privileges as were exercisable by the House of Keys, the Legislative Council **35**

and the Tynwald Court immediately before the date on which this Act comes into operation.

PART 3

SCRUTINY OF LEGISLATION COMMITTEE

- 5** **9.** (1) There shall be a Scrutiny of Legislation Committee of the House (“the Scrutiny Committee”) which shall consist of — Constitution of the Scrutiny of Legislation Committee
- (a) the Speaker;
  - (b) 5 members of the House elected under subsection (2);
  - (c) the Attorney General; and
- 10** (d) the Bishop.
- (2) At the sitting of the House held under section 6(1), the House shall elect 5 members to be members of the Scrutiny Committee under subsection (1)(b) who shall hold office until the next dissolution of the House unless earlier discharged from membership by resolution of the House.
- 15**
- (3) In the event of a vacancy (for whatever reason) in the members of the Scrutiny Committee elected under subsection (2), the House shall, as soon as practicable, elect a member to fill the vacancy.
- 20** (4) The Scrutiny Committee may take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876. [IV p.473]
- 25** **10.** (1) The Scrutiny Committee shall meet when summoned by the Speaker and on such other occasions as may be provided by the standing orders of the House. Meetings of the Scrutiny Committee
- (2) The Scrutiny Committee shall meet in public.
  - (3) All members of the Scrutiny Committee shall attend its meetings unless given leave of absence by the Speaker.
  - (4) The business of the Scrutiny Committee has precedence over that of all other committees of the House.
- 30**
- 11.** (1) The Scrutiny Committee shall review all Bills passed by the House before they are submitted for Royal Assent and shall report back to the House on each Bill within 60 days of receiving it. Business of the Scrutiny Committee

[c.14] (2) If it appears to the Council of Ministers that a Community instrument made after the commencement of this Act has or will have effect in the Island by virtue of section 2 of the European Communities (Isle of Man) Act 1973, Council shall refer the instrument to the Scrutiny Committee who shall consider the instrument and may send a report to the House in respect of the instrument. **5**

(3) The business of the Scrutiny Committee shall be conducted in accordance with the standing orders of the House.

## PART 4

### SUPPLEMENTAL

**10**

Royal assent to Bills **12.** (1) Her Majesty may assent to a Bill by and with the advice and consent of the members of the House notwithstanding any law or custom to the contrary.

(2) A Bill which receives the Royal Assent pursuant to subsection (1) shall be known as an Act of Tynwald and shall have the same force and effect as an Act of Tynwald had immediately before the date on which this Act comes into operation. **15**

Dissolution of Legislative Council **13.** (1) The Legislative Council and the office of President of the Council are dissolved with effect from the appointed day.

(2) Notwithstanding any enactment to the contrary, the President and 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). **20**

Interpretation **14.** In this Act — **25**

“the Court” means the High Court of Tynwald;

“the House” means the House of Keys;

“the Scrutiny Committee” means the Scrutiny of Legislation Committee of the House.

Consequential amendments and modifications **15.** (1) The enactments specified in Schedule 2 are amended in accordance with that Schedule. **30**

(2) Subject to any express provision to the contrary contained in Schedule 2 or an order under subsection (4), the modifications set out in Schedule 3 shall have effect.

(3) Schedule 4 (transfer of property and staff) shall have effect.

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

(5) An order under subsection (4) shall not come into operation unless it is approved by the House.

**16.** (1) This Act may be cited as the Constitution Act 2007.

Short title and commencement

**10** (2) This Act shall come into operation on such day or days as may be appointed by order made by the Governor in Council.

(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.

## SCHEDULES

## Section 4(6) SCHEDULE 1

AMENDMENT OF REPRESENTATION OF THE PEOPLE ACT 1995  
(1995 c.13)

1. In section 5, the words “otherwise than by reason of his own resignation under section 6(10),” shall cease to have effect.
2. In section 6 —
  - (a) in subsection (3), the words “, or by the President of Tynwald, as the case may be” shall cease to have effect;
  - (b) in subsection (9), the words “other than the Speaker” shall cease to have effect;
  - (c) subsection (10) shall cease to have effect.
3. Section 9 shall cease to have effect.
4. for section 11 substitute —
 

“Constituencies **11.** (1) For the purposes of an election, the Island shall be divided into 16 constituencies, and each constituency shall return and be represented by 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 the Keys.

(4) On receipt of a report under subsection (3) the Keys 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 the Keys so resolve, 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 the Keys.”
5. Schedule 1 shall cease to have effect.

Section 15(1)

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

PART 1

CONSTITUTIONAL ACTS

*The Tynwald Proceedings Act 1876 (IV p.473)*

1. In section 2 —
  - (a) for the definition of “House” substitute —

“House” means the House of Keys;”
  - (b) in the definition of “Committee”, for “either” substitute “the”;
  - (c) in the definition of “Resolution”, for “either” substitute “the”.
  
2. In section 3 —
  - (a) for “either”, wherever occurring, substitute “the”;
  - (b) in paragraph (a), for “President of Tynwald” substitute “Governor”;
  - (c) paragraph (b) shall cease to have effect.
  
3. In section 4, for “either”, wherever occurring, substitute “the”.
  
4. In section 5, for “either” substitute “the”.
  
5. In section 6, for “either”, in the first place it occurs, substitute “the”.
  
6. In section 7 —
  - (a) for “President of Tynwald” substitute “Governor”;
  - (b) the words “or the Legislative Council” shall cease to have effect.
  
7. In section 8, for “either” substitute “the”.
  
8. In section 10, for “the Court”, wherever occurring, substitute “the House”.
  
9. In section 13, for “either” substitute “the”.

*Isle of Man Constitution Amendment Act 1919 (X p.390)*

10. The whole Act shall cease to have effect.

11. Section 2 shall cease to have effect.

12. For section 2A substitute —

“Adjournment of House of Keys by proxy **2A.** Whenever it may be necessary to adjourn the House of Keys from one day to another or from place to place, without the House of Keys having assembled, it shall be lawful for the Speaker by writing, under his hand, to authorize the Secretary to the House of Keys to attend at the place and time for which the House has been convoked and adjourn the same to the day, time, and place which may be appointed by such writing: And any adjournment to be made in pursuance of any such writing shall for all purposes, be as valid as if made by the Speaker when the House was duly assembled.”

*Members of Tynwald (Disqualification) Act 1930 (XIII p.83)*

13. In section 2, for “Tynwald” substitute “the House of Keys”.

14. In section 3 —

- (a) for “President of Tynwald and the member so convicted shall vacate his seat in the Legislative Council or” substitute “Speaker and the member so convicted shall vacate his seat in”;
- (b) for “Branch of the Legislature in which such member held his seat” substitute “House of Keys”;
- (c) for “Tynwald or of the branch of Tynwald of which such member is a member” substitute “House of Keys”.

*House of Keys and Public Authorities Elections Act 1941 (XV p.563)*

15. In section 5 for “Tynwald” substitute “the House of Keys”.

*Isle of Man Constitution Act 1961 (XIX p.586)*

16. The whole Act shall cease to have effect.

*Isle of Man Constitution Act 1969 (XXI p.104)*

17. The whole Act shall cease to have effect.

*Isle of Man Constitution (Elections to Council) Act 1971 (c.34)*

18. The whole Act shall cease to have effect.

*Isle of Man Constitution Act 1971 (c.13)*

SCH. 2

19. The whole Act shall cease to have effect.

*Privileges of Tynwald (Publications) Act 1973 (c.11)*

20. In section 1, for “either Branch” substitute “the House of Keys”.

21. In section 2 —

- (a) for “either Branch”, wherever occurring, substitute “the House of Keys”;
- (b) the words “, the Clerk of the Council” shall cease to have effect.

22. Section 5 shall cease to have effect.

*Isle of Man Constitution (Amendment) Act 1975 (c.12)*

23. The whole Act shall cease to have effect.

*Constitution (Amendment) Act 1978 (c.1)*

24. The whole Act shall cease to have effect.

*Referendum Act 1979 (c.28)*

25. Throughout the Act, for “Tynwald”, wherever occurring, substitute “the House of Keys”.

*Constitution (Legislative Council)(Amendment) Act 1980 (c.12)*

26. The whole Act shall cease to have effect.

*Constitution (Amendment) Act 1981 (c.16)*

27. The whole Act shall cease to have effect.

*Tynwald Proceedings Act 1984 (c.23)*

28. Throughout the Act, for “either House”, wherever occurring, substitute “the House of Keys”.

29. In section 2 —

- (a) in subsection (1), the words “, or the Legislative Council” shall cease to have effect;

- SCH. 2 (b) in subsection (1), for “the President of Tynwald” substitute “the Governor”.

*Constitution Act 1990 (c.6)*

- 30.** Sections 2 to 6 shall cease to have effect.
- 31.** In section 8 —
- (a) after “Tynwald”, wherever occurring, insert “or the House of Keys”;
  - (b) the words “the President of Tynwald and” shall cease to have effect.

*Council of Ministers Act 1990 (c.3)*

- 32.** In section 2 —
- (a) throughout the section, for “Tynwald”, wherever occurring, substitute “the House of Keys”;
  - (b) in subsection (2), the words “who shall vote as one body” shall cease to have effect;
  - (c) in subsection (2A), for “Clerk of Tynwald” substitute “Secretary of the House of Keys”.
- 33.** In section 3(1), for “Tynwald” substitute “the House of Keys”.
- 34.** In section 4 —
- (a) in subsection (2), for “President of Tynwald” substitute “Speaker of the House of Keys”;
  - (b) in subsection (3), for “Tynwald” substitute “the House of Keys”.
- 35.** In section 5(5), for “Tynwald” substitute “the House of Keys”.
- 36.** In section 7 —
- (a) in subsection (1), for “Neither the President of Tynwald nor the Speaker shall” substitute “The Speaker shall not”;
  - (b) in subsection (2), the words “President of Tynwald or” shall cease to have effect.
- 37.** In section 8 —
- (a) for “Tynwald” wherever occurring substitute “the House of Keys”;

- (b) in subsection (2), the words “who shall vote as one body” shall cease to have effect. SCH. 2

*Constitution Act 2006 (c.16)*

38. The whole Act shall cease to have effect.

PART 2

FINANCIAL ACTS

*Finance Act 1958 (XVIII p.974 )*

39. Throughout the Act, for “Tynwald” substitute “the House of Keys”.

*Finance Act 1962 (XIX p.800)*

40. Throughout the Act, for “Tynwald” substitute “the House of Keys”.

*Treasury Act 1985 (c.25)*

41. In section 9, for “Tynwald” substitute “the House of Keys”.

42. In section 10 —

- (a) for “Tynwald”, in both places where the words occur, substitute “the House of Keys”;
- (b) the words “either the Council or” shall cease to have effect.

*Audit Act 2006 (c.15)*

43. Throughout the Act, for “Tynwald” substitute “the House of Keys”.

## Section 15(2)

## SCHEDULE 3

## MODIFICATION OF ENACTMENTS, etc

**1.** All references to Tynwald or the Legislative Council or an officer of Tynwald or the Legislative Council in any statutory provision, agreement, deed, instrument, licence, consent, application, notice or other document whatsoever shall, unless the context otherwise requires, be construed as references to the House of Keys or an officer the House of Keys except where such reference is in respect of the business of Tynwald Court specified in section 3.

**2.** In relation to a document or instrument made by Tynwald or the Legislative Council the reference to Tynwald or the Legislative Council or an officer of Tynwald or the Legislative Council includes a reference to the House of Keys or to an officer of the House of Keys except where such reference is in respect of the business of Tynwald Court specified in section 3.

Section 15(3)

SCHEDULE 4

TRANSFER OF PROPERTY AND STAFF

**1.** All persons who, immediately before the date on which this Act comes into operation, were officers of or employed by or in the service of Tynwald or the Legislative Council shall on and after such coming into operation be deemed to be officers of or employed by or in the service of the House of Keys without further appointment on and subject to the like terms and conditions as those on and subject to which they held office or were employed or served immediately before such coming into operation.

**2.** All personal property which immediately before the coming into operation of this Act was vested in or held by Tynwald or the Legislative Council shall on such coming into operation vest in the House of Keys without any conveyance or other assurance.

**3.** A certificate signed by the Speaker stating that any property specified in the certificate, being property which on the date on which this Act comes into operation becomes vested in the House of Keys shall be conclusive evidence of that fact; and, a certificate purporting to be so signed shall be presumed to be so signed until the contrary is proved.

IN THE KEYS

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# Constitution

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## A BILL

*to require members of Tynwald  
to be subject to popular election;  
to make new provision for the  
constitution of the House of Keys  
and the Legislative Council; and  
for connected purposes.*

Leave to introduce given in the House of Keys  
on 23rd January 2007.

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MR. CANNAN

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MARCH 2007

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