



Isle of Man

Ellan Vannin

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**THE ISLE OF MAN CONSTITUTION
AMENDMENT ACT 1919**



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**Isle of Man***Ellan Vannin*

THE ISLE OF MAN CONSTITUTION AMENDMENT ACT 1919

Received Royal Assent: 18 August 1919
Passed: 7 October 1919
Commenced: 7 October 1919

AN ACT to amend, in certain particulars, the Constitution of the Isle of Man.

1 Short title

This Act may be cited as “The Isle of Man Constitution Amendment Act, 1919”.

2 Interpretation

“**Council**”, in this Act, means the Legislative Council. “**House**” means the House of Keys.

Convening Meetings of Legislature

3 President of Tynwald to convene meeting of Tynwald upon request

The President of Tynwald, upon receipt of a request signed by a majority of the members of either branch of Tynwald, shall, in the usual manner, and with all reasonable speed, convene a meeting of Tynwald.¹

4 President of Tynwald to convene meeting of Council upon request

The President of Tynwald, upon receipt of a request signed by a majority of the members of the Council, shall, in the usual manner, and with all reasonable speed, convene a meeting of the Council.²

5 President of Tynwald to convene meeting of House of Keys upon request

The President of Tynwald, 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.³

*Constitution of Council***6 Archdeacon, Vicar-General, and Receiver-General to cease to be members of Council**

From and after the expiration of one month after the next dissolution of the House (hereinafter called “**the appointed day**”), the Archdeacon, the Vicar-General, and the Receiver-General shall cease to be members of the Council.⁴

7 Constitution of Council

- (1) The Council comprises the following members —
 - (a) the President of Tynwald;
 - (b) the Bishop and the Attorney General; and
 - (c) eight members elected by the House (whether from their own membership or others) (“**elected members**”).
- (2) The Attorney General —
 - (a) continues to be a member of Tynwald and of the Council; and
 - (b) has the same rights to speak in either of those bodies as he had before the passing of the *Law Officers Act 2014*.
- (3) The presence of the Attorney General at a sitting of Tynwald or the Council does not reckon towards the quorum of either body.
- (4) The definition of “the Attorney General” in section 3 of the *Interpretation Act 1976* does not apply for the purposes of this section but subsection (5) applies if —
 - (a) the office of the Attorney General is vacant; or
 - (b) the Attorney General is for any reason unable to attend a sitting of Tynwald or the Council.
- (5) If this subsection applies the President may authorise —
 - (a) Her Majesty’s Solicitor General for the Island; or
 - (b) a person discharging the functions of the Attorney General by virtue of a warrant under Her Majesty’s Royal Sign Manual,to attend the sitting.
- (6) A person attending a sitting of Tynwald or the Council by virtue of subsection (5) has the same rights and privileges in relation to the sitting as the Attorney General, and subsection (3) applies to that person as it applies to the Attorney General.
- (7) For the sake of clarity, the substitution of this section made by section 4 of the *Law Officers Act 2014* does not revive any rule of law, right or custom in relation to membership of the Council which subsisted before the coming into operation of this section as originally enacted.⁵

*Election of Members to Council by Keys***8 Election of members to the Council by the House**

Where any members elected to the Council by the House go out of office pursuant to section 10 of this Act, the House shall elect, in the manner provided for by the Standing Orders of the House, to serve as members of the Council, such number of persons as are equivalent to the number of members who have so gone out of office; and, within three days after that election, a return shall be made, under the hand of the Speaker of the House, to the President of Tynwald certifying the decision of the House and giving the names and addresses of the persons so elected.⁶

9 [Repealed]⁷*Retirement by Rotation of Elected Members***10 Retirement of elected members**

Every elected member of the Council shall, unless he sooner vacates his office, go out of office —

- (a) at the end of February next following the fourth anniversary of the date on which he was so elected; or
- (b) in the case of a member elected under section 22 of this Act to fill a casual vacancy, at the time when the member in whose place he was elected would ordinarily have gone out of office.⁸

11 [Repealed]⁹*Qualifications***12 Qualification of elected member**

A person to be qualified as an elected member must be not less than twenty-one years of age, and must be, at the time of his election, and must, so long as he continues in office by virtue of such election,

- (a) be resident within this Isle; and
- (b) not being a person in receipt of a salary payable by the Imperial or Insular Government.¹⁰

13 [Repealed]¹¹**14 Elected member ceasing to have qualification to cease to be a member**

Any elected member ceasing to be qualified as in this Act provided shall cease to be a member.¹²

*Disqualifications***15 Seat of elected member vacated on bankruptcy or insolvency**

If any elected member of the Council is adjudicated a bankrupt, or makes a deed of arrangement for the benefit of his creditors, the Court for the time being having jurisdiction in bankruptcy shall certify the same to the President of Tynwald and thereupon the seat of such member shall be vacant.¹³

16 [Repealed]¹⁴**17 Seat of member suffering from mental disorder to be declared vacant**

If any elected member of the Council shall be suffering from mental disorder (within the meaning of the *Mental Health Act 1974*¹), the President of Tynwald shall, upon being certified thereof by the First Deemster and Clerk of the Rolls, whose duty it shall be to certify the same, declare that the seat of such member has become vacant and so inform the President of Tynwald.¹⁵

17A Elected member becoming member of local authority

- (1) If an elected member of the Council becomes a member of a local authority, the seat of such member shall thereupon become vacant.
- (2) For the purpose of subsection (1) a person becomes a member of a local authority on his making a declaration of acceptance of office as such pursuant to section 10 of the *Local Elections Act 1986*.¹⁶

18 Vacating by continuous absence for six months

If any elected member be and remain out of the Island, or be absent from the meetings of Tynwald and the Council, for a continuous period of six months without the consent of the President of Tynwald, the seat of such member shall thereupon become vacant.¹⁷

¹ [Editorial Note: this should now be read as a reference to the *Mental Health Act 1998*.]

19 [Repealed]¹⁸*Procedure***20 The Speaker to notify a person of his election by House**

The Speaker of the House shall, within three days of the election by the House of any person as a member of the Council, notify such person of his election.

21 Completion of election and notification of President of Tynwald

- (1) No person shall be deemed to be an elected member of the Council under the provisions of this Act unless he has —
 - (a) within fourteen days of his election, signified in writing to the Speaker of the House his willingness to accept such office, and
 - (b) within the said fourteen days, given to the Speaker an address to which all communications may be sent, and
 - (c) received from the Speaker a formal warrant certifying his election as a member of the Council.
- (2) It shall be the duty of the Speaker, as soon as may be after the receipt of the acceptance and address mentioned in paragraph (a) and (b) of subsection (1) of this section to cause —
 - (a) the formal warrant mentioned in paragraph (c) of the said subsection (1) to be delivered to the person elected, and
 - (b) the paper writing signifying such acceptance to be delivered to the President of Tynwald.¹⁹

22 Casual vacancy in office of elected member

Should any casual vacancy occur in the office of elected member, by death, resignation, disqualification, or otherwise, the House shall forthwith fill up the vacancy by election in the manner hereinbefore provided for such election.²⁰

23 President of Tynwald to certify to Speaker vacancy in office of elected member

Where any casual vacancy shall occur by reason of any of the events mentioned in the last preceding section, the President of Tynwald shall, upon the vacancy being brought to his knowledge, certify the same to the Speaker of the House.²¹

24 [Repealed]²²*Miscellaneous***25 Elected member of Council to have privileges, etc, pertaining to members of Council**

All elected members shall have and enjoy all the privileges, powers, authorities, and advantages, and be subject to all the jurisdiction, control, obligations, liabilities, and responsibilities pertaining generally to members of the Council, by reason of such membership.²³

26 Power to resign on notice

Any elected member of the Council may resign on giving to the President of Tynwald one month's previous notice, in writing, of his intention so to do.²⁴

27 [Repealed]²⁵**28 29 and 29A [Repealed]²⁶****30 Saving of Crown rights**

Nothing in this Act shall affect the rights of His Majesty and his successors.

31 Commencement of Act

This Act shall come into operation when the Royal assent thereto has been by the Governor announced to Tynwald and a certificate to this effect has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 3 amended by Transfer of Governor's Functions Act 1992 Sch 1.

² S 4 amended by Transfer of Governor's Functions Act 1992 Sch 1.

³ S 5 amended by Transfer of Governor's Functions Act 1992 Sch 1.

⁴ S 6 amended by Justices Act 1983 Sch 2.

⁵ S 7 substituted by Law Officers Act 2014 s 4.

⁶ S 8 substituted by Isle of Man Constitution (Amendment) Act 1975 s 3 and amended by Constitution Act 1990 Sch 1, by Constitution (Amendment) Act 2008 s 1 and by Legislative Council Elections Act 2017 s 3.

⁷ S 9 repealed by Isle of Man Constitution Act 1969 Sch.

⁸ S 10 substituted by Constitution Act 1990 Sch 1.

⁹ S 11 repealed by Isle of Man Constitution Act 1969 Sch.

¹⁰ S 12 amended by Isle of Man Constitution Act 1961 s 25 and by Isle of Man Constitution Act 1969 s 5.

¹¹ S 13 repealed by Isle of Man Constitution Act 1969 Sch.

¹² S14 amended by Isle of Man Constitution Act 1969 Sch.

¹³ S 15 amended by Isle of Man Constitution Act 1969 Sch and by Constitution Act 1990 Sch 1.

¹⁴ S 16 repealed by Representation of the People Act 1995 Sch 8.

¹⁵ S 17 amended by Isle of Man Constitution Act 1969 Sch, by Constitution (Legislative Council) (Amendment) Act 1980 Sch, by Constitution Act 1990 Sch 1 and by Transfer of Governor's Functions Act 1992 Sch 1.

¹⁶ S 17A inserted by Representation of the People Act 1995 Sch 7.

¹⁷ S 18 amended by Isle of Man Constitution Act 1969 Sch and by Constitution Act 1990 Sch 1.

¹⁸ S 19 repealed by Isle of Man Constitution Act 1969 Sch.

¹⁹ S 21 substituted by Isle of Man Constitution (Elections to Council) Act 1971 s 3. Para (b) amended by Constitution Act 1990 Sch 1.

²⁰ S 22 amended by Isle of Man Constitution Act 1969 Sch, by Constitution Act 1990 Sch 2 and by Statute Law Revision Act 1997 Sch 2.

²¹ S 23 amended by Isle of Man Constitution Act 1969 Sch and by Constitution Act 1990 Sch 1.

²² S 24 repealed by Representation of the People Act 1995 Sch 8.

²³ S 25 amended by Isle of Man Constitution Act 1969 Sch.

²⁴ S 26 amended by Isle of Man Constitution Act 1969 Sch and by Constitution Act 1990 Sch 1.

²⁵ S 27 repealed by Isle of Man Constitution Act 1961 s 25.

²⁶ Ss 28, 29 and 29A repealed by Council of Ministers Act 1990 Sch 2.