



**Isle of Man**

*Ellan Vannin*

**AT 6 of 1990**

**CONSTITUTION ACT 1990**





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## CONSTITUTION ACT 1990

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**Isle of Man***Ellan Vannin*

## CONSTITUTION ACT 1990

<i>Received Royal Assent:</i>	<i>14 March 1990</i>
<i>Passed:</i>	<i>15 May 1990</i>
<i>Commenced:</i>	<i>See section 11</i>

**AN ACT** to provide for the election of a President of Tynwald, and that the Governor shall cease to preside at ordinary sittings of Tynwald; and for connected purposes.

### **1 Functions of Governor**

- (1) The Governor shall preside at that part of a sitting of Tynwald at St. John's which takes place on Tynwald Hill for —
  - (a) the promulgation of Acts in pursuance of the *Promulgation Act 1988*,
  - (b) the swearing and admission of coroners, and
  - (c) any other business of Tynwald customarily done on Tynwald Hill.<sup>1</sup>
- (1A) Nothing in this section or section 4 affects the right of Her Majesty to preside in person, or to authorise any other person to preside, at that part of such a sitting of Tynwald.<sup>2</sup>
- (2) Subject to subsection (1), the Governor shall cease to preside at sittings of Tynwald, and the presence of the Governor shall no longer be necessary at a sitting of Tynwald, or for any proceedings in Tynwald.
- (3) Accordingly Her Majesty may assent to a Bill by and with the advice and consent of the Council and Keys in Tynwald assembled, notwithstanding any law or custom to the contrary.

### **2 Election of President of Tynwald**

- (1) Tynwald shall from time to time by resolution elect a member of the Keys or an elected member of the Legislative Council to be President of Tynwald.

- (2) A resolution under subsection (1) shall not have effect unless it is passed by a majority of the members of Tynwald present and voting, who shall vote as one body by ballot.
- (3) The person elected to be President of Tynwald shall forthwith go out of office as a member of the Keys or an elected member of the Legislative Council, as the case may be.

### **3 Tenure of office of President of Tynwald**

- (1) The President of Tynwald shall hold office until —
  - (a) he resigns the office by giving to the Governor notice in writing of his desire to do so, or
  - (b) the day of the first ordinary sitting of Tynwald held in the month during which falls the 5th anniversary of the sitting at which he was elected; or
  - (c) where he was elected to fill a casual vacancy, the day when the person in whose place he was elected would ordinarily have gone out of office; or
  - (d) Tynwald resolves that he shall cease to hold the office.
- (2) On receiving a notice under subsection (1)(a) the Governor shall as soon as may be convene a sitting of Tynwald.
- (3) A resolution under subsection (1)(d) shall not have effect unless —
  - (a) notice thereof is given at the previous sitting of Tynwald, and
  - (b) it is passed by a majority of the members of Tynwald present and voting, who shall vote as one body.
- (4) Where the President of Tynwald goes out of office under subsection (1)(b) or (c), he shall be eligible for re-election.
- (5) Accordingly the reference in section 2(1) to a member of the Keys or an elected member of the Legislative Council includes a reference to a retiring President of Tynwald who is eligible for re-election by virtue of subsection (4).

### **4 Functions of President of Tynwald**

- (1) Subject to sections 1 and 5, the President of Tynwald shall preside at every sitting of Tynwald.<sup>3</sup>
- (2) Subject to section 5, the President of Tynwald shall preside at every meeting of the Legislative Council.

## 5 Deputy President etc

- (1) Tynwald shall from time to time by resolution elect a member of the Keys or an elected member of the Legislative Council to be Deputy President of Tynwald.
- (2) Sections 2(2) and 3(1) and (3) apply in relation to the office of Deputy President of Tynwald as they apply in relation to the office of President of Tynwald.
- (3) If the President of Tynwald is absent or unable to act, any of his functions (other than under section 4(2)) may be exercised by the Deputy President of Tynwald.
- (4) If both the President of Tynwald and the Deputy President of Tynwald are absent or unable to act, any of the functions of the President of Tynwald (other than under section 4(2)) may be exercised by a member of Tynwald appointed by Tynwald to act in his place.
- (5) If the President of Tynwald is absent from any meeting of the Legislative Council, the members of the Council present shall appoint one of their number to preside thereat.

## 5A Disqualifications

- (1) Neither the President of Tynwald nor the Deputy President of Tynwald is eligible for nomination or appointment as Chief Minister or as a Minister.
- (2) The President of Tynwald is not eligible for nomination or appointment as a member of a Department or Statutory Board.
- (3) The Deputy President of Tynwald is eligible for nomination and appointment as a member of a Department or Statutory Board.
- (4) If the Chief Minister or a Minister is elected or appointed to be President of Tynwald or Deputy President of Tynwald, he or she shall go out of office as Chief Minister or Minister, as the case may be.
- (5) If a member of a Department or Statutory Board is elected to be President of Tynwald, he or she shall go out of office as member of that Department or Statutory Board, as the case may be.
- (6) No nomination, appointment or election (before the date on which the *Presiding Officers Act 2008* comes into operation) of a person to an office specified in this section shall be invalid by reason only that the person was nominated, appointed or elected when disqualified from such nomination, appointment or election under the provisions of any enactment as they had effect at the time of the nomination, appointment or election.<sup>4</sup>

## 6 Casting vote

- (1) Subject to subsection (2), the President of Tynwald shall not vote in Tynwald or in the Legislative Council.
- (2) Where there is an equality of votes —
  - (a) in Tynwald, when voting as one body (except in the case of a vote by ballot), or
  - (b) in the Council, whether sitting separately or in Tynwald (except when voting as one body),the President of Tynwald shall have a casting vote.
- (3) A reference in this section to the President of Tynwald includes a reference to —
  - (a) the Deputy President of Tynwald, or
  - (b) a member appointed under section 5(4) or (5),when presiding in Tynwald or the Council by virtue of section 5(3), (4) or (5), as the case may be.

## 7 Commencement of Acts

- (1) [Substitutes section 10 of the *Interpretation Act 1976*.]
- (2) Subsection (1) does not apply in relation to an Act (including this Act), the Royal Assent to which has been announced to Tynwald before the commencement of this Act; and the said section 10, as it had effect immediately before such commencement, continues to apply in relation to such an Act.

## 8 Resolutions of Tynwald

A certificate stating that at a sitting of Tynwald —

- (a) the matter specified in the certificate was approved by Tynwald,  
or
- (b) a resolution in the terms so specified was passed by Tynwald,

and signed by the President of Tynwald and the Speaker shall be conclusive evidence of the fact; and a certificate stating that fact and purporting to be so signed shall be presumed to be so signed until the contrary is proved.

## 9 Interpretation

In this Act —

“**elected member**”, in relation to the Legislative Council, has the same meaning as in the *Isle of Man Constitution Amendment Act 1919*;

“**ordinary sitting of Tynwald**” means a sitting of Tynwald other than a sitting referred to in section 1(1).

**10 Minor and consequential amendments and repeals**

- (1) The enactments specified in Schedule 1 are amended in accordance with that Schedule.
- (2) The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

**11 Commencement etc**

- (1) This Act shall come into operation on the day of the first ordinary sitting of Tynwald in July 1990.
- (2) and (3) [Repealed]<sup>5</sup>

**12 Short title**

This Act may be cited as the Constitution Act 1990, and the Constitution Acts 1919 to 1986 and this Act may be cited together as the Constitution Acts 1919 to 1990.



## SCHEDULE 1

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### Section 10(1)

[Sch 1 amended by Church Legislation Procedure Act 1993 Sch 2, by Constitution (Amendment) Act 2005 s 2 and by Constitution Act 2006 Sch, and amends the following Acts —

Tynwald Proceedings Act 1876 q.v.  
Tynwald Court Adjournments Act 1919 q.v.  
Isle of Man Constitution Amendment Act 1919 q.v.  
Isle of Man Constitution Act 1961 q.v.  
Tynwald Proceedings Act 1984 q.v.  
Payment of Members' Expenses Act 1989 q.v.  
Council of Ministers Act 1990 q.v.]

## SCHEDULE 2

### ENACTMENTS REPEALED

#### Section 10(2)

[Sch 2 repeals the following Act wholly —

Tynwald Proceedings Act 1954

and the following Acts in part —

Tynwald Court Adjournments Act 1919  
Isle of Man Constitution Amendment Act 1919  
Isle of Man Constitution Act 1961  
Isle of Man Constitution (Elections to Council) Act 1971  
Constitution (Amendment) Act 1978  
Constitution (Legislative Council) (Amendment) Act 1980  
Constitution (Amendment) Act 1981.]



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

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<sup>1</sup> Subs (1) substituted by Constitution (Amendment) Act 2005 s 1.

<sup>2</sup> Subs (1A) inserted by Constitution (Amendment) Act 2005 s 1.

<sup>3</sup> Subs (1) amended by Constitution (Amendment) Act 2005 s 1.

<sup>4</sup> S 5A inserted by Presiding Officers Act 2008 s 4.

<sup>5</sup> Subss (2) and (3) repealed by Statute Law Revision Act 1997 Sch 2.