



Isle of Man

Ellan Vannin

AT 6 of 2018

**COUNCIL OF MINISTERS (AMENDMENT)
ACT 2018**



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AN ACT to amend sections 2 and 4 of the Council of Ministers Act 1990 so as to provide that the Chief Minister shall be appointed by the Governor on the nomination of and from among the members of the House of Keys and that the House of Keys can pass a vote of no confidence in the Council of Ministers.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of Keys in Tynwald assembled, in accordance with the provisions of the Constitution Act 2006, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Council of Ministers (Amendment) Act 2018.

2 Amendment of section 2

(1) Section 2 of the *Council of Ministers Act 1990* is amended as follows.

(2) For subsection (1), substitute —

☐ (1) The Chief Minister shall be appointed by the Governor on the nomination of and from among the members of the House of Keys. ☐.

(3) For subsection (2), substitute —

☐ (2) A nomination under subsection (1) 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 within one month after —

- (a) each general election of members of the House of Keys;
- (b) the sitting at which a resolution is passed under subsection (3)(b); or
- (c) a casual vacancy in the office of Chief Minister has arisen. ☐.

- (4) In subsection (2A), for “Clerk of Tynwald” substitute **¶** Secretary of the House of Keys **¶**.
- (5) In subsection (2B) (wherever occurring), for “Tynwald” substitute **¶** the House of Keys **¶**.
- (6) After subsection (2B), insert —
- ¶** (2C) The nomination or appointment of the Chief Minister in office on the date on which the *Council of Ministers (Amendment) Act 2018* comes into operation, does not become invalid on account of his having been nominated or appointed from among the members of Tynwald under section 2 as it had effect at the time of the nomination or appointment.
- (2D) Despite subsection (2A) —
- (a) in the event that the Speaker of the House of Keys considers that no candidate is likely to receive 13 votes, the Speaker shall adjourn the House to later in 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.”.
- (7) For paragraph (b) of subsection (3), substitute —
- ¶** (b) a sitting of the House of Keys at which a resolution is passed by the affirmative vote of at least 16 members of the House of Keys, that it has no confidence in the Council of Ministers. **¶**

3 Amendment of section 4

- (1) Section 4 of the *Council of Ministers Act 1990*, is amended as follows.
- (2) In subsection (2), after the words “President of Tynwald”, insert “and the Speaker of the House of Keys”.
- (3) After subsection (2), insert —
- ¶** (2A) If the Chief Minister ceases to be a member of the House of Keys he shall go out of office. **¶**
- (4) In subsection (3) omit “the Chief Minister or”.
- (5) In subsections (4) and (5), omit “or 7(2)”.

4 Expiry and repeal

- (1) This Act expires on the day following its promulgation.
- (2) The expiry does not —

- (a) affect the continuing operation of the amendments to the *Council of Ministers Act 1990* made by this Act or by the enactments referred to in subsection (3); or
 - (b) revive any provision not in operation when the amendments took effect.
- (3) The following enactments are repealed to the extent set out below —
- (a) the *Council of Ministers (Amendment) Act 1994*;
 - (b) section 5 of the *Presiding Officers Act 2008*; and
 - (c) paragraph 14 of Schedule 4 to the *Freedom of Information Act 2015*.

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