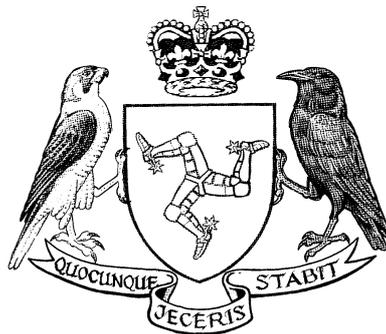


**CONSTITUTION (AMENDMENT)
ACT 2008**

Arrangement of Sections

1. Repeal and replacement of s.2 of 1971 Act
2. Short title



Isle of Man } Signed in Tynwald: 17th June 2008
 to Wit } Received Royal Assent: 17th June 2008
 Announced to Tynwald: 17th June 2008

AN ACT

to repeal section 2 of the Isle of Man Constitution (Elections to Council) Act 1971, as amended; to provide that, when there is a vacancy in the Legislative Council to be filled, an invitation to nominate candidates shall be addressed to the Members of the House of Keys, following which the vacancy shall be filled at a single sitting of the House; and to provide that voting at that sitting on the persons nominated shall take place in accordance with such provision as may be made by standing orders of the House.

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:—

1. (1) Section 2 of the Isle of Man Constitution (Elections to Council) Act 1971 is repealed in part and amended in part in accordance with subsections (2) to (5).

Repeal and replacement of s.2 of 1971 Act

(2) For section 2(1) substitute —

[c.34]

“(1) Every election by the House under section 8 of the principal Act of a person or persons to serve as a member or members of the Council shall be conducted in accordance with this section.

But Standing Orders of the Keys may provide for the practice and procedure to be adopted in such elections, and shall have effect in respect of any circumstances arising for which this section does not make provision.”.

(3) For section 2(1A) substitute —

“(1A) Where there is, or there is to be, a vacancy to be filled in the elected members of the Council, members of the Keys may, upon being invited to do so by the Speaker, propose persons to be candidates for election to the Council.

(1B) The Speaker shall invite members of the Keys to propose persons to be candidates for election to the Council —

- (a) one month before an elected member of the Council goes out of office in accordance with section 10 of the principal Act (retirement);
- (b) as soon as practicable after an elected member of the Council goes out of office, or a vacancy otherwise occurs, for any other reason.

(1C) Proposals may be made at any time during the period of one month immediately following the invitation made by the Speaker.

(1D) All proposals shall be in writing and delivered to the Secretary of the House and shall be accompanied by particulars in writing of —

- (a) the qualifications and experience of the candidate, and
- (b) the reasons why the proposer considers the candidate to be suitable to be a member of the Council.

(1E) The sitting of the Keys at which the election to the Council is held shall be not less than 14 days after the end of the period for the making of the proposals, but as soon as practicable thereafter.

(1F) (a) In this subsection —

- (i) a “round of elections” means voting by the Keys on candidates proposed in accordance with subsections (1B) to (1D) or under subsection (1I); and

- (ii) a round of elections is “completed” when all the vacancies have been filled or the Speaker has called for proposals under subsection (1K).
- (b) Once the Keys have commenced a round of elections then, subject to paragraph (c), that round of elections must be completed on that day.
- (c) A round of elections may be adjourned to the next day once only.
- (d) When a round of elections appears on the Keys Order Paper for a sitting then, once it has commenced, no other business may be taken by the Keys sitting alone either that day or the next day until that round of elections is completed.

(1G) Each member of the Keys shall, at each stage of an election to the Council either —

- (a) vote for any one or more candidates up to the number of vacancies to be filled; or
- (b) vote for no candidates.

(1H) A voting paper that does not comply with either paragraph (a) or paragraph (b) of subsection (1G) shall be a spoilt paper.

(1I) If the Keys do not elect any person who has been proposed for membership of the Council under subsection (1D), any member of the Keys may then propose any other person for election to the Council.

(1J) A proposal under subsection (1I) shall be treated as a proposal made in accordance with subsections (1B) to (1D) and subsections (1F) to (1I) shall apply accordingly.

(1K) If a vacancy remains in the Council after the members have been given the opportunity to make proposals under subsection (1I), the Speaker shall invite the members of the Keys to propose persons to be candidates for election to the Council.

(1L) An invitation under subsection (1K) shall be treated as an invitation under subsection (1B) and subsections (1C) to (1K) shall apply accordingly.”.

(4) Section 2(3) to (5) shall cease to have effect.

[Xp.390] (5) In section 8 of the Isle of Man Constitution Amendment Act 1919 (election of members to the Council within 14 days), for the words “Within fourteen days from the date on which” substitute “Where”.

Short title **2.** This Act may be cited as the Constitution (Amendment) Act 2008.