

**2. Council of Ministers (Amendment) Bill 2019 –  
Second Reading approved**

HM Attorney General to move:

*That the Council of Ministers (Amendment) Bill 2019 be read a second time.*

**The President:** Mr Attorney returns for Item 2: Council of Ministers (Amendment) Bill.

**The Attorney General:** Thank you, Mr President.

**The President:** Second Reading.

**The Attorney General:** Mr President, I am grateful to Hon. Members for their support for the First Reading of the Bill, during which I outlined its background and purpose.

In moving the Second Reading of the Bill, I invite Hon. Members to support the principle of the Bill. As I have indicated before, convention has served us well but society has moved on, and the international community increasingly expects a well-regulated jurisdiction to specify important matters in legislation.

It is in this context that I am inviting Members in this Chamber to support the principle that the rule of law and the independence of the judiciary should now be enshrined in the law of the Island. Furthermore, the rule of law and the independence of the judiciary are so important to our standing and freedom as a community that it should be the legal duty of the Council of Ministers to uphold and support both principles.

Mr President, I have spoken of the principle of the rule of law and the independence of the judiciary. I now beg to move that the Council of Ministers (Amendment) Bill 2019 be read for the second time.

**Mr Cretney:** I beg to second.

**The President:** The motion is that the Council of Ministers (Amendment) Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Council of Ministers (Amendment) Bill 2019 –  
Clauses considered**

AM Attorney General to move.

**The President:** Clauses stage now. Clause 1, Mr Attorney.

**The Attorney General:** With your agreement and that of Council, I would like to move clauses 1 and 2 together – if that is agreeable?

**The President:** Is that agreed?

**Members:** Agreed.

**The Attorney General:** Clauses 1 and 2 provide that the title of the Act is the Council of Ministers (Amendment) Act 2019, and that the Act will come into effect automatically at the beginning of the month following the sitting of Tynwald at which Royal Assent is announced.

Mr President, I beg to move that clauses 1 and 2 do stand part of the Bill.

**The President:** Mr Cretney.

**Mr Cretney:** I beg to second.

**The President:** I put clauses 1 and 2 standing part of the Bill: those in favour, say aye; against, no. The ayes have it. The ayes have it  
Clause 3.

**The Attorney General:** Thank you, Mr President.

Clause 3 introduces two new sections into the Council of Ministers Act 1990 after section 6.

New section 6A states that the constitutional principle of the rule of law continues to exist and subsection (2) places a responsibility for upholding and supporting that principle on the Council of Ministers. This is *a* responsibility, not *the* responsibility.

The Lieutenant Governor, as the representative of the Crown, will also retain a responsibility in this area. Nevertheless, Hon. Members, this does represent an important step in the Island's continuing constitutional development.

New section 6B places a duty on the Council of Ministers as a body and also on each individual Minister to uphold, support and indeed defend the continued independence of the judiciary.

Subsection (3) makes clear the separation of powers. Ministers both as individuals and as members of the Council of Ministers have no right to any greater influence on the outcome of a particular court case than they or anyone else would have as ordinary members of the public.

Subsection (4) spells out some matters concerning which members of Council of Ministers must have special regard to.

Subsection (5) defines the judiciary for the purposes of this Act.

Mr President, I beg to move that clause 3 do stand part of the Bill.

**The President:** Mr Cretney.

**Mr Cretney:** I beg to second, Mr President.

**The President:** Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Thank you, Mr President.

Just really to comment that I think the clauses are welcome on many levels, as advised by the learned Attorney. In particular, I think this should assist with forthcoming discussions around creating executive responsibility for justice, or the good delivery of justice in the Isle of Man, because it makes it very clear that it is about the systems of justice and not individual matters determined by the judiciary.

**The President:** I put clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members.