IN THE KEYS

COUNCIL OF MINISTERS (AMENDMENT) BILL 2016

Explanatory Memorandum

1. This Bill is promoted by Mr Cannan MHK.

2. *Clause 1* deals with the short title of the resulting Act.

3. *Clause 2* amends section 2 of the Council of Ministers Act 1990 ("the Act") by providing that the Chief Minister shall be nominated and appointed from among the House of Keys rather than Tynwald. In subsections (2) and (2B) references to the "House of Keys" are substituted for references to "Tynwald" and in subsection (2A) the "Secretary to the House of Keys" is substituted for the "Clerk of Tynwald".

   Clause 2(6) inserts a new subsection (2C) into the Act, which provides that the nomination and appointment of the Chief Minister in office at the time the resulting Act comes into effect, will not be invalidated.

   Clause 2(7) amends the Act to provide that the House of Keys can pass a vote of no confidence in the Council of Ministers by an affirmative vote of at least 16 members.

4. *Clause 3* amends section 4(3) of the Act to provide that the Chief Minister shall go out of office should he cease to be a member of the House of Keys.

5. *Clause 4* provides for the expiry of the resulting Act following its promulgation and for the repeal of the Council of Ministers (Amendment) Act 1994 and other provisions, by which amendments have previously been made to the Act. The expiry and repeal of the resulting Act and other provisions will not affect the amendments made by them.

6. The resulting Act is not expected to have any financial or human resource implications.

7. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

Ellan Vannin

COUNCIL OF MINISTERS (AMENDMENT) BILL 2016

A BILL 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 the Council and Keys in Tynwald assembled, 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 2016.

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 of a majority of the 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 2016* 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.".

(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) 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.".

(3) In subsection (3) omit "the Chief Minister or".

(4) 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*.

IN THE KEYS

COUNCIL OF MINISTERS (AMENDMENT) BILL 2016

A BILL 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.

Leave to introduce granted by the Keys on 26 January 2016.

MR CANNAN

MARCH 2016

Published by Authority