
LEGISLATIVE COUNCIL REFORM BILL 2015

Explanatory Memorandum

1. This Bill is promoted by Mr Peter Karran.
2. *Clause 1* provides the short title of the Act resulting from the Bill.
3. *Clause 2* provides for the Act if passed to come into operation on 1 March 2016 and for it to apply for the election of Members of the Legislative Council on or after 1 March 2018.
4. *Clause 3* amends the Representation of the People Act 1995. *Clause 3(2)* modifies the provision enabling the extension of the term of the Keys in an emergency to include elected members of the Council.
5. *Clause 3(3)* inserts a new Part 1A into the 1995 Act. New section 10A provides for the qualification for elected members of the Council to be the same as for the Keys. Elections to the Council are to be every 5 years in August on a date selected by the Governor in Council and terms expire 6 weeks before the date of that election. New section 10B provides for casual vacancies, again by adapting the rules applying to the Keys. New section 10C repeats the Keys provision about oaths save that Council members are no longer required to swear an oath of allegiance to the Queen. New section 10D prevents Council members becoming Ministers or Chief Minister.
6. *Clause 3(4)* is a consequential provision limiting the elections on a constituency basis to the Keys.
7. *Clause 3(5)* inserts a new section 12A that provides for elections to the Council to be on the basis that the Island is a single constituency as provided for in the election rules (which are being modified to provide for election by single transferrable vote – see below).
8. *Clause 3(6)* adds to the list of persons disqualified from conducting elections persons who have served as members of the Council within the past 5 years.
9. *Clause 3(7)* extends the provision about writs of election to Council elections.
10. *Clause 3(8)* makes consequential amendments so as to incorporate elections to the Council within the definition of “candidate”, provisions on election petitions, incapacities following report or conviction of corrupt or illegal practice and to expand the definitions of “election” and “member” to cover Council elections.
11. *Clause 3(9)* concerns changes to the election rules which are set out in Schedule 2 to the 1995 Act. They include a provision that inserts a requirement for Council elections that an election writ be issued when the elected members of Council go out of office. The time for delivery of nomination papers for elections to the

Council is between the 7th and 12th days after the issue of the writ (as opposed to a 3-hour window for elections to the Keys) and objections can be made for one day after this period. There are a number of amendments to enable the election of Council members by single transferable vote. The inserted rule 47A makes different provision for the declaration of results than exists for Keys elections. There are also modifications of the provision about certificates indicating elections of candidates.

12. *Clause 3(10)* modifies certain provisions in Schedule 3 of the 1995 Act about election petitions to expand them to include elections to the Council.
13. *Clause 4* amends the Payment of Members' Expenses Act 1989. The effect is to require members of the Council to be paid the same as members of Departments. Pay is to continue for members of the Council up till the election of a replacement member, mirroring what happens in the Keys.
14. *Clause 5* amends other provisions of various Acts that would otherwise be in conflict with the changes above.
15. *Clause 6* is a transitional provision whereby elected members of the Council who are in office when the Act comes into operation or subsequently, but before date that is 6 weeks before the election of the Council in 2018, go out of office on that date.
16. *Clause 7* and the *Schedule* provide for repeals of inconsistent provisions.
17. The Bill, if enacted, will result in additional expenditure being incurred as elections to the Legislative Council would be held every 5 years.
18. 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

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Ellan Vannin

LEGISLATIVE COUNCIL REFORM BILL 2015

1 **A BILL** to make new provision for the constitution of the Legislative Council; to
 2 require its members to be subject to popular election by a single transferable
 3 vote system on an all-Island basis after the election to the Legislative Council in
 4 2018; to change the basis of eligibility for election to the Legislative Council; to
 5 remove members of the Legislative Council from eligibility for service as
 6 Ministers and as Chief Minister; to amend the pay and conditions of service of
 7 members of the Legislative Council; and for connected purposes.

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:—

8 **1 Short title**

9 The short title of this Act is the Legislative Council Reform Act 2015.

10 **2 Commencement and application**

11 This Act comes into operation on 1 March 2016 and applies for the election of
 12 members of the Legislative Council on or after 1 March 2018.

13 **3 Amendment of the Representation of the People Act 1995**

14 (1) The *Representation of the People Act 1995* is amended as follows.

15 (2) In section 4 –

16 (a) for subsection (1)(a) substitute –

17 “(a) extend the term of the Keys or elected members of the
 18 Council by a period of one year from the date when
 19 otherwise their terms would expire; and”;

20 (b) in subsection (3)(a) after “Keys” insert “or the Council as the case
 21 may be”;

22 (c) consequentially in the marginal note after “Keys” insert “or
 23 Council”.

24 (3) After section 10 insert –

“PART 1A**THE LEGISLATIVE COUNCIL****10A Qualifications and terms of service of elected members**

- (1) A person may stand as a candidate for, and be elected as, a member of the Council if at the time the person is nominated as a candidate he or she –
- (a) meets the requirements set out in section 1; and
 - (b) is not the holder of an appointment as a Minister or as Chief Minister.
- (2) Eight members of the Council are elected in August 2018 and every fifth August thereafter on a date selected by the Governor in Council.
- (3) An elected member of the Council, unless he or she sooner vacates office, goes out of office 6 weeks before the next general election of the Council.

10B Vacancies in office of elected member

- (1) If a casual vacancy occurs in the office of an elected member of the Council the President of Tynwald must report the vacancy in writing to the Governor.
- (2) Sections 6(1) to (9) and 7 apply to elected members of the Council –
- (a) as if for each reference to a member of the Keys there were substituted a reference to an elected member of the Council;
 - (b) as if for each reference to the Keys there were substituted a reference to the Council;
 - (c) as if for each reference to the Speaker there were substituted a reference to the President of Tynwald;
 - (d) as if the reference in section 6(6)(b) to the Council were to the Keys and the words “to any constituency” in section 6(8) and “other than the Speaker” in section 6(9) were omitted.

10C Members to take oaths

An elected member of the Council may not sit and vote in the Council before taking and subscribing the oaths required by law, save that no oath of allegiance need be taken.

1 **10D Elected members not to be part of Government**

2 An elected member of the Council is not eligible for nomination or
3 appointment as a Minister or as Chief Minister.”

4 (4) In section 11A(1) (as substituted by the Representation of the People
5 (Amendment) Act 2014) after “election” insert “of the Keys”.

6 (5) After section 12 insert –

7 **“12A Elections of the Council**

8 (1) For the purposes of an election to the Council the Island is treated
9 as a single constituency.

10 (2) However –

11 (a) votes are cast and counted on the basis set out in rules 35
12 and 42 to 42F of the election rules;

13 (b) despite section 13(1) up to 8 returning officers, one of
14 which must be designated as the Chief Returning Officer,
15 must be appointed in the manner described by that
16 subsection and a reference in this Act to “the returning
17 officer” includes a person appointed by virtue of this
18 section; and

19 (c) the polling districts for an election of the Council are the
20 same as those for the time being for elections to the Keys
21 but the votes are counted on single constituency basis in
22 accordance with the election rules.”.

23 (6) After section 14(1)(g) insert –

24 “(h) any person who has served as a member of the Council within the
25 past 5 years.”.

26 (7) In section 21 for “a member or members to represent a constituency”
27 substitute “a member or members of the Keys to represent a constituency
28 or a member or members of the Council”.

29 (8) In the following provisions after “Keys” insert “or the Council” –

30 (a) in the definition of “candidate” in section 55;

31 (b) section 56(1);

32 (c) section 66(1), (2) and (3) (wherever occurring);

33 (d) in the definitions of “election” and “member” in section 77.

34 (9) In Schedule 2 (election rules) –

35 (a) in the table in rule 1, –

36 (i) under “(1) Issue of writ” after paragraph (a) of column 2
37 insert –

1 | “(aa) In the case of a general election to the Council,
2 | when the elected members go out of office.”;

3 | (ii) under “(3) Delivery of nomination papers” at the
4 | beginning of the existing text in column 2 insert “(a) In the
5 | case of an election to the Keys,” and after the existing text
6 | insert –

7 | “(b) In the case of an election to the Council, not earlier
8 | than the 7th day and not later than the 12th day
9 | after the receipt of the writ by the returning
10 | officer.”;

11 | (iii) under “(5) The making of objections to nominations” at the
12 | beginning of the existing text in column 2 insert “(a) In the
13 | case of an election to the Keys,” and after the existing text
14 | insert –

15 | “(b) in the case of an election to the Council, within the
16 | time for the delivery of nomination papers and one
17 | day thereafter.”.

18 | (b) after rule 26(3)(c) insert –

19 | “(d) in the case of an election to the Council a short description
20 | of the means of voting by the single transferable vote
21 | system.”;

22 | (c) after rule 35(2) insert –

23 | “(2A) In the case of an election to the Council the paper is marked by
24 | placing on it –

25 | (a) the figure “1” opposite the candidate who is the person’s
26 | first choice;

27 | (b) if desired, the figure “2” opposite the candidate who is the
28 | person’s second choice,

29 | and so on in order of preference up to the number of candidates
30 | as there are members to be elected.”;

31 | (d) after rule 42(5) insert –

32 | “(5A) In the case of an election to the Council, as a first stage after
33 | carrying out the procedure mentioned in paragraph (1), the
34 | returning officer must arrange the ballot papers in parcels
35 | according to the first preference recorded for each candidate,
36 | rejecting any that are invalid.

37 | (5B) The returning officer must then count the number of papers in
38 | each parcel and credit each candidate with a number of voters
39 | equal to the number of valid papers on which a first preference
40 | has been recorded for that candidate and the returning officer
41 | must then ascertain the number of all valid papers.

1 (5C) The counting agents are entitled to satisfy themselves that the
2 ballot papers are correctly sorted.

3 (5D) The number of first preference votes for each candidate are then
4 recorded on the results sheet.”;

5 (e) after rule 42 insert –

6 *“Counting of votes – Council elections*

7 **42A Quota**

8 (1) The returning officer must divide the number of valid papers by 9
9 (representing the number of members of the Council to be elected
10 plus 1).

11 (2) The number of votes sufficient to elect a candidate (the “quota”) is
12 the result of the division mentioned in paragraph 1 increased by 1
13 but disregarding any fraction.

14 **42B Transfer of surplus**

15 (1) Where at the end of the first stage of the count the number of
16 original votes credited to a candidate is equal to the quota, the
17 parcel of ballot papers on which a first preference has been
18 recorded for that candidate is set aside as finally dealt with.

19 (2) Where at the end of any stage of the count the number of votes
20 credited to a candidate is greater than the quota, the surplus is
21 transferred in accordance with this rule to the continuing
22 candidate or candidates indicated on the ballot papers in the
23 parcel or sub-parcel of the candidate deemed to be elected
24 according to the next available preferences recorded on those
25 ballot papers.

26 (3) Where the votes credited to a candidate whose surplus is to be
27 transferred consist of original votes only, the returning officer
28 must examine all the papers in the parcel of that candidate and
29 must arrange the transferable papers in sub-parcels according to
30 the next available preferences for continuing candidates recorded
31 on those papers.

32 (4) Where the votes credited to a candidate whose surplus is to be
33 transferred consist of original and transferred votes, or of
34 transferred votes only, the returning officer must examine the
35 papers contained in the sub-parcel last received by that candidate
36 and must arrange the transferable papers in that sub-parcel in
37 further sub-parcels according to the next available preferences for
38 continuing candidates recorded on those papers.

- 1 (5) In either of the cases referred to in paragraphs (2) and (3) the
2 returning officer must make a separate sub-parcel of the non-
3 transferable papers and must ascertain the number of papers in
4 each sub-parcel of transferable papers and in the sub-parcel of
5 non-transferable papers.
- 6 (6) If –
- 7 (a) at any stage of the count 2 or more of the candidates have
8 surpluses, the largest surplus must be transferred first;
- 9 (b) the surpluses determined in respect of 2 or more
10 candidates are equal, the surplus of the candidate who had
11 the highest recorded vote at the earliest preceding stage at
12 which they had unequal votes must be transferred first;
13 and
- 14 (c) the votes credited to 2 or more candidates were equal at all
15 stages of the count, the returning officer must determine by
16 lot which surplus is to be transferred first.
- 17 (7) In transferring the surplus of any candidate deemed to be elected
18 each ballot paper of that candidate must be transferred either –
- 19 (a) at a calculated value equal to the total of the surplus
20 divided by the number of transferable papers, the
21 calculation being made to 2 decimal places (ignoring the
22 remainder if any); or
- 23 (b) at the value at which such a paper had been received by
24 the candidate from whom it is being transferred,
25 whichever is the less.
- 26 (8) All papers transferred in accordance with paragraph (6) must be
27 clearly marked with the transfer value accorded to each paper
28 either singly or as a sub-parcel of such transferred papers.
- 29 (9) In carrying out such a transfer of a surplus the returning officer
30 must at each stage of the transfer enter on the election result sheet
31 the value of the papers transferred to each continuing candidate.
- 32 (10) In carrying out a transfer under paragraph (6) the returning
33 officer must add the value of transferred papers to the previous
34 vote recorded in each case and then determine and record on the
35 result sheet the new total vote received by each candidate at that
36 stage of the count.
- 37 (11) The returning officer must also –
- 38 (a) enter on the result sheet as non-transferable votes the
39 difference between the surplus and the total value of the
40 transferred papers; and
- 41 (b) add that difference to the recorded total of the previous
42 non-transferable vote.

- 1 (12) At each stage of the count when a transfer of a surplus has been
 2 effected the returning officer must reconcile from the result sheet
 3 the total of votes at that stage credited to all candidates, together
 4 with the total non-transferable vote, with the already determined
 5 total valid vote.
- 6 (13) When at any stage the transfer of a surplus has been effected and
 7 the procedures in paragraphs (8) to (11) have been completed, the
 8 returning officer must deem to be elected any candidate whose
 9 total vote, at that stage, then equals or is in excess of the declared
 10 quota.
- 11 (14) The transfer of a surplus constitutes a further stage in the count.
- 12 (15) The returning officer must, proceed to transfer surpluses until no
 13 surplus remains to be transferred.
- 14 (16) However, a surplus must not be subject to transfer where that
 15 surplus, together with any other surpluses at that particular stage
 16 of the count not already transferred, is –
- 17 (a) less than the difference between the total vote then
 18 credited to the continuing candidate with the lowest
 19 recorded vote and the vote of the candidate with the next
 20 lowest recorded vote; or
- 21 (b) less than the difference between the total votes of the 2 or
 22 more continuing candidates, credited at that stage of the
 23 count with the lowest recorded total numbers of votes and
 24 the candidate next above such candidates.

25 **42C Exclusion of candidate**

- 26 (1) If, after completion of the transfer of surpluses in accordance with
 27 rule 42B one or more vacancies remain to be filled, the returning
 28 officer must exclude from the election at that stage of the count
 29 the candidate then credited with the lowest vote.
- 30 (2) Where a candidate is excluded in accordance with paragraph (1),
 31 the returning officer must then arrange the papers attributed at
 32 that stage to that candidate in sub-parcels according to their
 33 transfer value.
- 34 (3) The returning officer must then examine the sub-parcel of papers
 35 with the highest transfer value and transfer the papers in it, then
 36 examine the sub-parcel with the next highest transfer value and
 37 transfer those papers and so deal with each sub-parcel.
- 38 (4) The papers in each sub-parcel must be sorted and transferred at
 39 the value at which they were received in accordance with the next
 40 available preference expressed on the papers for the continuing
 41 candidates, passing over preferences for candidates who at such a

stage have either been deemed to be elected or have been excluded.

- (5) Any papers on which no next available preferences have been expressed must then be set aside as non-transferable papers.
- (6) After the transfer of papers of any one transfer value the returning officer must deem to be elected any candidate whose total vote equals or is in excess of the quota.
- (7) When the procedures required by paragraphs (1) to (5) have been completed and all sub-parcels of papers of an excluded candidate have been transferred, the returning officer must record on the result sheet the total value of the papers transferred to each continuing candidate, adding such totals to the candidate's previously recorded total vote in each case, thus determining the new total vote for each continuing candidate at that stage.
- (8) The returning officer must then record on the result sheet the value of the non-transferable papers and add such total to the previous non-transferable papers total.
- (9) The total number of votes at that stage of the count credited to all candidates, together with the total of the non-transferable vote, must be reconciled with the total valid vote.
- (10) Where the total of the votes of the 2 or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer must in one operation exclude such 2 or more candidates.
- (11) If when a candidate has to be excluded under this rule 2 or more candidates have each the same number of votes and are lowest –
- (a) regard must be had to the total numbers of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage must be excluded; and
 - (b) where the numbers of votes credited to those candidates were equal at all stages, the returning officer must determine by lot which candidate is to be excluded.
- (12) The exclusion of a candidate or 2 or more candidates together constitutes a further stage in the count.

42D Transfer of votes

- (1) Where the transfer of votes is made under rule 42B or 42C each sub-parcel of papers transferred (marked as to the transfer value) must be placed on top of the parcel, if any, of papers of the

candidate to whom the transfer is made and that candidate must be credited with a total number of votes equal to the transferred value of the papers transferred to that candidate.

- (2) If after any transfer of votes a candidate has a surplus that surplus must be dealt with in accordance with and subject to rule 42B before any other candidate is excluded.

42E Filling of last vacancies

- (1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates are deemed to be elected.
- (2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred, that candidate is deemed to be elected.
- (3) Where the last vacancies can be filled under this rule, no further transfer of votes may be made.

42F Decision of returning officer

The decision of the returning officer, whether expressed or implied by the acts of the returning officer, on any question which arises in relation to the exclusion of any candidate under rule 42C or to any ballot paper or transfer of votes is final, but may be reviewed on an election petition.”;

- (f) in rule 43 –
- (i) in paragraph (1) for “A candidate” substitute “In the case of an election to the Keys a candidate”;
- (ii) after paragraph (1) insert the following paragraphs –
- “(1A) In the case of an election to the Council the returning officer on completion of each stage of the count must, before proceeding with the next stage involved, inform all the candidates and their election agents then present of the intention of the returning officer, subject to a request for a recount, to proceed to the next stage.
- (1B) Before the returning officer so proceeds, any candidate or that candidate’s election agent may request that a recount be undertaken of the immediate preceding stage.
- (1C) If a request is made under paragraph (1B), the returning officer must then proceed to carry out the recount of the immediate preceding stage, but, if no such request is made, the returning officer must proceed with the next subsequent stage of the count.

(ID) If the returning officer thinks fit, the papers may be recounted either once or more often if the returning officer is not satisfied as to the accuracy of any stage.

(IE) Nothing in this rule requires the returning officer to recount the same parcel or sub-parcel more than once.

(IF) Where as a result of a recount an error is discovered, the returning officer must, where necessary, amend any results previously announced.”;

(iii) in paragraph (2), after “or” insert “in the case of an election to the Keys”;

(g) in rule 44 –

(i) for paragraph (1) substitute –

“(1) Any ballot paper –

(a) which does not bear the official mark; or

(b) in the case of an election to the Keys, on which votes are given for more candidates than there are vacancies to be filled;

(c) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or

(d) which is void for uncertainty,

is invalid and will not be counted, but in the case of an election to the Council the ballot paper is not invalid by reason only of carrying the words “one”, “two” “three” and so on or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.”;

(ii) in paragraph (2) for “Where” substitute “However, where in the case of an election to the Keys”;

(iii) in paragraph (3) for “A” substitute “In the case of an election to the Keys a”;

(iii) for paragraph (5) substitute –

“(5) The returning officer must prepare a statement showing the number of ballot papers rejected under each of the subparagraphs of paragraph (1) and must, on request, allow any candidate or agent of a candidate to copy such statement.”;

(h) for rule 46 substitute –

“46 Order of election of candidates to the Council

(1) In the case of elections to the Council the order in which candidates credited with a number of votes equal to or

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greater than the quota are be deemed to be elected is the order in which their respective surpluses were transferred, or would have been transferred but for rule 42B(16).

- (2) A candidate credited with a number of votes equal to and not greater than the quota is, for the purpose of this rule, regarded as having had the smallest surplus at the count at which the candidate obtained the quota.
- (3) Where the surpluses of 2 or more candidates are equal and need not be transferred, regard must be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidates credited with the greatest number of votes at that stage is deemed to be the largest.
- (4) Where the numbers of votes credited to 2 or more candidates were equal at all counts, the returning officer must determine by lot the order in which such candidates are deemed to have been elected.

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46A Interpretation

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In this Part and in rule 47 –

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“**candidate's vote**” means the value of voting papers credited to a candidate at any stage of the count;

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“**continuing candidate**” means any candidate not deemed to be elected and not excluded;

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“**count**” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

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“**deemed to be elected**” means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

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“**determine by lot**” means determine as follows –

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the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is drawn is the candidate –

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(a) who is next excluded, or

38

(b) whose surplus is next transferred, as the case may be;

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“**mark**” means a figure, a word written in the English language or a mark such as “X”;

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1 “**non-transferable paper**” means a ballot paper on which no second or
2 subsequent preference is recorded for a continuing candidate, but
3 a paper is deemed to have become a non-transferable paper
4 whenever –

- 5 (a) the names of 2 or more candidates (whether continuing
6 candidates or not) are marked with marks which, in the
7 opinion of the returning officer, indicate the same order of
8 preference and are next in order of preference; or
9 (b) the name of the candidate next in order of preference
10 (whether a continuing candidate or not) is marked with a
11 mark which, in the opinion of the returning officer, does
12 not follow consecutively after some other mark on the
13 ballot paper or with 2 or more marks; or
14 (c) it is void for uncertainty;

15 “**original vote**” in regard to any candidate means a vote derived from a
16 ballot paper on which a first preference is recorded for that
17 candidate;

18 “**preference**” is interpreted as follows –

- 19 (a) “**first preference**” means the figure or any mark which in
20 the opinion of the returning officer clearly indicates a first
21 preference;
22 (b) “**second preference**” means the figure “2” or any mark
23 which in the opinion of the returning officer clearly
24 indicates a second preference standing in succession to a
25 first preference and so on;
26 (c) “**next available preference**” means a preference which, in
27 the opinion of the returning officer, is a second or
28 subsequent preference recorded in consecutive order for a
29 continuing candidate the preference next in order on the
30 ballot paper for candidates already deemed to be elected or
31 excluded being ignored;

32 “**quota**” has the meaning assigned by rule 42A(2);

33 “**stage of the count**” means the determination of –

- 34 (a) the first preference vote for each candidate (“the first
35 stage”); or
36 (b) the transfer of a surplus of a candidate deemed to be
37 elected; or
38 (c) the exclusion of one or more candidates at the same time;

39 “**surplus**” means the number of votes by which the total number of the
40 votes, original and transferred, credited to any candidate exceeds
41 the quota;

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“**transferable paper**” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“**transferred vote**” in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.”;

(i) at the end of the heading to rule 47 insert “- Keys elections” and in paragraphs (1) and (2) after “contested election” and “uncontested election” respectively, insert “to the Keys”;

(j) after rule 47 insert –

“47A Declaration of result – Council elections

(1) In a contested election to the Council, when the result of the poll has been ascertained, the Chief returning Officer must immediately –

(a) on the completion of the counting of the votes –

(i) declare the result of the poll; and

(ii) declare the candidates deemed to be elected in the order ascertained in accordance with rule 46; and

(b) give public notice of –

(i) the names of the candidates elected;

(ii) the total number of votes for each candidate, whether elected or not;

(iii) any transfer of votes;

(iv) the total number of votes credited to each candidate at the end of each stage of the count at which such transfer took place; and

(v) the order in which the candidates were elected.

(2) In an uncontested election to the Council the Chief Returning Officer must immediately –

(a) declare the candidate or candidates nominated to be elected; and

(b) publish a notice of the candidate or candidates elected.

(3) Notice under paragraph (1) and (2)(b) shall be published by depositing a copy of the notice at Government Office and in such other manner as the Chief Returning Officer considers appropriate.

(4) The Chief Secretary shall as soon as may be publish in one or more newspapers published and circulating in the Island a notice of the names of the candidates elected, stating (in the case of a

contested election) that a copy of the notice under paragraph (1) may be inspected at any reasonable time at Government Office.”;

(k) in rule 48 –

(i) in paragraph (1) for “a member or members elected for any constituency” substitute “any member of the Keys elected for a constituency or any member of the council elected”;

(ii) for paragraph (3) substitute –

“(3) A duplicate of such certificate shall be handed –

(a) by the returning officer to each candidate elected to the Keys; and

(b) by the Chief Returning Officer for each candidate elected to the Council.”.

(10) In Schedule 3 –

(a) in paragraphs 8(1) and (2) and 15(1) after “Speaker” insert “in the case of an election to the Keys or the President of Tynwald in the case of an election to the Council”;

(b) for paragraph 8(3) substitute –

“(3) The court may at the same time make a special report to the Speaker in the case of an election to the Keys, or to the President of Tynwald in the case of an election to the Council, as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the Keys or the Council as the case may be.”.

(c) in paragraph 8(4) (wherever occurring), paragraph 15(2) and paragraph 17(1) and (2) (wherever occurring) after “Keys” insert “or the Council as the case may be”;

(d) in paragraph 17(1)(b) for “the Council” substitute “Tynwald”.

4 Amendments to the Payment of Members’ Expenses Act 1989

In the *Payment of Members’ Expenses Act 1989* –

(a) after section 6(1) insert –

“(1A) However, the amount of any sum referred to in section 1 prescribed for elected members of the Council must be equal to the sum prescribed for a member of a Department (other than a Minister).”;

(b) In section 6A(3) after “dissolution of the Keys” insert “or an elected member of the Council who has gone out of office but an election to fill the vacancy thereby created has not yet taken place”.

1 **5 Minor amendments to other enactments**

- 2 (1) In the *Isle of Man Constitution Amendment Act 1919* –
- 3 (a) for section 7(2) substitute –
- 4 | “(2) Eight members elected in accordance with the *Representation of the*
- 5 | *People Act 1995* (in this Act referred to as the “**elected**
- 6 | **members**”).”.
- 7 (2) In section 1(2)(b) of the *Government Departments Act 1987* and sections
- 8 2(1) (wherever occurring), 3(1) and 4(3) of the *Council of Ministers Act*
- 9 1990 for “Tynwald” substitute “the Keys”.
- 10 (3) In the definition of “national election” in section 15(1) of the *Registration*
- 11 *of Electors Act 2006* after “Keys” insert “or the Council”.

12 **6 Transitional provision**

- 13 Elected members of the Council who –
- 14 (a) are in office on the coming into operation of this Act; or
- 15 (b) take up office after that date but before a day that is 6 weeks
- 16 before the date of the election to the Council in 2018,
- 17 go out of office on the day mentioned in paragraph (b).

18 **7 Repeals**

- 19 The Schedule sets out the enactments or provisions of enactments repealed.
- 20

SCHEDULE

[Section 7]

REPEALED PROVISIONS

| <i>Short title</i> | <i>Extent of repeal</i> |
|--|---|
| Isle of Man Constitution Amendment Act 1919 | Sections 8 to 23 and 26 |
| Isle of Man Constitution (Elections to Council) Act 1971 | The whole Act |
| Isle of Man Constitution (Amendment) Act 1975 | Section 3 |
| Constitution Act 1990 | Schedule 1 paragraph 3(2), (3), (7) and (8) |
| Constitution (Amendment) Act 2008 | The whole Act |

IN THE KEYS

LEGISLATIVE COUNCIL REFORM BILL 2015

A **BILL** to make new provision for the constitution of the Legislative Council; to require its members to be subject to popular election by a single transferable vote system on an all-Island basis after the election to the Legislative Council in 2018; to change the basis of eligibility for election to the Legislative Council; to remove members of the Legislative Council from eligibility for service as Ministers and as Chief Minister; to amend the pay and conditions of service of members of the Legislative Council; and for connected purposes.

Leave to introduce given by the Keys
on 11 June 2013.

MR KARRAN

FEBRUARY 2015