



STANDING ORDERS OF THE LEGISLATIVE COUNCIL

UPDATED EDITION SEPTEMBER 2021

EDITORIAL NOTE

Standing Orders were first adopted by the Legislative Council in 1932. They were comprehensively reviewed in 2007/08 and the new Standing Orders were adopted on 26th February 2008. The present edition is based on the 2008 text and incorporates the amendments made by the Council which are set out below, superseding the consolidated editions of September 2011 (PP 0130/11), February 2013 (PP 0035/13), September 2018 (PP 2018/0128), and January 2021 (PP 2021/0003). The footnotes have been added editorially.

Date	Standing Order(s) affected
24 th March 2021	2.1, 4.1, 4.3, 5.3A, 7.2(1)(ii) (coming into effect on 1 st October 2021)
10 th November 2020	4.A1
26 th June 2018	3.1, 4.4(2), 4.5(2), 4A.1(2), 6.2(5)
18 th December 2012	4.2, 4A.1, 4A.2
27 th April 2010	3.6, 7.2

J D C King
Clerk of the Council
6th September 2021

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I: SITTINGS OF THE LEGISLATIVE COUNCIL

Sittings of the Council

- 1.1** The Legislative Council (in these Standing Orders referred to as “the Council”) shall sit on such days, and at such hours, and in such places as the President of Tynwald (in these Standing Orders referred to as “the President”) may determine.

Summons

- 1.2** (1) The Council shall be assembled (except when meeting by adjournment) by notice sent under the authority of the Governor to each Member of the Council by hand or by prepaid letter not less than two days before the date of the meeting, and addressed to the Member’s usual place of abode. The notice shall be deemed to reach a Member when in the ordinary course of post it would be delivered at that Member’s usual place of abode.
- (2) In case of emergency or in such other circumstances as the President may consider appropriate, the President may summon the Council at shorter notice than above required, and in any manner by which intimation of a sitting may be given to a Member; a record of such emergency or other appropriate circumstances shall be entered in the proceedings of the Council.
- (3) When the Council is sitting as part of Tynwald, the President may require the attendance of the Members then present at a sitting of the Council without any other notice being required to be given.

Adjournment

- 1.3** The President may at any time adjourn the Council or any particular business before the Council.

II: ARRANGEMENT OF BUSINESS

Order Paper

- 2.1** (1) The business of the Council shall be set out in an Order Paper prepared by the Clerk of the Council and issued under the authority of the President.

- (2) The Order Paper shall be circulated to Members at least five days before the sitting, unless the President authorises a delay.

Example: when the Council sits on a Tuesday, the Order Paper is to be circulated to Members on or before the preceding Thursday; but the President could allow it to be delayed to the Friday or later.

- (3) Business to appear on the Order Paper must be submitted to the Clerk of the Council at least seven days before the sitting.

Example: when the Council sits on a Tuesday, business which is to appear on the Order Paper must be submitted on or before the preceding Tuesday.

- (4) Business which does not appear on the Order Paper may not be taken except by leave of the Council.

Example: an amendment drafted and circulated the day before a sitting could be taken, but the Member wishing to move it would first have to seek the leave of the Council.¹

Order of business

- 2.2** The President shall from time to time determine the order in which the business before the Council shall be taken.

III: GENERAL RULES OF PROCEDURE

Absence

- 3.1** No Member shall be absent from a sitting without the consent of the President.²

Opening of Sitting

- 3.2** Members of the Council shall be in their places at the time appointed for the commencement of the sitting. The approach of the President shall be announced by the officer on duty. The Members shall stand on

¹ 2.1 amended 24th March 2021 (effective 1st October 2021)

² 3.1 amended 26th June 2018

the entrance of the President and remain standing until the President has sat down.

Absence of President

- 3.3** (1) If the President is absent from any sitting, the Council shall elect a Member as acting President of the Council.
- (2) If only one Member is proposed and seconded, that Member shall be called to be acting President of the Council without question put.
- (3) If more than one Member be proposed, the Clerk of the Council shall proceed to take the votes of the Members present by ballot, and shall then declare the result of the voting; and the Member receiving the majority of votes cast shall be elected. In the event of an equality of votes, the Clerk shall call for fresh nominations.

Prayers

- 3.4** Prayers shall be read by the Lord Bishop, or in the Bishop's absence by the Chaplain of the House of Keys, or in the absence of both by the President or in the absence of all three by the Clerk of the Council before any business be proceeded with. No person shall enter or leave the Chamber while prayers are being read.

Quorum

- 3.5** (1) Subject to paragraphs (2) and (3), a quorum of the Council shall consist of five Members.
- (2) In such exceptional circumstances as the President may determine, the quorum for a particular sitting shall consist of four Members. Such determination, together with an explanation of the exceptional circumstances being relied on, shall be published as soon as practicable before the date of the relevant sitting.
- (3) Neither the President nor the Attorney General shall count towards the quorum.
- (4) If on a division at any stage of a Bill it appears that a quorum is not present, the President shall declare the question not decided, and the debate thereon shall stand adjourned to the next sitting of the Council.

Questions and motions

- 3.6** (1) A motion shall be moved by a Member and seconded by another Member before it can be debated. The President may require a motion to be put in writing before accepting the same.
- (2) Subject to the discretion of the President, no Question or motion shall refer to any matter which is *sub judice*.³

Amendments and adjournments

- 3.7** (1) A motion may be opposed either by direct negative or by amendment.
- (2) At the conclusion of the debate on any amendments, the President shall determine the order in which the amendments shall be put. If amendments are adopted, the amended motion or part thereof becomes the substantive question to be put to the Council.
- (3) Any motion or amendment may be adjourned by resolution of the Council.

Voting

- 3.8** (1) All questions shall be decided by a majority of voices. At the conclusion of the debate the motion discussed shall be read by the President and put to the Council. The President shall thereupon announce that the motion is carried, or lost, as the case may be. If no Member of the Council calls for a division, the President will thereupon declare the motion carried, or lost, as the case may be.
- (2) Any Member of the Council may call for a division immediately after the President has intimated an opinion on the voting of the Council. Subject to paragraph (5) below, a division shall thereupon be taken by the Clerk of the Council calling upon each Member by name to say “for” or “against” and recording such votes. The Clerk shall report to the President the votes for or against the motion and the President shall thereupon declare the result of the count so taken.
- (3) The President shall not vote, except where there is an equality of votes, in which case the President shall have a casting vote.
- (4) The Attorney General shall not vote.

³ 3.6(2) inserted 27th April 2010

- (5) Votes may be taken by a system of electronic voting in accordance with directions issued by the President.

Withdrawal

- 3.9** A motion or amendment, after having been moved and seconded, can only be withdrawn by the unanimous leave of the Council.

Speaking

- 3.10** (1) Members of the Council must address their speech to the President.
- (2) If two or more Members desire to speak at the same time, the President shall call upon the Member who is to speak first.
 - (3) A Member may speak once or more often, with the approval of the President, on any question before the Council.
 - (4) Debate must be relevant to the business before the Council.
 - (5) A Member may by leave of the President explain matters of a personal nature, although there is no question before the Council.

Admission of public

- 3.11** The sittings of the Council shall normally be open to the public so far as the accommodation available will permit, but the Council by resolution may determine at any time that it shall sit in private.

Strangers to withdraw if ordered

- 3.12** At any sitting of the Council, if any Member move that Strangers be ordered to withdraw, the President shall forthwith put the question without debate "That strangers be ordered to withdraw". If the question be carried in the affirmative, Strangers shall be excluded from the Council Chamber.

Points of order

- 3.13** (1) Any Member may speak on a point of order (which the Member must specify) suddenly arising.
- (2) A Member shall not speak after the question has been put, except to raise a point of order.
 - (3) All questions of order shall be determined by the President.

IV: BILLS

Bills – circulation

- 4.1** Prints of any Bills to be brought before the Council shall be circulated to the Members thereof before the sitting of the Council. When a Bill has been introduced into the House of Keys and amended by that House, a reprint of the Bill so amended shall be circulated to the Members of the Council.⁴

Public Bills – introduction

- 4.2** (1) The Council of Ministers may cause any Bill to be introduced into the Council as a Government measure. Prints of such Bills shall bear an endorsement to the effect that the same have been prepared by the direction of the Council of Ministers.
- (1A) A Bill may be introduced into the Council if it has been passed by the Keys.⁵
- (2) Any Member of the Council may ask leave to introduce a Bill into the Council, and, if the Council by resolution grant such leave, the Bill shall be printed and circulated by the Clerk of the Council.
- (3) A memorandum specifying the general purport of the Bill shall accompany the Bill.

Bills – consideration

General

- 4.3** (1) Written evidence relevant to a Bill may be laid before the Council at any time during the consideration of that Bill or for up to six months thereafter.
- (2) Subject to Standing Orders 5.3A and 5.4, oral evidence relevant to a Bill may be heard during the Evidence Stage or at any other time during the consideration of the Bill.

⁴ 4.1 amended 24th March 2021 (effective 1st October 2021)

⁵ 4.2(1A) inserted 18th December 2012

- (3) At any time during the consideration of a Bill, the Council may refer particular clauses or schedules, or the whole Bill, to a Select Committee.

Principles Stage

- (4) The Member in charge of the Bill shall move “That the Council is in agreement with the general principles of the Bill and that the Bill shall proceed to the Clauses Stage”.
- (5) The following amendment may be moved –
To add at the end the words “after evidence has been heard”.
- (6) If the motion is carried without amendment, the Bill shall proceed to the Clauses Stage. The time between the Principles Stage and the Clauses Stage shall be at least two weeks.
- (7) If the motion is amended and then carried in its amended form, the Bill shall proceed to the Evidence Stage. The time between the Principles Stage and the first day of the Evidence Stage shall be at least one week.
- (8) If the motion is lost, the Bill is lost.

Evidence Stage

- (9) Witnesses nominated by Members may be scheduled by the Clerk of the Council, under the authority of the President, to appear at one or more sittings.
- (10) Before any scheduled witness is heard, the Member in charge of the Bill shall move formally “That the Bill do now proceed to the Clauses Stage”.
- (11) After any scheduled witnesses have been heard, the motion shall be debated.
- (12) A Member may move that the motion be adjourned to a specified date to allow for the scheduling or consideration of further evidence, or for any other purpose.
- (13) If the motion is carried, the Bill shall proceed to the Clauses Stage. The time between the last day of the Evidence Stage and the first day of the Clauses Stage shall be at least two weeks.
- (14) If the motion is lost, the Bill is lost.

Clauses Stage

- (15) The Member in charge of the Bill shall move “that” each clause and schedule “do stand part of the Bill”. Clauses and schedules may be considered together in groups; or they may be subdivided and considered in subsections or paragraphs.
- (16) Amendments and new clauses may be moved.
- (17) The procedure for new clauses shall be as follows:
 - (a) the proposer shall move that the new clause be approved in principle;
 - (b) if the new clause is approved in principle, the President shall give Members an opportunity to indicate whether they are considering proposing an amendment to the new clause;
 - (c) if no Member wishes to propose an amendment, then a motion may immediately be made “that the new clause do stand part of the Bill”;
 - (d) if any Member does wish to propose an amendment, then a motion “that the new clause do stand part of the Bill” shall not be moved until the next but one sitting.
- (18) When all the clauses and schedules have been considered, the Bill shall proceed to the Final Stage. The time between the last day of the Clauses Stage and the Final Stage shall be at least one week.

Final Stage

- (19) The Member in charge of the Bill shall move “That the Bill do now pass”.
- (20) Amendments may be moved, but shall not be carried unless they have the support of at least six Members.⁶

⁶ 4.3 amended 24th March 2021 (effective 1st October 2021)

Procedure for Bills first introduced into the House of Keys

- 4.4** (1) This Standing Order applies where a Bill has first been introduced into the House of Keys, has come to the Council, and has been amended by the Council.
- (2) A Bill to which this Standing Order applies shall be returned to the House of Keys immediately unless the President determines that its return should be delayed.⁷
- (3) If the House of Keys rejects or amends the amendments made by the Council, the Council shall consider the Keys' amendments and shall act in accordance with Standing Order 4.6.

Procedure for Bills first introduced into the Council

- 4.5** (1) This Standing Order applies where a Bill has first been introduced into the Council and has been passed by the Council.
- (2) A Bill to which this Standing Order applies shall be transmitted to the House of Keys immediately unless the President determines that its transmission should be delayed.⁸
- (3) If the House of Keys amends the Bill, the Council shall consider the Keys' amendments and shall act in accordance with Standing Order 4.6.

Council consideration of Keys' amendments

- 4.6** (1) When the Council considers a Bill under this Standing Order it may –
- (i) agree with the Keys' amendments; or
 - (ii) reject the Keys' amendments; or
 - (iii) amend the Keys' amendments; or
 - (iv) disagree with the Keys' amendments with a view to a conference.
- (2) If the Council agrees with the Keys' amendments, the Bill is passed.

⁷ 4.4(2) amended 26th June 2018

⁸ 4.5(2) amended 26th June 2018

- (3) If the Council rejects or amends the Keys' amendments it shall send the Bill back to the Keys. If the House of Keys rejects or amends the amendments made by the Council, the Council shall again consider the Keys' amendments and shall again act in accordance with this Standing Order.
- (4) If the Council disagrees with the Keys' amendments with a view to a conference it shall request a conference. On conclusion of a conference requested under this paragraph, the Bill shall come again before the Council.

Conferences

- 4.7** (1) A conference between the Council and the House of Keys may at the request of either body be held during the consideration of any measure.
- (2) The procedure as to conferences shall be in accordance with the Standing Orders of Tynwald Court and shall be followed with respect to each further amendment of any clause in question until –
- (i) the Keys and the Council both agree to the amendment; or
 - (ii) one Branch declines to agree and the other Branch insists on its amendment.

Private Bills – introduction

- 4.8** Every private Bill shall be introduced into the Council only on leave being given by the Council on the motion of a Member. Such leave is given by the Council on the petition of the promoters, which petition may, if the Council think fit, be referred to a committee to inquire whether the Standing Orders applicable thereto have been complied with. If a committee be appointed, the Council shall on receiving the committee's report decide whether leave be given or not.

Expenses of private Bill

- 4.9** All expenses of a private Bill shall be borne by the promoters.

IV(A): COMMITTEES

Standing Orders Committee

- 4A.1** (1) There shall be a Standing Orders Committee to consider the Standing Orders of the Council.
- (2) The Committee shall be composed of the President, who shall chair the Committee, and two other Members.⁹

Standing Committee on the Business and Functioning of the Council

- 4A.1A** (1) There shall be a Standing Committee on the Business and Functioning of the Council which shall consider –
- (a) preparation for the forthcoming legislative business of the Council;
 - (b) the outcome of past legislative business of the Council; and
 - (c) the functioning of the Council.
- (2) The Committee may report orally or in writing on legislative matters but not on any matter of Government policy.
- (3) The members of the Committee shall be the elected Members of the Council within the meaning of the Isle of Man Constitution Act 1919.
- (4) The quorum of the Committee shall be three.
- (5) The Committee may form a joint Committee with any Committee of the House of Keys established for similar purposes.¹⁰

Expiry of appointment to committee or deputation

- 4A.2** (1) When a person ceases to be a Member of the Council, his or her membership of any committee of the Council, or of any deputation of the Council to a Bill conference, is vacated but he or she –
- (i) must continue to serve on the committee or deputation until a successor is elected; and

⁹ 4A.1 inserted 18th December 2012. Location of insertion corrected editorially. 4A.1(2) amended 26th June 2018

¹⁰ 4A.1A inserted 10th November 2020

- (ii) remains eligible to be re-elected as a member of the committee or deputation if otherwise qualified.¹¹

V: PETITIONS, MEMORIALS AND APPEARANCES

Public petitions

- 5.1** (1) A petition may be presented to the Council through a Member thereof. The Member presenting the petition shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it and to the reading of the petition.
- (2) Every petition must be signed by the persons whose names are appended thereto by their names, and in the case of a corporation aggregate, under its common seal.

Private petitions

- 5.2** (1) Private petitions are those which relate to private Bills.
- (2) A private petition must be signed by the petitioner or his or her advocate, and presented by a Member of the Council.
- (3) On leave being given, the petitioner or his or her advocate may be heard on the matters raised by the petition.
- (4) Any person to whom notice has been given of –
- (i) the introduction of any private Bill; or
 - (ii) a petition for leave to introduce such a Bill
- may appear by himself or by his or her advocate before the Council or before a committee thereof without special leave being given.
- (5) The Council may decide at what stage a private petitioner or his or her advocate or any noticed party may be heard.

¹¹ 4A.2 inserted 18th December 2012. Location of insertion corrected editorially.

Memorials

- 5.3** A memorial to the Council may be presented by any Member of the Council on behalf of the person or persons signing the same. A memorial shall be read by the Clerk of the Council at such time as the President may determine.

Appearance before Council

- 5.3A** The procedure for the appearance of a Member of the House of Keys before the Council shall be in accordance with section 9 of the Isle of Man Constitution Act 1961, which reads:

- (1) *Notwithstanding anything which may from time to time be contained in the Standing Orders of the Council or of the Keys —*
- (a) *when a Bill which has been passed by the Keys is before the Council for consideration it shall be competent for a member of the Keys, with the authority of the Speaker and the consent of the President, to appear before the Council upon the whole of such Bill, or upon such part or aspect thereof as may be agreed between the President and the Speaker;*
 - (b) *such member of the Keys shall have the right to be heard by the Council at such stage or stages of the debate as may be agreed between the President and the Speaker and at such other stages as the President may authorise;*
 - (c) *such member of the Keys may, at any time when he is present in the Council during the debate, be requested by a member of the Council, with the leave of the President, to answer questions or to give explanations relating to the Bill, and such questions or explanations need not be confined to the matters agreed between the President and the Speaker under paragraph (a) of this subsection;*
 - (d) *save as aforesaid such member of the Keys shall not intervene in the debate or in any proceedings of the Council, and he shall, at the request of the President, withdraw from the Council at any stage of the debate, but shall not be requested to do so at the stage or any of the stages agreed between the President and the Speaker under paragraph (b) of this subsection unless, in the*

opinion of the President, he is disregarding the authority of the President.

- (2) The member of the Council in charge of the Bill may at any time request the President to approach the Speaker with a view to a member of the Keys appearing before the Council under the provisions of this section.¹²

5.4 No person shall have the right of appearing or being heard before the Council on any Bill of a general public character, but any person particularly affected by a Bill before the Council in his or her personal or proprietary rights may present a memorial through a Member of the Council for leave to be heard on the Bill in person or by counsel, or to give evidence on any matter, and the Council may by resolution resolve that such person be heard or may resolve to refer the Bill or any particular clauses of the Bill to a committee of the Council, before which persons affected thereby may appear in person or by counsel and may give evidence. The report of the committee shall be presented to the Council by one of the members of the committee.

Members of Tynwald and their partners who are advocates not to appear before Council

5.5 A Member of the Legislature who is a practising advocate of the Manx Bar, or any partner of such Member, may not appear before the Council as an advocate in any matter and may not be retained by, or give professional advice or assistance to, any person or corporation concerned or interested in any Bill, petition, memorial or resolution submitted or intended to be submitted to the Council.

VI: DUTIES OF MEMBERS AND OFFICERS

Enrolment of commission or certificate of appointment and taking of oaths

6.1 Members of the Council must enrol their commissions or certificates of appointment in the General Registry, and take the oaths of fidelity to Her Majesty and the statutory or customary oath for the performance of their duties. The Clerk of the Rolls shall intimate to the Clerk of the

¹² 5.3A inserted 24th March 2021 (effective 1st October 2021)

Council when a Member of the Council has enrolled his or her commission on appointment and taken the necessary oaths.

Duties of Clerk

- 6.2** (1) The Clerk of the Council shall keep the Minutes of the Proceedings of the Council and of committees of the Council.
- (2) The Minutes shall record the names of the Members attending and all decisions of the Council and of committees of the Council.
- (3) In the case of a division of the Council or a committee of the Council, the Minutes shall include the numbers voting for and against the question, and the names of the Members so voting.
- (4) The Clerk shall be responsible for the custody of the records, Bills and other documents laid before the Council, which shall be open to inspection by Members of the Council and other persons under such arrangements as may be sanctioned by the President.
- (5) [...] ¹³

Duties of Messengers

- 6.3** The Messengers shall take such steps as may be necessary to execute such orders as they receive from the President for the enforcement of Standing Orders.

VII: STANDING ORDERS

Suspension of Standing Orders

- 7.1** The Council may, upon a motion of a Member agreed to by a quorum, suspend all or any of the Standing Orders.

Interpretation

- 7.2** (1) In Standing Orders 2.2, 3.5(4), 3.6, 3.7(2), 3.8, 3.10, 3.12, 3.13, 4.3, 4.4, 4.5 and 5.3 a reference to the President applies equally to –

¹³ 6.2(5) deleted 26th June 2018

- (i) an acting President of the Council elected under Standing Order 3.3; and
 - (ii) a Member of the Council chairing a committee of the Council.¹⁴
- (2) “*Sub judice*” includes any civil case in which papers for the commencement of proceedings have been filed in the office of any court or tribunal, whether or not they have been served on or communicated to the other party or any criminal case where a person has been charged or summoned to appear at court. A case will remain *sub judice* until it is discontinued, or judgment has been or verdict and sentence have been delivered and until the time for appealing has expired; it will continue to be *sub judice* after papers for the commencement of any appeal have been lodged until judgment or discontinuance.¹⁵

¹⁴ 7.2(1)(ii) amended 24th March 2021 (effective 1st October 2021)

¹⁵ 7.2(2) inserted 27th April 2010

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