



Isle of Man

Ellan Vannin

AT 6 of 1961

ISLE OF MAN CONSTITUTION ACT 1961



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**Isle of Man***Ellan Vannin*

ISLE OF MAN CONSTITUTION ACT 1961

Received Royal Assent: 27 November 1961
Passed: 12 December 1961
Commenced: 13 January 1962

AN ACT to amend the Constitution of the Isle of Man and to make procedural and other amendments in relation to the Legislature and Tynwald.

PART I – TYNWALD PROCEDURE

1 [Repealed]¹

2 Procedure when motion defeated in Council only

- (1) Where the Council and the Keys have voted separately in Tynwald on any question and such question has received an affirmative vote in the Keys but has been defeated in the Council, then, notwithstanding anything which may from time to time be contained in the Standing Orders of Tynwald, the mover of the motion may at the same or the next subsequent sitting of Tynwald give notice of his intention to move the same motion at a subsequent sitting of Tynwald, which he shall specify in such notice, to be held not later than six months after the sitting at which the question was put and lost.
- (2) When the question on such motion is put at such subsequent sitting of Tynwald, the Council and the Keys, notwithstanding anything which may from time to time be contained in the Standing Orders of Tynwald, shall not vote separately thereon but shall vote as one body, and the motion shall be carried if not less than seventeen votes are cast in the affirmative by the members of Tynwald who shall then be present.²

PART II

3 to 5 [Repealed]³

PART III

House of Keys Procedure

6 Right of Speaker to abstain from voting in Keys

Notwithstanding anything which may from time to time be contained in the Standing Orders of the Keys, the Speaker may, if he thinks fit, abstain from voting when a question is put in the Keys, but in the case of an equality of votes he shall exercise a casting vote whether or not he shall previously have voted on that question.

PART IV

Procedural and Other Provisions Relating to the Legislature

7 [Repealed]⁴

8 Circumstances in which a member of the Council may appear before the Keys

- (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 Council is before the Keys for consideration it shall be competent for a member of the Council, with the authority of the President and the consent of the Speaker, to appear before the Keys upon the whole of such Bill, or upon such part or aspect thereof as may be agreed between the President and the Speaker;⁵
 - (b) such member of the Council shall have the right to be heard by the Keys 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 Speaker may authorise;⁶
 - (c) such member of the Council may, at any time when he is present in the Keys during the debate, be requested by a member of the Keys, with the leave of the Speaker, 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;⁷

- (d) save as aforesaid such member of the Council shall not intervene in the debate or in any proceedings of the Keys, and he shall, at the request of the Speaker, withdraw from the Keys 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 Speaker, he is disregarding the authority of the Speaker.⁸
- (2) The member of the Keys in charge of the Bill may at any time request the Speaker to approach the President with a view to a member of the Council appearing before the Keys under the provisions of this section.⁹

9 Circumstances in which a member of the Keys may appear before the Council

- (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;¹⁰
 - (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;¹¹
 - (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;¹²
 - (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.¹³

- (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.¹⁴

10 [Repealed]¹⁵

11 [Repealed]¹⁶

12 and 12A [Repealed]¹⁷

13 Governor's nominations not to be subject to approval of Tynwald

Every provision contained in any enactment or public document which requires that any appointment or nomination by the Governor of a person to serve on any statutory or other body, or to perform any statutory or other duty, shall be made with or subject to the approval of Tynwald, is hereby repealed.

PART V

14 to 18 [Repealed]¹⁸

19 [Repealed]¹⁹

20 to 22 [Repealed]²⁰

PART VI

Miscellaneous

23 [Repealed]²¹

24 Provisions as to interpretation

- (1) In this Act —

“**Keys**” has the same meaning as has ‘House’ in the principal Act;

“**the President**” means the President of Tynwald;²²

“**principal Act**” means the *Isle of Man Constitution Amendment Act, 1919*.

- (2) Any reference in this Act to any enactment is a reference thereto as amended by or under any subsequent enactment.

25 **[Repealed]**²³

26 **Short title and citation**

This Act may be cited as the Isle of Man Constitution Act, 1961, and shall be construed as one with the Isle of Man Constitution Acts, 1919 to 1946, and this Act and those Acts may be together cited as the Isle of Man Constitution Acts, 1919 to 1961.

27 **[Repealed]**^{24 25}

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 repealed by Council of Ministers Act 1990 Sch 2.

² Subs (2) amended by Constitution (Amendment) Act 1978 Sch 1.

³ Ss 3 to 5 repealed by Isle of Man Constitution (Amendment) Act 1975 Sch.

⁴ S 7 repealed by Constitution (Amendment) Act 1981 Sch 2.

⁵ Para (a) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

⁶ Para (b) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

⁷ Para (c) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

⁸ Para (d) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

⁹ Subs (2) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹⁰ Para (a) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹¹ Para (b) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹² Para (c) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹³ Para (d) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹⁴ Subs (2) amended by Constitution (Legislative Council) (Amendment) Act 1980 Sch.

¹⁵ S 10 repealed by Constitution Act 2006 Sch.

¹⁶ S 11 repealed by Treasury Act 1985 Sch 3.

¹⁷ Ss 12 and 12A repealed by Constitution (Executive Council) (Amendment) Act 1986 Sch 2.

¹⁸ Ss 14 to 18 repealed by Constitution (Executive Council) Act 1984 Sch 2.

¹⁹ S 19 repealed by Constitution (Amendment) Act 1981 Sch 2.

²⁰ Ss 20 to 22 repealed by Constitution (Executive Council) Act 1984 Sch 2.

²¹ S 23 repealed by Constitution (Executive Council) (Amendment) Act 1986 Sch 2.

²² Definition of 'the President' substituted by Constitution Act 1990 Sch 1.

²³ S 25 repealed by Statute Law Revision Act 1983 Sch 2.

²⁴ S 27 repealed by Constitution (Amendment) Act 1978 Sch 2.

²⁵ ADO (Parts I, III, IV and VI) 13/2/1962 (GC92/61).