



Isle of Man

Ellan Vannin

AT 1 of 1941

THE HOUSE OF KEYS AND PUBLIC AUTHORITIES ELECTIONS ACT 1941



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**Isle of Man***Ellan Vannin*

THE HOUSE OF KEYS AND PUBLIC AUTHORITIES ELECTIONS ACT 1941

Received Royal Assent: 10 October 1941

Passed: 14 October 1941

Commenced: 14 October 1941

AN ACT to postpone elections to the House of Keys and Public Authorities and the preparation of Voters' Lists, and for purposes incidental thereto.

1 Short title

This Act may be cited as "The House of Keys and Public Authorities Elections Act, 1941".

2 Definitions

In this Act the expression "**Public Authorities**" means the Council of the Municipal Corporation of the Borough of Douglas, the Commissioners of the respective towns, parishes and village districts, and the Guardians of the Poor of the respective districts. The expression "**National Emergency**" means a state of war or of apprehended or threatened war, or international disturbance, which in the opinion of the Governor constitutes a state of national emergency.¹

3 Power to extend the membership of public authorities

(1) Notwithstanding the provisions of any enactment the Governor may by Order during the present emergency or on or after the outbreak of war or any national emergency arising extend the duration of the term of office of any Alderman, Councillor or member of a Public Authority, for a period of one year from the date when the persons before mentioned would cease to hold their respective offices.²

(2)

(a) On any Order being made under the preceding sub-section any casual vacancy occurring during such extended year shall be filled by means of the choice by the Public Authorities of a person to fill such vacancy, and a person so chosen shall hold his seat or office in

the same manner in all respects as if he had been elected to fill the vacancy.³

- (b) Every choice by a Public Authority under this sub-section shall be made from candidates who shall be nominated in accordance with rules under section 20 of the *Elections (Keys and Local Authorities) Act 2020*.⁴
 - (c) Every choice by a Public Authority under this subsection shall be made at a meeting of the Public Authority held in public.
 - (d) Every member of the Public Authority may vote by signing and personally delivering to the Chairman at the meeting a voting paper containing the surname and other names of the candidate for whom he votes.
 - (e) The chairman, as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read, and then deliver them to the Clerk to be kept for twelve months.
 - (f) In an election under this sub-section where there are more than two candidates the candidate receiving the lowest number of votes will fall out and the poll taken of the remaining candidates, and the like process shall be repeated until only two candidates remain. The candidate then obtaining a majority of votes shall be elected. In case of an equality of votes at any stage of the election the Chairman shall have a second or casting vote.
- (3) The Provisions of any Act or Regulations relating to Aldermen or Councillors of the Municipal Borough of Douglas, or members of any other Public Authority, shall be construed as if they were modified in such manner as to give effect to this section, and the Governor may by the said Order, or by subsequent Order, make such provisions as are necessary to effect such modification. If any question arises as to any matter under this Act or the operation thereof such question shall stand referred to the Deemsters who shall determine the same summarily after hearing any parties they consider ought to be heard.⁵
- (4) Section 25 of the *Elections (Keys and Local Authorities) Act 2020* (vacation of office for failure to attend meetings) shall not apply to a commissioner whose absence is due to service in Her Majesty's forces.⁶

4 [Repealed]⁷

5 Extension of provisions

The powers by the foregoing provisions of this Act conferred on the Governor if the same are exercised by him may (with the approval of a resolution of Tynwald) be again exercised with respect to any subsequent year or years after the

expiration of the period of one year therein referred to and thereupon the provisions of this Act shall apply to such further year or years.

6 Commencement of Act

This Act shall come into operation on the Royal Assent thereto being by the Governor announced to Tynwald and a certificate thereof signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Endnote References

¹ S 2 amended by Representation of the People Act 1951 Sch 7.

² Subs (1) amended by Representation of the People Act 1951 Sch 7.

³ Para (a) amended by Representation of the People Act 1951 Sch 7.

⁴ Para (b) amended by Local Elections Act 1986 Sch 3 and by Elections (Keys and Local Authorities) Act 2020 Sch 6.

⁵ Subs (3) amended by Representation of the People Act 1951 Sch 7.

⁶ Subs (4) substituted by Local Elections Act 1986 Sch 3 and amended by Elections (Keys and Local Authorities) Act 2020 Sch 6.

⁷ S 4 repealed by House of Keys and Public Authorities Elections Act 1945 s 2.