



Isle of Man

Ellan Vannin

AT 3 of 1990

COUNCIL OF MINISTERS ACT 1990



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**Isle of Man***Ellan Vannin*

COUNCIL OF MINISTERS ACT 1990

Received Royal Assent: 20 February 1990

Passed: 20 February 1990

Commenced: 1 October 1990

AN ACT to rename the Executive Council; to re-enact with amendments certain enactments relating to the Executive Council; to alter the procedure for the appointment of members of certain bodies; and for connected purposes.

1 The Council of Ministers

- (1) The Executive Council is renamed “**the Council of Ministers**”.
- (2) The Council of Ministers shall consist of the Chief Minister and the Ministers.

2 Appointment and tenure of office of Chief Minister

- (1) The Chief Minister shall be appointed by the Governor on the nomination of and from among the members of the House of Keys.¹
- (2) A nomination under subsection (1) shall be made by a resolution supported by no fewer than 13 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.²
- (2A) Any proposal for a nomination under subsection (1) shall be made in writing and delivered to the Secretary of the House of Keys not less than 7 days before the sitting referred to in subsection (2).³
- (2B) No vote shall be taken on such a proposal unless a copy of a statement in writing by the person proposed, specifying the policies which, if appointed, he intends to pursue, has been sent to each member of the House of Keys in such manner and within such time before the said

sitting as may be prescribed by the standing orders of the House of Keys.⁴

- (2C) The nomination or appointment of the Chief Minister in office on the date on which the Council of Ministers (Amendment) Act 2018 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.⁵
- (2D) Despite subsection (2A) —
- (a) in the event that the Speaker of the House of Keys considers that no candidate is likely to receive 13 votes, the Speaker shall adjourn the House to later in the same day and call for fresh nominations; and
 - (b) if the Speaker considers that there is no prospect of reaching agreement that day, the Speaker shall adjourn the House until the next day.⁶
- (3) The Chief Minister shall hold office until —
- (a) the next general election of members of the House of Keys following his appointment; or
 - (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.⁷
- (4) The warrant of appointment of the Chief Minister shall be enrolled in the Public Record Office.⁸

3 Appointment and tenure of office of Ministers

- (1) The Ministers, who shall not exceed 9 in number, shall be appointed from among the members of Tynwald by the Governor, acting on the advice and with the concurrence of the Chief Minister.
- (2) Subject to subsection (3), a Minister shall hold office during the pleasure of the Governor, acting on the advice and with the concurrence of the Chief Minister.
- (3) Where the Chief Minister goes out of office under section 2(3)(b), the Ministers shall also go out of office.
- (4) The warrant of appointment of each Minister shall be enrolled in the Public Record Office.⁹

4 Vacation of office

- (1) The Chief Minister or a Minister may at any time resign his office on giving to the Governor notice in writing of his desire to do so.

- (2) The resignation of the Chief Minister or a Minister under this section shall be notified by the Governor to the President of Tynwald and the Speaker of the House of Keys.¹⁰
- (2A) If the Chief Minister ceases to be a member of the House of Keys he shall go out of office.¹¹
- (3) If a Minister ceases to be a member of Tynwald, he shall go out of office.¹²
- (4) Where the Chief Minister goes out of office under section 2 or this section, he shall nevertheless remain in office until his successor is appointed.¹³
- (5) Where a Minister who is assigned to a Department under section 5 goes out of office under section 3(3) or subsection (3), he shall nevertheless remain in office until his successor is assigned.¹⁴
- (6) Any person going out of office as Chief Minister or a Minister shall, if otherwise qualified, be eligible for re-appointment.

5 Assignment of Ministers to Departments

- (1) The Chief Minister shall by an instrument in writing assign a Minister to each Department.
- (2) A Minister may be assigned under this section to more than one Department.
- (3) The Chief Minister may be assigned to a Department under this section, and accordingly in this section “Minister” includes the Chief Minister.
- (4) A Minister assigned to a Department under this section shall bear the title “Minister” with the addition of such words by way of designation of that Department as may be directed by order of the Council of Ministers.¹⁵
- (5) An instrument under subsection (1), and an order under subsection (4), shall be laid before Tynwald.
- (6) Part 4, Division 1 (numbering, citation and distribution) of the *Legislation Act 2015* applies to an instrument under subsection (1) as if it were a statutory document.¹⁶
- (7) Where an instrument purports to have been made under subsection (1) on or before any date and to assign a named individual to any Department it shall be presumed, until the contrary is proved, that at that date he was a Minister and was assigned to that Department under this section.

6 Proceedings of Council

- (1) The Council of Ministers shall meet at weekly or such other intervals as the Chief Minister shall direct.
- (2) The proceedings of the Council of Ministers shall be confidential, and no member thereof, without the leave of the Chief Minister, shall divulge to any unauthorised person any matter or thing said or done therein.
- (2A) Subsection (2) does not affect the operation of the *Freedom of Information Act 2015* in respect of information created on or after 11 October 2011.¹⁷
- (3) The Chief Minister or, in his absence —
 - (a) a Minister appointed for the purpose by the Chief Minister, or
 - (b) in default of such an appointment, or in the absence of the Minister so appointed, a Minister appointed by the Ministers present,shall preside at meetings of the Council of Ministers.
- (4) All agenda and minutes of and any papers to be considered by the Council of Ministers shall be supplied to the Governor.
- (5) The Council of Ministers shall consider any papers submitted to it by the Governor.

6A Duty of Council of Ministers to uphold and support rule of law

P2005/4/1(adapted)

- (1) The constitutional principle of the rule of law continues to exist.
- (2) The Council of Ministers has a constitutional role in upholding and supporting the constitutional principle of the rule of law.¹⁸

6B Guarantee of continued judicial independence

P2005/4/3(1) and (4) to (7) (adapted)

- (1) The Council of Ministers acting collectively, each Minister and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice, must uphold and support the continued independence of the judiciary.
- (2) The following particular duties are imposed for the purpose of upholding and supporting that independence.
- (3) The Chief Minister and the other members of the Council of Ministers must not seek (individually or collectively) to influence particular judicial decisions through any special access to the judiciary.
- (4) The Council of Ministers, each Minister and every other person having responsibility as mentioned in subsection (1) must have regard to—
 - (a) the need to defend that independence;

- (b) the need for the judiciary to have the support necessary to enable them to exercise their functions;
 - (c) the need for the public interest in regard to matters relating to the judiciary or otherwise to the administration of justice to be properly represented in decisions affecting those matters.
- (5) In this section “the judiciary” includes the judiciary of any of the following–
- (a) the High Court;
 - (b) any other court or tribunal established under the law of the Island.¹⁹

7 [Repealed]²⁰

8 Appointment of members of certain bodies

- (1) Where by any statutory provision or resolution it is provided that a member of any body (other than a committee of Tynwald) shall be elected by Tynwald, the provision or resolution shall have effect as if it provided that the member shall be appointed by the Council of Ministers, subject to the approval of Tynwald.
- (2) The approval of Tynwald to the appointment of a person to be a member of any body shall be signified by a resolution of a majority of the members of Tynwald present and voting, who shall vote as one body.

9 Transitional provisions, amendments etc

- (1) A person holding office as a Minister immediately before the commencement of this Act shall continue to hold office in accordance with section 3(2), and as if he were assigned under section 5 to the Department to which he had been assigned under section 2A(6B) of the *Constitution (Executive Council) Act 1984*.
- (2) Section 8 does not affect any appointment made before the commencement of this Act.
- (3) In any statutory provision made before the passing of this Act, for any reference to the Executive Council there is substituted a reference to the Council of Ministers.
- (4) The enactments specified in Schedule 1 are amended in accordance with that Schedule.
- (5) The enactments specified in Schedule 2 are repealed or revoked, as the case may be, to the extent specified in column 3 of that Schedule.

10 Short title, citation and commencement

- (1) This Act may be cited as the Council of Ministers Act 1990, and the Constitution Acts 1919 to 1981 and this Act may be cited together as the Constitution Acts 1919 to 1990.
- (2) This Act shall come into operation on the 1st October 1990

Schedule 1

AMENDMENT OF ENACTMENTS

Section 9(4)

[Schedule 1 amended by Water Act 1991 Sch 9, by Post Office Act 1993 Sch 3, by Electricity Act 1996 Sch 7, by Statutory Boards (Amendment) Act 2001 s 4, by Constitution Act 2006 Sch, by SD941/06 and by Insurance Act 2008 Sch 9, and amends the following Acts and Order —

Manx Museum and National Trust Act 1959 q.v.
Interpretation Act 1976 q.v.
Manx Heritage Foundation Act 1982 q.v.
Financial Supervision Commission Order 1983 (GC181/83)
Government Departments Act 1987 q.v.]

Schedule 2

ENACTMENTS REPEALED OR REVOKED

Section 9(5)

[Sch 2 amended by Insurance Act 2008 Sch 9, and repeals the following Acts wholly —

Isle of Man Constitution (No. 2) Act 1968
Constitution (Executive Council) (Amendment) Act 1980
Constitution (Executive Council) Act 1984
Constitution (Executive Council) (Amendment) Act 1986

and the following Acts and Order in part —

Isle of Man Constitution Amendment Act 1919
Isle of Man Constitution Act 1961
Governor's General Functions (Transfer) Act 1980
Financial Supervision Commission Order 1983 (GC181/83)
Constitution (Executive Council) (Amendment) (No. 2) Act 1986
Government Departments Act 1987
Statutory Boards Act 1987.]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

-
- ¹ Subs (1) substituted by Council of Ministers (Amendment) Act 2018 s 2.
- ² Subs (2) substituted by Council of Ministers (Amendment) Act 2018 s 2.
- ³ Subs (2A) inserted by Council of Ministers (Amendment) Act 1994 s 1 and amended by Council of Ministers (Amendment) Act 2018 s 2.
- ⁴ Subs (2B) inserted by Council of Ministers (Amendment) Act 1994 s 1 and amended by Council of Ministers (Amendment) Act 2018 s 2.
- ⁵ Subs (2C) inserted by Council of Ministers (Amendment) Act 2018 s 2.
- ⁶ Subs (2D) inserted by Council of Ministers (Amendment) Act 2018 s 2.
- ⁷ Para (b) substituted by Council of Ministers (Amendment) Act 2018 s 2.
- ⁸ Subs (4) amended by Central Registry Act 2018 Sch.
- ⁹ Subs (4) amended by Central Registry Act 2018 Sch.
- ¹⁰ Subs (2) amended by Constitution Act 1990 Sch 1 and by Council of Ministers (Amendment) Act 2018 s 3.
- ¹¹ Subs (2A) inserted by Council of Ministers (Amendment) Act 2018 s 3.
- ¹² Subs (3) amended by Council of Ministers (Amendment) Act 2018 s 3.
- ¹³ Subs (4) amended by Council of Ministers (Amendment) Act 2018 s 3.
- ¹⁴ Subs (5) amended by Council of Ministers (Amendment) Act 2018 s 3.
- ¹⁵ Subs (4) amended by GC155/91.
- ¹⁶ Subs (6) substituted by Legislation Act 2015 s 97.
- ¹⁷ Subs (2A) inserted by Freedom of Information Act 2015 Sch 4.
- ¹⁸ S 6A inserted by Council of Ministers (amendment) Act 2019 s 3.
- ¹⁹ S 6B inserted by Council of Ministers (amendment) Act 2019 s 3.
- ²⁰ S 7 repealed by Presiding Officers Act 2008 s 5.