

**ELECTIONS (KEYS AND LOCAL AUTHORITIES)
(AMENDMENT) BILL 2024**

Explanatory Memorandum

1. This Bill is promoted by Mr D Ashford, Minister for the Cabinet Office.
2. *Clauses 1 and 2* provide for the short title to the Act and its commencement by the Council of Ministers.
3. *Clause 3* amends the *Elections (Keys and Local Authorities) Act 2020*.
4. *Clause 3(2)* amends the definition of “election regulations” to clarify that they are regulations made in connection with both national elections regulations made by the Council of Ministers under section 81 and, in connection with local elections regulations made by the Council of Ministers under section 22.
5. *Clause 3(3)* amends section 22 to make provision for the Council of Ministers to make election regulations relating to the publication and content of declarations of relevant interests by candidates in local authority elections.
6. *Clause 3(4)* amends section 63 to remove from the Returning Officer the duty to make arrangements in national elections for pre-election constituency meetings; and, from the Treasury, the duty to meet the cost of these meetings.
7. *Clause 3(5)* restates the duty in section 68 of the deputy returning officer to maintain order at an election with the assistance of the police force. This clause removes from the deputy returning officer the powers of arrest, detention, trial and conviction of offending persons.
8. *Clause 3(6)* amends section 81 to make provision for the Council of Ministers to make election regulations relating to the publication and content of declarations of relevant interests by candidates.
9. *Clause 3(7)* amends section 84 to provide for election regulations to authorise the allotting to voters of more than one polling station for the exercise of their vote.
10. *Clause 3(8)* amends section 88 to provide that nomination papers and declarations of relevant interests are official documents and their publication to be in the public interest.
11. *Clause 3(9)* amends section 106 to add failure to disclose relevant interests to the list of electoral offences attracting potential criminal liability.
12. *Clause 3(10)* amends section 107 to remove Tellers from the list of officials, candidates and election agents on whom a duty of secrecy is imposed. The purpose of Tellers is to relay to the candidate or party they represent information voluntarily provided to Tellers by voters. A duty of secrecy is incompatible with this purpose.

13. *Clauses 3(11) and 3(12)* amend sections 136 and 140 to introduce a third recall condition for Members of the House of Key; specifically, an order by Tynwald, following a report of the Tynwald Standards and Members' Interests Committee.
14. *Clause 3(13)* amends the interpretation provisions contained in section 152 to provide accommodation for future changes to the committee structures and responsibility duly made by Tynwald or the House of Keys.
15. *Clause 3(2)* represents a cost saving to Treasury. The resulting Act will be cost neutral.
16. 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.



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Index

Section	Page
PART 1 – INTRODUCTORY	5
1 Short title.....	5
2 Commencement	5
3 Elections (Keys and Local Authorities) Act 2020 amended.....	5



ELECTIONS (KEYS AND LOCAL AUTHORITIES) (AMENDMENT) BILL 2024

A **BILL** to amend the Elections (Keys and Local Authorities Act 2020).

BE IT ENACTED by the King’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:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Elections (Keys and Local Authorities) (Amendment) Act 2024.

2 Commencement

- (1) This Act shall commence on such day or days as the Council of Ministers may by order appoint.
- (2) An order made under subsection (1) may make such consequential, incidental, supplementary and transitional provisions as appear to the Council of Ministers to be necessary or expedient for the purposes of the order.

3 Elections (Keys and Local Authorities) Act 2020 amended

- (1) The *Elections (Keys and Local Authorities) Act 2020* is amended as follows.
- (2) In section 3 (interpretation) for the definition of “election regulations” substitute —

“**election regulations**” means in connection with national elections regulations made by the Council of Ministers under section 81; and, in connection with local elections regulations made by the Council of Ministers under section 22; ~~and~~.
- (3) In section 22 (conduct of local elections), after subsection (2) insert —

63(2A) Regulations under this section may provide for, amongst other things, a mechanism for the nomination of candidates, the content of nominations papers, the publication of nominations and the content of declarations of relevant interest accompanying nominations, delivery of nomination papers and declarations of relevant interest, the conditions of their validity and the criteria for objections to nominations. **62**.

- (4) In section 63 (the Returning Officer) —
- (a) in subsection (3), omit paragraphs (a) and (c);
- (b) in subsection (4), for “(3)(d)” substitute **63**(3)(e) **62**.
- (5) For section 68 (powers of deputy returning officer for maintenance of peace) substitute —

63 68 Powers of deputy returning officer for maintenance of peace

P1983/2/23 and Schedule 1, Rule 33 and drafting

- (1) A deputy returning officer must maintain order at an election.
- (2) If a person misconducts himself in a polling station, or fails to obey the deputy returning officer’s lawful orders, he may immediately, by the deputy returning officer’s order, be removed from the polling station by a constable and the person so removed shall not, without the deputy returning officer’s permission, again enter the polling station during the day.
- (3) Any person so removed may be arrested without a warrant on suspicion of committing an offence in a polling station.
- (4) The powers conferred by this section shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting in that constituency or district. **62**.

- (6) In section 81 (proceedings) —
- (a) in subsection (4), in the text before paragraph (a), for “. Such procedures may relate to, inter alia,” substitute **63**, including but not limited to **62**; and
- (b) for subsection (4)(d), substitute —
- 63**(d) a mechanism for the nomination of candidates, the content of nominations papers, the publication of nominations and the content of declarations of relevant interest accompanying nominations, delivery of nomination papers and declarations of relevant interest, the conditions of their validity and the criteria for objections to nominations; **62**.
- (7) In section 84 (place and manner of voting), in subsection (1), for paragraph (a) substitute —

- (a) in person at any polling station allotted to that person to vote under election regulations; ²².
- (8) In section 88 (public notices), after subsection (3) insert —
- (4) For the purposes of the *Data Protection Act 2018* and Article 86 of the applied GDPR, contained in the Annex to the *Data Protection (Application of GDPR) Order 2018*¹ —
- (a) nomination papers and declarations of relevant interests are official documents; and
- (b) the publication of nomination papers and declarations of relevant interests is a task carried out in the public interests. ²².
- (9) In section 106, (offences in respect of nomination papers etc), in subsection (2) after paragraph (f), insert —
- (g) being a prospective candidate in a national election makes a declaration of relevant interest which fails to disclose any relevant interest, ²²;
- and consequentially omit the “or” from paragraph (e) and for the comma at the end of paragraph (f) substitute ²²; or ²².
- (10) In section 107 (requirement of secrecy), in subsection (3), omit paragraph (b).
- (11) In section 136 (how a member becomes subject to a recall petition process) —
- (a) in subsection 1(a) for “the first or second recall condition” substitute ²² the first, second or third recall condition ²²;
- (b) after subsection (4) insert —
- (4A) The third recall condition is that, following a report from the Tynwald Standards and Members’ Interests Committee in relation to the member, Tynwald orders the suspension of the member from the service of Tynwald for a specified period of the requisite length. ²²;
- (c) in subsections (5) and (6) for “subsection (4)” substitute ²² subsections (4) and (4A) ²²;
- (d) in subsection (6)(b) after “the Keys” insert ²² or Tynwald, as the case may be ²².
- (12) In section 140 (speaker’s notice that first or second recall condition has been met) —
- (a) For the heading substitute ²² Speaker’s notice that the first, second or third recall condition has been met ²²;

¹ SD 2018/0143

- (b) In subsection (1) for “the first or second recall condition” substitute **the first, second or third recall condition**.
- (13) In section 152 (interpretation of part 9), in subsection (1) —
- (a) before the definition of “late applications for registration” insert —
- “House of Keys Management and Members Standards Committee”** means the committee of the House of Keys, however known, constituted by resolution of the House of Keys from time to time for the purposes of considering and reporting on the conduct of members;
- (b) after the definition of “the signing period” insert —
- “Tynwald Standards and Members’ Interests Committee”** means the committee of Tynwald, however known, constituted by resolution of Tynwald from time to time for the purposes of considering and reporting on the conduct of members,
- and consequentially amend the full-stop after the definition of “the signing period” to a semi-colon.