

DEPARTMENT: Home Affairs

IMPACT ASSESSMENT OF: The Council of Ministers (Amendment) Bill 2018

Stage: Consultation

Version: 02

Date: 31/05/2018

Related Publications:

Responsible Officer: Tom Bateman

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SUMMARY: INTERVENTION AND OPTIONS

Briefly summarise the proposal's purpose and the intended effects

The purpose of the Bill is to place the convention of the independence of the judiciary from the executive on a statutory basis. The Bill achieves this by amending the Council of Ministers Act 1990. Particular duties are placed on the Council of Ministers (individually and collectively) to continue to uphold the rule of law and the independence of the judiciary.

What are the options that have been considered

Option 1: The Bill is not progressed.

If the Bill is not progressed there are no particular consequences. It is considered the Island's reputation will be enhanced by enacting the provisions in this Bill. Indeed it is considered appropriate in the 21st century to enshrine the principle of the duty of the executive to uphold both the rule of law and the independence of the judiciary in law. If the Bill is not progressed it is possible this could have a negative impact on the Island's standing.

Option 2: (preferred option): Promote the Bill as drafted.

In the event the Bill is promoted it is considered that by enshrining convention in statute it will signal the further development of the Island's constitution by highlighting the separation of powers as between the executive and the judiciary. Whilst in practice the Bill does not change what is already observed by virtue of convention, it does clarify responsibilities and duties on the part of Ministers, both individually and collectively.

Link to Programme For Government:

Healthy and safe Island – Continue to modernise our criminal justice system through the implementation of the Criminal Justice Strategy.

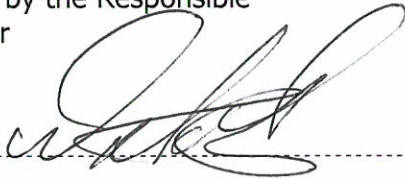
Responsible Departmental Member:

Responsibility for implementing the Criminal Justice Strategy lies with the Minister with the advice and assistance of his Political Members.

Ministerial sign off

I have read the Impact Assessment and I am satisfied that the balance between the benefits and any costs or resource implications is the right one in the circumstances.

Signed by the Responsible
Minister



Hon. Bill Malarkey, MHK
Date: 14th June 2018

SUMMARY: ANALYSIS AND EVIDENCE

IMPACT OF PROPOSAL

Resource Issues - Financial (including personnel) Statement

The Bill does not increase or reduce costs to, or personnel employed by, Government.

Likely Financial Costs

One Off: None.

Average Annual (excluding one off): The Bill places convention on a statutory basis and therefore makes no change to existing funding arrangements. Accordingly, no increase, or decrease, in costs to Government is anticipated.

Likely Financial Benefits:

One Off: None.

Average Annual (excluding one off) see above.

Are there any costs or benefits that are not financial i.e. social:

One of the benefits may be to highlight to businesses that the rule of law is highly prized in the Isle of Man.

Which Business sectors/organisations will be impacted, if any, and has any direct consultation taken place?

See comment above.

Do the proposals comply with privacy law? Please provide a brief statement as to any issue of privacy or security of personal information.

The does not affect privacy law as it is about placing a constitutional convention on a statutory basis.

Has Treasury Concurrence been given for the preferred option

Treasury concurrence has not been sought as the Bill does not do anything other than place a constitutional convention on a statutory basis. The Bill accordingly neither increases nor decreases revenue to Government or affect personnel matters.

Key Assumptions / Sensitivities / Risks

A key assumption is that there will be general public support for the legislation.

Approximate date for legislation to be implemented if known

Subject to public consultation and any revision of the Bill in the light of views expressed during the consultation, the current intent would be to introduce the legislation into the Branches before Christmas 2018.

SUMMARY: CONSULTATION

Consultation in line with Government standard consultation process Yes

Date

1st Consultation

2nd Consultation

Summary of Responses:

