Procedure Notes for the Submission of Papers, Reports and Legislation to the Council of Ministers and Sub-Committees and Working Groups established by the Council of Ministers

Incorporating the Presentations to Tynwald Members And Tynwald Decisions Report Guidance

Chief Secretary’s Office

September 2011
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Part 1 – Council of Ministers Routine Business (Checklist at Appendix 1)

NB: ANY PAPER FOR COUNCIL’S CONSIDERATION IS STATUTORILY CONFIDENTIAL AND SHOULD BE TREATED AS SUCH.

Meetings of the Council of Ministers are routinely held on Thursday each week commencing at 10.00 am – if in doubt please ring 685707 for confirmation that a meeting will be held.

Flowchart illustrating how procedure works - for Department read Department/Board or Office:-

Department prepares paper using Appendix 2

Submits to Chief Secretary’s Office

Council considers

Council’s decision is notified to Departments by way of “Cut Up” for any necessary action

Departments actions and if appropriate reports back to Council

Format of Council of Ministers Papers

1.1 Council Papers should follow the template as indicated at Appendix 2 for routine Council Business (including the submission of Reports for Tynwald) and in order for a paper to be considered by Council, each paper:-

- Must have a Council of Ministers Reference Number (Para 1.6 refers)

- Must include the information requested on the template including the name of the submitting Department and whether the paper is to be considered for a direction or approval or for information

- Must identify the persons recommended to be notified of Council’s decision including the Chief Officer and the responsible departmental officer and any other person – albeit the paper should be approved by the Chief Officer it is not necessary for the paper to be signed by the Chief Officer
• **Must** commence with a short paragraph summarising the purpose of the paper and direction sought from Council

• **Must** contain a **concluding paragraph setting out clear recommendations** for Council to consider and the reasons for making such recommendations **except** for information papers which should not contain any recommendations for Council approval

• **Must** have its pages numbered in sequence and be printed on yellow paper back to back, be in Tahoma 11 text aligned to the left (except for Statutory Documents/Draft Bills), and contain no underlining nor italics

• **Must** limit the use of jargon and acronyms which should only be included subsequent to the full description or title being used

• **Must** use the same title if a follow-up paper is submitted include a reference to previous paper(s)

• **Must not** include hyperlinks as all information should be printed in full. **However**, if appendices are large it is quite acceptable for them to be sent electronically to the Chief Secretary’s Office who will inform Council of Ministers that, if required, a paper copy can be provided, (e.g. in the case of a final draft of a Bill). If in doubt please ring 685707 for advice.

**Failure to comply with these requirements may result in a paper being returned to the submitting officer for amendment and re-submission at a subsequent meeting.**

**NB:** for papers relating to the Submission of Government Business for Tynwald sittings please follow Part 2 and use the template at Appendix 5

**Timetable for Submission of Papers to Council of Ministers**

1.2 **General Council business** must be submitted to the Chief Secretary’s Office by **4 pm on the Thursday of the week before the meeting** at which it is intended the matter be considered by Council. The only exception to this rule is in the case of a matter of extreme urgency and only with the approval of the Chief Minister. Papers must **never** be sent to Council Members direct.

1.3 Matters which are to be submitted to Tynwald as part of Government Business must be considered by Council in accordance with **the timetable issued by the Chief Secretary's Office** and follow the procedure set out in Part 2 with the exception of proposed major policy changes (see paragraph 1.4. below).

The timetable should be brought to the attention of the relevant staff in Departments, Statutory Boards and Offices and the specified dates must be strictly adhered to during the forthcoming Legislative session.

Papers intended to be included on the List of Items of Government Business, whether as Financial Motions, subordinate legislation, schemes, Reports or
Statements, should be submitted for initial consideration by the Council of Ministers strictly in accordance with this timetable.

It is important that Council considers any draft Report which is intended to be submitted to Tynwald at its meeting at least two weeks before the deadline for submission to the Clerk of Tynwald's Office, thus allowing Departments reasonable time for making any amendments requested following Council’s deliberations on the matter. See Part 6 for guidance in respect of Reports.

Proposals for major changes to Policy

1.4 Major policy changes proposed in Council papers which require Tynwald approval should be submitted to Council four weeks prior to the deadline for the submission of Motions etc. to the Clerk of Tynwald’s Office identified in the timetable issued by the Chief Secretary’s Office to allow Council sufficient time to consider the matter.

Treasury Concurrence

1.5 Matters requiring the concurrence of the Treasury (see paragraph 3.8 -3.10) and financial Motions must be considered at the appropriate meeting of Treasury before submission to Council. The paper to Council should clearly indicate that Treasury concurrence has been obtained. If Treasury concurrence has not been granted Council will not consider the paper.

Number of copies and Council Paper Reference Numbers

1.6 It is the responsibility of the submitting Department, Statutory Board or Office to provide the Chief Secretary’s Office with 19 copies, printed back to back on yellow paper, of each Council Paper or Report for consideration by Council. In exceptional circumstances – e.g. where an accompanying Report contains items in colour such as maps, pictures, or coloured text, that document may be submitted on white paper. However, the supporting paper to Council introducing the document must be on yellow paper and in the format described above.

Departments should contact the Chief Secretary’s Office (extensions: 685707/685708) to obtain a Council of Ministers reference number for the paper before printing the 19 copies.

Electronic copies

1.7 An electronic copy of documents submitted to Council must be forwarded to Mrs Linda Webb at Linda.webb@cso.gov.im before or immediately following its delivery to CSO for inclusion on the agenda.
Checklist

1.8 The checklist at Appendix 1 will assist Departments to ensure that the correct paper work has been submitted to the Chief Secretary’s Office for general Council business.

Council of Ministers Minutes and Cut ups

1.9. **Council of Ministers Minutes are statutorily confidential** and are dispatched, in hard copy format, to Members of the Council only. Extracts of the Minutes (cut ups) in electronic form are distributed to the Chief Officer and responsible officer of the relevant Departments and any other person nominated by the Department in the paper as soon as possible following the Council meeting giving direction on the Council decision to enable Council’s decision to be actioned. **Cut ups should not be circulated to other persons outside Government.** The Minutes are subject to agreement by Council at its subsequent meeting and on rare occasions may be subject to change.

If Council requests information be circulated to Ministers ahead of a Tynwald/House of Keys sitting, such information should be forwarded to the Chief Secretary’s Office for distribution.

Presentations to Council

1.10 Presentations to Council are the exception rather than the norm and are generally at the request of Council and can only happen with the express consent of the Chief Minister.

Summary of Proceeding in the Council of Ministers

Part 2 - Procedures for the Submission of Government Business to Tynwald

Submission to Chief Secretary's Office of Notices of Motion and letters of request to make a statement in Tynwald

Flowchart illustrating how procedure works - for Department read Department/Board or Office:-

Department prepares paper – Appendix 5

↓

Paper submitted to CSO with supporting paperwork in accordance with submission timetable

↓

Council considers

↓

CSO advises Departments which items have been approved
Departments email copies of documents [not including the Council paper and Advice Note to Council] in pdf format to documents@tynwald.org.im in accordance with the submission timetable
CSO will also advise which items have not been approved for inclusion on the List of Items of Government Business

↓

CSO delivers paper versions of all the approved items to Clerk of Tynwald’s Office in accordance with the submission timetable

↓

CoT prepares Tynwald Order Paper and distributes to Members etc
Tynwald considers Order Paper

Tynwald approves/rejects

After the conclusion of Tynwald, Departments should check the Votes and Proceedings and, for all items approved (see 2.14) email a scan of the final signed and dated copy, in pdf format to documents@tynwald.org.im

Timetable for Submission

2.1 The last date for the submission to the Chief Secretary’s Office of a Notice of Motion for subordinate legislation, schemes and financial matters, or a request to Madam President to make a Statement, is normally the Wednesday, 27 days before the sitting of Tynwald.

These dates may be varied to take account of bank holidays, etc., and reference should be made to the timetable for submission of Government business to Tynwald distributed by the Chief Secretary’s Office for the closing date in respect of any particular sitting.

Submission of Motions and requests for Statements to be made in Tynwald

2.2 Any Motion to be proposed in Tynwald on behalf of a Department, Statutory Board or Office, or letter of request by a Minister to the President of Tynwald to make a Statement, should be submitted to the Chief Secretary’s Office, Government Office (not directly to the Clerk of Tynwald’s Office).

The Chief Secretary’s Office will ensure that all Notices of Motions and letters of request are forwarded to the Clerk of Tynwald in accordance with the timescale dictated by Standing Orders.

Format of Notice of Motion

2.3 Tynwald Standing Order 2.4(1) requires Motions to be submitted in the manner set out in Form 2 annexed to the Standing Orders. A copy of Form 2 is reproduced at Appendix 4 for reference.
Paper to the Council of Ministers to incorporate Advice Note

2.4 An item submitted in accordance with paragraph 2.1 above [with the exception of a letter of request to Madam President to make a Statement] must be accompanied by a paper to the Council of Ministers and should incorporate a short advice note to Council (Using Templates at Appendices 6 and 7) indicating the title of the measure, whether any changes in policy are involved, and its effects, the reasons for its proposal, any resource implications and applicable Tynwald procedure.

If more than one item is to be submitted it is permissible for only one paper to be submitted with supporting individual Advice Notes for each item.

2.5 The papers to the Council of Ministers from all Departments, Statutory Boards and Offices are collated to form Appendices to one covering paper prepared by the Chief Secretary’s Office which lists all Items of Government Business. The paper is considered at the scheduled Council of Ministers meeting (as shown on the timetable distributed by the Chief Secretary’s Office) and an approved list of items is submitted to the Clerk of Tynwald’s Office for inclusion on the Order Paper for the relevant Tynwald sitting.

The Statutory Document is not itself circulated to Council of Ministers. Consequently, the advice note should set out clearly any changes in policy and the effects of the proposed new subordinate legislation to clarify to Council exactly what is being proposed. It might be sufficient to recite the Explanatory Note from the Statutory Document where the note is itself a sufficient explanation.

Treasury Concurrence

2.6 Where a Motion requires Treasury concurrence in accordance with Section 10 of the Treasury Act 1985 (see paragraph 3.8), the submission to the Chief Secretary’s Office should indicate whether that concurrence has been received at the time of submission and a copy of such concurrence should be sent to the Chief Secretary’s Office.

Copies of Documents for Clerk of Tynwald’s Office via Chief Secretary’s Office

2.7 If the Motion relates to any Regulation, Order or other document for which Tynwald approval is to be sought, 55 copies** of the original Regulation, Order or other document should accompany the Notice of Motion to the Chief Secretary’s Office. **(NB in the case of Reports to Tynwald 50 copies of the Report** are required – See Part 6 for guidance on Reports). The copies will be forwarded to the Clerk of Tynwald’s Office along with the Motion.

**When the Chief Secretary’s Office confirms approval has been given for the submission of items to the Clerk of Tynwald’s Office for inclusion on the Tynwald Order Paper, Departments should email an electronic copy of the Regulation, Order or other document in pdf format to documents@tynwald.org.im [NOT INCLUDING THE COUNCIL
Receipt Form for Clerk of Tynwald’s Office via Chief Secretary’s Office

2.8 A receipt form [completed by Departments confirming papers submitted] to accompany each Notice of Motion and all supporting documents should be sent to the Chief Secretary’s Office (template at Appendix 8) to be forwarded to the Clerk of Tynwald's Office in respect of items approved by the Council of Ministers.

Signature of Papers by Members

2.9 Tynwald Standing Orders require that matters to be placed on the Tynwald Order Paper should be supported by the signature of the Member concerned.

Thus any Notice of Motion or request for permission to make a Statement in Tynwald should be submitted under the signature of an appropriate Member. In the case of a Department, this will normally be the Minister.

Explanatory Memorandum to Members of Tynwald

2.10 When subordinate legislation is submitted to Tynwald for consideration, it must be accompanied in all cases by an Explanatory Memorandum to Members covering at least the following matters:-

- Title of measure
- Changes in policy
- Effects of the measure
- Reasons for the measure
- Resource implications
- Tynwald Procedure
- In the case of a change to Fees Orders – a schedule setting out the previous level of fee which the Order seeks to increase.

The Explanatory Memorandum should be addressed as follows:-

"To the Hon Clare Christian MLC, President of Tynwald, and the Hon Council and Keys in Tynwald assembled"

Only memoranda which are correctly addressed will be accepted by the Clerk of Tynwald’s Office for circulation to Members of Tynwald. The Clerk of Tynwald’s Office has confirmed that it is compulsory for such explanatory memorandum to be in the format set out in Appendix 7. Failure to comply with this requirement may result in items not being included on the Tynwald Order Paper.

41 copies of the Explanatory Memorandum should accompany the other documents submitted via the Chief Secretary’s Office.
Supplementary Tynwald Order Paper

2.11 Where for any reason Notices of Motions are submitted after the deadline specified in Standing Orders so that they need to be included on a Supplementary Order Paper, they should be submitted to the Clerk of Tynwald's Office direct and a copy, in pdf format, emailed to documents@tynwald.org.im. Copies of any such Notices of Motions should, however, be forwarded to the Chief Secretary's Office so that Council can be advised. The requirement for Treasury concurrence in respect of items with financial implications also applies.

Checklist

2.12 The checklist at Appendix 3 will assist Departments, Statutory Boards and Offices to ensure that the correct paper work has been submitted to the Chief Secretary's Office for submission of Government business.

Items to be laid before Tynwald

2.13 Any item which is to be laid before Tynwald should be submitted direct to the Clerk of Tynwald’s Office under cover of a letter from the Department/Board or Office, e.g. certain Reports, most Appointed Day Orders, Accounts etc., no later than 5 pm on the date shown on the timetable for submissions. A copy of the document, in pdf format, should also be emailed to documents@tynwald.org.im before the submission deadline.

Following a Tynwald Sitting

2.14 Following a Tynwald Sitting the Department should check the Tynwald Votes and Proceedings to identify documents:

- Approved
- Laid Before
- Subject to negative resolution (see below)
- Subject to positive resolution (see below)

A scan, in pdf format, of the final, signed and dated copy of documents should be emailed to documents@tynwald.org.im. Where applicable this should be a scan of the copy being lodged with General Registry.

If any document fails to be approved or is withdrawn please notify documents@tynwald.org.im

Negative Resolution: Regulations must be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the Regulations are laid or at the next following sitting resolves that they are to be annulled, they cease to have effect. A Member would need to place a Motion on the Order Paper to accomplish this. If a document ceases to have effect please notify documents@tynwald.org.im
Positive Resolution: Where Regulations have been introduced, usually as an emergency measure, that require approval in order to continue they must be approved at the sitting following their introduction or at the next following sitting or they will cease to have effect. If a document fails to be approved please notify documents@tynwald.org.im
Part 3 - Council of Ministers Instruction - Statutory Documents and Government Circulars - This Part reproduces and updates the Council of Ministers Instruction first issued 1st January, 1998.

In 2008 the Attorney General's Chambers produced the following guidelines:-

- **Isle of Man Legislation Explained**

- **Guidance Notes on Drafting Secondary Legislation**

and

- **New Acts of Tynwald**

which will provide further guidance and advice. These documents are available on the Intranet or from the Attorney General’s Chambers.

**Subordinate Legislation to be issued as Statutory Documents**

3.1 All subordinate legislation (orders, including schemes, appointed day orders, regulations, byelaws, etc. made pursuant to an Act of Tynwald, or an Act of Parliament extending to the Isle of Man) whether or not requiring Tynwald approval, must be issued as Statutory Documents and ultimately filed in the General Registry in accordance with the Filing of Statutory Documents Act 1937. Copies should also be made available to the Tynwald Library by the relevant Department, Statutory Board or Office (see paragraph 3.22 for more detailed instructions).

**Drafting Statutory Documents**

3.2 The relevant Department, Statutory Board or Office will be responsible for the drafting of any Statutory Document, but the advice of the Legislative Drafting Division of the Attorney General's Chambers should be sought on form and wording except where a well-established format previously approved by Chambers is being used. If a format which predates 2008 is being used it is advisable to check with the Legislative Drafting Division that the text still meets acceptable drafting standards.
3.3 Departments, Statutory Boards and Offices are requested:

(a) to identify-

(i) the members of their staff whose duties currently include the drafting of subordinate legislation; and

(ii) the senior officer or officers to have overall responsibility for such legislation; and

(b) to inform the Chief Legislative Drafter of the name, grade and experience of each such person.

Guidance Notes on Drafting Subordinate Legislation

3.4 The Guidance Notes on Drafting of Secondary Legislation produced by the Legislative Drafting Division of the Attorney General’s Chambers provides detailed guidance as to the drafting of a Statutory Document. http://recordsmann/sites/AG/IntranetContent/A%20guide%20to%20drafting%20secondary%20legislation%20(Green%20Book)%20(2nd%20Edition,%20September%202009).pdf Statutory Documents constitute legislation and will therefore be of importance, and due regard must be given to presentation and to standardisation.

Other formal documents to be issued as Government Circulars

3.5 Formal documents, other than subordinate legislation, should be issued as Government Circulars.

Such documents will include appointments to public bodies, proclamations, non-statutory schemes, planning circulars, practice notes and extra-statutory concessions. The contents of a Government Circular may or may not require Tynwald approval.

There is no requirement for Government Circulars to be filed in the General Registry, but when documents are neither laid before Tynwald nor require Tynwald approval, a copy, in pdf format, of the final document should be emailed to documents@tynwald.org.im.

3.6 Government Circulars are formal Government documents, and good presentation is important. Crested paper and a good quality printer should be used.

However, Government Circulars are NOT a form of legislation. It is not appropriate to use the same layout and style for Government Circulars as for Statutory Documents. It is important not to confuse administrative guidance and legislation. See Part 6, page 25, for information on the "Isle of Man Government Identity Guidelines – in-house guidance notes for the production of printed material” http://recordsmann/sites/ISD/IntranetContent/IOMGov_CIDGuide_Final_inhouse_V2.pdf. Those guidelines do not apply to the forms of legislation identified earlier in this section which should conform to the layouts and standards set by the Legislative Drafting Division of the Attorney General’s Chambers.
Other Documents for public information

3.7 Any other document issued from time to time by Departments, Statutory Boards and Offices for the purpose of public information should be emailed in pdf format to documents@tynwald.org.im.

Treasury Concurrence

3.8 By virtue of section 10 of the Treasury Act 1985, prior Treasury concurrence is required for any Tynwald resolution which seeks:

(a) to authorise expenditure of public monies; or

(b) to increase any expenditure sought to be authorised by a resolution or Bill; or

(c) to reduce the income of the Government.

3.9 Statutory Documents or Government Circulars which a Department, Statutory Board or Office proposes to make and which require concurrence should be submitted to the Treasury in draft and should only be made once concurrence has been confirmed.

3.10 Where Tynwald approval is required, submissions to the Treasury should be made no later than the Friday 42 days before the commencement of the sitting of Tynwald at which the matter is to be considered. (Please refer to the timetable issued by the Chief Secretary’s Office).

Allocation of Statutory Document and Government Circular numbers

3.11 Before any Statutory Document or Government Circular is made an identifying number must be obtained from the Tynwald Library by completing a request form and returning the same via email to library@tynwald.org.im who will then issue a number.

The words "Statutory Document" or "Government Circular", followed by this number, in the format NNNN/YY, should be typed (not hand written) at the top left hand corner of the first page of the document. This applies whether or not the document requires subsequent Tynwald approval.

Only in rare cases (such as where a Statutory Document forms part of a sequence that cross refer one to another) are numbers allocated prior to making.

Please note that, once allocated, numbers must not be used for any other document. If an issued number is not used for any reason please notify library@tynwald.org.im. If a numbered document is withdrawn and/or re-issued later please notify, library@tynwald.org.im and request a new number. The new document should include a provision revoking the original version even though (if appropriate) it has not been approved. An explanation should be included in the Explanatory Memorandum that the original has been withdrawn.
Approval of, or laying before, Tynwald

3.12 Many Statutory Documents and Government Circulars will require Tynwald approval before they become operative, or in order to remain operative; some are required to be laid before Tynwald; others require neither approval nor laying.

However, in general, all Statutory Documents should be laid before Tynwald, even if not required by the relevant enabling Act. In case of doubt, the matter should be clarified with the Legislative Drafting Division of the Attorney General’s Chambers.

Submission of documents requiring Tynwald Approval

3.13 55 copies of the Statutory Document/Government Circular with supporting paperwork should be submitted to the Chief Secretary’s Office no later than the Wednesday 27 days before the sitting of Tynwald. Refer to Part 2 for more details of the procedure.

Submission of documents to be laid before Tynwald

3.14 55 copies of any item which is to be laid before Tynwald should be submitted direct to the Clerk of Tynwald’s Office, no later than 5 pm on the date shown on the timetable for submissions issued by the Chief Secretary’s Office. At the same time a copy, in pdf format, should be emailed to documents@tynwald.org.im

Commencement dates

3.15 Specific guidance on commencement dates can be found in Appendix 3 of the Guidance Notes on Drafting of Secondary Legislation produced separately by the Legislative Drafting Division of the Attorney General’s Chambers.

3.16 The original signed document should be retained by the originating Department, Statutory Board or Office until formally filed:

(a) in the General Registry, in the case of Statutory Documents; and

(b) in the Department’s own records, in the case of Government Circulars.

Filing in General Registry

3.17 It is the responsibility of the originating Department, Statutory Board or Office to send the original Statutory Document to the Chief Registrar, General Registry with a request that it be filed in accordance with the Filing of Statutory Documents Act 1937.
Original documents should be sent as soon as they are made, except in the case of documents requiring Tynwald approval, in which case they should be sent as soon as Tynwald approval has been signified.

Dating of Documents

Where a Statutory Document or a Government Circular has been approved by Tynwald, the date of this approval should be **typed (not hand written)** below the title on the original and on all copies subsequently issued. (Undated copies should be destroyed). Manuscript amendment of Statutory Documents (in particular crossing-out) is not acceptable, and the insertion of manuscript additions should be regarded as wholly exceptional.

Where the document is subject to annulment by resolution of Tynwald, the date on which it is laid before Tynwald should be added below the title.

If there is a statutory requirement to lay the document before Tynwald the date of laying should be included; in any other case it is not necessary to add the date of laying.

Pricing

The price to be charged should be added at the bottom left-hand corner of the cover page. The rate should be in accordance with the scale determined by the Treasury – the current scale is at Appendix 10.

Circulation

Immediately after approval in the case of a Statutory Document or Government Circular requiring Tynwald approval (see 2.14), or immediately after making, in any other case, the Department, Statutory Board or Office must email a scan of the final, if applicable General Registry, copy of the document in pdf format to documents@tynwald.org.im.

Items not Approved by Tynwald

If an item is not approved by Tynwald and is then to be submitted to a subsequent sitting, to avoid any errors or confusion in identifying the correct document in the future, Departments, Boards and Offices should prepare a new document with a new Statutory Document number.

This new document should include a provision revoking the original version even though (if appropriate) it has not been approved. An explanation should be included in the Explanatory Memorandum that the original has been withdrawn.

If in doubt or if any further clarification is needed, please contact the Tynwald Library on 685520 or documents@tynwald.org.im.
Checklist

3.23 The checklist at Appendix 9 will assist Departments, Statutory Boards and Offices to ensure that the correct paper work has been submitted to the Chief Secretary's Office.
Part 4 - Procedure for Dealing with the Extension of United Kingdom Legislation to the Isle of Man by Order in Council

Introduction

4.1 This part deals with Orders in Council which have a special procedure which differs from Subordinate Legislation as indicated below.

Acts of Parliament which can be extended to the Isle of Man

4.2 Acts of Parliament which are modified in their application to the Isle of Man fall into two categories:

(a) Acts which contain a "permissive extension" provision, e.g. -
    Her Majesty may by Order in Council direct that any provisions of this Act specified in the Order shall extend to the Isle of Man with such exceptions adaptations and modifications as may be so specified.

(b) Acts which contain an "automatic extension" provision, e.g. -
    This Act extends to the Isle of Man, subject to such exceptions, adaptations and modifications as Her Majesty, may specify by Order in Council.

4.3 Acts in the first class do not extend to the Island unless and until an Order in Council so provides. Acts in the second class extend to the Island without any Order in Council. In both cases the Order in Council will modify or exclude provisions which are not in terms applicable to the Island, to ensure that the Act works properly in the Island.

Procedure

4.4 The procedure for permissive extension of Acts, approved by the Council of Ministers on 18th July 1996, is set out in the following paragraphs.

Consultation

4.5 When the UK Bill is being drafted, the Ministry of Justice will consult the Isle of Man Government on the question of extension to the Isle of Man. After consultation with the Attorney General and any appropriate Department, the Council of Ministers may be asked to approve the inclusion of the appropriate extension provision.

A note of the decision will be included in the Summary of Proceedings in the Council of Ministers which are produced regularly and published on the Chief Secretary’s website at http://www.gov.im/government/council/council.xml
Formal Agreement and Tynwald Motion

4.6 After the Bill has passed, the Ministry of Justice seeks the formal agreement of the Isle of Man Government to the extension of the Act to the Island. With the approval of the Council of Ministers, the Chief Minister (or the Minister for the responsible Department if appropriate), proposes a Motion in Tynwald as follows-

"That Her Majesty be requested to direct by Order in Council that the provisions of the (title of Act) shall extend to the Isle of Man with appropriate exceptions, adaptations and modifications."

or as the case may be, depending on the wording of the Act.

Form of the Order in Council

4.7 The form of the Order in Council is settled by the Legislative Drafting Division of the Attorney General’s Chambers with the legal advisers to the Ministry of Justice, in consultation with the relevant Government Departments in the Isle of Man and the United Kingdom.

Formal consent to submission to Privy Council

4.8 When the draft Order in Council is settled, the Ministry of Justice writes to the Chief Secretary seeking the formal consent of the Isle of Man Government to its submission to the Privy Council. The final draft of any Order in Council should be submitted to the Council of Ministers for approval before consent is given.

Order in Council laid before Tynwald

4.9 Once made, the Order in Council is laid before Tynwald (for the information of Members).

Acts of Parliament extending automatically to the Isle of Man

4.10 In the case of UK Acts which extend automatically to the Isle of Man, the same procedure is followed with the omission of paragraph 4.6 (as the Act already extends to the Isle of Man).

Manx Statutes to be amended to take account of UK Legislation

4.11 In any case where it is necessary for a Manx Statute to be amended to take account of United Kingdom legislation which extends to the Island, such amendments should be effected by means of an amending Act of Tynwald wherever possible.

If it is necessary to effect the amendments by means of an Order in Council, a note explaining the reasons for the Order and its implications for Manx Statutes should be attached when the Order is laid before Tynwald.
Part 5 - Procedure for the Promotion of Government Legislation

In 2008 the Attorney General's Chambers produced the following guidelines:-

- Isle of Man Legislation Explained

- Guidance Notes on Drafting Secondary Legislation

- New Acts of Tynwald

which will provide further guidance and advice. These documents are available on the Intranet or from the Attorney General’s Chambers.

The Preparation, Promotion and Submission of Bills to Council of Ministers

Flowchart illustrating procedure

Before issuing drafting instructions Paper (accompanied by an Impact Assessment
http://rheynnfys/Government/Legislation/default.aspx)
must be submitted by sponsoring body to Council
to obtain approval to proceed
(see Section 5.1)

Council considers

CSO advises relevant Department of Council decision

Consultation to take place in line with Code of Consultation
The preparation, promotion and submission of Bills to Council of Ministers

5.1 **NO drafting instructions for a new Bill can be issued without the authority of the Council of Ministers.**

All proposals by Departments, Statutory Boards, Offices or the Attorney General for new primary legislation shall be referred to the Council of Ministers for consideration.

An initial paper accompanied by an Impact Assessment Form, accessed through the Intranet [http://rheynnys/Government/Legislation/default.aspx](http://rheynnys/Government/Legislation/default.aspx), must be submitted by the Department, Statutory Board or Office for approval by the Council of Ministers to formulate the drafting of any proposed Bill detailing:

(a) full supporting information on the purpose of the Bill together with a reasoned explanation as to why there is a need for primary legislation;

(b) an indication as to what alternatives have been considered to the introduction of the primary legislation and why those alternatives have been rejected;

(c) a thorough assessment of the likely resource implications of the introduction of the Bill. Should any resource implications be identified, Treasury concurrence is required **prior to the Bill being drafted**;

(d) a structured timetable from initial drafting to introduction into the Branches that has been agreed with the Legislative Drafting Division of the Attorney General’s Chambers;
(e) if the proposed legislation will impact on the business community, Departments, Statutory Boards and Offices should have consulted fully with the relevant sector and the views of the sector should be included.

Following Council’s approval to draft a Bill, the sponsoring body shall be required to consult in line with the Code of Consultation available on the Intranet http://www.gov.im/lib/docs/cso/consultations/code_of_practice_on_consultation_200.pdf.

5.2 Once agreed for drafting, every Government Bill shall be referred by the promoting Department to the Senior Legislative Drafter for drafting by a member of his/her team.


5.3 At the initial drafting stage of the Bill, the relevant Minister shall appoint a Member within the Department who it is intended will be nominated to take the approved Bill through the House of Keys.

5.4 It is a matter for the promoting Department:

(a) to ensure that the final draft of the Bill accurately reflects Departmental policy, including any alteration to that policy as a result of consultation or otherwise;

(b) to submit the Bill for approval by the Council of Ministers.

5.5 By virtue of Section 10 of the Treasury Act 1985, no Member of Tynwald may have leave to introduce a Bill into either the House of Keys or the Legislative Council seeking:

(a) to authorise expenditure of public monies; or

(b) to increase any expenditure sought to be authorised by resolution or bill; or

(c) to reduce the income of the Government;

without the prior concurrence of the Treasury.

Where a Bill has any such financial implications, the promoting Department shall seek Treasury concurrence before the Bill is submitted to the Council of Ministers.

5.6 Where the enactment of any proposed Bill is likely to give rise to an increase in Government personnel, this increase should be fully quantified and researched.
The Office of Human Resources is available to assist in quantifying any such increase, which must be clearly quantified before consideration by the Council of Ministers. Consultation should be carried out by the Department in accordance with the Code of Practice on Consultation.

5.7 The Minister shall approve the final draft before it is submitted to Council seeking agreement for its introduction into the Branches. The paper to Council shall include:

(a) the draft Bill;

(b) the updated Impact Assessment;

(c) any advice from the Attorney General’s Chambers on any legal implications of the Bill, particularly as to its compliance with the European Convention on Human Rights and the Island’s international obligations;

(d) where appropriate (see 5.5 above), confirmation that Treasury concurrence has been given;

(e) any recommendation which the Minister may wish to make regarding a Member to take the Bill in the House of Keys, and a recommendation to Madam President to nominate a Member to take the Bill through the Legislative Council.

5.8 When a Bill has been approved by the Council of Ministers for submission to the Branches, the Office of the Council of Ministers shall:

(a) advise the promoting Department, Statutory Board or Office;

(b) advise the Attorney General;

(c) advise the Secretary of the House of Keys, and the Clerk of the Legislative Council; and

(d) communicate to the Speaker of the House of Keys and to the President of Tynwald any recommendation made regarding the Member who should be asked to take the Bill through the respective Branches.

The Attorney General shall provide the Clerk of Tynwald with sufficient printed copies to enable the Bill for first reading in either the House Keys, or sometimes Legislative Council, and shall email a copy of the Bill and Explanatory notes, if any, in pdf format to documents@tynwald.org.im.

Progression of Bills through the Branches

5.9 The promoting Department, Statutory Board or Office shall be responsible for:

(a) production of all notes on clauses or other briefing papers to support the Bill;
(b) arranging any publicity in respect of the Bill;

(c) arranging any presentation on the Bill for Members of Tynwald;

(d) dealing with any enquiry or request for information on the Bill;

(e) production of explanatory notes for Members of Tynwald to be printed on green paper back to back, with four holes punched in the side, in the same way that Bills are produced.

**Legislative Programme**

5.10 Each year the Chief Secretary’s Office shall present for approval by the Council of Ministers a rolling three year draft legislative programme based on the proposals submitted by Departments, Boards or Offices.

**Government Amendments to Bills**

5.11 When a Bill is subject to Government amendment[s] the relevant Department, Board or Office shall provide an information paper to the Council of Ministers for its meeting when consideration is being given to the relevant House of Keys Order Paper or Legislative Council Agenda. The paper should include:

(a) the amendment;

(b) a brief explanation of the reason for the Government amendment;

(c) the basis/effect of the amendment; and

(d) whether the amendment has implications for the Human Rights Act.
Part 6 - Reports

Drafting Reports for submission to Tynwald – NB: See Para 6.5 for timeframe for submission to Council of Ministers

For further guidance on printing Reports please refer to the document entitled "Isle of Man Government Identity Guidelines – in-house guidance notes for the production of printed material" which is available on the Intranet http://recordsmann/sites/ISD/IntranetContent/IOMGov_CIDGuide_Final_inhouse_V2.pdf
If you have any questions regarding the printing guidelines, please contact Ken Strickett on 685695 or email: print@iompost.com for advice.

Flowchart illustrating procedure

1. Department prepares draft Report and submits to CSO in accordance with submission timetable issued by CSO with covering paper using Appendix 2

2. Council considers

3. CSO advises Department of Council’s decision

4. Department arranges for Report to be printed and 50 copies delivered to CSO together with Tynwald Motion in accordance with submission timetable
Departments also email a copy, in pdf format, to documents@tynwald.org.im

5. CSO delivers Report and Motion to CoT in accordance with submission timetable

6. CoT prepares Tynwald Order Paper and distributes Report to Members etc
Tynwald considers Report

Department checks Votes and Proceedings and actions Tynwald’s decision

Drafting Reports for Submission to Tynwald

6.1 Reports represent proposals based on research by Departments, Statutory Boards or Offices and may be used, if approved by Tynwald, as the basis for further work including the development of legislation.

It follows, therefore, that the same care is taken in the drafting and presentation of Reports as would be applicable in the case of legislation.

6.2 Reports should be produced using Tahoma typeface aligned to the left [not justified] and contain no underlining or use of italics and follow a standard layout. The details below should be adhered to –

(a) The Report should be printed on white paper back to back and be bound as a booklet. Advice on possible options and the corporate identity for Reports can be obtained from Isle of Man Post Office. Refer to Government Corporate Identity Guidelines available on the Intranet [http://recordsmann/sites/ISD/IntranetContent/IOMGov_CIDGuide_Final_inhouse_V2.pdf].

NB: If the Report is presented for or on behalf of the Council of Ministers to Tynwald it must be bound in Yellow Card and have an introduction/foreword from the Chief Minister.

(b) There should be a title page/cover with –

(i) a Government Document number in the top left hand corner (See para 6.6);

(ii) the name of the responsible Department, Statutory Board or Office;

(iii) the Government Crest;

(iv) the title of the Report; and

(v) price if applicable (see Appendix 10 for prices of printed documents)
(c) There should be a short introduction (ideally one page) signed by the Minister of the Department / Chairman of the Board - or the Chief Minister if the Report is from the Council of Ministers - outlining the remit of the Report and briefly its conclusions.

The introduction should be addressed:

“To the Hon Clare Christian MLC, President of Tynwald, and the Hon Council and Keys in Tynwald assembled”

The Membership of the Committee submitting the Report should also be detailed if appropriate.

(d) Where the Report has recommendations or conclusions, where appropriate these could be summarised in a dedicated section at the beginning of the Report with a cross reference to the substantive part of the Report where each is discussed in detail.

(e) The main body of the Report should progress logically with page numbering and paragraphs and subparagraphs numbered to facilitate reference during discussion.

(f) Detailed statistical information, copies of relevant correspondence or other documents, plans, tables etc. should be placed in Appendices.

(g) The Report should have a suitable contents page and if required an index/glossary.

(h) Reports can only differ from this agreed format with the specific approval of the Chief Minister.

6.3 Departments, Boards and Offices are to take notice of Tynwald Standing Order 3.11 (amended in December 2004 and July 2006) which deals with the form of words in the Motion relating to Reports depending upon whether the Report is to be laid, received or debated.

(a) Reports which are for the information of Tynwald only are laid before but are not subject to any Motion (eg an Annual Report).

(b) A Motion that a Report is to be received is to be used in cases where the contents are to be discussed but the Report does not contain any recommendations or conclusions.

(c) A Motion that a Report be received and its recommendations approved implies that the Report is not necessarily acceptable to Tynwald but is to be debated, and if approved Tynwald intends that the Report’s recommendations or conclusions be implemented.

(d) A Motion that a Report is accepted and its recommendations approved indicates that its contents are acceptable to Tynwald and if
approved Tynwald intends that the Report’s recommendations or conclusions be implemented.

(e) Where any Report or other document is before the Court on a Motion for its recommendations or conclusions to be approved, the Motion itself shall set out each item or such recommendations or conclusions, if more than one, individually.

6.4 In some cases, Reports to Tynwald do not contain specific recommendations, but are intended as statements of policy or future intentions. Examples include strategy documents and business plans. In order to comply with Standing Orders and ensure that a Report is regarded as approved by Tynwald, it is necessary for a single recommendation to be included within the Report, within the Minister’s Introduction (paragraph 6.2 (c) above refers).

Example wording for such recommendations is as follows:-

“It is recommended that this Report/strategy/plan be endorsed as a general framework for the development of ............... services over the next ............... years.”

6.5 Draft Reports should be submitted to the Chief Secretary’s Office for inclusion on the Council of Ministers agenda at the very latest two weeks before the deadline for submission of Items of Government Business to the Clerk of Tynwald's Office. This will enable the Council of Ministers to consider the draft and for any amendments etc to the Report to be conveyed to the Department so that the final Report can be produced in time to be included in Government business.

The late submission of a Report to Council of Ministers may result in the Report failing to be considered by Tynwald if changes are required by Council. Draft Reports should be accompanied by a Council of Ministers Paper briefly outlining the background to the production of the draft Report and its aims.

6.6 Each Government Report must have a Government Document number allocated by the Tynwald Library. A request form should be obtained from, and returned by email to library@tynwald.org.im, who will issue a number.

The initials “GD” followed by the allocated number, in the format NNNN/YY, should be inserted at the top left hand corner of the front of the Report. A price should be indicated at the bottom right hand corner calculated using the scale of fees set out in Appendix 10.

Please note that, once allocated, numbers must not be used for any other document. If an issued number is not used for any reason please notify library@tynwald.org.im to advise. If a numbered document is withdrawn and/or re-issued later please notify library@tynwald.org.im to advise and request a new number.
**Reports approved by the Council of Ministers for Submission to Tynwald**

6.7 After a Report has been approved by the Council of Ministers for inclusion on the Tynwald Order Paper, 50 copies of the Report should be sent to the Chief Secretary’s Office with the supporting Motion for onward submission to the Clerk of Tynwald’s Office. These should not be produced until after Council's consideration and approval of the draft Report.

6.8 Following Council’s approval of the submission of a Report to Tynwald, Departments will receive confirmation of this from the Chief Secretary’s Office with an instruction to email a copy of the approved Report, in pdf format, to documents@tynwald.org.im.

If Council and/or Tynwald approval is not required Departments should email a copy of the document, in pdf format, to documents@tynwald.org.im when all Departmental procedures have been completed.
Part 7 – Procedure for Sub-Committees and Working Groups established by the Council of Ministers

Format of Papers for the Sub-Committee and Working Group established by the Council of Ministers

7.1 Sub-Committee and Working Group Papers should follow the general layout in the template at Appendix 11.

7.2 Papers should:

(a) be identified with a unique paper number - contact the Secretary of the relevant Sub-Committee or Working Group to obtain a number for the paper [if name of the Secretary is not known contact the Chief Secretary's Office for advice 685707] – the Secretary may be an officer of the lead Department, Board or Office;

(b) include the information requested in the template including whether the paper is to be considered for a decision/discussion or merely contains information for noting;

(c) commence with a short paragraph summarising the purpose of the paper and direction sought from the Sub-Committee;

(d) contain a concluding paragraph setting out clear recommendations for the Sub-Committee to consider and the reasons for making such recommendations;

(e) be marked CONFIDENTIAL (this should be done in upper case and located in the header);

(f) be numbered in sequence and printed back to back on white paper.

Timetable for Submission of Papers

7.3 Papers and supporting documents should be submitted electronically to the Secretary of the Sub-Committee ideally 6 working days prior to the meeting.

Minutes

7.4 Draft Minutes should be circulated to Sub-Committee/Working Group members as soon as possible following the meeting.
Part 8  Presentations to Tynwald Members

8.  The following format should apply:-

   (a)  **Presentations should not be arranged on Thursdays to avoid clashing with the weekly meeting of the Council of Ministers or on the Tuesday of sitting days when the Chief Minister holds the scheduled Summary of Proceedings briefings – dates available from Chief Secretary’s Office - 685707. Presentations should be arranged at a suitable time to enable Members to have lunch before attending.**

   (b)  The Minister, Members, relevant officers and advisers of the Department are to be seated at a table(s) in the front facing Members.

   (c)  Speakers to speak from a Lectern.

   (d)  The Minister is to introduce the presentation.

   (e)  The Minister is to chair the meeting.

   (f)  The officers and advisers are to speak through the Minister.

   (g)  Any questions are to be directed through the Minister and the Minister should advise the meeting of that procedure at the outset.

   (h)  Ministers should ensure that the presentation proceeds in a timely manner and that Members are given fair opportunity to ask questions and should as far as possible avoid any individual Member dominating questions.

       (Note: if a Member has a number of detailed questions they wish to pursue the Minister should invite the Member to meet with him/her and appropriate officials at an early opportunity).

   (i)  Ministers should always endeavour to steer political and policy questions away from officials and respond themselves to such questions, if appropriate with the input from their departmental colleagues.

   (j)  The Minister will wind up the proceedings.

   (k)  The Department is to have a member of staff - who is not involved in the presentation - to take notes of points raised and commitments given.

   (l)  Departments should, wherever appropriate, give presentations to the media as soon as possible after presentation to Members.
Part 9 Tynwald Decisions Report Guidance

Introduction

9.1 Every year the Council of Ministers submits a ‘Tynwald Policy Decisions Report’ to the October sitting of Tynwald which lists all policy decisions agreed by Tynwald during the preceding 12 months, detailing what action Government has taken including whether each decision has been implemented and how, or describing proposals for their future implementation. The Report also contains carried forward decisions ongoing from previous years.

The Report is closely scrutinised by the Council of Ministers and Tynwald therefore it is essential that the information contained within the Report is accurate. The Decisions Report is part of the audit trail for action taken by Government.

Purpose

9.2 The purpose of this guidance is to ensure that the responses received for inclusion within the Annual Report are consistent with the requirements and that Departments are aware of the procedure to be followed by the Chief Secretary’s Office.

Content

9.3 The Report is set out with each decision being given a reference, the month and year that Tynwald made the decision, details of the Motion made, a short commentary of the action taken in response to the decision or recommendation and an overview status as to whether it has been ‘Implemented’, ‘On-going’, ‘Under Consideration’, ‘Carried Forward’ or ‘Not to be Implemented’. See Decision 12/08 attached as an example.

The Proforma that is used by the Chief Secretary’s Office to issue the Decision must be used by the Departments for their response.

There must be a clear understanding of which officer is responsible for providing information to the Chief Secretary’s Office and the name should be supplied to the Office to ensure effective communication.

Column 1 gives each decision a separate reference number so it can be easily identified.

Column 2 contains the date of the Tynwald Sitting.

Column 3 contains details of the Motion and any recommendations made.

Column 4 is to be completed by the Department with responsibility for the Decision.
Column 5 is to be completed by the Department with responsibility for the Decision.

It is important that Columns 4 and 5 are thoroughly considered by Departments and that the information provided is a succinct reply to each recommendation.

In Column 4 the information provided should be divided to reflect each recommendation and any break down of that recommendation using the correct numbering system -

- if appropriate please link the information provided to a strategic aim;
- the information provided should be clear and unambiguous;
- an update on a decision can be sent to the Chief Secretary’s Office at any time.

In Column 5 the status of the Decision should be as follows –

**Implemented** – this should only be used where the Department has carried out all the necessary work and implemented the recommendation. Column 4 should explain what action that has been taken to implement the Tynwald decision.

**On-going** – this should be used where work has begun on complying with the recommendation. Column 4 should reflect the action that has been undertaken.

**Under Consideration** – this should be used where the Department has begun looking at the recommendation and it has been discussed by various parties but work has not yet commenced. Column 4 should reflect this.

**Carried Forward** – this should be used where the recommendation is a long standing commitment or the Department is waiting to proceed. Column 4 should reflect the reasons behind this.

**Not to be Implemented** – this should only be used when a Department has decided not to proceed with a recommendation and very strong justification should be used in Column 4 to explain this decision.

**Multi Department Decisions**

Where a Decision contains a recommendation that crosses over between Departments then the Chief Secretary’s Office would encourage officers to provide a collective answer with agreed wording and agreed status.

Where a Decision contains a number of recommendations that are for different Departments each Department should submit a separate response and if necessary, depending on the responses received, the Chief Secretary’s Office will liaise with each Department.
Time Flow

9.4 The Chief Secretary’s Office will operate a staged issue and follow up system for requesting information regarding the Tynwald Policy Decisions.
### April 08

**Public Accounts Committee**

Motion made -
That the Report of the Public Accounts Committee on the Tender Process Resulting in the Award of a Contract to Ice Mann Food Service Ltd be received and that the following recommendations be approved:

1. (i) Departmental tendering procedures should commence sufficiently in advance of the expiry of existing contracts to ensure that all tenderers can be given reasonable prior notice of whether or not their tender has been successful.

2. (ii) All tender documentation should include a requirement for all tenderers to declare any ongoing legal action which may have a material effect on the company.

---

(i) The advertising of the Food Provisions and Catering Products Contract for operation for the period 1st May 2008 until 30th April 2011 is considered to have been conducted in a timely manner. Furthermore, specific reference has been made within the revisions to the Value for Money Committee Guidance Note I entitled Competitive Tendering at Paragraph 5 to reinforce this requirement.

(ii) It is considered that the current pre-qualification document will suffice. The Value for Money Committee Guidance Note I entitled Competitive Tendering was revised in January 2008 and Paragraph 6 includes specific reference to this point. Guidance Notes are published on the Government Intranet. Reference made within the Financial Regulations at Direction 8.3 for compliance.
APPENDICES
APPENDIX 1

Checklist for Departments/Statutory Boards/Office records
Submission of papers to the Chief Secretary’s Office for item of routine business to be included on an Agenda for a meeting of the Council of Ministers

Paper using Template at Appendix 2:

- Setting out purpose of the paper i.e. to seek approval or for information/noting;
- Setting out clear recommendations;
- Including the Council of Ministers Reference Number on top left hand corner - to be obtained from 685707 before printing;
- Formatted with page numbering and using Tahoma Font 11, aligned to the left margin, no underlining or use of italics;
- If there is a large appendix to the paper consider if it could be emailed – contact Chief Secretary’s Office 685707 for more guidance.

Copies: 19 on yellow paper back to back (accompanying documents not easily reproduced on yellow paper can be copied on white paper)

Submit to Office of the Council of Ministers before 4 pm the Thursday before the meeting when the paper is to be considered

Send electronic copy to Linda.Webb@cso.gov.im
**APPENDIX 2**

Template for Council of Ministers Paper (Routine Business)

**CONFIDENTIAL**

Council of Ministers Paper No. (obtainable from 685707) Copy No.

### PAPER FOR COUNCIL OF MINISTERS

<table>
<thead>
<tr>
<th>From</th>
<th>[Department/Office or Board complete as appropriate]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Officer</td>
<td></td>
</tr>
<tr>
<td>Responsible Departmental Officer Name and title</td>
<td></td>
</tr>
<tr>
<td>Cut ups to be sent to [please amend if necessary]</td>
<td>Chief Officer and Responsible Departmental Officer</td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

**Title [please use same title for subsequent papers]**

<table>
<thead>
<tr>
<th>Complete relevant boxes as appropriate</th>
<th>Yes/No/NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal comply with the principles of the Government Strategic Plan? If the answer is No or NA please briefly explain why by expanding <strong>Purpose of the Paper</strong> below</td>
<td></td>
</tr>
<tr>
<td>Government Policy and Aim</td>
<td></td>
</tr>
<tr>
<td>Has the appropriate regulatory consultation taken place?</td>
<td></td>
</tr>
<tr>
<td>Are there any resource/personnel implications?</td>
<td></td>
</tr>
<tr>
<td>Has Treasury Concurrence been obtained?</td>
<td></td>
</tr>
<tr>
<td>Are there any inter–departmental implications?</td>
<td></td>
</tr>
</tbody>
</table>
| If yes - which other Departments are involved? | **

Does this paper create a new or amend an existing policy? **

Does this paper seek directions or approval from Council? **

Is this paper only for Council’s information? **

As a matter of course cut ups will be sent to the Chief Officer and [if indicated] to the Responsible Departmental Officer. Please indicate additional person[s] recommended to be notified of Council’s decision as follows:-

**Name:**

**Title:**

**Purpose of the Paper:** insert short paragraph here to summarise the aim of the paper and direction sought from Council
This box contains guidance for the use of the template and should be deleted before inserting the text of the paper. The above boxes **must** be completed – if not the paper will be returned and not included in the Council Agenda. The template forms the first page of the paper. Thereafter insert the body of the paper using Tahoma font 11, aligned to the left margin with page numbering.

**NB - do not** use underlining or italics or insert any hyperlinks to websites in the paper.

If the paper contains recommendations for Council to consider please ensure that the paper fully briefs Council on the reasons for making such recommendations and sets out the recommendations at the end of the paper.

An information paper should not contain recommendations
### Checklist for Department/Statutory Board/Office records

Documents to be sent to the Chief Secretary’s Office in connection with the submission of Items of Government Business
Financial Motions/Items of Subordinate Legislation/Reports

<table>
<thead>
<tr>
<th>Documents</th>
<th>Copies</th>
<th>Format</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Motion – signed by Minister - Appendix 4</td>
<td></td>
<td>White paper</td>
</tr>
<tr>
<td>Paper to Council of Ministers - Appendix 5 - incorporating advice note[s] - Appendix 6 - 19</td>
<td></td>
<td>White paper</td>
</tr>
<tr>
<td>Treasury concurrence if applicable</td>
<td></td>
<td>White paper</td>
</tr>
<tr>
<td>Explanatory Memorandum to Members – 41 copies - Appendix 7</td>
<td></td>
<td>White paper</td>
</tr>
<tr>
<td>Reports – 50 copies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed Receipt Form for Clerk of Tynwald’s Office - Appendix 8</td>
<td></td>
<td>White paper</td>
</tr>
</tbody>
</table>

**NOTE:** electronic copies of the above documents marked *** and any other Government document issued for public information, e.g. consultations, GCs not for Tynwald approval, should be emailed, in pdf format, to documents@tynwald.org.im

This instruction specifically excludes the Council Paper and Advice Note to Council
APPENDIX 4
FORM 2

NOTICE OF MOTION (SO 2.4(1))

FOR THE (month) SITTING OF TYNWALD

NAME:

CAPACITY:
(Insert Minister for -, Chairman of -, Member of the Council -, Member of -, etc as appropriate)

TO MOVE -

Signed ..................................................... Date

FOR OFFICE USE

Received □   Examined □   Number □
APPENDIX 5

Template for Council of Ministers Paper
(Government Business for submission to Tynwald)

CONFIDENTIAL

PAPER FOR COUNCIL OF MINISTERS
(to incorporate Advice notes – Appendix 6
From

(Name of Department)

Subject: [amend as appropriate]
Financial Motion
or Items of subordinate legislation
for inclusion on the Tynwald Order Paper ..................... 2011/12

<table>
<thead>
<tr>
<th>Complete as appropriate</th>
<th>Yes/No/NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal comply with the principles of the Government Strategic Plan?</td>
<td></td>
</tr>
<tr>
<td>Government Policy and Aim</td>
<td></td>
</tr>
<tr>
<td>Appropriate consultation taken place?</td>
<td></td>
</tr>
<tr>
<td>Resource/Personnel implications?</td>
<td></td>
</tr>
<tr>
<td>Treasury Concurrence obtained?</td>
<td></td>
</tr>
<tr>
<td>Inter–Departmental implications?</td>
<td></td>
</tr>
<tr>
<td>If yes - which other Departments involved?</td>
<td></td>
</tr>
<tr>
<td>Responsible Department Officer</td>
<td>Name:</td>
</tr>
<tr>
<td></td>
<td>Title:</td>
</tr>
</tbody>
</table>

Purpose of the Paper:- to seek Council of Ministers consent for the Minister to move the following:
Financial Motion
or item(s) of subordinate legislation for approval at the sitting of Tynwald in ....... 2011/12: -

Please list items and attach a Pro forma (Appendix 6) entitled: "Advice Note to Council of Ministers on Subordinate Legislation submitted for Tynwald approval" for each individual item or a collective one if appropriate

Chief Officer
Department
Date
APPENDIX 6

Advice Note to Council of Ministers on Financial Motion or Subordinate Legislation submitted for Tynwald approval

[Amend as appropriate if in respect of a Financial Motion]

1. Title of measure

(Insert title of Order, Regulations, Rules, etc.)

2. Changes in policy

(Insert any change in policy effected by this measure)

3. Effects of the measure

(Insert a brief description of what the measure will do)

4. Reasons for the measure

(Insert brief reasons why the measure is being proposed)

5. Resource implications

(Insert a note of the cost and personnel implications (if any) of the measure)

6. Tynwald procedure

(State the Tynwald procedure applicable, if any (i.e. approval, positive resolution, negative resolution, laid before1). If possible, tell Members where in the enabling legislation they can find the Tynwald procedure – e.g. is it in the same section as the power under which the Order is made, or is it elsewhere)

7. Change in Fees

(Include a schedule setting out the previous level of fee which the Order seeks to increase)

Signed ..............................................

On behalf of (Department/Statutory Board/Office) – usually the Minister

1 For further guidance on forms of Tynwald procedure see Appendix 3 of “A guide to drafting secondary legislation” issued by H.M. Attorney General’s Chambers
APPENDIX 7
Explanatory Memorandum to Tynwald Members

Issued by the Department of .................................

To the Hon Clare Christian MLC, President of Tynwald and the Hon Council and Keys in Tynwald assembled

[Amend as appropriate if in respect of a Financial Motion]

1. Title of measure
   (insert title of Order, Regulations, Rules, etc.)

2. Changes in policy
   (Insert any change in policy effected by this measure)

3. Effects of the measure
   (Insert a brief description of what the measure will do)

4. Reasons for the measure
   (Insert brief reasons why the measure is being proposed)

5. Resource implications
   (Insert a note of the cost and personnel implications (if any) of the measure)

6. Tynwald procedure
   (State the Tynwald procedure applicable, if any (i.e. approval, positive resolution, negative resolution, laid before\(^2\)). If possible, tell Members where in the enabling legislation they can find the Tynwald procedure – e.g. is it in the same section as the power under which the Order is made, or is it elsewhere)

Signed ............................................

On behalf of (Department/Statutory Board/Office) – usually the Minister

---

\(^2\) For further guidance on forms of Tynwald procedure see Appendix 3 of “A guide to drafting secondary legislation” issued by H.M. Attorney General’s Chambers
# APPENDIX 8

## Receipt form for Clerk of Tynwald's Office

<table>
<thead>
<tr>
<th>For the 2011/12 sitting of Tynwald</th>
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<tbody>
<tr>
<td><strong>To be completed by Departments and used by the Chief Secretary’s Office when forwarding paperwork to the Clerk of Tynwald’s Office after approval by the Council of Ministers [complete as appropriate to reflect nature of item]</strong></td>
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**From:**

[Insert name of Department/Office/Statutory Board]

The following papers relate to an Item for inclusion on the Order Paper for the above sitting of Tynwald after consideration by the Council of Ministers:-

**Title:**

<table>
<thead>
<tr>
<th>Signed Motion</th>
<th>Treasury concurrence</th>
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</thead>
<tbody>
<tr>
<td></td>
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55 copies of Statutory Document/Government Circular (No: / )

41 copies of Explanatory Memorandum to Members

50 copies of Report entitled

<table>
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<th>Received for Clerk of Tynwald's Office</th>
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<td>Return to: Responsible Officer in the Dept</td>
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<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>
APPENDIX 9
Checklist - Subordinate Legislation Procedure

A Where Instrument requires Tynwald Approval

1. Prepare draft instrument
2. Submit to Senior Legislative Drafter in AG's Chambers for comments by one of the drafters, unless otherwise agreed with Chambers
3. Obtain Treasury concurrence if required by Treasury Act 1985 s.10
4. Prepare fair copy of instrument and Notice of Motion - Appendix 4 - for signature by Minister
5. Obtain an SD number – request a form from, and return to, library@tynwald.org.im
6. Make 55 photocopies of signed instrument (with any additional copies for file or internal use)

7. Prepare following:-
   (a) (i) Paper to Council of Ministers – Appendix 5
        (ii) supported by an Advice Note to Council of Ministers on each individual item of Subordinate Legislation submitted to Tynwald for approval – Appendix 6
   (b) Explanatory Memorandum to Tynwald Members – Appendix 7
   (c) Receipt Form for Clerk of Tynwald Office – Appendix 8
8. Send to the Chief Secretary’s Office (for attention of Mrs Linda Webb)
   (a) Paper to Council with appendices
   (b) Original signed Notice of Motion (see 4 above) **
   (c) Copy of Treasury concurrence - if appropriate
   (d) 55 photocopies of SD **
   (e) 41 copies of Explanatory Memorandum to Tynwald Members **
   (f) Receipt Form for Clerk of Tynwald Office

**When notified of Council of Ministers approval email a copy of these documents, in pdf format, to documents@tynwald.org.im

9. Prepare briefing paper for Minister’s use in Tynwald sitting
10. After Tynwald approval (check Votes and Proceedings) insert date of approval in original signed instrument
11. Prepare master copy in Word (including signature, dates and SD number)
12. Destroy undated copies
13. Email a scan of the original signed instrument to be filed in the General Registry, in pdf format, to documents@tynwald.org.im
14. File the original signed instrument in the General Registry (Filing of Statutory Documents Act 1937)
**B. Where Instrument is to be laid before Tynwald and may be Annulled by Resolution of Tynwald**

1. Prepare draft instrument

2. Submit to Legislative Draftsman in AG's Chambers for comments, unless otherwise agreed with Chambers

3. Obtain Treasury concurrence if required by Treasury Act 1985 s.10

4. Prepare fair copy of instrument for signature by Minister

5. Obtain SD number - request form from, and return to, library@tynwald.org.im

6. Make 55 photocopies of signed instrument (with any additional copies for file or internal use)

7. Prepare form of receipt (for signing by Clerk of Tynwald's Office and return to Department)

8. Send to Clerk of Tynwald --
   - 55 photocopies
   - receipt
   - covering letter requesting that instrument be laid before next available sitting of Tynwald
   - email a copy, in pdf format, to documents@tynwald.org.im

9. After document has been laid (check Votes and Proceedings), insert date of laying in original signed instrument

10. Prepare master copy in Word (including signature, dates and SD number)

11. Destroy undated copies

12. Email a scan of the original signed instrument, to be filed in the General Registry, in pdf format, to documents@tynwald.org.im

13. File the original signed instrument in the General Registry (Filing of Statutory Documents Act 1937)

**C Where Instrument is to be laid before Tynwald only**

14. As B. above, but omit stage 9. But note that if an item is withdrawn you should notify documents@tynwald.org.im accordingly
APPENDIX 10

Prices for Statutory Documents, Government Circulars and Reports w.e.f May 2010
Based on pages not sheets of paper

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<tr>
<th>No. of Pages</th>
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<th>Current Rate £</th>
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<td>81 – 90</td>
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<td>91 – 100</td>
<td>J</td>
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</table>

*Each multiple of 100 pages thereafter add £5.50 eg:
101 – 200 = £16.00
201 – 300 = £21.50
301 – 400 = £27.00
etc
APPENDIX 11

Template for Sub Committees and Working Groups established by the Council of Ministers

CONFIDENTIAL

Paper No SP/00/00
[e.g. Social Policy Committee /Paper number/year]
Obtain number from Secretary to Sub Committee/Working Group

PAPER FOR
SUB-COMMITTEE/WORKING GROUP ESTABLISHED BY THE
COUNCIL OF MINISTERS
NAME OF COMMITTEE

[Subject Title]

<table>
<thead>
<tr>
<th>Complete relevant boxes as appropriate</th>
<th>Yes/No/NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal comply with the principles of the Government Strategic Plan? If the answer is No or NA please briefly explain why by expanding Purpose of the Paper below</td>
<td>Yes/No/NA</td>
</tr>
<tr>
<td>Government Policy and Aim</td>
<td></td>
</tr>
<tr>
<td>Has the appropriate regulatory consultation taken place?</td>
<td></td>
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<tr>
<td>Are there any resource/personnel implications?</td>
<td></td>
</tr>
<tr>
<td>Are there any inter-departmental implications?</td>
<td></td>
</tr>
<tr>
<td>If yes - which other Departments are involved?</td>
<td></td>
</tr>
<tr>
<td>Does this paper create a new or amend an existing policy?</td>
<td></td>
</tr>
<tr>
<td>Does this paper seek directions or approval from the Committee?</td>
<td></td>
</tr>
<tr>
<td>Is this paper only for the Committee’s information?</td>
<td></td>
</tr>
<tr>
<td>Responsible Department Officer – must be completed</td>
<td>Name:</td>
</tr>
<tr>
<td></td>
<td>Title:</td>
</tr>
<tr>
<td></td>
<td>Date:</td>
</tr>
</tbody>
</table>

Purpose of the Paper: - insert short paragraph here to summarise the aim of the paper and direction sought from the Committee.

Chief Officer

Department of .........................