
From: Trevor Cowin [mailto:chloemay@manx.net]
Sent: Wednesday, November 23, 2022 11:00 PM
To: 'Samuel.Halliday@gov.im'
Cc: 'Rob Callister' (rob.callister@gov.im)
Subject: FW: Rob Callister's "alleged" sacking.

Dear Samuel

Thank you for your reply and for a copy of the Assignment by the Chief Minister under section 5 of the Council of Ministers Act 1990 of Lawrie Hooper to the DHSC.

I note that you say that 'This Instrument supersedes the last such assignments of Ministers to the Department specified'.

Where does the Act state that Assignment of Ministers Instruments under section 5 of the COMIN Act supersede the last such assignment of Ministers?

In my e-mail below to Kate Lord-Brennan I said –

“To clarify the position please let me have a copy of the Instrument under which Rob was allegedly “sacked” i.e. removed from his office as the Minister for the DHSC, by the Chief Minister and a copy of the Instrument under which Lawrie Hooper was apparently appointed to the office of Minister for the DHSC by the Chief Minister.

It seems me, however, that as Ministers are appointed by the Governor under section 3(1) of the COMIN Act, which provides -

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.

and under section 3(2) -

(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.

it would be necessary in order for a Minister to be removed from his office as a Minister, for the Governor to remove a Minister from his office by an appropriate Instrument.

On the assumption that you agree, and the Act makes it clear that you must agree, please let me have your confirmation that –

- (a) the Chief Minister doesn't have the power to “sack” Ministers; and
- (b) for Ministers to be removed from their office, which they hold at the pleasure of the Governor by whom they were appointed, it would be necessary for the Governor to remove them from their office by an appropriate Instrument signed by the Governor.

Unless, therefore, the Governor has already signed an appropriate Instrument removing Rob Callister from his office as a Minister, Rob is still in law a Minister, but in the light of the assignment of Lawrie Hooper to the Department of Health and Social Care, Rob is now a Minister without portfolio.

If there is an Instrument signed by the Governor removing Rob from his office as a Minister, please let me have a copy of it.

If there isn't any such instrument, then do you agree that in the light of the attached Assignment and on the assumption that such Assignment lawfully supersedes the previous Assignment of Rob as Minister for the DHSC, Rob is now a Minister without portfolio?

Kind regards
Trevor Cowin