STATUTORY INSTRUMENTS

1982 No. 824

SOUTH ATLANTIC TERRITORIES

The Falkland Islands and Dependencies (Interim Administration) Order 1982

Made - - -	18*th June* 1982
Coming into Operation	18*th June* 1982
Laid before Parliament	18*th June* 1982

At the Court at Windsor Castle, the 18*th* day of *June* 1982

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts 1887 and 1945(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Falkland Islands and Dependencies (Interim Administration) Order 1982.

(2). This Order shall come into operation on 18th June 1982.

Interpretation

2. In this Order:

"the Colony" and "the Dependencies" have the same meanings as in the Letters Patent;

"the Executive Council" means the Executive Council of the Colony as established by the Letters Patent;

"the Legislative Council" means the Legislative Council of the Colony as established by the Falkland Islands (Legislative Council) Orders in Council, 1948 to 1977(b);

"the Letters Patent" means the Falkland Islands Letters Patent, 1948 to 1962 (c);

(a) 1887 c. 54 and 1945 c. 7 (9 & 10 Geo. 6).

(b) S.I. 1948/2573, 1950/1184, 1951/1946, 1955/1650, 1964/1397, 1972/668, 1973/598, 1975/1706, 1977/423

(c) Rev. VII, p. 586; 1954 II, p. 2991; 1962 I, p.1039.

"the Royal Instructions" means the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony and the Dependencies of 13th December 1948, as amended(**d**).

Civil Commissioner and Military Commissioner

3. For so long as this Order remains in force there shall be a Civil Commissioner and a Military Commissioner in and for the Colony and the Dependencies who shall be appointed and have such functions as hereinafter provided.

Establishment of Office of Civil Commissioner

4.—(1) The Civil Commissioner shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet, or by instructions given through a Secretary of State, and shall hold office during Her Majesty's pleasure.

(2) During any period when the office of Civil Commissioner is vacant or the holder thereof is for any reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

Establishment of Office of Military Commissioner

5. The Military Commissioner shall be the Officer for the time being commanding Her Majesty's Land Forces in the Colony and the Dependencies and shall, acting as appropriate through the Civil Commissioner, have responsibility for the defence and internal security (with the exception of the police) of the Colony and the Dependencies.

Powers and Duties of the Commissioners

6. The Civil Commissioner and the Military Commissioner shall each have such powers and duties as are conferred upon them by or under this Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to them, and, subject to the provisions of this Order and any other law, each Commissioner shall do or execute all things that belong to his office according to such instructions, if any, as Her Majesty may, through a Secretary of State, from time to time see fit to give him.

(**d**) S.I. 1955 II, p.3187; S.I. 1964 III, p.5254; S.I. 1973 I, p.2635; S.I. 1977 I, p.2185.

Exercise of the Governor's Functions

7.—(1) For so long as this Order is in force:

(*a*) the office of Governor and Commander-in-Chief of the Colony and the Dependencies is suspended and the provisions of Article 7 of the Letters Patent shall not have effect;

(*b*) the functions of that office shall vest in and be exercisable by the Civil Commissioner in accordance with the provisions of this Order; and

(*c*) all references to the Governor or to the officer administering the Government in any law (including the Royal Instructions) for the time being in force in the Colony or the Dependencies shall, unless the context otherwise requires, be construed as references to the Civil Commissioner.

(2) The Civil Commissioner shall consult with the Military Commissioner before exercising any function which appears to the Civil Commissioner to relate to defence or internal security (with the exception of the police) and shall act in accordance with the advice which the Military Commissioner then tenders to him; and he shall likewise act in accordance with the advice of the Military Commissioner on any matter on which the Military Commissioner considers it necessary in the interests of his responsibilities under this Order to give advice to the Civil Commissioner: Provided that the question whether the Civil Commissioner has on any matter consulted with the Military Commissioner or acted in accordance with his advice shall not be enquired into in any court.

(3) Notwithstanding the provisions of Clause 10 of the Royal Instructions, the Civil Commissioner need not consult with the Executive Council on any matter on which he is required by subsection (2) of this section to consult with the Military Commissioner or on which the Military Commissioner has already, in accordance with the provisions of that subsection, given advice to him.

Military Commissioner to attend Executive and Legislative Councils

8. The Military Commissioner shall have the right to attend and take part in the proceedings of the Executive Council and of the Legislative Council, but shall not have the right to vote in either Council.

Existing Law

9.—(1) The provisions of this Order shall have effect notwithstanding the provisions of any existing law and such law shall be applied with such adaptations, modifications and exceptions as are necessary to bring it into conformity with the provisions of this Order.

(2) For the purposes of this subsection, "existing law" means any law (including the Royal Instructions) in force in the Colony or the Dependencies immediately before the commencement of this Order.

Powers reserved to Her Majesty

10.—(1) Her Majesty hereby reserves to Herself, Her Heirs and Successors, power, with the advice of Her or Their Privy Council, to revoke, add to or amend this Order as to Her or Them shall seem fit.

(2) Nothing in this Order shall affect the powers of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Colony and the Dependencies.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the interim administration of the Falkland Islands and Dependencies by the establishment of a Civil Commissioner and a Military Commissioner.

SI 1982/824
ISBN 0-11-026824-5

