SAINT VINCENT

1955 No. 1817

The Saint Vincent (Legislative Council) (Amendment) Order in Council, 1955

Made - - - -	*1st December*, 1955
Coming into Operation	*On a day to be appointed by the Governor under section* 1.*

At the Court at Buckingham Palace, the 1st day of December, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under the Saint Vincent and Grenada Constitution Act, 1876(**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:—

Citations, construction and commencement

1.—(1) This Order may be cited as the Saint Vincent (Legislative Council) (Amendment) Order in Council, 1955, and shall be construed as one with the Saint Vincent (Legislative Council) Orders in Council, 1951 to 1954(**b**).

(2) The Saint Vincent (Legislative Council) Orders in Council, 1951 to 1954, and this Order may be cited together as the Saint Vincent (Legislative Council) Orders in Council, 1951 to 1955.

(3) This Order shall be published in the Gazette and in such other manner as the Governor shall think fit, and shall come into operation on such day as the Governor shall by order appoint.

Amendment of section 1 *of principal Order*

2. Subsection (1) of section 1 of the Saint Vincent (Legislative Council) Order in Council, 1951(**c**) (hereinafter referred to as "the principal Order") is hereby amended by the insertion immediately after the definition of "dollars" of the following definition—

"'The Executive Council' means the Executive Council of the Colony;".

Amendment of section 5 *of the principal Order*

3. Section 5 of the principal Order is hereby amended by the substitution of the words "Financial Secretary" for the word "Treasurer".

Amendment of section 15 *of the principal Order*

4. Paragraph (*b*) of subsection (1) of section 15 of the principal Order is hereby amended by the substitution of the words "Financial Secretary" for the word "Treasurer".

(**a**) 39 & 40 Vict. c. 47.
(**b**) S.I. 1951/1394, 1953/401, 1954/1039 (1951 II, p. 1384: 1953 II, p. 1925; 1954 II, p. 2001).
(**c**) S.I. 1951/1394 (1951 II, p. 1384).
* Day appointed, 8.3.56.

Amendment of section 16 of the principal Order

5. Subsection (1) of section 16 of the principal Order is hereby revoked and the following subsection substituted therefor:—

"(1) After the Administrator, the Members of the Council shall take precedence among themselves as Her Majesty may specially assign, and in default thereof as follows:—

Firstly, the *ex officio* Members in the order in which they are referred to in section 5 of this Order;

Secondly, the Deputy President;

Thirdly, the Nominated and Elected Members according to the length of time during which they have been continuously Members of the Council, Members appointed or elected at the same time taking precedence among themselves according to the alphabetical order of their names."

Amendment of section 26 of the principal Order

6. Section 26 of the principal Order is hereby amended as follows—

(*a*) in subsection (1) the words "in his discretion" appearing immediately after the words "the Governor, at any time" are hereby deleted, and the words "which he shall think fit" are hereby substituted therefor;

(*b*) subsection (2) is hereby revoked and the following subsections substituted therefor—

"(2) The Governor shall not make any declaration under this section except in accordance with the following conditions, that is to say;

(*a*) The question whether the declaration should be made shall first be submitted in writing by the Governor to the Executive Council and if, upon the question being so submitted to it, the Executive Council shall resolve that the declaration be made, the Governor may make the declaration.

(*b*) If, when the question whether the declaration should be made is submitted to it as aforesaid, the Executive Council shall not, within such time as the Governor shall think reasonable and expedient, resolve that the declaration be made, then—

(i) the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorises the Governor to make the declaration; or

(ii) the Governor may make the declaration without submitting the said question to a Secretary of State, if in the Governor's opinion urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State; in which case he shall, at the

time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(2A) (*a*) Whenever the Governor, in accordance with the provisions of paragraph (*b*) of subsection (2) of this section, shall submit to a Secretary of State the question whether a declaration should be made, or shall make a declaration without submitting the said question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Governor shall make a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declaration and, in the case of a declaration made in accordance with the provisions of sub-paragraph (ii) of paragraph (*b*) of subsection (2), the grounds of urgency."

Amendment of section 30 *of principal Order*

7. As from the date upon which the Council shall next be dissolved, subsection (3) of section 30 of the principal Order shall be amended by the substitution of the word "five" for the word "three".

Insertion of new section in principal Order

8. The following new section is hereby inserted immediately after section 32 of the principal Order—

"Exercise of functions conferred on Governor and Administrator.

32A. In the exercise of the functions conferred by sections 6 and 8, paragraph (*c*) and the proviso to paragraph (*f*) of subsection (3) of section 11, subsection (1) of section 12, section 14, subsections (1), (3) and (4) of section 15, section 22, the proviso to subsection (1) of section 27 and subsection (1) of section 30 of this Order, the Governor, or the Administrator, as the case may be, shall act in his discretion."

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order indicates the functions conferred under the Saint Vincent (Legislative Council) Order in Council, 1951, in the exercise of which the Governor or the Administrator need not consult the Executive Council. The opportunity has also been taken to make some minor amendments to that Order.