1967 No. 977

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Turks and Caicos Islands (Constitution) (Amendment) Order 1967

Made - - - -	*28th June* 1967
Laid before Parliament	*4th July* 1967
Coming into Operation	*5th July* 1967

At the Court at Buckingham Palace, the 28th day of June 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 5 of the West Indies Act 1962(a) and section 1 of the Bahama Islands (Constitution) Act 1963(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and construction

1.—(1) This Order may be cited as the Turks and Caicos Islands (Constitution) (Amendment) Order 1967 and shall come into operation on 5th July 1967.

(2) This Order and the Turks and Caicos Islands (Constitution) Order 1965(c) shall be construed as one; and these two Orders may be cited together as the Turks and Caicos Islands Constitution Orders 1965 and 1967.

Amendment of section 9 of the Constitution of the Turks and Caicos Islands.

2. Section 9 of the Constitution of the Turks and Caicos Islands is amended by the insertion of the following subsection as subsection (4):—

"(4) The Administrator shall not be obliged to consult with the Executive Council in exercise of any power vested in him—

(*a*) by section 53 of this Order, in so far as that section relates to the making of appointments, or by section 54 of this Order; or

(*b*) to determine the duties that will be performed by particular officers, including their assignment to particular posts; or

(*c*) to grant, withhold, reduce in amount or suspend any pension, gratuity or other like benefit payable to or in respect of any person who has been in the public service.".

Amendment of section 54 of the Constitution of the Turks and Caicos Islands.

3. Section 54 of the Constitution of the Turks and Caicos Islands, as amended by paragraph 16 of Schedule 2 to the Turks and Caicos Islands (Constitution) Order 1965, is further amended by the revocation of subsections (2) and (3) and the substitution therefor of the following three subsections—

"(2) When the Administrator proposes, in pursuance of subsection (1) of this section, to exercise the power—

(*a*) to dismiss any officer whose annual salary at the time of the exercise of the power exceeds such sum as may, for the purposes of this section, for the time being be prescribed by the Administrator in pursuance of instructions from the Governor, acting in his discretion; or

(a) 1962 c. 19. (b) 1963 c. 56. (c) S.I. 1965/1861 (1965 III, p. 5609).

(*b*) to award such an officer punishment by way of fine, reduction in rank or otherwise,

the Administrator shall by notice inform the officer of the action he proposes to take and the officer may apply to the Administrator, in writing within seven days of the date of that notice, for the case to be referred to the Governor; and thereupon the case shall be transferred to the Governor who shall take such action in respect of that officer as, acting in his discretion, he sees fit.

(3) When a case is referred to the Governor under subsection (2) of this section, the Administrator may suspend the officer from the exercise of his office pending the determination of the reference to the Governor; and any such suspension may at any time be revoked by the Governor.

(4) The reference in this section to the power to dismiss any person holding a public office shall be construed as including a reference to any power to require or permit a person to retire from a public office and to any power or right to terminate a contract on which a person is employed in a public office and to determine whether any such contract shall or shall not be renewed.".

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Constitution of the Turks and Caicos Islands so as to enable the Administrator to act in his discretion in respect of certain public service matters. The Order also revises the provisions giving specified officers a right of appeal to the Governor in certain disciplinary matters.