STATUTORY INSTRUMENTS

2024 No. 1128

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Turks and Caicos Islands Constitution (Amendment) Order 2024

Made - - - -	*6th November 2024*
Laid before Parliament	*13th November 2024*
Coming into force in accordance with article 1(3) and (4)	

At the Court at Buckingham Palace, the 6th day of November 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred upon Him by sections 5 and 7 of the West Indies Act 1962(**a**) and of all other powers enabling Him to do so, is pleased, by and with the advice of His Privy Council, to order, and it is ordered, as follows:

PART 1

General Provisions

Citation and commencement

1.—(1) This Order may be cited as the Turks and Caicos Islands Constitution (Amendment) Order 2024 and shall be construed as one with the Turks and Caicos Islands Constitution Order 2011(**b**) (in this Order referred to as "the principal Order") and the Turks and Caicos Islands Constitution (Amendment) Order 2021(**c**) (in this Order referred to as "the 2021 Order").

(2) The principal Order, the 2021 Order and this Order may be cited together as the Turks and Caicos Islands Constitution Orders 2011 to 2024.

(3) Subject to paragraph (4), this Order comes into force on such day or days as the Governor, acting in his or her discretion, may appoint by proclamation published in the *Gazette*.

(4) Articles 9 and 14 come into force upon the next dissolution of the Parliament following the earliest day appointed by the Governor under paragraph (3).

(**a**) 1962 c. 19
(**b**) S.I. 2011/1681.
(**c**) S.I. 2021/878.

Interpretation

2. In this Order—

"the Constitution" means the Constitution set out in Schedule 2 to the principal Order, as amended by the 2021 Order;

"existing laws" means laws and instruments (other than Acts of the Parliament of the United Kingdom and instruments made under them) having effect as part of the law of the Turks and Caicos Islands immediately before the relevant day;

"relevant day" means—

(a) in relation to articles 6 to 8, 10 to 13, and 15 to 23, the day appointed by the Governor under article 1(3);

(b) in relation to articles 9 and 14, the next dissolution of the Parliament following the earliest day appointed by the Governor under article (1)(3).

Existing laws

3.—(1) Subject to this article, the existing laws shall have effect on or after the relevant day as if they had been made in pursuance of the Constitution as amended by this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution as amended by this Order.

(2) The Governor may, by regulations published in the *Gazette*, at any time within twelve months of the relevant day make such modifications or adaptations to any existing laws as appear to the Governor to be necessary or expedient for bringing those laws into conformity with the Constitution as amended by this Order or otherwise for giving effect or enabling effect to be given to the Constitution as amended by this Order; and any existing laws shall have effect accordingly from such day (not being earlier than the relevant day) as may be specified in such regulations.

(3) Regulations made under this article may be amended or revoked in relation to any existing laws affected by them by any authority competent to amend or revoke those laws.

Existing offices and officers

4.—(1) Any office established by or under the Constitution, or provided for by this Order, and existing immediately before the relevant day shall, on and after that day, so far as consistent with the Constitution as amended by this Order, continue as if it had been established by or under the Constitution as amended by this Order.

(2) Any person who immediately before the relevant day holds or is acting in any office continued by virtue of subsection (1) shall, on and after that day, continue to hold or act in that office as if he or she had been appointed to hold or act in it in accordance with or under the Constitution as amended by this Order.

(3) Any person to whom subsection (2) applies who, before the relevant day, has made any oath or affirmation required to be made before assuming the functions of his or her office shall be deemed to have made any like oath or affirmation so required by the Constitution as amended by this Order or by any other law.

Revocation

5. The Turks and Caicos Islands (Electoral District Boundary Commission) Order 2011(**a**) is revoked.

PART 2

Amendments to the Constitution

Amendments to the Constitution

6. The Constitution is amended as set out in articles 7 to 23.

Law enacted by the Legislature

7.—(1) Subject to this article, for "Ordinance" and "an Ordinance", in each place they occur, substitute "a law enacted by the Legislature".

(2) In section 72, at the end insert—

"(4) A law made in pursuance of subsection (1) shall be deemed to be a law enacted by the Legislature.".

(3) In sections 105(3), 113(1)(b), (3) and (4), 116(2), 117(1) and 118(1), for "Appropriation Ordinance" and "Supplementary Appropriation Ordinance", in each place they occur, substitute "appropriation law enacted by the Legislature" or "supplementary appropriation law enacted by the Legislature" as the case may be.

(4) In sections 97(4), 110(2), 113(4)(b), 116(2) and 125(6), for "that Ordinance", in each place it occurs, substitute "that law".

(5) In sections 98(3)(b), 99(4), 102(3)(b), 104(2), 109(5)(b), 116(1), 118(3) and 126(1), for "any Ordinance", in each place it occurs, substitute "any law enacted by the Legislature".

(6) In section 99(4), for "any such Ordinance" substitute "any such law".

(7) In section 124(2), for "an Ordinance" and "no Ordinance" respectively substitute "a law" and "no law".

(8) In section 131(1)—

(a) omit the definition of "Ordinance", and

(b) in the definition of "political party", for "in accordance with the Ordinance" substitute "in accordance with the law enacted by the Legislature".

(9) Paragraph (1) does not apply to sections 77(4)(c) and 85(8).

Change of name of House of Assembly

8.—(1) Subject to this article, for "House of Assembly" and "House", in each place they occur (including in headings), substitute "Parliament".

(2) Paragraph (1) does not apply to section 21(9)(d) and the second reference to "House" in section 76.

(**a**) S.I. 2011/2719.

Removal of appointed members, composition of the Legislature and qualifications of elected members

9.—(1) For "elected or appointed" and "elected and appointed", in each place they occur (including in headings), substitute "elected".

(2) In section 31(7), for "not exceeding two-fifths of the combined number of appointed and elected members of the House of Assembly permitted in paragraphs (b) and (c) of section 43(1) respectively" substitute "not exceeding two-fifths plus one of the number of elected members of the Parliament permitted in section 43(1)(b)".

(3) In section 43(1)—

(a) in paragraph (b), for "fifteen" substitute "nineteen",

(b) in paragraph (b), after "members;" insert "and", and

(c) omit paragraph (c).

(4) In section 44(2), for "an appointed member", in both places it occurs, substitute "an elected member".

(5) In section 45(2)(a), for "five" substitute "nine".

(6) In section 46(b), for "two" substitute "three".

(7) Omit sections 47 and 48.

(8) In section 49—

(a) omit subsection (4), and

(b) at the end, insert—

"(5) For the purposes of subsection (1)(a), a person who has automatically acquired a citizenship other than British nationality, including by way of birth or descent, shall not be considered to have done so by virtue of his or her own act.

(6) Any person who, prior to the entry into force of this subsection, renounced his or her automatically acquired citizenship and who subsequently re-acquires that citizenship shall not be disqualified from being an elected member of the Parliament by virtue of this acquisition notwithstanding subsection 1(a).".

(9) Omit section 51(5).

(10) In section 53(3), omit "or an appointed".

(11) Omit section 59(3).

Autonomous and exclusive capacity of Cabinet

10. In section 31, at the end insert—

"(8) For the avoidance of doubt it is declared, subject to this Constitution, that the Cabinet possesses autonomous and exclusive capacity in domestic affairs for any matter that is not one of the following—

(a) a special responsibility of the Governor under section 37(1);

(b) a function which the Governor must exercise under this Constitution, or any other law, in his or her discretion or judgement, or in accordance with instructions from His Majesty through a Secretary of State; or

(c) a function which the Governor is empowered or directed, either expressly or by necessary implication, to exercise without consulting with the Cabinet or to exercise on the recommendation or advice of, or after consultation with, any person or authority other than the Cabinet.".

Governor's delegation of responsibility for matters relating to external affairs

11. In section 37—

(a) in subsection (1), omit paragraph (c),

(b) in subsection (2), for "in his or her discretion" substitute "after consultation with the Premier",

(c) in subsection (3), omit "external affairs or",

(d) after subsection (3), insert—

"(3A) The Governor shall, acting after consultation with the Premier, delegate to the Premier or another Minister, by directions in writing and on the conditions set out in subsection (3B), responsibility for the following matters relating to external affairs—

(a) the conduct of external affairs affecting the Turks and Caicos Islands within the Caribbean Community, the Association of Caribbean States, the United Nations Economic Commission for Latin America and the Caribbean, or any other Caribbean regional organisation or institution;

(b) other Caribbean regional affairs relating specifically to issues that are of interest to or affect the Turks and Caicos Islands;

(c) tourism and tourism-related matters; and

(d) any other matter relating to external affairs as the Governor may see fit.

(3B) The conditions referred to in subsection (3A) are the following—

(a) separate authority shall be required from or on behalf of a Secretary of State for the commencement of formal negotiation and the conclusion of any treaty or other international agreement by the Government, provided that general authority may be granted in specified matters to commence the formal negotiation of and, where it is deemed appropriate, to conclude any such treaty or international agreement;

(b) no political declaration, understanding or arrangement in the field of external affairs shall be signed or supported in the name of the Government without the prior approval of a Secretary of State;

(c) a formal invitation to a member of government or Head of State of another country to visit the Turks and Caicos Islands shall not be issued without prior consultation with the Governor;

(d) no financial commitment or potential liability shall be undertaken in the course of activities in pursuance of subsection (3A) without prior approval of the Governor;

(e) the costs of any activities in pursuance of subsection (3A) shall be borne by the Government;

(f) the Premier or other Minister as the case may be shall keep the Governor fully informed of any activities in pursuance of subsection (3A);

(g) the Premier or other Minister as the case may be shall provide the Governor on request all papers and information, including the text of any instrument under negotiation, available to the Premier or other Minister with respect to any activities in pursuance of subsection (3A); and

(h) any directions given by the Governor on any matter relating to any activities in pursuance of subsection (3A) which in his or her judgement might affect defence or security shall be complied with.

(3C) The Premier or other Minister as the case may be shall perform any activities in pursuance of subsection (3A) in a manner that is in the best interests of the Turks and Caicos Islands and not prejudicial to the interests of His Majesty (whether in respect of the United Kingdom or the Turks and Caicos Islands); and, for this purpose, the Premier or other Minister shall from time to time hold conference with the Governor to ensure the proper safeguarding of those interests.

(3D) In the event of any disagreement regarding the exercise of any authority delegated under subsection (3A), the matter shall be referred to a Secretary of State whose decision on the matter shall be final and whose directions shall be complied with.", and

(e) after subsection (6), insert—

"(7) The Governor shall not enter, agree or give final approval to any treaty or other international agreement which would affect internal policy in the Turks and Caicos Islands or require implementation by legislation without first obtaining the agreement of the Cabinet, unless otherwise instructed by a Secretary of State.".

Establishment of Cabinet Office and Cabinet Secretary

12. After section 40, insert—

"Cabinet Office and Cabinet Secretary

40A.—(1) There shall be—

(a) a Cabinet Office, which shall be an office in the Government; and

(b) a Cabinet Secretary, whose office shall be a public office.

(2) The Cabinet Secretary shall have charge of the Cabinet Office.

(3) The responsibilities of the Cabinet Secretary are—

(a) providing frank and politically neutral advice to the Governor, the Cabinet and the Premier on matters of policy;

(b) monitoring and coordinating the implementation of policy between departments and ministerial portfolios and across the wider Government sector to ensure that Government policy is developed coherently;

(c) providing for administrative and secretarial support for the Cabinet and the Premier in order to facilitate high-quality and effective government;

(d) arranging the business for, and keeping the minutes of, the meetings of the Cabinet or any Cabinet committee and conveying the conclusions reached at the meetings to the appropriate person or authority; and

(e) such other functions as the Governor, acting after consultation with the Premier, may from time to time direct.

(4) The Cabinet Secretary shall—

(a) transmit copies of all papers submitted for consideration by the Cabinet or any Cabinet committee to the Governor and all other members of the Cabinet;

(b) inform the Governor and all other members of the Cabinet of the summoning of any meeting of the Cabinet or any Cabinet committee and of the matters to be discussed at any meeting of the Cabinet or any Cabinet committee; and

(c) furnish the Governor and all other members of the Cabinet, as soon as practicable after each meeting of the Cabinet or any Cabinet committee, with a copy of the

confirmed minutes of that meeting showing the matters discussed and the conclusions reached at the meeting.

(5) The functions conferred on the Cabinet Secretary by subsection (4) may be exercised by the Cabinet Secretary in person or by officers subordinate to him or her acting under and in accordance with his or her general or special instructions.".

Provisions relating to National Security Council

13. After section 41, insert—

"National Security Council

41A.—(1) There shall continue to be a National Security Council for the Turks and Caicos Islands which shall consist of—

(a) the Governor, as Chair;

(b) the Premier, as Co-Chair;

(c) the Deputy Premier;

(d) either the Minister with responsibility for border control or another Minister, appointed in writing by the Governor, acting in consultation with the Premier;

(e) the Deputy Governor;

(f) the Attorney General; and

(g) the Commissioner of Police.

(2) The National Security Council shall advise the Governor on matters relating to internal security, with the exception of operational and staffing matters, and the Governor shall be obliged to act in accordance with the advice of the Council, unless he or she considers that acting in accordance with the advice would adversely affect His Majesty's interest (whether in respect of the United Kingdom or the Turks and Caicos Islands); and where the Governor has acted otherwise than in accordance with the advice of the Council, he or she shall report to the Council at its next meeting.

(3) The Commissioner of Police shall—

(a) provide regular briefings to the National Security Council on matters of internal security, including the Police Force save insofar as to do so would prejudice current operations;

(b) have responsibility for the day to day operation of the Police Force and shall report regularly on such operation to the Governor; and

(c) inform the Premier of any significant security developments in the Turks and Caicos Islands, including the occurrence of any significant criminal activity.

(4) Before assuming office, each member of the National Security Council shall sign a declaration that he or she will not disclose to any other person, without the permission of the Governor, information acquired as a member of the Council; and, without prejudice to any other penalties that may be imposed under any other law, the Governor, acting in his or her discretion, may by published directions in writing exclude from the activities of the Council any member who breaches such a declaration.

(5) Where the Governor has good reason to believe that there has been a breach by a member of the declaration made pursuant to subsection (4), the Governor, acting in his or her discretion, may suspend from the activities of the Council that member while the question of a breach is being investigated by an independent person appointed by the Governor; and any such investigation shall be concluded expeditiously.

(6) The National Security Council may invite any person or summon any public officer to attend a meeting of the Council in order to provide briefings or advice to the Council on any matter relating to internal security.

(7) The Governor, acting in his or her discretion, may summon a meeting of the National Security Council whenever he or she considers it desirable to do so, and the Governor shall summon such a meeting whenever the Premier so requests.

(8) There shall continue to be a National Security Secretariat to support the National Security Council. Subject to this Constitution, a law enacted by the Legislature shall provide for its functions.

(9) Subject to this section, the National Security Council may regulate its own procedure.".

Timing for dissolution of the Parliament

14. In section 57(3), for "four" substitute "five".

Composition and powers of Electoral District Boundary Commission

15.—(1) In section 60(2)—

(a) in paragraph (a), after "discretion" insert ", from among persons who hold or have held high judicial office or are lawyers of at least ten years' standing",

(b) in paragraph (b), for "in his or her discretion, from among persons who hold or have held high judicial office" substitute "after consultation with the Premier", and

(c) in paragraph (c), omit "the Premier and".

(2) In section 61, at the end insert—

"(5) If so requested by the Governor acting in his or her discretion, a Commission shall also review the number of members returned under section 45(2)(a) of this Constitution and the number of electoral districts set out at section 45(2)(b) of this Constitution and shall submit to the Governor and the Parliament a statement in writing either—

(a) stating that, in the opinion of the Commission, no change to those numbers is required; or

(b) recommending changes to those numbers.

(6) In recommending any changes to the number of electoral districts, a Commission shall ensure that the total number of members who would be returned under section 45(2) if the recommendation were implemented would remain equal to the total number of elected members set out at section 43(1)(b).

(7) Any statement in writing under subsection (5) shall be submitted no later than the submission by a Commission of its report under subsection (1).".

Power to provide for a referendum

16. After section 62, insert—

"Power to provide for a referendum

62A.—(1) A law enacted by the Legislature may make provision to hold a referendum amongst persons registered as electors in accordance with section 55 on a matter or matters of national importance.

(2) The question of whether the Turks and Caicos Islands should seek any amendment to this Constitution that may result in their independence shall be deemed to be a matter of national importance.

(3) A referendum may not be held where one or more of the options or proposals on which electors are asked to vote would, if implemented, contravene any provision of Part I of this Constitution.

(4) A law enacted by the Legislature authorising a referendum in accordance with subsection (1) shall specify—

(a) whether its validity requires a specified minimum turnout of persons registered as electors in accordance with section 55; and

(b) the proportion of votes that must be cast in favour of an option or proposal in order for it to be deemed as having been approved.

(5) In any case the result of any referendum under this section shall not be binding.".

Provisions relating to Standing Orders

17. In section 63(1), omit ", but such Standing Orders shall not have effect until approved by the Governor".

Role of Chief Justice

18. In section 77, at the end insert—

"(6) The Chief Justice shall be the head of the judiciary of the Turks and Caicos Islands.

(7) The Chief Justice shall have responsibility for the management of all matters arising in the judicature, including responsibility—

(a) for representing the views of the judiciary to the Government and the Parliament, including, where appropriate, through the Attorney General;

(b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary within available resources;

(c) subject to paragraph (d), for the maintenance of appropriate arrangements for the deployment of the judiciary and the allocation of work within courts;

(d) after consultation with the President of the Court of Appeal, who shall be responsible for the allocation of work within the Court of Appeal, for the maintenance of appropriate arrangements for the work of that court.".

Addition of Commanding Officer of the Regiment to particular offices and remuneration from the Consolidated Fund

19.—(1) In section 91(2)—

(a) in subsection (e), omit "and";

(b) in subsection (f), for "." substitute "; and"; and

(c) at the end insert—

"(g) Commanding Officer of the Regiment.".

(2) In section 125(5), after "Commissioner of Police", add "Commanding Officer of the Regiment".

Functions of the Regiment and establishment and functions of the Police and Defence Service Commission

20. After section 93, insert—

"The Regiment

93A.—(1) There shall continue to be raised and maintained in the Islands a reserved military force known as the Turks and Caicos Islands Regiment.

(2) The Regiment shall consist of such number of officers and persons as may from time to time be determined by the Governor, acting in his or her discretion.

(3) The Regiment shall be under the command of a Commanding Officer.

(4) Subject to this Constitution, a law enacted by the Legislature shall provide for the organisation, powers and operations of the Regiment.

Police and Defence Service Commission

93B.—(1) There shall be a Police and Defence Service Commission for the Turks and Caicos Islands, which shall consist of—

(a) the Governor, as Chair;

(b) five members, experienced in matters of the police, law enforcement, defence, the criminal law or other matters related to national security, appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition.

(2) No person shall be qualified to be appointed as a member of the Police and Defence Service Commission if he or she is a member of the Police Force, a member of the Regiment, a candidate for election to the Parliament, or if he or she is or has been within the preceding three years—

(a) a member of the Parliament; or

(b) the holder of any office in any political party.

(3) The office of a member of the Police and Defence Service Commission (other than the Governor) shall become vacant—

(a) at the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed;

(b) if he or she resigns office by writing under his or her hand addressed to and received by the Governor;

(c) if he or she becomes a member of, or a candidate for election to, the Parliament;

(d) if he or she becomes the holder of any office in any political party; or

(e) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(4) If the office of a member of the Police and Defence Service Commission (other than the Governor) is vacant or a member is for any reason unable to perform the functions of his or her office, the Governor, acting in the manner prescribed by subsection (1) for the appointment of that member, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to subsection (3), continue so to act until he or she is notified by

the Governor, acting in his or her discretion, that the circumstances giving rise to the appointment have ceased to exist.

(5) No business shall be transacted at any meeting of the Police and Defence Service Commission if there are fewer than four members of the Commission (in addition to the Chair) present.

(6) Any question proposed for decision at any meeting of the Police and Defence Service Commission shall be determined by a majority of the votes of the members present and voting; and if on any question the votes are equally divided the Chair shall have and exercise a casting vote.

(7) The Police and Defence Service Commission shall be served by a secretariat, the members of which shall be public officers.

(8) The Governor, acting in his or her discretion, may from time to time by directions in writing delegate to the Deputy Governor, the Attorney General or the Permanent Secretary, Finance, in that order, his or her functions under subsection (1)(a).

(9) Subject to this Constitution, in the exercise of its functions the Police and Defence Service Commission shall not be subject to the direction or control of any other person or authority.

Power to appoint, etc., to offices in the Police Force and Regiment

93C.—(1) Subject to subsection (2), power to make appointments of superior police officers and superior Regiment officers and to remove and to exercise disciplinary control over such officers shall vest in the Governor, acting in accordance with the advice of the Police and Defence Service Commission; but the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if the Governor determines that—

(a) compliance with that advice would be inconsistent with the Statement of Governance Principles for the time being in effect; or

(b) compliance with that advice would prejudice His Majesty's service.

(2) Notwithstanding subsection (1), the Governor, acting in his or her discretion, may from time to time make appointments of superior police officers and superior Regiment officers without the advice of the Police and Defence Service Commission where the Governor determines that to do otherwise would prejudice His Majesty's service.

(3) Subject to this Constitution, a law enacted by the Legislature shall provide for the appointment of and the exercise of disciplinary control over members of the Police Force and the Regiment other than superior police officers and superior Regiment officers.

(4) Where the Police and Defence Service Commission advises that any person should be appointed as a superior police officer or a superior Regiment officer, that advice shall be submitted to the National Security Council for approval at the same time as being submitted to the Governor; but the Governor, acting in his or her discretion, may act without the approval of the National Security Council if he or she determines that to do otherwise would prejudice His Majesty's service.

(5) Before exercising the powers vested in the Governor by subsection (1), the Governor may, acting in his or her discretion, refer the advice of the Police and Defence Service Commission back to the Commission for reconsideration by it.

(6) The Governor may make the referral described in subsection (5) only once.

(7) If the Police and Defence Service Commission, having reconsidered its original advice pursuant to a referral under subsection (5), substitutes for it different advice, the Governor

may refer that different advice back to the Commission for reconsideration in accordance with subsections (5) and (6).

(8) The Governor, acting after consultation with the Police and Defence Service Commission, may, by regulations published in the *Gazette*, delegate to any member of the Commission or any public officer or class of public officer, to such extent and subject to such conditions as may be prescribed in the regulations, any of the powers vested in the Governor by subsections (1), (2), (4), (5), (7) and (10).

(9) Where a superior police officer or a superior Regiment officer is the subject of a removal or disciplinary decision, that officer or member may appeal the decision to the Police and Defence Service Commission.

(10) On receiving any appeal under subsection (9), the Police and Defence Service Commission shall review the matter and report to the Governor with such recommendations as it thinks fit, and the Governor, acting in his or her discretion, shall finally determine the case.

(11) No member of the Police and Defence Service Commission shall participate in any proceedings of the Commission which affect him or her personally.

(12) Nothing in this section shall preclude the Commissioner of Police and the Commanding Officer of the Regiment respectively from forming part of the interview panel for the appointment of a superior police officer or a superior Regiment officer.

(13) In this section—

(a) "superior police officer" means any member of the Police Force of or above the rank of assistant superintendent, but does not include the Commissioner of Police; and

(b) "superior Regiment officer" means any member of the Regiment of or above the rank of captain, but does not include the Commanding Officer of the Regiment.".

Functions of institutions protecting good governance and establishment of Constitutional Commission

21.—(1) In section 97—

(a) in subsection (1)(e), omit "and";

(b) in subsection (1)(f), for "." substitute "; and";

(c) in subsection (1), at the end insert—

"(g) a Constitutional Commission, if established under section 104A.".

(d) in subsection (2), for "their functions" substitute "its functions,"; and

(e) at the end insert—

"(5) Each of the institutions protecting good governance shall make an annual report to the Parliament about its activities, and shall send a copy of each report to the Governor. In making an annual report, an institution protecting good governance shall consider the need for confidentiality where appropriate.".

(2) Omit sections 101(5) and 102(4).

(3) After section 104, insert—

"Constitutional Commission

104A. Subject to this Constitution, a law enacted by the Legislature may establish and provide for the composition and functions of a Constitutional Commission. A Constitutional

Commission shall advise the Government on questions concerning constitutional development, including on how to increase within the Parliament a diverse range of elected members, representing shades of opinion which would not otherwise be represented in the Parliament.".

Establishment of International Centre for Alternative Dispute Resolution and independent body for the regulation of international financial services, and provisions relating to national crest

22. After section 130, insert—

"International Centre for Alternative Dispute Resolution

130A.—(1) There shall be in the Turks and Caicos Islands an International Centre for Alternative Dispute Resolution to offer arbitration and other forms of alternative dispute resolution for international and commercial disputes.

(2) Subject to this Constitution, a law enacted by the Legislature shall provide for the functions, membership of and appointment to the International Centre for Alternative Dispute Resolution.

(3) In the exercise of their functions the International Centre for Alternative Dispute Resolution and its members and appointees shall not be subject to the direction or control of any other person or authority.

Regulation of international financial services

130B.—(1) There shall be in the Turks and Caicos Islands an independent body for the regulation of international financial services, governed by suitably qualified and experienced persons appointed by the Governor after consultation with the Premier and the Leader of the Opposition.

(2) Subject to this Constitution, a law enacted by the Legislature shall provide for the functions, membership of and appointment to the independent body referred to in subsection (1).

(3) The independent body referred to in subsection (1) shall make an annual report to the Parliament about its activities, and shall send a copy of each report to the Governor. In making an annual report, the independent body shall consider the need for confidentiality where appropriate.

(4) In the exercise of their functions under this Constitution, the independent body referred to in subsection (1) and its members shall not be subject to the direction or control of any other person or authority.

National crest

130C.—(1) There shall continue to be a national crest for the Turks and Caicos Islands.

(2) Subject to this Constitution, a law enacted by the Legislature may provide for the configuration of the national crest referred to in subsection (1) and for any national symbols, including any conditions or restrictions relating to their use.".

Other amendments

23.—(1) In section 75(3), after "Act of Parliament" insert "of the United Kingdom".

(2) In section 89(2), for "Servants", in each place it occurs, substitute "Service".

(3) In section 131, at the appropriate place insert ""Regiment" means the Turks and Caicos Islands Regiment established by section 93A;".

(4) In the heading of Part VI, after "SERVICE" insert ", THE REGIMENT AND THE POLICE FORCE".

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Constitution of the Turks and Caicos Islands (TCI).

Article 7 amends the term Ordinance throughout to "a law enacted by the Legislature", except for references to specific Ordinances referenced in the Constitution.

Articles 8, 9 and 14 change the name of the House of Assembly to Parliament and, with effect from the next dissolution of the Parliament once the Order has been brought into force by proclamation in the Gazette, change the maximum Parliamentary term from four to five years and abolish appointed members of Parliament. Article 9 also makes provision for the Governor to appoint a greater number of Ministers than the six normally permitted in addition to the Premier, and increases the total cap from that established by The Turks and Caicos Islands Constitution (Amendment) Order 2021. Article 17 removes the requirement for Standing Orders of the Parliament to be approved by the Governor.

Article 10 clarifies that the TCI Cabinet has autonomous capacity with respect to domestic affairs. Article 11 requires the delegation of responsibility of certain matters relating to external affairs by the Governor to the Premier or another Minister.

Article 11 also removes regulation of international financial services from the Governor's special responsibilities. Article 22 establishes an independent body for the regulation of international financial services.

Articles 12, 20 and 22 establish several further new bodies: a Cabinet Office and a Cabinet Secretary, a Police and Defence Service Commission, and an International Centre for Alternative Dispute Resolution. Article 21 provides that a Constitutional Commission may be established.

Articles 13, 18-20 and 22 make constitutional provision for some roles, entities and items already in existence: the Chief Justice, the National Security Council and its Secretariat, the TCI Regiment and its Commanding Officer and the national crest.

Article 15 amends the composition of the Electoral District Boundary Commission and its functions. The Order revokes the Turks and Caicos Islands (Electoral District Boundary Commission) Order 2011 (S.I. 2011/2719).

Article 16 provides a power for a referendum to be held on matters of national importance.

Article 23 makes minor and consequential amendments.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector in the United Kingdom is foreseen.

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