STATUTORY INSTRUMENTS

1969 No. 736

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Turks and Caicos Islands (Constitution) Order 1969

Made - - - -	23*rd May* 1969
Laid before Parliament	30*th May* 1969
Coming into Operation	*On a day to be appointed under section* 1 (2).

ARRANGEMENT OF ORDER

PART I

Introductory

Section

1. Citation, publication, commencement and revocation.
2. Interpretation.

PART II

The Governor

3. Functions of Governor.
4. Governor may perform Administrator's functions.

PART III

The Administrator

5. Office of Administrator and functions of Administrator.
6. Emoluments of Administrator.
7. Acting Administrator.
8. Administrator's deputy.

PART IV

The State Council

9. The State Council.
10. Qualifications for elected membership.
11. Disqualifications for nominated and elected membership.
12. Term of office of nominated and elected members.
13. Vacation of seats of members.
14. Vacation of seat on sentence.
15. Temporary members of State Council.
16. General elections.
17. Reconstitution of State Council.

Section

18. Determination of questions as to membership of State Council.
19. Penalty for sitting or voting when unqualified.
20. Qualifications of voters.
21. Right to vote at elections.

PART V

Executive Functions

22. Functions of State Council and Administrator.
23. Committees of State Council.
24. Administrator may authorise committee to exercise statutory functions.

PART VI

Legislation

25. Power to make laws.
26. Administrator's reserved power.
27. Assent to Bills.
28. Return of Bills by Administrator.
29. Disallowance of laws.

PART VII

Procedure of State Council

30. Oaths by members of Council.
31. Summoning of Council.
32. Holding of proceedings of Council in public or private.
33. Presiding in Council.
34. Quorum.
35. Submission of questions to State Council.
36. Restriction on proceedings upon certain measures.
37. Voting.
38. Participation of Administrator and other persons in certain proceedings.
39. Council may transact business notwithstanding vacancies.
40. Rules of procedure.

PART VIII

Miscellaneous

41. Court of Appeal.
42. Grants of land.
43. Powers of pardon, etc.
44. Offices and appointments.
45. Discipline.
46. Privileges of State Council and members.
47. Power reserved to Her Majesty.

PART IX

Transitional

Section

48. Existing laws.
49. Existing offices and officers.
50. First State Council.
51. Transitional provision relating to certain bills and laws passed or made under existing constitution.

SCHEDULE.

At the Court at Holyroodhouse, the 23rd day of May 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred upon Her by section 5 of the West Indies Act 1962(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:—

PART I

INTRODUCTORY

Citation, publication, commencement and revocation.

1.—(1) This Order may be cited as the Turks and Caicos Islands (Constitution) Order 1969.

(2) This Order shall come into operation on such day as the Administrator, acting in his discretion, may, by proclamation published in the Gazette, appoint, which day shall not be earlier than 31st May 1969.

(3) The Turks and Caicos Islands (Constitution) Order in Council 1965(b), the Turks and Caicos Islands (Constitution) (Amendment) Order 1967(c), the Turks and Caicos Islands (Constitution) (Amendment) (No. 2) Order 1967(d), the Turks and Caicos Islands (Constitution) (Amendment) Order 1968(e) and the Turks and Caicos Islands (Constitution) (Amendment) Order 1969(f) are revoked.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires,—

"Administrator" means the person for the time being holding the office of Administrator of the Islands, and includes any person for the time being acting in that office and, to the extent to which a deputy appointed under section 8 of this Order is authorised to act, that deputy;

"appointed day" means the day appointed under section 1(2) of this Order;

"the existing Constitution" means Schedule I to the Turks and Caicos Islands (Constitution) Order in Council 1965 as amended by section 2(3) of that Order and by the other Orders referred to in section 1(3) of this Order;

(a) 1962 c. 19.
(b) S.I. 1965/1861 (1965 III, p. 5609).
(c) S.I. 1967/977 (1967 II, p. 2960).
(d) S.I. 1967/1139 (1967 II, p. 3370).
(e) S.I. 1968/728 (1968 II, p. 2107).
(f) S.I. 1969/591 (1969 I, p. 1648).

" functions " includes powers and duties ;

" Gazette " means the Turks and Caicos Islands Government Gazette ;

" Governor " means the person for the time being holding the office of Governor and Commander-in-Chief of the Bahama Islands and includes any person for the time being acting in that office save when any such person is so acting by reason of the absence of the holder of the office for the purpose of visiting the Turks and Caicos Islands ;

" the Islands " means the Turks and Caicos Islands ;

" law " includes any subsidiary instrument ;

" public office " means, subject to the provisions of the next following subsection, an office of emolument in the public service ;

" public officer " means the holder of any public office, and includes a person appointed to act in any public office ;

" the public service " means the service of the Crown in a civil capacity in respect of the government of the Islands ;

" sitting " means, in relation to the State Council, a period during which the Council is sitting continuously without adjournment and includes any period during which the Council is in committee ;

" the specified public service matters " means the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, dismissal, termination of employment or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms and conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision ;

" subsidiary instrument " means any proclamation, regulation, order, rule or other like instrument having the force of law.

(2) For the purposes of this Order, a person shall not be considered as holding or acting in a public office by reason only that he—

(*a*) is in receipt of any remuneration or allowance as a member of the State Council ;

(*b*) is in receipt of a pension or other like allowance in respect of service under the Crown ; or

(*c*) is on leave of absence pending relinquishment of a public office ;

and a provision in any law for the time being in force in the Islands that a person shall not be disqualified for appointment as a nominated member or election as an elected member of the State Council by reason of his holding or acting in any public office or class of public office specified therein shall have effect as if it were included in this Order.

(3) Any person who has vacated his seat in the State Council or has vacated any office constituted by this Order may, if qualified, again be appointed or elected as a member of that body or to that office, as the case may be, from time to time.

(4) Where the holder of any office constituted by or under this Order is on leave of absence pending the relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto; and where two or more persons concurrently hold the same office by virtue of an appointment made in pursuance of this subsection, the person last appointed shall, in respect of any function conferred on the holder of that office, be deemed to be the sole holder thereof.

(5) Any power conferred by this Order to make any proclamation, rules or order or to give any directions shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, rules, order or directions.

(6) Where a person is required by this Order to make an oath he shall if he so desires be permitted to comply with that requirement by making an affirmation in the form provided for in the Schedule to this Order.

(7) For the purposes of this Order the resignation of a member of the State Council or the holder of any office constituted by this Order that is required to be addressed to any person shall, unless otherwise expressly provided, be deemed to have effect from the time at which it is received by that person.

(8) For the purposes of this Order a person shall not be regarded as absent from the Islands or as unable to perform the functions of his office by reason only that he is in passage from one part of the Islands to another.

(9) The Interpretation Act 1889(a) shall apply with the necessary adaptations for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to an Act of Parliament.

PART II

THE GOVERNOR

Functions of Governor.

3. The Governor shall have such functions in relation to the Islands as may be conferred upon him by or under this Order or any other law for the time being in force in the Islands and such other functions in relation to the Islands as Her Majesty may assign to him and, subject to the provisions of this Order and, in the case of functions conferred upon him by or under any other law, subject to the provisions of that law, shall perform all such functions according to such instructions, if any, as Her Majesty may give him:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be enquired into in any court of law.

Governor may perform Administrator's functions.

4. The Governor may, when he is present in the Islands, perform any of the functions conferred on the Administrator by or under this Order or any other law and references in this Order or in any such law to the Administrator in relation to any function conferred on the Administrator shall, to the extent to which the Governor performs that function, be construed as including references to the Governor.

(a) 1889 c. 63.

PART III

THE ADMINISTRATOR

Office of Administrator and functions of Administrator.

5.—(1) The office of Administrator of the Islands is hereby constituted.

(2) The Administrator shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State and shall hold office during Her Majesty's pleasure.

(3) A person appointed to the office of Administrator shall, before assuming the functions of that office, make the oaths of allegiance and for the due execution of that office in the forms set out in the Schedule to this Order.

(4) The Administrator shall have such functions as may be conferred upon him by or under this Order or any other law and such other functions as Her Majesty or the Governor may assign to him and, subject to the provisions of this Order and, in the case of functions conferred upon him by or under any other law, subject to the provisions of that law, shall perform all such functions (including functions which are expressed by this Order to be exercisable in his discretion or which he is directed by this Order to exercise in his own deliberate judgment) according to such instructions, if any, as may be given to him by Her Majesty or by the Governor:

Provided that the question whether or not the Administrator has in any matter complied with any such instructions shall not be enquired into in any court of law.

Emoluments of Administrator.

6.—The holder of the office of Administrator shall receive such emoluments as may for the time being be fixed by a Secretary of State by directions in writing, and those emoluments are hereby charged on and shall be paid out of the revenues of the Islands.

Acting Administrator.

7.—(1) Whenever the office of Administrator is vacant or the holder thereof is absent from the Islands or is for any other reason unable to perform the functions of his office, such person as may for the time being be designated in that behalf by instructions given by Her Majesty through a Secretary of State or, subject thereto, by the Governor by instrument in writing under his hand, shall, during Her Majesty's pleasure, act in the office of Administrator and perform the functions of that office accordingly.

(2) A person shall not assume the functions of the office of Administrator under this section until he has made the oaths of allegiance and for the due execution of that office in the forms set out in the Schedule to this Order.

(3) A person shall not continue to perform the functions of the office of Administrator under this section after the person holding that office or some other person having a prior right to perform those functions has notified him that he is about to assume or resume those functions.

(4) For the purposes of this section (and without prejudice to the provisions of section 2(8) of this Order), the Administrator shall not be regarded as absent from the Islands or as unable to perform the functions of his office at any time when there is a subsisting appointment of a deputy under the next following section.

(5) The reference in subsection (3) of this section to a prior right to perform the functions of the office of Administrator shall not be construed as including a reference to the Governor's right to perform those functions under section 4 of this Order.

Administrator's deputy.

8.—(1) Whenever the Administrator—

(*a*) has occasion to be absent from the seat of government but not from the Islands ; or

(*b*) has occasion to be absent from the Islands for a period which he has reason to believe will be of short duration ; or

(*c*) is suffering from an illness which he has reason to believe will be of short duration,

he may, by instrument under the public seal, appoint any person in the Islands to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Administrator as may be specified in that instrument.

(2) The power and authority of the Administrator shall not be abridged, altered or in any way affected by the appointment of a deputy under this section and, subject to the provisions of this Order and of any law by or under which any function which the deputy is authorised to perform is conferred, the deputy shall conform to and observe all instructions that may from time to time be given to him by Her Majesty through a Secretary of State or by the Governor or the Administrator :

Provided that the question whether or not the deputy has in any matter complied with any such instructions shall not be enquired into in any court of law.

(3) A person appointed as deputy under this section shall hold that office for such period as may be specified in the instrument by which he is appointed but his appointment may be revoked at any time by Her Majesty through a Secretary of State or by the Governor or the Administrator.

(4) In this section " the Administrator " does not include a deputy appointed under this section.

(5) In the exercise of any power conferred upon him by this section, the Administrator shall act in his discretion.

(6) In subsection (1) of this section the reference to the functions of the office of Administrator does not include a reference to any functions conferred upon the Administrator by any Act of the Parliament of the United Kingdom or by any Order in Council or other instrument made under such an Act other than this Order.

PART IV

THE STATE COUNCIL

The State Council.

9.—(1) There shall be a State Council for the Islands.

(2) Subject to the provisions of this Order, the State Council shall consist of—

(*a*) the Treasurer ;

(*b*) one official member appointed by the Administrator, by instrument under the public seal, in pursuance of instructions given to him by Her Majesty through a Secretary of State from among persons holding public office who possess legal qualifications ;

(*c*) if it is for the time being so directed by instructions given as aforesaid, one additional official member appointed by the Administrator, by instrument under the public seal, in pursuance of such instructions from among persons holding public office;

(*d*) not less than two nor more than three nominated members (as may for the time being be directed by instructions given as aforesaid) appointed by the Administrator, by instrument under the public seal, in pursuance of such instructions from among British subjects of the age of twenty-one years or upwards; and

(*e*) nine elected members.

(3) For the purpose of the election of the elected members of the State Council the Islands shall be divided into such electoral districts as may be prescribed by any law for the time being in force in the Islands and, subject to the provisions of this Order, such number of members shall be elected to the State Council for each such district in such manner as may be so prescribed.

(4) In subsection (2) of this section "the Treasurer" includes any person for the time being acting in that office.

Qualifications for elected membership.

10.—(1) Subject to the provisions of the next following section, a person shall be qualified to be elected as a member of the State Council if, and shall not be qualified to be so elected unless, he—

(*a*) is a person who belongs to the Islands;

(*b*) is of the age of twenty-one years or upwards; and

(*c*) either has resided in the Islands for a period of twelve months immediately preceding the date of his nomination for election, or is domiciled in the Islands and is resident therein at that date.

(2) For the purposes of paragraph (*a*) of the foregoing subsection, a person shall belong to the Islands who is a British subject and who

(*a*) was born in the Islands;

(*b*) was born outside the Islands of a father and mother who were born in the Islands;

(*c*) has been granted a certificate under the next following subsection;

(*d*) has been granted a certificate of naturalisation by the Administrator under the British Nationality Act 1948; or

(*e*) is the wife of a person to whom any of the foregoing paragraphs apply who is not living apart from such person under a decree of a competent court or a deed of separation.

(3) The Administrator may, if application therefor is made to him by any British subject of the age of twenty-one years or upwards who satisfies him that he has been ordinarily resident in the Islands throughout the period of seven years immediately preceding the application and that he is of good character, grant to him a certificate that he belongs to the Islands for the purposes of this section.

Disqualifications for nominated and elected membership.

11.—(1) No person shall be qualified to be appointed as a nominated member or to be elected as a member of the State Council who—

(*a*) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

(*b*) holds, or is acting in, any public office ;

(*c*) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;

(*d*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands ;

(*e*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(*f*) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Islands for or on account of the public service and, in the case of a nominated member, has not disclosed to the Administrator the nature of such contract and his interest, or the interest of any such firm or company, therein or, in the case of an elected member, has not, within the period of one month immediately preceding the day of election, published in the Gazette a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein ;

(*g*) is disqualified for membership of the State Council by any law in force in the Islands relating to offences connected with elections ; or

(*h*) in the case of an elected member, is disqualified for election by any law in force in the Islands by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for the compilation or revision of any register of voters.

(2) For the purposes of paragraph (*e*) of the foregoing subsection—

(*a*) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he shall, throughout the whole time during which he so serves, be regarded as serving a sentence exceeding twelve months if (but not unless) any one of those sentences exceeds that term ; and

(*b*) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

Term of office of nominated and elected members.

12. Subject to the next following section, the term of office of a nominated member or an elected member of the State Council shall commence upon the day upon which he assumes his seat in the Council in accordance with section 17 of this Order and shall end on the day, following the next general election to the Council after his appointment or election, upon which the Council is reconstituted.

Vacation of seats of members.

13.—(1) An official member and a nominated member of the State Council shall hold his seat in the State Council during Her Majesty's pleasure.

(2) The seat of an official member of the State Council shall become vacant—

(*a*) if he ceases to hold a public office ; or

(*b*) if he resigns his seat by writing under his hand addressed to the Administrator, and the Administrator, acting in his discretion, accepts his resignation.

(3) The seat of a nominated or an elected member of the State Council shall become vacant—

(*a*) if he is absent from the meetings of the Council in such circumstances and for such period as may be prescribed by the rules of procedure of the Council ;

(*b*) if he ceases to be a British subject ;

(*c*) in the case of an elected member, if he ceases to belong to the Islands for the purposes of paragraph (*a*) of section 10(1) of this Order ;

(*d*) if he resigns his seat by writing under his hand addressed to the Administrator ;

(*e*) if he becomes a party to any contract with the Government of the Islands for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that the Administrator, acting after consultation with the State Council, may exempt any nominated member from vacating his seat under the provisions of this paragraph and the State Council may exempt any elected member from so vacating his seat if the member, before becoming a party to the contract, or before or as soon as practicable after becoming otherwise interested in the contract (whether as a partner in a firm or as a director or manager of a company) discloses to the Administrator or, as the case may be, the Council the nature of the contract and his interest or the interest of the firm or company therein and if in the circumstances it appears to the Administrator or, as the case may be, the Council to be just to do so ;

(*f*) if any circumstances arise that, if he were not a member of the State Council, would cause him to be disqualified for appointment or election thereto by virtue of paragraph (*a*), (*b*), (*c*), (*d*) or (*g*) of section 11(1) of this Order or, in the case of an elected member, would cause him to be disqualified for election thereto by virtue of paragraph (*h*) of the said section 11(1) ; or

(*g*) in the circumstances specified in the next following section.

Vacation of seat on sentence.

14.—(1) Subject to the provisions of this section, if a nominated or an elected member of the State Council is sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months, he shall forthwith cease to perform his functions as a member of the State Council, and his seat in the State Council shall become vacant at the expiration of a period of thirty days thereafter:

Provided that the Administrator, acting in his discretion, may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of

his conviction or sentence, so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the State Council signified by resolution.

(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of twelve months or less or a punishment other than imprisonment is substituted, his seat in the State Council shall not become vacant under the provisions of the foregoing subsection, and he may again perform his functions as a member of the State Council.

(3) For the purposes of this section—

(*a*) where a person is sentenced to two or more terms of imprisonment that are required to be served consecutively, account shall be taken only of any of those terms that exceed twelve months ; and

(*b*) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

Temporary members of State Council.

15.—(1) Whenever an official or a nominated member of the State Council is by reason of his illness or absence from the Islands or for any other reason incapable of performing the functions of his office, the Administrator, acting in his discretion, may, by instrument under the public seal, appoint to be a temporary member of the State Council—

(*a*) in the case of the incapacity of an official member, a person who holds a public office ; or

(*b*) in the case of the incapacity of a nominated member, a person qualified for appointment as a nominated member.

(2) A person appointed under this section to be a temporary member of the State Council—

(*a*) shall hold his seat in the State Council during Her Majesty's pleasure ; and

(*b*) shall vacate his seat when he is informed by the Administrator, acting in his discretion, that the member on account of whose incapacity he was appointed is again able to perform his functions as a member of the State Council or when the seat of that member becomes vacant.

(3) The Administrator shall forthwith report to Her Majesty through a Secretary of State and to the Governor any appointment made under this section.

(4) Subject to the provisions of this section, the provisions of this Order shall apply to a person appointed to be a temporary member of the State Council as they apply to the member on account of whose incapacity he was appointed.

General elections.

16.—(1) A general election of elected members of the State Council shall be held on such day, being not less than four years and nine months and not more than five years after the Council was last constituted or reconstituted, as the Administrator may, by proclamation published in the Gazette, appoint:

Provided that the Administrator, acting in his discretion, but with the prior approval of the Governor, may, if he considers that it would be in the interests of the Islands to do so, appoint, in like manner, an earlier day for a general election of elected members of the Council.

(2) A person shall be eligible for election at a general election of new members of the Council notwithstanding that he is a member of the Council then in being.

Reconstitution of State Council.

17.—(1) When a general election of elected members of the State Council has been held under the last foregoing section the Administrator shall, by proclamation published in the Gazette, appoint a day upon which the Council shall be reconstituted, and upon that day the newly appointed nominated members and the newly elected members shall assume their seats therein.

(2) An elected member of the State Council elected otherwise than at a general election shall assume his seat at the next meeting of the Council after his election, and a nominated member of the Council appointed otherwise than upon the reconstitution of the Council or an official or temporary member of the Council shall assume his seat therein at the next meeting of the Council after his appointment.

Determination of questions as to membership of State Council.

18.—(1) Any question whether—

(*a*) a person has been validly appointed as an official or a nominated member of the State Council ;

(*b*) an official or a nominated member of the State Council has vacated his seat therein ; or

(*c*) a nominated member of the State Council is required, under the provisions of section 14 of this Order, to cease to perform his functions as such,

shall be determined by the Administrator.

(2) The Supreme Court of the Islands shall have jurisdiction to hear and determine any question whether—

(*a*) any person has been validly elected as an elected member of the State Council ; or

(*b*) any elected member of the State Council has vacated his seat or is required, under the provisions of section 14 of this Order, to cease to perform his functions as such.

(3) An application to the Supreme Court for the determination of—

(*a*) any question under paragraph (*a*) of the last foregoing subsection may be made by any person entitled to vote in the election to which the application relates or by any person who was a candidate at that election or by the Administrator ; or

(*b*) any question under paragraph (*b*) of the last foregoing subsection may be made by any person registered as an elector in the electoral district for which the member concerned was elected or by any elected member of the State Council or by the Administrator ;

and, if an application under this subsection is made by a person other than the Administrator, the Administrator may intervene and may then appear or be represented in the proceedings.

(4) Provision may be made by any law for the time being in force in the Islands with respect to—

(*a*) the circumstances and manner in which and the imposition of conditions upon which any application may be made to the Supreme Court for the determination of any question under this section ; and

(*b*) the powers, practice and procedure of the Supreme Court in relation to any such application.

(5) No appeal shall lie from any determination by the Supreme Court in proceedings under this section.

(6) In the exercise of his functions under this section the Administrator shall act in his discretion.

Penalty for sitting or voting when unqualified.

19.—(1) Any person who sits or votes in the State Council knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day upon which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Supreme Court of the Islands at the suit of the Administrator, acting in his discretion.

Qualifications of voters.

20.—(1) Subject to the provisions of the next following subsection, and to such provision with respect to the procedure for the registration of voters and for securing that a person is not registered as a voter in more than one electoral district at the same time as may be made by any law in force in the Islands, a person shall be entitled to be registered as a voter in an electoral district if, and shall not be so entitled unless, on the qualifying date he—

(*a*) is a British subject of the age of twenty-one years or upwards;

(*b*) either has resided in the Islands for the immediately preceding period of twelve months, or is domiciled in the Islands and is resident therein; and

(*c*) is ordinarily resident in that district.

(2) A person shall not be entitled to be registered as a voter in any electoral district who, on the qualifying date—

(*a*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(*b*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands; or

(*c*) is disqualified for registration as an elector by any law in force in the Islands relating to offences connected with elections.

(3) The provisions of section 11(2) of this Order shall apply for the purposes of paragraph (*a*) of the foregoing subsection as they apply for the purposes of paragraph (*e*) of section 11(1).

(4) In this section "the qualifying date" means such date as may be prescribed by or under any law in force in the islands as the date with reference to which a register of voters for the electoral district concerned shall be compiled or revised.

Right to vote at elections.

21.—(1) Any person who is registered as a voter in an electoral district shall be entitled to vote in such manner as may be prescribed by law at any election for that district unless he is prohibited from so voting by any law in force in the Islands—

(*a*) because he is a returning officer ;

(*b*) because he has been concerned in any offence connected with elections ; or

(*c*) because he has previously voted in some other electoral district on the same day :

Provided that no such person shall be entitled so to vote if on the date appointed for polling he is in lawful custody or, except in so far as may be otherwise provided by any law in force in the Islands, he is for any other reason unable to attend in person at the place and time appointed for polling.

(2) No person shall vote at any election for any electoral district who is not registered as a voter in that district.

PART V

Executive Functions

Functions of State Council and Administrator.

22.—(1) Subject to the following provisions of this section, it shall be a function of the State Council to advise the Administrator in the government of the Islands and accordingly, subject as aforesaid, the Administrator shall consult with the Council in the formulation of policy and the exercise of functions conferred upon him by this Order or any other law for the time being in force in the Islands.

(2) The Administrator shall not be obliged to consult with the State Council with respect to—

(*a*) any function conferred upon him by any provision of this Order which is expressed to be exercisable in his discretion or in pursuance of instructions given to him by Her Majesty through a Secretary of State or by the Governor ;

(*b*) any function conferred upon him by any other law in terms authorising him to exercise that function without consulting the Council ;

(*c*) any question of policy or any function that in his opinion relates to defence, external affairs, internal security, the police or the specified public service matters ;

(*d*) any case in which, in his judgment, the question for decision is too routine in nature to require the Council's advice or is one to which any previous determination of policy applies ; or

(*e*) any case in which, in his judgment, the urgency of the matter requires him to act before the Council can be consulted ;

but in any case falling within paragraph (*e*) of this subsection he shall, as soon as practicable, communicate to the Council the measures he has adopted and the reasons therefor.

(3) Subject to the next following subsection, the Administrator shall act in accordance with the advice of the State Council in any case in which he is required by the preceding provisions of this section to consult with the Council.

(4) The Administrator may act against the advice given to him by the Council in any such case if, in his judgment, it is expedient to do so in the interests of public faith or the welfare of the Islands :

Provided that he shall not so act against the advice of the Council without first obtaining the approval of a Secretary of State or the Governor.

(5) Nothing in the foregoing provisions of this section shall apply to the exercise of—

(*a*) any function conferred upon the Administrator by any provision of Part VI of this Order ;

(*b*) the functions of the Administrator relating to the regulation of the procedure of the State Council at any meeting of the Council at which he is presiding ; or

(*c*) the functions conferred upon the Administrator by the proviso to section 13(3)(*e*), section 33(1) and section 43 of this Order ;

and where the Administrator has consulted with the State Council in pursuance of any provision mentioned in paragraph (*c*) of this subsection he shall exercise the function concerned in his own deliberate judgment.

(6) The question whether the Administrator has, in pursuance of the provisions of this section or of any provision mentioned in subsection (5)(*c*) of this section, acted after consultation with, or in accordance with the advice of, the State Council shall not be enquired into in any court of law.

Committees of State Council.

23.—(1) The Administrator may, by directions in writing, establish one or more committees of the State Council having such functions in relation to the conduct of the business of the Government of the Islands in relation to such matters as may be prescribed by such directions, and (without prejudice to the generality of the foregoing power) directions establishing a committee under this subsection may include provision—

(*a*) with respect to the tenure of office of members of the committee ;

(*b*) regulating the manner in which the committee shall perform its functions and the procedure of the committee.

(2) A committee of the State Council established under this section shall act in accordance with the policies of the Government of the Islands and with any directions given to the committee by the Administrator :

Provided that the question whether it has so acted shall not be enquired into in any court of law.

(3) The functions of a committee of the State Council established under this section shall not include functions in relation to the conduct of business in respect of defence, external affairs, internal security, the police or the specified public service matters.

(4) The provisions of this section shall be without prejudice to the establishment, by or under the rules of procedure of the State Council, of committees of the Council for the purpose of the exercise of its functions under Part VI of this Order or the establishment by the Administrator of committees of the Council for special purposes relating to any of the matters mentioned in the last foregoing subsection.

Administrator may authorise committee to exercise statutory functions.

24.—(1) Where any committee of the State Council has been established under the last foregoing section the Administrator may, by order published in the Gazette, provide that, subject to such limitations and conditions as may be prescribed in the order, any of the powers or duties under any local enactment of the Administrator or of any public officer or public authority that are specified in the order may be exercised or shall be performed by that committee.

(2) Where an order under the foregoing subsection is in force with respect to any such power or duty—

(*a*) the Administrator or public officer or public authority, as the case may be, shall not exercise that power or perform that duty;

(*b*) the committee by which the power is exercisable or the duty is to be performed may vary or rescind anything previously done in the exercise or performance thereof to the same extent as the Administrator or public officer or public authority, as the case may be, could have done.

(3) Where, by reason of the revocation or amendment of an order under subsection (1) of this section, a power or duty ceases to be exercisable or is no longer to be performed by a committee of the State Council anything done by the committee in the exercise or performance thereof and having effect immediately before the revocation or amendment shall continue to have effect, but without prejudice to the power of the Administrator or public officer or public authority or any other committee authorised under this section to exercise the power or perform the duty to vary or rescind the same.

(4) Nothing in this section shall apply to—

(*a*) any power or duty to make any subsidiary instrument; or

(*b*) any power or duty of any judge, magistrate or court of law.

(5) In this section—

"local enactment" means any law made under this Order, any subsidiary instrument made under any such law and any existing law for the purposes of section 48 of this Order;

"public authority" means a corporation, board or committee established for public purposes by or under a local enactment.

PART VI

LEGISLATION

Power to make laws.

25.—(1) Subject to the provisions of this Order, the Administrator, with the advice and consent of the State Council, may make laws for the peace, order and good government of the Islands.

(2) The power to make laws conferred by this section shall be exercised by bills passed by the State Council and assented to in accordance with section 27 of this Order.

(3) In the making of laws under this section the Administrator and the State Council shall conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Administrator in that behalf.

(4) Nothing in this section shall be construed as requiring subsidiary instruments to be made in the manner prescribed by this section.

Administrator's reserved power.

26.—(1) If the Administrator considers that it is expedient—

(*a*) in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Islands as a territory within the Commonwealth and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer); or

(*b*) in order to secure detailed control of the finances of the Islands during such time as the Islands are receiving financial assistance from Her Majesty's Exchequer in the United Kingdom, for the purpose of balancing the annual budget or otherwise, upon condition that such control should be exercisable by Her Majesty's Government,

that any bill introduced, or any motion to which this section applies proposed, in the State Council should have effect, then, if the Council fail to pass the bill or to carry the motion within such time and in such form as the Administrator thinks fit, and notwithstanding any provisions of this Order or of any other law in force in the Islands or of any rules of procedure of the Council, the Administrator may declare that the bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was introduced or proposed or with such amendments as the Administrator thinks fit which have been moved or proposed in the Council or any committee thereof; and the bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to bills and disallowance of laws, shall have effect accordingly.

(2) The Administrator shall not make any declaration under this section without the prior approval of a Secretary of State or the Governor.

(3) If any member of the State Council objects to any declaration made under this section, he may, within fourteen days of the making thereof, submit to the Administrator a statement in writing of his reasons for so objecting, and a copy of the statement shall, if furnished by the member, be forwarded by the Administrator as soon as practicable to a Secretary of State and to the Governor.

(4) This section applies to—

(*a*) any motion relating to or for the purposes of a bill;

(*b*) any motion proposing or amending a resolution which, if passed by the State Council, would have the force of law; and

(*c*) any motion proposing or amending a resolution upon which the coming into force or continuance in force of a subsidiary instrument depends.

Assent to Bills.

27.—(1) A bill shall not become a law until—

(*a*) the Administrator has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of his assent; or

(*b*) Her Majesty has given Her assent to it through a Secretary of State and the Administrator has signified Her assent by proclamation published in the Gazette.

(2) When a bill is presented to the Administrator for his assent, he shall, subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State or by the Governor, declare that he assents, or refuses to assent, to it, or that he reserves the bill for the signification of Her Majesty's pleasure :

Provided that the Administrator shall reserve for the signification of Her Majesty's pleasure—

(*a*) any bill which is in any way repugnant to, or inconsistent with, the provisions of this Order ; and

(*b*) any bill which determines or regulates the privileges, immunities or powers of the State Council or of its members ;

unless he has been authorised by a Secretary of State to assent to it.

Return of Bills by Administrator.

28. The Administrator may return to the State Council any bill presented to him for his assent, transmitting therewith any amendments which he may recommend, and the Council shall deal with such recommendation.

Disallowance of laws.

29.—(1) Any law to which the Administrator has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever a law has been disallowed by Her Majesty the Administrator shall, as soon as practicable, cause notice of the disallowance to be published in the Gazette and the law shall be annulled with effect from the date of the publication of that notice.

(3) The provisions of section 38 (2) of the Interpretation Act 1889 shall apply to the annulment of any law under this section as they apply to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

PART VII

Procedure of State Council

Oaths by members of Council.

30. Before assuming his functions a member of the State Council shall make before the Administrator, or some other person authorised in that behalf by the Administrator, an oath of allegiance and an oath for the due execution of his functions in the forms set out in the Schedule to this Order.

Summoning of Council.

31.—(1) The State Council shall not be summoned except by the authority of the Administrator, acting in his discretion.

(2) Any meeting of the State Council for the purpose of proceedings to be held in public shall be summoned by the Administrator by notice published in the Gazette.

(3) Where the State Council meets in pursuance of a summons under the last foregoing subsection the meeting may be adjourned from time to time to a subsequent time ; but for the purpose of that subsection a meeting shall be regarded as having been terminated if the Council is adjourned sine die.

Holding of proceedings of Council in public or private.

32.—(1) The proceedings of the State Council for the purpose of consultation by the Administrator with the Council, whether in pursuance of section 22 of this Order or any provision mentioned in subsection 5(*c*) of that section or otherwise, shall be held in private.

(2) Other proceedings of the State Council (including in particular proceedings for the purpose of the exercise of its functions under Part VI of this Order and proceedings relating to any such motion as is mentioned in paragraph (*b*) or (*c*) of section 26(4) of this Order) shall be held in public.

(3) Where in his opinion it would not be contrary to the public interest so to do, the Administrator may, to such extent as he may specify, authorise any nominated or elected member of the State Council to disclose in proceedings of the Council held in public or otherwise to make public the position taken by that member with regard to any matter in proceedings of the Council held in private.

Presiding in Council.

33.—(1) There shall be a Speaker of the State Council, who shall be appointed by the Administrator, acting after consultation with the State Council, by instrument under the public seal, from among the nominated members of the Council.

(2) The Speaker shall vacate his office whenever the State Council is reconstituted or if he ceases to be a nominated member of the State Council or if he resigns his office by writing under his hand addressed to the Administrator.

(3) The Speaker shall preside at any sitting of the State Council held in public, and if the office of Speaker is vacant or the Speaker is absent from any such sitting there shall preside at that sitting such member of the Council as the Council may elect for the sitting.

(4) When the Governor is present in the Islands he may attend any sitting of the State Council held in private and when he does so he shall preside.

(5) The Administrator shall, so far as is practicable, attend the sittings of the State Council held in private and when he does so and the Governor is absent he shall preside; and if both the Governor and the Administrator are absent from any such sitting there shall preside such member of the Council as the Administrator, acting in his discretion, may either generally or specially appoint.

Quorum.

34.—(1) No business except that of adjournment shall be transacted in the State Council if a quorum of the Council is not present.

(2) A quorum of the State Council shall consist of five members of whom not less than three are elected members.

Submission of questions to State Council.

35.—(1) Subject to the provisions of this Order and of the rules of procedure of the State Council, any member of the Council may submit any question for consideration by the Council.

(2) Nothing in the last foregoing subsection shall be construed as preventing the Administrator from submitting any question for consideration by the Council in proceedings held in private.

Restriction on proceedings upon certain measures.

36.—(1) Except on the recommendation of the Administrator, the State Council shall not—

(*a*) proceed in any meeting held in public upon any bill (including any amendment to a bill) which, in the opinion of the member presiding in the Council, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands ;

(*b*) proceed in any such meeting upon any motion (including any amendment to a motion) the effect of which, in the opinion of the member presiding in the Council, is that provision would be made for any of the purposes aforesaid.

Voting.

37.—(1) Subject to the provisions of this Order, all questions proposed for decision at any proceedings of the State Council held in public shall be determined by a majority of the votes of the members present and voting.

(2) The member presiding shall not vote on any such question unless the votes are equally divided, in which case he shall have and exercise a casting vote.

(3) Where in any proceedings at any meeting of the State Council held in private the Administrator or other person presiding considers it desirable so to do for the purpose of determining what advice is given to the Administrator in any case referred to in section 22(3) of this Order, he may require a vote of the members of the Council to be taken upon the question, and thereupon any advice on that matter shall be regarded as the advice of the Council if a majority of the votes of the members present and voting are cast in favour thereof:

Provided that if the votes cast are equally divided the person presiding may give a casting vote.

Participation of Administrator and other persons in certain proceedings.

38.—(1) When in his opinion the business before the State Council makes it desirable, the Administrator, acting in his discretion, may address the Council or otherwise take part in proceedings thereof held in public as if he were a member of the Council.

(2) The person presiding at any sitting of the State Council may, when in his opinion the business before the Council makes it desirable, summon any person to a sitting of the Council, and any person so summoned may, subject to the rules of procedure of the Council, take part in the proceedings of the Council relating to the matter in respect of which he was summoned as if he were a member of the Council.

(3) Nothing in this section shall be construed as entitling any person who is not a member of the State Council to vote upon any question before the Council.

Council may transact business notwithstanding vacancies.

39. Subject to section 34 of this Order, the State Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so took part therein.

Rules of procedure.

40.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the State Council may make rules for the regulations and orderly conduct of its own proceedings and the despatch of business at meetings of the Council held in public and for the publication, passing, entitling and numbering of bills and their presentation to the Administrator for assent; but no such rules shall have effect until approved by the Administrator in his discretion.

(2) Subject as aforesaid and to any rules of procedure, the procedure of the Council at any sitting shall be determined by the person presiding at the sitting.

PART VIII

MISCELLANEOUS

Court of Appeal.

41.—(1) The Court of Appeal for the Bahama Islands (hereinafter referred to as "the Court of Appeal") shall have jurisdiction to hear and determine such appeals (including cases stated and questions of law reserved) from the courts of the Islands as may be prescribed by or under any law for the time being in force in the Islands, and for the purposes of hearing and determining such appeals the Court of Appeal may sit either in the Islands or in the Bahama Islands as the President of the Court may from time to time direct.

(2) Subject to any provision that may be made by any such law as aforesaid, the provisions of any law for the time being in force in the Bahama Islands shall apply, with the necessary adaptations, qualifications, modifications and exceptions, in relation to the powers, practice and procedure of the Court of Appeal when exercising its jurisdiction under this section (whether sitting in the Islands or in the Bahama Islands) and in relation to the powers conferred and the duties imposed upon other persons or authorities in connection with the exercise of that jurisdiction as those provisions apply in relation to the like matters in connection with the exercise of the jurisdiction of the Court of Appeal in respect of appeals from the courts of the Bahama Islands.

(3) Any power exercisable by a single judge of the Court of Appeal may, at any time when there is no such judge present in the Islands or in the Bahama Islands and able to perform the functions of his office, be performed by a judge of the Supreme Court of the Islands or a judge of the Supreme Court of the Bahama Islands as if that judge were a judge of the Court of Appeal.

Grants of land.

42. Subject to the provisions of any law for the time being in force in the Islands, the Administrator or any person duly authorised by him in writing under his hand may, in Her Majesty's name and on Her behalf, make and execute under the public seal grants and dispositions of any land or other immovable property within the Islands that may be lawfully granted or disposed of by Her Majesty.

Powers of pardon, etc.

43.—(1) The Administrator may, in Her Majesty's name and on Her behalf—

(*a*) grant to any person convicted of any offence against any law in force in the Islands, a pardon, either free or subject to lawful conditions;

(*b*) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on him for such an offence ;

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(*d*) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) In the exercise of his powers under this section the Administrator shall consult with the State Council unless in any particular case not falling within the next following subsection he considers the matter to be too urgent to permit such consultation.

(3) Where any person has been sentenced to death (otherwise than by a court-martial) for an offence the Administrator shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he may require, to be taken into consideration at a meeting of the State Council.

Offices and appointments.

44.—(1) The Administrator, in Her Majesty's name and on Her behalf, may constitute such offices for the Islands as may lawfully be constituted by Her Majesty and, subject to the provisions of any law in force in the Islands, may make appointments to any such office ; and any person so appointed shall, unless it is otherwise provided by any such law, hold office during Her Majesty's pleasure.

(2) The reference in the last foregoing subsection to appointments shall be construed as including a reference to appointments on promotion or transfer, appointments on contract and appointments to act in an office during any period when it is vacant or the holder thereof is absent from the Islands or is for any other reason unable to perform the functions thereof.

Discipline.

45.—(1) Subject to the provisions of this section and of any law in force in the Islands, the Administrator may for cause shown to his satisfaction dismiss or suspend from the exercise of his office any person holding a public office, or take such disciplinary action with respect to such a person as may seem to him to be desirable.

(2) When the Administrator proposes—

(*a*) to dismiss any officer whose annual salary exceeds such sum as may for the time being be prescribed for the purposes of this section by the Administrator in pursuance of instructions given to him by the Governor ;

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

(*c*) to require such an officer to retire from the public service in the exercise of any power in that behalf conferred by any law in force in the Islands ; or

(*d*) to refuse to exercise in relation to such an officer any power conferred by any such law to permit officers to retire from the public service,

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, or direct the Administrator to take, such action in respect of that officer as he sees fit.

(3) When a case falling within paragraph (*a*) or (*b*) of the last foregoing subsection is referred to the Governor, 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) References in this section to the dismissal of any person holding a public office shall be construed as including references to the termination of a contract on which a person is employed in a public office.

(5) An officer who is suspended from the exercise of his office shall be paid such salary, not being less than half his rate of salary for the period of suspension, as the Administrator may determine.

Privileges of State Council and members.

46. A law enacted under this Order may determine and regulate the privileges, immunities and powers of the State Council and its members, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the members thereof.

Power reserved to Her Majesty.

47. Her Majesty hereby reserves to Herself power, with the advice of Her Privy Council, to make laws for the peace, order and good government of the Islands.

PART IX

TRANSITIONAL

Existing laws.

48.—(1) Subject to the provisions of this section, the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Order.

(2) The Administrator may by regulations at any time within twelve months after the appointed day make such modifications or adaptations to any existing law as appears to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such day (not being earlier than the appointed day) as may be specified in the regulations.

(3) Regulations made under this section may be amended or revoked in relation to any existing law effected thereby by any authority competent to amend or revoke that law.

(4) For the purposes of this section "existing law" means any law (including any law made, or having effect as if made, under or

by virtue of the existing Constitution) that has effect as part of the law of the Islands immediately before the appointed day (whether or not it has then come into operation), but does not include any Act of the Parliament of the United Kingdom or any Order in Council or other instrument made under such an Act.

Existing offices and officers.

49.—(1) Any office established by the Administrator under the existing Constitution or continued by that Constitution as if so established and subsisting immediately before the appointed day shall on and after that day be deemed to be an office constituted under section 44 of this Order.

(2) Any person who, immediately before the appointed day, holds or is acting in the office of Administrator or any office mentioned in the last foregoing subsection shall, on and after that day, continue to hold or to act in that office as if he had been appointed to hold or to act in it in accordance with the provisions of this Order.

(3) Any person to whom the last foregoing subsection applies who, before the appointed day, has made any oath or affirmation required to be made by him before assuming the functions of his office shall be deemed to have made any like oath or affirmation so required by this Order or any other law.

First State Council.

50.—(1) The persons who immediately before the appointed day are nominated or elected members of the Legislative Assembly established by the existing Constitution (in this section referred to as "the Assembly") shall as from that day be nominated or elected members of the State Council as if they had been appointed or elected as such and had assumed their seats in pursuance of this Order and shall hold their seats in the Council in accordance with the provisions of this Order.

(2) Paragraph (*a*) of section 10(1) of this Order shall not have effect in relation to the election of any member of the State Council prior to the first general election of members of the Council and paragraph (*c*) of section 13(3) of this Order shall not have effect until the Council is reconstituted after that general election.

(3) For the purposes of section 16(1) of this Order the State Council shall be deemed to have been constituted on 2nd October 1967 (being the date on which the Assembly first met after the general election of elected members thereof last preceding the appointed day).

(4) Without prejudice to the provisions of section 48 of this Order, the Voters Registration and Election Regulations 1959 (as in force immediately before the appointed day) made under section 64 of the Turks and Caicos Islands (Constitution) Order in Council 1959(a) shall have effect on and after that day as if they were a law made under this Order and references therein to the Assembly were references to the State Council.

(a) S.I. 1959/864 (1959 I, p. 533).

(5) The Standing Orders of the Assembly as in force immediately before the appointed day shall, except as may be otherwise provided under section 40(1) of this Order, have effect on and after that day as if they had been made under that section as rules of procedure of the State Council, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(6) Nothing in subsection (1) of this section shall be construed as exempting any person from complying with the requirements of section 30 of this Order.

Transitional provision relating to certain bills and laws passed or made under existing Constitution.

51. The provisions of sections 27 and 28 of this Order shall apply in relation to any bill passed by the Legislative Assembly established by the existing Constitution but not assented to before the appointed day as they apply in relation to any bill passed by the State Council; and the provisions of section 29 of this Order shall apply in relation to any law to which the Administrator has given his assent under the existing Constitution as they apply in relation to any law to which he has given his assent under this Order.

W. G. Agnew.

SCHEDULE

Forms of Oaths and Affirmations

1. *Oath of Allegiance*

I ..... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Oath for the due execution of office of Administrator.*

I ..... do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Administrator. So help me God.

3. *Oath for the due execution of the functions of a member of the State Council.*

I, ... being a member of the State Council, do swear that I will to the best of my judgment, at meetings of the State Council, freely give my counsel and advice and, when required, cast my vote for the good management of the public affairs of the Turks and Caicos Islands, and I do further swear I will not on any account, at any time whatsoever, make public the counsel, advice, or vote of any other particular member given or cast at any meeting of the State Council held in private and that I will not, except to such extent as may be authorised by the Governor or the Administrator, make public my own counsel, advice or vote or the business or proceedings of the State Council at any meeting held in private or the nature or contents of any documents or any other matter communicated to me solely for the purpose of any such meeting, and that in all things I will be a true and faithful member of the State Council. So help me God.

4. *Affirmations.* In the forms above respectively set forth, for the word "swear" there shall be substituted the words "solemnly and sincerely affirm and declare", and the words "So help me God" shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides a new Constitution for the Turks and Caicos Islands in place of the Constitution established by the Turks and Caicos Islands (Constitution) Order 1965. It makes provision for constituting the office of Administrator and for the establishment of a State Council. It also provides for the functions of the Governor and Commander-in-Chief of the Bahama Islands in relation to the Turks and Caicos Islands.