EXPLANATORY MEMORANDUM TO

THE VIRGIN ISLANDS CONSTITUTION (AMENDMENT) ORDER 2015

2015 No. 1767

1. This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Virgin Islands Constitution Order 2007 (S.I. 2007/1678) to allow for the appointment of up to two Junior Ministers to assist Ministers in the performance of any of their functions relating to the economic development of the Virgin Islands.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument will amend the 2007 Constitution Order. There have been no other amendments to the 2007 Constitution Order to date. This instrument, like the 2007 Constitution Order, is made under the West Indies Act 1962. The amendment is being made at the request of the Virgin Islands Government.

4.2 In 2002, the Chairman of the Foreign Affairs Committee and the Foreign Secretary agreed that, where appropriate, draft Orders on Overseas Territories' Constitutions would be shown to the Committee for information, if possible, at least 28 sitting days before they were made. The Committee has considered and has no comment on or objections to this instrument.

5. Territorial Extent and Application

5.1 This instrument extends to the Virgin Islands.

6. European Convention on Human Rights

6.1 As this instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 This instrument has the objective of enabling no more than two elected members from the House of Assembly to be appointed as Junior Ministers whose purpose would be to assist the Premier in the performance of his functions relating to economic development, in particular in relation to finance and tourism. These positions would not be part of the Cabinet.

7.2 The workload of the Premier exceeds his capacity and the creation of junior ministerial positions would assist the Virgin Islands Government in improving the efficiency of Government and developing the next generation of political leaders in the territory, following the Westminster model. Further much of the work in the areas of tourism and finance is conducted by statutory bodies and so the establishment of structured leadership with clear lines of accountability to the Premier in respect of these matters should help to improve the oversight and management of these bodies.

8. Consultation outcome

8.1 The Order is being made at the specific request of the Government of the Virgin Islands, and the draft Order was cleared with the Government.

9. Guidance

9.1 No guidance is required.

10. Impact

10.1 An impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. It also has no impact on the United Kingdom public sector.

11. Regulating small business

11.1 This instrument does not apply to small business.

12. Monitoring & review

12.1 This amendment is made as part of the UK's commitment to reflect on the constitutional relationship it has with the Virgin Islands on an ongoing basis and to ensure that the constitutional arrangements work effectively to promote the best interests of the Virgin Islands and the UK.

13. Contact

Sarah Fearnley at the Foreign and Commonwealth Office Tel: 0207 0087400 or email: sarah.fearnley@fco.gov.uk can answer any queries regarding the instrument.