EXPLANATORY MEMORANDUM TO

THE VIRGIN ISLANDS CONSTITUTION (INTERIM AMENDMENT) (REVOCATION) ORDER 2026

2026 No. 100

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Stephen Doughty MP, Minister of State (Europe, North America and Overseas Territories) at the Foreign, Commonwealth and Development Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Robbie Bulloch, Director for the Overseas Territories and Polar Directorate at the Foreign, Commonwealth and Development Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nicholas Wareham at the Overseas Territories and Polar Directorate can be contacted by email at the following address with any queries regarding the instrument: ParliamentaryOffice@fcdo.gov.uk. Alternatively, the department can be contacted by telephone: 020 7008 5000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will revoke the Virgin Islands Constitution (Interim Amendment) Order 2022 (S.I. 2022/627), hereinafter referred to as "the 2022 Order". The 2022 Order provided for certain interim amendments to the Constitution of the Virgin Islands (contained in the Virgin Islands Constitution Order 2007 (S.I. 2007/1678), as amended by the Virgin Islands (Amendment) Order 2015 (S.I. 2015/1767)), ("the Constitution").

4.2 The 2022 Order was designed to allow action to be taken to address concerns about poor governance in the Virgin Islands by providing for certain provisions of the Constitution to be suspended in whole or in part on an interim basis, and certain other provisions to be given effect in their place, allowing for the continued government of the Virgin Islands. In particular, the 2022 Order provided for specified offices to become vacant, for the Cabinet to cease to exist and for the House of Assembly to be dissolved, and to be replaced by an Advisory Council. It also made temporary provision for the government of the Virgin Islands by the Governor. However, the 2022 Order was never brought into force (see paragraph 5.5 below) and the Foreign Secretary has now decided that it should be revoked.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the Virgin Islands.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the Virgin Islands.

5. Policy Context

What is being done and why?

5.1 Having reviewed progress on governance issues in the Virgin Islands – taking into account public consultations held by the Governor and the Virgin Islands government, a final report from the Governor and a self-assessment by the Virgin Islands government – in September 2025, the Foreign Secretary decided that a partial suspension of the Constitution, and the resulting interim administration, would not be required at this time. Consequently, the Foreign Secretary has decided that the 2022 Order should be revoked.

5.2 In making the decision to revoke the 2022 Order, the Foreign Secretary considered the significant progress made by the Virgin Islands government, working closely with the Governor and the Virgin Islands public service, towards the delivery of reforms to address recommendations identified by the 2022 Commission of Inquiry. Reforms include the passing of key legislation in the Virgin Islands, such as the Register of Interests (Amendment) Act 2024 and the Integrity in Public Life (Amendment) Act 2024, as well as actions taken under the Virgin Islands Implementation Framework, a document published by the Premier to drive the delivery of vital reforms to address the recommendations of the 2022 Commission of Inquiry.

5.3 While progress has been made, the Governor will monitor developments regularly to ensure the Virgin Islands continue to take steps towards improving its governance. If the situation deteriorates the Foreign Secretary will consider any further necessary action, in line with the UK's responsibilities to this British Overseas Territory.

What was the previous policy, how is this different?

5.4 The 2022 Order was made in order to fulfil the United Kingdom government's broad responsibility to support the Overseas Territories and to ensure their security and good governance for the people in each Territory. Specifically, an accumulation of evidence led to the decision that fulfilling this responsibility with respect to the Virgin Islands might require the temporary suspension and replacement of certain parts of the Constitution. In particular, this was the recommendation of Sir Gary Hickinbottom PC, who was appointed in 2021 by the former Governor of the Virgin Islands under a Commission of Inquiry to inquire into whether there was information that corruption, abuse of office or other serious dishonesty in relation to officials, whether statutory, elected or public, may have taken place in recent years.

5.5 Although the 2022 Order was made, it was not brought into force. Instead, the then Foreign Secretary decided that the newly formed Government of National Unity should have an opportunity to implement all recommendations, aside from the partial suspension of the Constitution. However, if the situation changed or deteriorated, the intention was that the Foreign Secretary should be able to move quickly to instruct the Governor to bring the 2022 Order into force. In the circumstances, this has not proved necessary.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2022 Order was never brought into force, so its revocation will not change the law in force in the Virgin Islands.

Why was this approach taken to change the law?

6.2 This is the only possible approach to remove the 2022 Order from the statute book.

7. Consultation

Summary of consultation outcome and methodology

7.1 In reaching a decision to revoke the 2022 Order, the Foreign Secretary considered the outcome of public consultations held by the Governor and Virgin Islands government, together with a final report from the Governor and a self-assessment by the Virgin Islands government. These publicly available reports helped to inform the Foreign Secretary's assessment of the progress made towards the Commission of Inquiry recommendations.

7.2 In 2002, the Chairman of the Foreign Affairs Committee and the Foreign Secretary agreed that, where appropriate, draft Orders concerning Overseas Territories' constitutions would be shown to the Committee for information, if possible 28 days before they are made. In this case, the draft Order was shared with the Foreign Affairs Committee on 1 December 2025.

8. Applicable Guidance

8.1 No guidance has been prepared for the Order as it is not considered necessary.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it has no, or no significant, impact on United Kingdom business, charities or voluntary bodies, or on the United Kingdom public sector.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the 2022 Order never came into force.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the 2022 Order never came into force.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no approach to monitoring this legislation because the 2022 Order is being revoked.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is not subject to parliamentary procedure, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").