1967 No. 471

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Virgin Islands (Constitution) Order 1967

Made - - - -	*23rd March* 1967
Laid before Parliament	*29th March* 1967
Coming into Operation	*As provided in section* 1(2) *and* (3)

At the Court at Windsor Castle, the 23rd day of March 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in 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, commencement and revocation.

1.—(1) This Order may be cited as the Virgin Islands (Constitution) Order 1967.

(2) This Part, Part IV and sections 57(2) and 58 of this Order shall come into operation on 30th March 1967; and as from that date sections 3 to 34 and sections 36 and 42 of the Virgin Islands Constitution and Elections Ordinance 1954(b) and the First Schedule thereto are hereby revoked.

(3) The provisions of this Order other than those mentioned in the last foregoing subsection shall come into operation on such day after the polling in the first general election after 30th March 1967 as the Administrator, by proclamation published in the Gazette, shall appoint; and as from that day the Virgin Islands Letters Patent 1959(c), the Virgin Islands Letters Patent 1960(d) and the Virgin Islands Royal Instructions 1959(e) are hereby revoked.

Interpretation.

2.—(1) In this Order, unless it is otherwise provided or required by the context—

"the appointed day" means the day appointed under section 1(3) of this Order;

"the Court of Appeal" means the Court of Appeal established by the West Indies Associated States Supreme Court Order 1967(f);

"dollars" means dollars in the currency of the United States of America;

"election" means election of an elected member of the Legislative Council, and "general election" shall be construed accordingly;

"the Gazette" means the official Gazette of the Virgin Islands;

"the High Court" means the High Court established by the West Indies Associated States Supreme Court Order 1967;

(a) 1962 c. 19. (b) No. 7 of 1954. (c) S.I. 1959 II, p. 3450.
(d) S.I. 1960 III, p. 4157. (e) S.I. 1959 II, p. 3458. (f) S.I. 1967/223 (1967 I, p. 364).

" minister of religion " means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship ;

" the Police Force " means any police force established for the Virgin Islands under any law in force in the Virgin Islands ;

" public office " means, subject to the provisions of subsections (7) and (8) of this section, any office of emolument in the public service or any office of emolument under any local government council or authority in the Virgin Islands ;

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

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

" session " in relation to the Legislative Council means the sittings of the Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued ;

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

(2) In this Order, unless it is otherwise provided or required by the context—

(*a*) any reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to perform the functions of that office during any period when it is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions ;

(*b*) any reference to power to remove a public officer from office shall be construed as including a reference to any power conferred by any law to require or permit that officer to retire from the public service ;

(*c*) any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(3) In this Order, unless it is otherwise provided or required by the context, references to the functions of the Administrator shall be construed as references to his powers and duties in exercise of the executive authority of the Virgin Islands and to any other powers or duties conferred or imposed on him as Administrator by or under this Order or any other law.

(4) Where by this Order any person is directed, or power is conferred on any person or authority to appoint a person, to perform the functions of an office if the holder thereof is unable to perform those functions, the validity of any performance of those functions by

the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(5) For the purposes of this Order, the resignation of the holder of any office that is required to be addressed to any person shall have effect from the time that it is received by that person.

(6) For the purposes of this Order, a person shall not be considered to hold a public office by reason only—

(*a*) that he is in receipt of a pension or other like allowance in respect of public service ; or

(*b*) that he is in receipt of any remuneration or allowances in respect of his tenure of the office of Minister or Speaker, Deputy Speaker or member of the Legislative Council.

(7) If it is provided by any law in force in the Virgin Islands that an office shall not be a public office for the purposes of Part IV of this Order, this Order shall have effect accordingly as if that provision of that law were enacted herein.

(8) References in section 17 and Part V of this Order to public offices shall not be construed as including references to—

(*a*) the office of a member of any board, committee or other similar body (whether incorporated or not) established by any law in force in the Virgin Islands ; or

(*b*) any office of emolument under any local government council or authority in the Virgin Islands.

(9) Where this Order vests in any person power to make appointments to any office, a person may be appointed to that office, notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of that office ; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed to the office shall be deemed to be the sole holder of the office.

(10) Where any power is conferred by this Order to make any proclamation, order or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, regulations or directions.

(11) For the avoidance of doubts it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established 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.

(12) Save as in this Order otherwise provided or required by the context, 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.

(a) 1889 c. 63.

PART II

THE ADMINISTRATOR

Administrator.

3.—(1) There shall be an Administrator of the Virgin Islands who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Administrator shall, for the purpose of administering the government of the Virgin Islands, have such powers and duties as are conferred or imposed on him by this Order or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and of any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered by this Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

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.

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

(4) There shall be charged on the revenues of the Virgin Islands and paid thereout to the Administrator such salary as may from time to time be prescribed by any law in force in the Virgin Islands:

Provided that the salary of the Administrator shall not be reduced during his continuance in office.

Acting Administrator.

4.—(1) During any period when the office of Administrator is vacant or the holder thereof is absent from the Virgin Islands or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by—

(*a*) such person as Her Majesty may designate in that behalf by instructions given under Her Sign Manual and Signet or through a Secretary of State, or

(*b*) if there is no person in the Virgin Islands so designated and able to perform those functions, the Attorney-General.

(2) Before assuming the functions of the office of Administrator, any such person as aforesaid shall make the oaths or affirmations directed by the last foregoing section to be made by the Administrator.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Administrator after the holder thereof or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(4) The holder of the office of Administrator or any person designated under subsection (1) of this section shall not, for the purposes of this section, be regarded as absent from the Virgin Islands or as unable to perform the functions of the office of Administrator—

(*a*) by reason that he is in passage from one part of the Virgin Islands to another;

(*b*) at any time when there is a subsisting appointment of a deputy under the next following section; or

(*c*) by reason of absence from the Virgin Islands for a period not exceeding forty-eight hours for the purpose of visiting the United States Virgin Islands.

Deputy to Administrator.

5.—(1) Whenever the Administrator—

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

(*b*) has occasion to be absent from the Virgin 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, acting in his discretion, by instrument under the public seal, appoint any person in the Virgin 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 a deputy shall conform to and observe all instructions that the Administrator may from time to time address to him :

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into in any court.

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

Exercise of Administrator's functions.

6.—(1) Subject to the next following subsection, the Administrator shall consult with the Executive Council regarding the exercise of any of his functions other than—

(*a*) any function conferred upon him by this Order which is expressed to be exercisable by him in his discretion or in accordance with the advice of, or after consultation with, any person or authority other than the Executive Council ; and

(*b*) any function conferred upon him by any other law in terms which authorise him to exercise that function without consulting with the Executive Council.

(2) The Administrator shall not be obliged to consult with the Executive Council in any case—

(*a*) in which the matter is one for which he is responsible under section 17 of this Order and is of such a nature that, in his judgment, Her Majesty's service would sustain material prejudice by reason of his consulting the Council thereon ; or

(*b*) in which the question for decision is, in his judgment, too unimportant to require their advice ; or

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

but in any such case of urgency he shall, as soon as practicable, communicate to the Council the measures he has adopted and the reasons therefor.

(3) When the Administrator has, in pursuance of this section, consulted with the Executive Council—

(*a*) in the case of a matter for which he is responsible under section 17 of this Order, he may act otherwise than in accordance with the advice given to him by the Council if he considers it right so to do; and

(*b*) in the case of any other matter he shall act in accordance with the advice given to him by the Council:

Provided that in the case of any such other matter he may act otherwise than in accordance with such advice if he considers it necessary or expedient to do so for the purposes of any of the matters for which he is responsible under section 17 of this Order, but if he so acts he shall, as soon as practicable, report his action and the reasons therefor to a Secretary of State.

(4) Where the Administrator is directed by this Order to exercise any function after consultation with any person or authority other than the Executive Council he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(5) Nothing in the foregoing provisions of this section shall apply to the matters for which provision is made by section 9 or section 43 of this Order.

(6) Where the Administrator is directed by this Order to exercise any function in accordance with the advice of, or after consultation with any person or authority, the question whether he has so exercised that function shall not be enquired into in any court.

Powers to dispose of land.

7. Subject to the provisions of any law for the time being in force in the Virgin Islands, the Administrator or any person duly authorised by him in that behalf by writing under his hand, in Her Majesty's name and on Her Majesty's behalf, may, under the public seal, make grants and disposition of lands or other immoveable property in the Virgin Islands or interests in such property that are vested in Her Majesty for the purposes of the Government of the Virgin Islands.

Powers to constitute offices and make appointments, etc.

8. Subject to the provision of this Order and of any law for the time being in force in the Virgin Islands, the Administrator, in Her Majesty's name and on Her Majesty's behalf, may—

(*a*) constitute offices for the Virgin Islands and make appointments (including acting appointments), to be held during Her Majesty's pleasure, thereto, and

(*b*) dismiss any person so appointed or take such other disciplinary action in relation to him as the Administrator may think fit.

Powers of pardon, etc.

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

(*a*) grant to any person concerned in or convicted of any offence against any law in force in the Virgin 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 sentence passed on that person 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 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 Executive Council, but he shall decide whether to exercise any of those powers in any case in his own deliberate judgment, whether the members of the Council concur in his decision or otherwise.

(3) Without prejudice to the provisions of the last foregoing subsection, whenever any person has been sentenced to death for an offence against any law in force in the Virgin Islands the Administrator shall call upon the judge who presided at the trial to make to him a written report of the case of such offender and shall cause such report, together with such other information derived from the record of the case or elsewhere as the Administrator may require, to be taken into consideration at a meeting of the Executive Council so that the Council may advise him on the exercise of his powers under this section in relation to that person.

The public seal.

10. The Administrator shall keep and use the public seal for sealing all things whatsoever that shall pass the said seal.

PART III

THE EXECUTIVE

Executive authority of the Virgin Islands.

11.—(1) The executive authority of the Virgin Islands shall be vested in Her Majesty.

(2) Subject to the provisions of this Order, the executive authority of the Virgin Islands may be exercised on behalf of Her Majesty by the Administrator, either directly or through officers subordinate to him, but nothing in this subsection shall operate so as to prejudice the provisions of any law for the time being in force in the Virgin Islands whereby functions are, or may be, conferred on persons or authorities other than the Administrator.

Executive Council.

12. There shall be an Executive Council in and for the Virgin Islands which shall consist of the Chief Minister, two other Ministers, and two ex officio members, namely, the Attorney-General and the Financial Secretary.

Appointment of Ministers.

13.—(1) The Administrator, acting in his discretion, shall appoint as the Chief Minister the elected member of the Legislative Council who, in his judgment, is best able to command the support of a majority of the elected members of the Legislative Council.

(2) The other Ministers shall be appointed by the Administrator in accordance with the advice of the Chief Minister from among the elected members of the Legislative Council.

(3) If occasion arises for making an appointment of any Minister between a dissolution of the Legislative Council and the polling in the next following general election a person who was an elected member of the Legislative Council immediately before the dissolution may be appointed as if he were still a member of the Legislative Council.

(4) Appointments made under this section shall be made by instrument under the public seal.

Tenure of office of members.

14.—(1) If a motion that the Legislative Council should declare a lack of confidence in the Government of the Virgin Islands receives in the Legislative Council the affirmative votes of a majority of all the elected members thereof the Administrator shall, by instrument under the public seal, revoke the appointment of the Chief Minister:

Provided that before so revoking the Chief Minister's appointment the Administrator shall consult with the Chief Minister and, if the Chief Minister so requests, the Administrator, acting in his discretion, may dissolve the Legislative Council instead of revoking the appointment.

(2) The Chief Minister shall vacate his office if, after the polling in a general election and before the Legislative Council first meets thereafter, the Administrator, acting in his discretion, informs him that he is about to appoint another person as the Chief Minister.

(3) Any Minister shall vacate his office if—

(*a*) he ceases to be a member of the Legislative Council for any reason other than a dissolution;

(*b*) he is not an elected member of the Legislative Council when it first meets after a general election;

(*c*) he is required under the provisions of section 29(4) of this Order to cease to perform his functions as a member of the Legislative Council;

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

(*e*) if he is absent from the Virgin Islands without, in the case of the Chief Minister, having given the Administrator prior notice of such absence or, in the case of any other Minister, having obtained the written permission of the Administrator, acting in accordance with the advice of the Chief Minister.

(4) A Minister other than the Chief Minister shall also vacate his office if—

(*a*) the Chief Minister vacates his office; or

(*b*) his appointment is revoked by the Administrator, acting in accordance with the advice of the Chief Minister, by instrument under the public seal.

Performance of functions of Chief Minister in certain events.

15.—(1) If the Chief Minister is unable, by reason of his illness or absence from the Virgin Islands, to perform the functions of his office, the Administrator may, by instrument under the public seal, authorise any other Minister to perform the functions conferred on the Chief Minister by this Order (other than the functions conferred upon him by subsection (3) of this section).

(2) The Administrator may, by instrument under the public seal, revoke any authority given under this section.

(3) The powers conferred upon the Administrator by this section shall be exercised by him acting in his discretion if, in his judgment, it is impracticable to obtain the Chief Minister's advice owing to his illness or absence, and in any other case shall be exercised in accordance with the advice of the Chief Minister.

Assignment of responsibilities to Ministers.

16.—(1) The Administrator, acting in accordance with the advice of the Chief Minister, may, by directions in writing, assign to any Minister responsibility for the conduct (subject to the provisions of this Order and of any other law) of any business of the Government of the Virgin Islands, including responsibility for the administration of any department of government:

Provided that a Minister shall not be charged with responsibility under this section for any of the matters mentioned in the next following section.

(2) The Administrator, acting in his discretion, may at any time call for any official papers or seek any official information or advice available to a Minister with respect to a matter for which that Minister is responsible under this section.

Administrator's special responsibilities.

17. The Administrator shall be responsible for the conduct (subject to the provisions of this Order and of any other law) of any business of the Government of the Virgin Islands, including the administration of any department of government, with respect to the following matters:—

(*a*) external affairs;

(*b*) defence, including armed forces;

(*c*) internal security, including the Police Force;

(*d*) the terms and conditions of service of persons holding or acting in public offices;

(*e*) the administration of the courts;

(*f*) finance:

Provided that the Administrator, after consultation with the Chief Minister, may assign to any member of the Executive Council responsibility for the conduct on behalf of the Administrator of any business in the Legislative Council with respect to any of the said matters.

Oaths.

18. Every member of the Executive Council shall, before entering upon the duties of his office as a member, make before the Administrator an oath or affirmation of allegiance in the form set out in the Schedule to this Order and an oath or affirmation for the due execution of that office in such form as may be prescribed by any law in force in the Virgin Islands or, if no law in that behalf is for the time being in force, in the form set out in the Schedule to this Order.

Summoning of persons to the Council.

19. The Administrator may summon any public officer to a meeting of the Executive Council whenever, in his opinion, the business before the Council renders the presence of that officer desirable.

Summoning of the Council.

20. The Executive Council shall not be summoned except by the authority of the Administrator, acting in his discretion:

Provided that the Administrator shall summon the Council if the Chief Minister so requests.

Proceedings in the Council.

21.—(1) The Administrator shall, so far as is practicable, attend and preside at meetings of the Executive Council.

(2) In the absence of the Administrator there shall preside at any meeting of the Executive Council such member of the Council as the Administrator, acting in his discretion, may appoint.

(3) No business shall be transacted at any meeting of the Council if there are less than two members present besides the Administrator or other person presiding.

(4) Subject to the last foregoing subsection, the Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Council shall not be affected by reason only of the fact that some person who was not entitled so to do took part in the proceedings.

Powers of Attorney General.

22.—(1) The Attorney-General shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in respect of any offence against any law in force in the Virgin Islands;

(*b*) to take over and continue any such criminal proceedings that have been instituted by any other person or authority; and

(*c*) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General under the last foregoing subsection may be exercised by him in person or by officers subordinate to him acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Attorney-General by paragraphs (*b*) and (*c*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court or to Her Majesty in Council shall be deemed to be part of those proceedings.

(5) In the exercise of the powers conferred upon him by this section, section 48(2) and section 49 of this Order the Attorney-General shall not be subject to the direction or control of any other person or authority.

(6) There shall be charged on the revenues of the Virgin Islands and paid thereout to the Attorney-General such salary as may from time to time be prescribed by any law in force in the Virgin Islands:

Provided that the salary of the Attorney-General shall not be reduced during his continuance in office.

PART IV

THE LEGISLATURE

Composition

Constitution of Legislature.

23. There shall be a Legislature for the Virgin Islands which shall consist of Her Majesty and a Legislative Council.

Legislative Council.

24. Subject to section 32 of this Order, the Legislative Council shall consist of a Speaker elected as provided in section 31 of this Order, two ex officio members, namely the Attorney-General and the Financial Secretary, one nominated member and seven elected members.

Nominated member.

25.—(1) Subject to section 28 of this Order, the nominated member of the Legislative Council shall be a British subject of the age of twenty-one years or upwards and shall be appointed by the Administrator, after consultation with the Chief Minister, by instrument under the public seal.

(2) The Administrator shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

Elected members.

26.—(1) The elected members of the Legislative Council shall be persons qualified for election in accordance with the provisions of this Order and, subject to the provisions of this Order, shall be elected in the manner provided by or under any law for the time being in force in the Virgin Islands.

(2) For the purposes of elections the Virgin Islands shall be divided into seven electoral districts in such manner as may be provided by or under any such law, and each such district shall return one member to the Council.

Qualifications for elected membership.

27. Subject to the next following section, a person shall be qualified to be elected as a member of the Legislative Council, if, and shall not be qualified to be so elected unless, he—

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

(*b*) has resided in the Virgin Islands for a period of twelve months immediately before the date of his nomination for election or is domiciled and resident in the Virgin Islands at that date.

Disqualifications for nominated and elected membership.

28.—(1) No person shall be qualified to be nominated or elected as a member of the Legislative 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*) is a minister of religion;

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

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

(*f*) 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) for a term 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 ;

(*g*) is disqualified for membership of the Council by or under any law in force in the Virgin Islands by reason of his having been convicted or reported guilty of any offence relating to elections ;

(*h*) (i) in the case of the nominated member, 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 Virgin Islands for or on account of the public service, and has not disclosed to the Administrator the nature of such contract and his interest, or the interest of such firm or company, therein ; or

(ii) in the case of an elected member, 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 Virgin Islands for or on account of the public service, and has not, within fourteen days before his nomination as a candidate for election, published in the Gazette or in a newspaper circulating in the Virgin Islands a notice setting out the nature of such contract and his interest, or the interest of such firm or company, therein.

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

(*a*) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence ; 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.

Tenure of seats of members of Legislative Council.

29.—(1) Subject to the provisions of this Order, the nominated member of the Legislative Council shall hold his seat therein during Her Majesty's pleasure.

(2) Every nominated or elected member of the Legislative Council shall vacate his seat therein at the next dissolution of the Council after his appointment or election.

(3) A nominated or elected member of the Legislative Council shall also vacate his seat therein—

(*a*) if he resigns it by writing under his hand addressed to the Speaker ;

(*b*) if he is absent from the sittings of the Council for such period and in such circumstances as may be prescribed in the Standing Orders of the Council ;

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

(*d*) subject to the next following subsection, if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment or election as such by virtue of any provision of subsection (1) of the last foregoing section other than paragraph (*h*) ; or

(*e*) if he becomes a party to any contract with the Government of the Virgin 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, if in the circumstances it shall appear to him or them to be just so to do, the Administrator, acting in his discretion, may exempt the nominated member and the Council may exempt any elected member from vacating his seat under the provisions of this paragraph if such member shall, before becoming a party to such contract as aforesaid, or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as a partner in a firm or director or manager of a company), disclose to the Administrator or to the Council, as the case may be, the nature of such contract and his interest or the interest of any such firm or company therein.

(4) (*a*) If circumstances such as are referred to in paragraph (*d*) of the last foregoing subsection arise because a member is declared bankrupt, adjudged to be of unsound mind, under sentence of death or imprisonment or convicted or reported guilty of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave) he shall forthwith cease to perform his functions as a member but, subject to the next following paragraph, he shall not vacate his seat in the Council until the expiration of a period of thirty days thereafter:

Provided that the Administrator, acting in his discretion (in the case of the nominated member), or the Speaker (in the case of an elected member), may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Legislative Council.

(*b*) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(*c*) If at any time before the member vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (*a*) of this subsection and he may resume the performance of his functions as a member.

Qualifications of voters.

30.—(1) Subject to the provisions of subsection (2) of this section, a person shall be qualified to be registered as a voter for the purposes of elections if, and shall not be so qualified unless, on the qualifying date he has attained the age of twenty-one years and is a British subject and he either—

(*a*) has resided in the Virgin Islands for twelve months immediately preceding the qualifying date; or

(*b*) is domiciled and resident in the Virgin Islands at that date; or

(*c*) is at that date domiciled in the Virgin Islands but is resident in the United States Virgin Islands, having ceased during the two years immediately preceding that date to be resident in the Virgin Islands.

(2) No person shall be qualified to be registered as a voter under this section who on the qualifying date—

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

(*b*) is disqualified by or under any such law from being registered as a voter for the purposes of elections by reason of his having been convicted of an offence relating to elections; or

(*c*) 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) for a term 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.

(3) In this section "the qualifying date" means such date as may be appointed by or under any law in force in the Virgin Islands as the date with reference to which the qualifications of any person for registration are to be ascertained.

(4) For the purposes of subsection (2)(*c*) of this section—

(*a*) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of those sentences exceeds that term they shall be regarded as one sentence; 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.

Speaker and Deputy Speaker.

31.—(1) When the Legislative Council first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the Council, and, if the office of Speaker falls vacant for any reason other than a dissolution of the Council, the Council shall, as soon as practicable elect another person to that office.

(2) The Speaker shall be elected from among persons who are not members of the Legislative Council, and no person shall be elected as Speaker if—

(*a*) he is not a British subject;

(*b*) he is a person disqualified for election as an elected member of the Council by virtue of any provision of section 28(1) of this Order other than paragraph (*h*).

(3) When the Legislative Council first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a member of the Legislative Council who is not a member of the Executive Council to be Deputy Speaker of the Legislative Council; and if the office of Deputy Speaker falls vacant for any reason other than a dissolution of the Council, the Council shall, as soon as convenient, elect another such member to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker—

(*a*) on a dissolution of the Legislative Council ;

(*b*) if he announces the resignation of his office to the Legislative Council or if by writing under his hand addressed to the Council and received by the Clerk of the Council he resigns that office ;

(*c*) in the case of the Speaker—

(i) if he ceases to be a British subject ;

(ii) if any circumstances arise that would cause him to be disqualified for election as an elected member of the Council by virtue of any provision of section 28(1) of this Order other than paragraph (*h*) ;

(iii) on the expiration of a period of thirty days from the date of his election if he was at that date 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 Virgin Islands for or on account of the public service and if, before the expiration of that period, he has not disclosed to the Council the nature of such contract and his interest, or the interest of such firm or company, therein and the Council has not exempted him from vacating his office under this subparagraph ; or

(iv) if any circumstances arise that, if he were an elected member of the Council, would cause him to vacate his seat under paragraph (*e*) of section 29(3) of this Order ;

(*d*) in the case of the Deputy Speaker if he ceases to be a member of the Council for any reason other than a dissolution of the Council or if, by virtue of section 29(4) of this Order, he is required to cease to perform his functions as a member or if he is appointed to be a member of the Executive Council.

Temporary nominated member.

32.—(1) If the nominated member of the Legislative Council is unable, by reason of his illness or absence from the Virgin Islands or for any other cause, to perform his functions as a member of the Council, the Administrator, after consultation with the Chief Minister, may, by instrument under the public seal, appoint a person who is qualified for appointment as the nominated member to be temporarily a member of the Council.

(2) The Administrator shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

(3) A person appointed under this section to be temporarily a member of the Legislative Council shall vacate his seat if the Administrator, acting in his discretion, revokes his appointment or when he is informed by the Administrator, acting as aforesaid, that the nominated member is again able to perform his functions as a member of the Council, or when the seat of that member becomes vacant.

(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be temporarily a member of the Legislative Council as they apply in relation to the nominated member of the Council.

Powers and Procedure

Power to make laws.

33. Subject to the provisions of this Order, the Legislature shall have power to make laws for the peace, order and good government of the Virgin Islands.

Standing Orders.

34. Subject to the provisions of this Order, the Legislative Council may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Administrator for assent.

Oath of allegiance.

35. No member of the Legislative Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purposes of this section) until he has made and subscribed before the Council an oath or affirmation of allegiance in the form set out in the Schedule to this Order:

Provided that the election of a Speaker and Deputy Speaker of the Legislative Council may take place before the members thereof have made such oath or affirmation.

Presiding in the Council.

36.—(1) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member of the Legislative Council (not being a member of the Executive Council) elected by the Legislative Council for that sitting shall preside at each sitting of the Legislative Council.

(2) References in this section to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

Voting.

37.—(1) Subject to the provisions of this section, all questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the members present and voting.

(2) Notwithstanding the provisions of subsection (1) of this section, only the elected members of the Council shall be entitled to vote on a motion that the Legislative Council should declare a lack of confidence in the Government of the Virgin Islands.

(3) The person presiding shall not vote unless on any question the votes are equally divided in which case he shall have and exercise a casting vote:

Provided that where the motion before the Council is one to which subsection (2) of this section applies the person presiding shall not have a casting vote unless he is an elected member.

Validity of proceedings.

38. The Legislative 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 so to do sat or voted in the Council or otherwise took part in the proceedings.

Quorum.

39.—(1) If at any sitting of the Legislative Council any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the Council, the person presiding at the sitting ascertains that a quorum of the Council is still not present, the Council shall be adjourned.

(2) A quorum of the Council shall consist of five members besides the person presiding at the sitting.

Introduction of Bills, etc.

40.—(1) Subject to the provisions of this Order and of the Standing Orders of the Legislative Council, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Orders of the Council.

(2) Except on the recommendation of the Administrator signified by a member of the Executive Council, the Legislative Council shall not—

(*a*) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person 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 Virgin Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands ; or

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

Assent to Bills.

41.—(1) A Bill passed by the Legislative Council shall become a law when—

(*a*) the Administrator has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or

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

(2) When a Bill is presented to the Administrator for assent he shall declare that he assents or refuses to assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Administrator shall reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion—

(*a*) to be inconsistent with any obligation of Her Majesty or of Her Majesty's Government in the United Kingdom towards any other state or power or any international organisation ;

(*b*) to be likely to prejudice the Royal prerogative ; or

(*c*) to be in any way repugnant to or inconsistent with the provisions of this Order.

Disallowance of laws.

42.—(1) Any law assented to by the Administrator may be disallowed by Her Majesty through a Secretary of State.

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

(3) On the annulment of any law under this section, 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 ; but save as provided by the foregoing provisions of this subsection section 38(2) of the Interpretation Act 1889 shall apply to that annulment as it applies to the repeal of an Act of Parliament.

Administrator's reserved power.

43.—(1) Subject to the provisions of subsection (2) of this section, if the Administrator considers that it is necessary or expedient for the purposes of any of the matters for which he is responsible under section 17 of this Order that any Bill introduced, or any motion proposed, in the Legislative Council should have effect, then, if the Legislative Council fails to pass such a Bill or motion within such time and in such form as the Administrator may think reasonable and expedient, the Administrator may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the Legislative Council, declare that such Bill or motion shall have effect as if it had been passed or carried by the Legislative Council, either in the form in which it was so introduced or proposed or with such amendments as the Administrator shall think fit which have been proposed in the Legislative Council or in any committee thereof; and thereupon the said Bill or motion shall have effect as if it had been so passed or carried, and, in the case of any such Bill, the provisions of this Order relating to assent to Bills and disallowance of laws shall have effect accordingly.

(2) The Administrator shall not make any declaration under this section except in accordance with the following conditions, that is to say—

(*a*) the question whether the declaration should be made shall first be submitted in writing by the Administrator to the Executive Council and if, upon the question being so submitted to it, the Executive Council advises him that the declaration should be made, the Administrator may make the declaration;

(*b*) if, when the question whether the declaration should be made is submitted to it as aforesaid, the Executive Council does not, within such time as the Administrator thinks reasonable and expedient, advise him that the declaration should be made, then—

(i) the Administrator may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorises the Administrator to make the declaration; or

(ii) the Administrator may make the declaration without submitting the said question to a Secretary of State if, in the Administrator's opinion, urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State; in which case he shall, at the time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(3)(*a*) Whenever the Administrator, in accordance with the provisions of subsection (2)(*b*) of this section, submits to a Secretary of State the question whether a declaration should be made, or makes a declaration without submitting the said question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Administrator makes a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declaration and, in the case of a declaration made in accordance with the provisions of sub-paragraph (ii) of subsection (2)(*b*) of this section, the grounds of urgency.

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

(5) Any declaration made under this section that relates to a motion may be revoked by a Secretary of State, and the Administrator shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion which has effect by virtue of the declaration shall cease to have effect, and section 38(2) of the Interpretation Act 1889 shall apply to the revocation as it applies to the repeal of an Act of Parliament.

Privileges, etc. of Council.

44. The Legislature may by law determine and regulate the privileges, immunities and powers of the Legislative Council and the members thereof, 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.

Miscellaneous

Sessions of Council.

45.—(1) Subject to the provisions of this section, the sessions of the Legislative Council shall be held at such times and places as the Administrator may appoint by proclamation published in the Gazette.

(2) The first session of the Council shall commence within a period of three months after the commencement of this Part of this Order and thereafter there shall be a session of the Council from time to time so that a period of three months does not intervene between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution.

46.—(1) The Administrator, acting in accordance with the advice of the Chief Minister, may at any time, by proclamation published in the Gazette, prorogue the Legislative Council.

(2) The Administrator, acting after consultation with the Chief Minister, may at any time, by proclamation published in the Gazette, dissolve the Legislative Council.

(3) The Administrator shall dissolve the Legislative Council at the expiration of four years from the date when the Council first meets after any general election unless it has been sooner dissolved.

General elections.

47. A general election shall be held at such time within two months after the commencement of this Part of this Order and after every dissolution of the Council as the Administrator shall appoint by proclamation published in the Gazette.

Determination of questions as to membership.

48.—(1) The High Court shall have jurisdiction to hear and determine any question whether—

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

(*b*) any elected member of the Council has vacated his seat therein or is required by virtue of section 29(4) of this Order to cease to perform his functions as a member; or

(*c*) any person has been validly elected as Speaker of the Council or, having been so elected, has vacated the office of Speaker.

(2) An application to the High 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 electoral district and at the election to which the application relates or by any person who was a candidate in that district at that election or by the Attorney-General;

(*b*) any question under paragraph (*b*) of that subsection may be made by any person entitled to vote at an election in the electoral district for which the member concerned was returned or by any elected member of the Legislative Council or by the Attorney-General;

(*c*) any question under paragraph (*c*) of that subsection may be made by any member of the Legislative Council;

and if such an application is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(3) The Legislature may make provision with respect to—

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

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

(4) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1) of this section.

(5) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by the last foregoing subsection and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1) of this section.

(6) Any question whether—

(*a*) any person has been validly appointed as the nominated member of the Legislative Council; or

(*b*) the nominated member of the Council has vacated his seat therein or is required by virtue of section 29(4) of this Order to cease to perform his functions as a member,

shall be referred to the Administrator in accordance with any directions given in that behalf by the Administrator, acting in his discretion, and shall be determined by him acting as aforesaid.

Penalty for unauthorised person sitting or voting.

49.—(1) Any person who sits or votes in the Legislative Council knowing or having reasonable grounds for knowing that he is not entitled so to do shall be liable to a penalty not exceeding one hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the High Court at the suit of the Attorney-General.

PART V

THE PUBLIC SERVICE

Public Service—General

Public Service Commission.

50.—(1) There shall be in and for the Virgin Islands a Public Service Commission which shall consist of three members, of whom two shall

be appointed by the Administrator in his discretion and one shall be appointed by the Administrator after consultation with the Civil Service Association.

(2) The Administrator, acting after consultation with the Chief Minister, shall appoint one of the three members of the Public Service Commission to be Chairman of the Commission.

(3) No person shall be qualified to be appointed as a member of the Public Service Commission if he is a member of, or a candidate for election to, the Legislative Council, or holds or is acting in any public office.

(4) The office of a member of the Public Service Commission shall become vacant—

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

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

(*c*) if he becomes a member of, or a candidate for election to, the Legislative Council or is appointed to or to act in any public office ; or

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

(5) If the office of a member of the Public Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Administrator, acting in the manner prescribed by subsection (1) of this section 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 the provisions of the preceding subsection, continue so to act until he is notified by the Administrator, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist :

Provided that, in the case of a vacancy in the office of the Chairman or the inability of the holder thereof to perform his functions, the functions of the office of Chairman shall be performed by such member of the Commission or person acting as a member as the Administrator, acting after consultation with the Chief Minister, may designate.

(6) There shall be charged on the revenues of the Virgin Islands and paid thereout to the members of the Public Service Commission such emoluments as may be prescribed by any law for the time being in force in the Virgin Islands :

Provided that the emoluments of a member of the Commission shall not be reduced during his continuance in office.

Power to appoint, etc., to public offices.

51.—(1) Power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Administrator, acting after consultation with the Public Service Commission.

(2) The Administrator, acting after consultation with the Public 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 him by the last foregoing subsection.

(3) The provisions of subsection (1) of this section shall not apply to—

(*a*) any office to which section 53 of this Order applies ; or

(*b*) any office in the Police Force below the rank of Assistant Superintendant to the extent that the Chief of Police or some other officer of the Police Force is empowered by any law for the time being in force in the Virgin Islands to exercise the powers mentioned in that subsection.

Judicial and Legal Service

Judicial and Legal Service Commission.

52. There shall be for the Virgin Islands a Judicial and Legal Service Commission which shall consist of:—

(*a*) the Chief Justice, who shall be Chairman ;

(*b*) another judge of the Court of Appeal or the High Court nominated by the Chief Justice after consultation with the Administrator ; and

(*c*) the Chairman of the Public Service Commission.

Power to appoint, etc., to legal offices.

53.—(1) Power to make appointments to the offices to which this section applies and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Administrator, acting after consultation with the Judicial and Legal Service Commission.

(2) This section applies to the offices of Attorney-General and Magistrate, any office in the public service of any registrar or other officer of the High Court who is required to possess legal qualifications, and to such other offices in the public service, for appointment to which persons are required to possess legal qualifications, as may be prescribed by any law for the time being in force in the Virgin Islands.

Pensions

Applicability of pensions law.

54.—(1) Subject to the provisions of section 56 of this Order, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section and the two next following sections referred to as an "award") in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section the relevant day is—

(*a*) in relation to an award granted before the appointed day, the day on which the award was granted ;

(*b*) in relation to an award granted or to be granted on or after the appointed day to or in respect of a person who was a public officer before that day, the day immediately before that day ;

(*c*) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the appointed day, the day on which he becomes a public officer.

(3) For the purposes of this section, in so far as the law applicable to an award depends on the option of the person to or in respect of

whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

Pensions, etc., charged on revenues of the Virgin Islands.

55. Awards granted under any law for the time being in force in the Virgin Islands shall be charged on and paid out of the revenues of the Virgin Islands.

Grant and withholding of pensions, etc.

56.—(1) The power to grant any award under any pensions law in force in the Virgin Islands (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law is hereby vested in the Administrator, acting in his discretion.

(2) In this section "pensions law" means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.

PART VI

TRANSITIONAL AND MISCELLANEOUS

Existing laws.

57.—(1) The existing laws shall, as from the appointed day, be construed with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of this Order.

(2) (*a*) The Administrator may, by order published in the Gazette and made at any time before the expiration of one year commencing with the appointed day, make such amendments to any existing law as appear 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.

(*b*) An order made under this subsection shall have effect from such date, not being earlier than the appointed day, as may be specified therein, and may be revoked or amended in relation to any law affected thereby by the authority competent to repeal or amend that law.

(3) In this section "existing law" means any Act or Ordinance enacted by any legislature established for the Virgin Islands or the former Colony of the Leeward Islands, or any rule, regulation, order or other instrument made thereunder, that has effect as part of the law of the Virgin Islands immediately before the appointed day.

Standing Orders.

58. The Standing Rules and Orders of the Legislative Council as in force immediately before Part IV of this Order comes into operation shall, with such adaptations and modifications as may be necessary to bring them into conformity with this Order, be the first Standing Orders of the Legislative Council established by this Order as if they had been made in pursuance of section 34 of this Order.

Existing offices and officers.

59.—(1) Any office constituted for the Virgin Islands by the Administrator under article 21 of the Virgin Islands Letters Patent 1959 and subsisting immediately before the appointed day shall, as from the appointed day, be deemed to be an office constituted by the Administrator under section 8 of this Order.

(2) Any person who, immediately before the appointed day, holds or is acting in the office of Administrator or any office constituted as aforesaid or any public office otherwise constituted shall, as from that day, continue to hold or to act in that office as if he had been appointed to or to act in that office 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 not, by reason only of that subsection, be required to make a like oath or affirmation.

Powers reserved to Her Majesty.

60. There is reserved to Her Majesty full power to make laws for the peace, order and good government of the Virgin Islands.

W. G. Agnew.

THE SCHEDULE

Sections 3, 18 and 35.

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. *Affirmation of Allegiance*

I, ..., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. *Oath for due execution of office*

I, ..., do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (here insert the description of the office). So help me God.

4. *Affirmation for due execution of office*

I, ..., do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (here insert the description of the office).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes new provision for the government of the Virgin Islands. In particular it provides for an Administrator appointed by Her Majesty, an Executive Council and a Legislative Council and contains certain provisions relating to the Public Service.