

SCHEDULE

THE CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA

CHAPTER 1

ST HELENA

PART 4

THE EXECUTIVE

Summoning of and proceedings in Executive Council

39.—(1) The Executive Council shall be summoned by the Governor, acting in his or her discretion; but the Governor shall summon the Council if requested to do so by any two elected members of the Council.

(2) The Governor shall include on the agenda of a meeting of the Executive Council any item requested by an elected member as well as any item the Governor, acting in his or her discretion, thinks fit; and other business that is not on the agenda may be discussed at the meeting at the request of the person presiding or any elected member.

(3) No business except that of adjournment shall be transacted by the Executive Council if objection is taken by any member present that there are fewer than three elected members present (excluding any person presiding in the absence of the Governor).

(4) The requirements of subsection (3) shall be deemed to be satisfied if three members of the Executive Council, at least two of whom are elected members, are present at the meeting, and they and the members absent from but participating in the meeting and the person presiding are able to communicate with each other in a manner that all agree is appropriate in the circumstances; but no decision of the Council shall be taken unless the person presiding is satisfied that the manner of communication allows all those taking part to hear and be heard and that all have seen any documents relevant to the proposed decision.

(5) The references in subsections (3) and (4) to elected members include temporary members appointed under section 35(2) in place of elected members.

(6) Subject to subsections (3) and (4), the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and any proceedings in the Council shall be valid even though some person who was not entitled to do so took part in the proceedings.

(7) No *ex officio* member, and no temporary member appointed under section 35(2) in place of an *ex officio* member, shall vote in the Executive Council.

(8) Subject to this Constitution, the Executive Council shall be free to regulate its own procedure.

(9) Members of the Executive Council shall be free to meet together informally to consider what advice on any matter they wish to give the Governor at a meeting of the Executive Council.