

SCHEDULE

THE CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA

CHAPTER 3

TRISTAN DA CUNHA

PART 4

THE EXECUTIVE

Executive authority

213.—(1) The executive authority of Tristan da Cunha is vested in Her Majesty.

(2) Subject to this Constitution, the executive authority of Tristan da Cunha shall be exercised on behalf of Her Majesty by the Governor, either directly or through the Administrator of Tristan da Cunha and other officers subordinate to the Governor.

(3) Nothing in this section shall preclude persons or authorities other than the Governor from exercising such functions as are or may be conferred on them by any law.

Island Council

214. There shall be an Island Council for Tristan da Cunha, which shall be composed, and shall have such functions in relation to the government of Tristan da Cunha, as may be prescribed by any law.

Attorney General

215.—(1) There shall be an Attorney General of Tristan da Cunha, who, subject to subsection (3), shall be the person for the time being holding or acting in the office of Attorney General of St Helena.

(2) The Attorney General shall be the principal legal adviser to the Government of Tristan da Cunha.

(3) No person who is acting as Attorney General of St Helena shall act as Attorney General in relation to Tristan da Cunha while the person holding the office of Attorney General is in Tristan da Cunha.

(4) The Attorney General may, in any case in which he or she considers it desirable to do so—

- (a) institute and undertake criminal proceedings against any person before any court in respect of an offence against any law;
- (b) take over and continue any such criminal proceedings that have been instituted by any other person or authority; and
- (c) discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or herself or any other person or authority.

(5) The powers of the Attorney General under subsection (4) may be exercised by him or her in person or by officers subordinate to him or her acting under and in accordance with his or her general or special instructions.

(6) The powers conferred on the Attorney General by subsection (4)(b) and (c) shall be vested in him or her to the exclusion of any other person or authority; but where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those

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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.

(7) 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, shall be deemed to be part of those proceedings.

(8) In the exercise of the powers conferred on him or her by this section, the Attorney General, and any person acting under his or her authority, shall act independently and shall not be subject to the direction or control of the Governor, the Island Council or any other person or authority.