
STATUTORY INSTRUMENTS

2010 No. 2474

**CARIBBEAN AND NORTH
ATLANTIC TERRITORIES**

The Montserrat Constitution Order 2010

Made - - - - 13th October 2010

Laid before Parliament 20th October 2010

Coming into force in accordance with section 1(2)

THE MONTSERRAT CONSTITUTION ORDER 2010

1. Citation and commencement

THE CONSTITUTION OF MONTSERRAT

Whereas the people of Montserrat are entitled to preserve for...
Believing in the concept of true democracy with free and...
Acknowledging that their society is founded on social justice, moral...
Recalling their desire for a Constitution which reflects these values...
Recognising their inherent right to pursue their hopes, visions, aspirations...
Now, therefore, the following provisions have effect as the Constitution...

PART I

2. Fundamental rights and freedoms of the individual
3. Protection of right to life
4. Protection from inhuman treatment
5. Protection from slavery and forced labour
6. Protection from arbitrary arrest or detention
7. Provisions to secure protection of law
8. Protection of right of prisoners to humane treatment
9. Protection of private and family life and privacy of home and other property
10. Protection of right to marry
11. Protection of freedom of conscience and of religion
12. Protection of right to education
13. Protection of freedom of expression
14. Protection of freedom of assembly and association

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

15. Protection of freedom of movement
16. Protection from discrimination
17. Protection from deprivation of property
18. Provisions for periods of public emergency
19. Protection of persons detained under emergency laws
20. Enforcement of fundamental rights
21. Interpretation of Part I

PART II

22. The Governor
23. Deputy Governor
24. Functions of Deputy Governor
25. Acting Governor
26. Exercise of Governor's functions
27. Power to dispose of land
28. Power to constitute offices
29. Power of pardon
30. Public seal

PART III

31. Executive authority
32. Cabinet
33. Appointment of Ministers
34. Tenure of office of Ministers
35. Absence of Ministers from Montserrat
36. Acting Premier
37. Temporary Ministers
38. Assignment of responsibilities to Ministers
39. Governor's special responsibilities
40. Oaths or affirmations
41. Summoning of Cabinet
42. Proceedings in Cabinet
43. Summoning of persons to Cabinet
44. Parliamentary Secretaries
45. National Advisory Council
46. Director of Public Prosecutions

PART IV

47. Constitution of Legislature
48. The Legislative Assembly
49. Elected members
50. Attendance by Deputy Governor and other public officers at meetings of Legislative Assembly
51. Qualifications for elected membership
52. Disqualifications for elected membership
53. Tenure of office of elected members
54. Validity of proceedings
55. Determination of questions as to membership
56. Filling of vacancies
57. Temporary members

58. Sessions and meetings of Legislative Assembly
59. Speaker and Deputy Speaker
60. Presiding in Legislative Assembly
61. Leader of the Opposition
62. Governor's right to address Legislative Assembly
63. Standing Committees
64. Oaths or affirmations of members
65. Quorum
66. Voting
67. Prorogation and dissolution
68. Recalling dissolved Legislative Assembly in case of emergency
69. General elections
70. Introduction of Bills, motions and petitions
71. Power to make laws
72. Standing Orders
73. Penalty for unauthorised persons sitting or voting
74. Assent to Bills
75. Words of enactment
76. Disallowance of laws
77. Privileges, immunities and powers of Legislative Assembly

PART V

78. Establishment and functions of Electoral Commission
79. Review and alteration of electoral districts

PART VI

80. Eastern Caribbean Supreme Court
81. Subordinate courts and tribunals

PART VII

82. Public Service Commission
83. Functions and operation of Public Service Commission
84. Appointment, discipline and removal of public officers
85. Particular offices
86. Applicability of pensions law
87. Pensions, gratuities and allowances charged on Consolidated Fund
88. Grant and withholding of pensions, gratuities and allowances

PART VIII

89. Taxation
90. Consolidated Fund
91. Withdrawal from Consolidated Fund or other public funds
92. Financial year estimates
93. Appropriation Bill
94. Excess expenditure
95. Contingencies
96. Remuneration of Speaker and elected members of Legislative Assembly
97. Remuneration of certain officers
98. Power of Government to borrow or lend

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- 99. Public Debt
- 100. Financial control and accounts
- 101. Auditor-General
- 102. Position and remuneration of Auditor-General
- 103. Functions of Auditor-General
- 104. National Audit Office

PART IX

- 105. Complaints Commission
- 106. Standards in public life

PART X

- 107. Interpretation
- 108. References to public office
- 109. Appointments
- 110. Re-election or reappointment
- 111. Removal from office
- 112. Resignations
- 113. Power to amend or revoke instruments
- 114. Amendment
- 115. Meaning of appointed day
- 116. Revocations and amendment
- 117. Existing laws
- 118. Existing offices and officers
- 119. Legislative Assembly
- 120. Transitional provision concerning Director of Public Prosecutions
- 121. Power reserved to Her Majesty
Signature

SCHEDULE — FORMS OF OATHS AND AFFIRMATIONS

Explanatory Note