

**EXPLANATORY MEMORANDUM TO
THE PITCAIRN (COURT OF APPEAL) ORDER 2012**

2012 No. 1761

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the Order is to validate the appointments and acts of three judges of the Pitcairn Court of Appeal, about which doubts had arisen.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order is made under the British Settlements Acts 1887 and 1945. It is required to be laid before Parliament after being made, but is subject to no further parliamentary procedure.

5. Territorial Extent and Application

5.1 This instrument applies to Pitcairn, Henderson, Ducie and Oeno Islands.

6. European Convention on Human Rights

As the instrument is not subject to any parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 Doubts have arisen about whether the Governor of Pitcairn complied with the Constitution of Pitcairn in appointing three judges of the Pitcairn Court of Appeal. It is therefore necessary to remove those doubts by validating the appointments and any acts done by these judges in purported exercise of their offices. This instrument achieves that.

8. Consultation outcome

8.1 There has been consultation with the Governor and Attorney General of Pitcairn.

9. Guidance

9.1 There is no guidance being issued.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies in the United Kingdom.

10.2 There is no impact on the United Kingdom public sector.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No monitoring or review is foreseen.

13. Contact

Chanaka Wickremasinghe at the Foreign and Commonwealth Office Tel: 0207 008 2917 or email: Chanaka.Wickremasinghe@fco.gov.uk can answer any queries regarding the instrument.