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S T A T U T O R Y      I N S T R U M E N T S

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**1970 No. 1434**  
**PACIFIC ISLANDS**  
**The Pitcairn Order 1970**

*Made - - - - 30th September 1970*

*Laid before Parliament 6th October 1970*

*Coming into Operation 10th October 1970*

At the Court at Balmoral, the 30th day of September 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Acts 1887(a) and 1945(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

**1.** This Order may be cited as the Pitcairn Order 1970 and shall come into operation on the appointed day. Short title and commencement.

**2.—(1)** In this Order unless the context otherwise requires—

“the appointed day” means 10th October 1970 ;

“the Governor” means the Governor of the Islands and includes any person for the time being lawfully performing the functions of the office of Governor ;

“the Islands” means the Islands of Pitcairn, Henderson, Ducie and Oeno.

(2) Save as otherwise provided in this Order the Interpretation Act 1889(c) 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.

**3.—(1)** The Pitcairn Order in Council 1952(d) and the Pitcairn (Amendment) Order 1966(e) are revoked. Revocations.

(2) The revocation of those Orders shall be without prejudice to the continued operation of any laws made thereunder and having effect as part of the law of the Islands immediately before the appointed day ; and any such laws shall have effect on and after the appointed day as if they had been made under this Order and (without prejudice to their amendment or repeal by any law made under this Order) shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

**4.—(1)** There shall be a Governor of the 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. Governor.

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(a) 50 & 51 Vict. c. 54.      (b) 9 & 10 Geo. 6. c. 7.      (c) 52 & 53 Vict. c. 63.

(d) S.I. 1952/459 (1952 II, p. 2307).      (e) S.I. 1966/1459 (1966 III, p. 3959).

(2) The Governor shall have such powers and duties as are conferred or imposed on him by or under this Order or any other law, and such other powers and duties 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 according to such instructions, if any, as Her Majesty may from time to time see fit to give him; but the question whether he has in any matter complied with such instructions shall not be enquired into by any court.

(3) During any period when the office of Governor is vacant or the holder thereof is for any reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

Power to  
make laws.

5.—(1) The Governor may make laws for the peace, order and good government of the Islands.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, the Governor may, by any such law, constitute courts for the Islands with such jurisdiction, and make such provisions and regulations for the proceedings in such courts and for the administration of justice, as the Governor may think fit.

(3) All laws made by the Governor in exercise of the powers conferred by this Order shall be published in such manner and at such place or places in the Islands as the Governor may from time to time direct.

(4) Every such law shall come into operation on the date on which it is published in accordance with the provisions of subsection (3) of this section unless it is provided, either in such law or in some other enactment, that it shall come into operation on some other date, in which case it shall come into operation on that date.

Disallow-  
ance of laws.

6.—(1) Any law made by the Governor in exercise of the powers conferred by this Order may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty, the Governor shall cause notice of such disallowance to be published in such manner and in such place or places in the Islands as the Governor may from time to time direct.

(3) Every law so disallowed shall cease to have effect as soon as notice of disallowance has been published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law so disallowed shall have effect as if such law had not been made, and, subject thereto, the provisions of section 38(2) of the Interpretation Act 1889 shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Governor  
authorised to  
appoint  
officers.

7. The Governor may constitute all such offices as he may consider necessary for the purposes of this Order and may make appointments to any office so constituted, and any person so appointed, unless otherwise provided by law, shall hold his office during Her Majesty's pleasure.

8. The Governor may, subject to the provisions of any law for the time being in force in the Islands and to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person appointed by the Governor in exercise of the power conferred by section 7 of this Order, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable. Disciplinary powers.

9. There shall be an Official Stamp for the Islands. The Governor shall keep and use the Official Stamp for stamping all such documents as may by law required to be stamped therewith. Official Stamp.

10. The Governor may, in Her Majesty's name and on Her Majesty's behalf— Prerogative of mercy.

- (a) grant to any person convicted of any offence under the law of the Islands a pardon, either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence ;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for such an offence ; and
- (d) remit the whole or part of any punishment imposed on any person for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

*W. G. Agnew.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes new provision for the administration of the Islands of Pitcairn, Henderson, Ducie and Oeno.

SI 1970/1434  
ISBN 0-11-001434-0

