

SCHEDULE 1
TO THE ORDER

THE CONSTITUTION OF ST. HELENA
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PART IV

COUNCIL COMMITTEES

Council Committees.

22.—(1) There shall be such number of Council Committees as the Governor may from time to time determine.

(2) A Council Committee shall consist of—

- (a) such number of persons who are members of the Legislative Council as the Governor, acting after consultation with the Chairman of the Committee, may decide;
- (b) such number, if any, of persons who are not members of the Legislative Council as the Governor, acting after consultation with the Chairman of the Committee, may decide:

Provided that at any one time the majority of the members of a Council Committee shall be persons who are members of the Legislative Council.

(3) There shall be a Chairman of each Council Committee who shall be a member of the Legislative Council.

(4) The Chairman and the other members of a Council Committee shall be appointed by the Governor, acting in accordance with the following provisions of this section, by notice in the Gazette.

(5) Subject to subsections (6) and (7) of this section, the Governor shall appoint as Chairman of a Council Committee such member of the Legislative Council as shall have been nominated for that office by the votes of a majority of the Elected Members of the Legislative Council:

Provided that if in the judgment of the Governor it would be in the public interest to appoint as Chairman of a Council Committee a member of the Legislative Council other than the nominee the Governor may appoint that other member.

(6) If, within such period as the Governor in his discretion considers reasonable, no person has been nominated in accordance with subsection (5) of this section for the office of Chairman of a Council Committee, the Governor shall, acting in his discretion, forthwith appoint a member of the Legislative Council as Chairman of that Committee.

(7) The Governor may, acting in his discretion, appoint an *Ex-officio* Member of the Legislative Council as Chairman of any Council Committee.

(8) The Governor shall appoint the members of a Council Committee other than the Chairman after consultation with the Chairman of that Committee.

Functions of Council Committees.

23.—(1) A Council Committee shall be appointed by the Governor for such general or special purposes as in his judgment would be most suitably regulated and managed by means of a committee.

(2) The Governor may, by directions in writing, charge any Council Committee with responsibility for any subject or department of Government, except for any matter referred to in paragraph (a), (b), (c), (d) or (e) of section 12(1) of this Constitution.

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Rules of procedure, etc., of Council Committees.

24. The Governor may by order make the rules of procedure of each Council Committee and may likewise determine the quorum and place of meeting of each Committee.

Tenure of office of members of Council Committees.

25.—(1) The office of a member of a Council Committee shall become vacant—

- (a) if his appointment is terminated by the Governor, acting in accordance with subsections (2) to (4) of this section, by notice in the Gazette;
- (b) in the case of a person who was an Elected Member of the Legislative Council at the time of his appointment—
 - (i) if he ceases to be an Elected Member of the Legislative Council otherwise than by reason of a dissolution of the Council; or
 - (ii) at the first sitting of the Legislative Council after any dissolution of the Council; and
- (c) in the case of a member who was not an Elected Member of the Legislative Council at the time of his appointment, if he is elected to be a member of the Council.

(2) The Governor shall terminate the appointment of a Chairman of a Council Committee appointed under section 22(5) of this Constitution if a motion that his appointment should be terminated receives in the Legislative Council the affirmative votes of a majority of the Elected Members of the Council.

(3) The Governor may, acting in his discretion, terminate the appointment of a Chairman of a Council Committee appointed under subsection (6) or (7) of section 22 of this Constitution.

(4) The Governor may terminate the appointment of a member of a Council Committee other than the Chairman after consultation with the Chairman of that Committee.

Governor may confer functions on Council Committees.

26.—(1) The Governor may by order published in the Gazette declare that, subject to such limitations and conditions as may be specified in the order, any of the powers conferred or duties imposed on the Governor or on any authority, as the case may be, under the provisions of any local enactment, may be exercised or shall be performed by a Council Committee.

(2) Where, by virtue of a declaration made under subsection (1) of this section, any power may be exercised or any duty is to be performed by a Council Committee, then—

- (a) the Governor or, as the case may be, the authority, shall not exercise such power or perform such duty; and
 - (b) in the exercise of such power or the performance of such duty, the Committee may rescind or vary anything previously done by the Governor or, as the case may be, by the authority, to the same extent as such thing could, but for paragraph (a) of this subsection, have been rescinded or varied by the Governor or, as the case may be, by the authority.
- (a) (3) (a) The Governor may by a further order published in like manner revoke or vary any order made under subsection (1) of this section.
- (b) Where, by reason that any such order has been so revoked or varied, any power or duty ceases to be exercisable or is no longer to be performed by a Council Committee, anything done by the Committee in the exercise or performance of such power or duty shall, if continuing to be of effect immediately before such revocation or variation, continue to have effect, but may be rescinded or varied by the Governor or, as the case may be, by the authority, as if it had been done by the Governor or by that authority.

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(4) Any order made by the Governor under subsection (1) or (3) of this section may contain such modifications of or adaptations to the local enactment to which the order refers as appears to the Governor to be necessary, and accordingly any local enactment to which an order refers shall be read and construed subject to the provisions of that order.

(5) For the purposes of this section—

- (a) “authority” means any statutory authority, board or committee;
- (b) “local enactment” means any law enacted by the legislature of St. Helena, and includes any subsidiary instrument;
- (c) “power” does not include power to make any subsidiary instrument;
- (d) “subsidiary instrument” means any proclamation, order in council, order, rule, regulation or byelaw made under any law enacted by the legislature of St. Helena.