

SCHEDULE 1  
TO THE ORDER

THE CONSTITUTION OF ST. HELENA  
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PART VII

MISCELLANEOUS

**Interpretation.**

**56.**—(1) In this Constitution, unless the context otherwise requires—

“Court of Appeal” means the Court of Appeal established by section 47 of this Constitution;

“Dependencies” means the Islands of Ascension and Tristan da Cunha;

“functions” includes powers and duties;

“Gazette” means the St. Helena Government Gazette;

“Governor” means the Governor and Commander-in-Chief of St. Helena and its Dependencies;

“law” includes any subsidiary instrument;

“Legislative Council” means the Legislative Council for the time being established for St. Helena;

“public office” means, subject to subsection (2) of this section, an office of emolument in the public service;

“public officer” means the holder of any public office, and includes a person appointed to act in any public office;

“public seal” means the public seal of St. Helena;

“the public service” means the service of the Crown in a civil capacity in respect of the government of St. Helena and its Dependencies;

“session”, in relation to the Legislative Council, means the sittings of the Council commencing when the Council first meets after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued;

“sitting”, in relation to the Legislative Council, means a period during which the Council is sitting continuously without adjournment and includes any period during which the Council is in committee;

“subsidiary instrument” means any proclamation, regulation, order, rule or other like instrument having the force of law;

“Supreme Court” means the Supreme Court established by section 43 of this Constitution;

“Tristan da Cunha” means the Island of Tristan da Cunha, Gough Island, Nightingale Island and Inaccessible Island.

(2) For the purposes of this Constitution, a person shall not be considered to hold a public office by reason only that he—

(a) is in receipt of any remuneration or allowance as a member of the Executive Council, a Council Committee or the Legislative Council; or

(b) is in receipt of a pension or other like allowance in respect of service under the Crown.

(3) In this Constitution, unless it is otherwise provided or the context otherwise requires—

**Status:** This is the original version (as it was originally made).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

(a) any reference to power to make appointments to any public office shall be construed as including a reference to power to make appointments on promotion and transfer, appointments on contract and appointments to act in an office during any period when it is vacant or the holder thereof is absent from St. Helena or its Dependencies or is for any other reason unable to perform the functions thereof;

(b) any reference to power to remove a public officer from office shall be construed as including a reference to any power conferred by any law to require or permit that officer to retire from the public service and to any power or right to terminate a contract on which a person is employed as a public officer and to determine whether any such contract shall or shall not be renewed.

(4) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(5) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(6) Any power conferred by this Constitution to make any subsidiary instrument or to give any instructions or directions shall be construed as including a power exercisable in like manner to amend or revoke any such instrument, instructions or directions.

(7) Where a person is required by this Constitution to make an oath he shall, if he so desires, be permitted to comply with that requirement by making an affirmation in the form provided for in the Schedule to this Constitution.