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STATUTORY INSTRUMENTS

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**1988 No. 247**

**The Turks and Caicos Islands Constitution Order 1988**

**Citation and commencement.**

1.—(1) This Order may be cited as the Turks and Caicos Islands Constitution Order 1988.

(2) This Order shall come into force on such day as the Governor, acting in his discretion, may appoint by proclamation published in the *Gazette*.

**Interpretation.**

2.—(1) In this Order—

“the appointed day” means the day appointed by the Governor under section 1(2) of this Order;

“the Constitution” means the Constitution set out in Schedule 2 to this Order.

(2) The provisions of section 88 of the Constitution shall apply for the purposes of interpreting sections 1 to 10 of this Order and otherwise in relation thereto as they apply for the purposes of interpreting and in relation to the Constitution.

**Revocations.**

3. The instruments specified in Schedule 1 to this Order are revoked with effect from the appointed day.

**Establishment of Constitution.**

4. Schedule 2 to this Order shall have effect as the Constitution of the Turks and Caicos Islands on the appointed day.

**Existing laws.**

5.—(1) Subject to the provisions of this section, the existing laws shall have effect on and after the appointed day as if they had been made in pursuance of the Constitution and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of the Constitution.

(2) The Governor may, by regulations published in the *Gazette*, at any time within twelve months of the appointed day make such modifications or adaptations to any existing law as appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such day (not being earlier than the appointed day) as may be specified in any such regulations.

(3) Regulations made under this section may be amended or revoked in relation to any existing law affected thereby by any authority competent to amend or revoke that law.

(4) In this section “existing laws” means laws and instruments (other than Acts of the Parliament of the United Kingdom and instruments made thereunder) having effect as part of the law of the Turks

and Caicos Islands immediately before the appointed day and as if the Turks and Caicos Islands (Laws) (Interim Amendment) Order 1986(1) had not been made.

**Existing offices and officers.**

6.—(1) Any office established by or under the Turks and Caicos Islands (Constitution) Orders 1976 to 1987(2) and existing immediately before the appointed day shall on and after that day, so far as consistent with the provisions of the Constitution, continue as if it had been established by or under the Constitution.

(2) Any person who immediately before the appointed day holds or is acting in any office referred to in subsection (1) of this section shall, on and after that day, continue to hold or act in that office as if he had been appointed to hold or to act in it in accordance with or under the provisions of the Constitution.

(3) Any person to whom subsection (2) of this section applies who, before the appointed day, has made any oath or affirmation required to be made before assuming the functions of his office shall be deemed to have made any like oath or affirmation so required by the Constitution or any other law.

(4) Subsection (2) of this section does not apply to a person appointed as a nominated member of the Executive Council under paragraph 3(1)(c) of Schedule 2 to the Turks and Caicos Islands (Constitution) (Interim Amendment) Order 1986(3).

**Legislative Council.**

7.—(1) Any person who immediately before the appointed day is a member of the Legislative Council established by the Turks and Caicos Islands (Constitution) Orders 1976 to 1987(2) shall on that day become a member of the Legislative Council established by the Constitution and shall be deemed to have complied with section 38 of the Constitution and shall hold his seat in the Council in accordance with the provisions of the Constitution.

(2) The Standing Orders of the Legislative Council as in force immediately before the appointed day shall, except as may be otherwise provided under section 36 of the Constitution, have effect on and after that day as if they had been made under that section but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

**Electoral law.**

8. Without prejudice to the provisions of section 5 of this Order, until such time as any other law is enacted under section 35 of the Constitution relating to the registration of electors and the procedure for the election of members of the Legislative Council, regulations made by the Governor under section 4 of the Turks and Caicos Islands (Constitution) (Interim Amendment) (No.3) Order 1987(4) and in force immediately before the appointed day shall have effect on and after that day as if they were a law made under the Constitution.

**Pending legal proceedings.**

9.—(1) Any cause, matter or appeal pending before the Supreme Court or any appeal or application pending before the Court of Appeal immediately before the appointed day may, on or after that day, be continued, determined or appealed against as if such cause, matter or appeal had

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(1) S.I.1986/1158.

(2) S.I. 1976/1156, 1979/919, 1982/1075, 1986/1157, 1987/934, 1271, 1829.

(3) S.I. 1986/1157.

(2) S.I. 1976/1156, 1979/919, 1982/1075, 1986/1157, 1987/934, 1271, 1829.

(4) S.I. 1987/1829.

been instituted or was pending before the Supreme Court, or such appeal or application made to the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

(2) Any decree or order of the Supreme Court or the Court of Appeal given or made before the appointed day, in so far as it has not been fully executed or enforced, may be executed or enforced on or after that day as if it were a decree or order of the Supreme Court or the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

**Power reserved to Her Majesty.**

**10.** Her Majesty reserves to Herself power, with the advice and consent of Her Privy Council, to make laws for the peace, order and good government of the Turks and Caicos Islands.

*G.I. de Deney*  
Clerk of the Privy Council