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## STATUTORY INSTRUMENTS

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### 2007 No. 1678

#### The Virgin Islands Constitution Order 2007

#### THE CONSTITUTION OF THE VIRGIN ISLANDS

##### CHAPTER 5

##### THE LEGISLATURE

##### *Miscellaneous*

##### **Sessions of House of Assembly**

**83.**—(1) Subject to this section, the sessions of the House of Assembly shall be held at such times and places as the Governor, acting in accordance with the advice of the Premier, may appoint by proclamation published in the *Gazette*.

(2) The first session of the House of Assembly shall commence within a period of two months after the first general election held after the commencement of this Constitution, and thereafter there shall be a session of the House from time to time so that a period of three months does not intervene between the last sitting in one session and the first sitting in the next session.

(3) When the House of Assembly is in session, the Speaker may call meetings of the House from time to time and, if no meeting has been called sooner, shall call a meeting within two months of the previous meeting.

(4) In subsection (3), “meeting” means any sitting or sittings of the House of Assembly commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session.

##### **Prorogation and dissolution**

**84.**—(1) The Governor, acting in accordance with the advice of the Premier, may at any time, by proclamation published in the *Gazette*, prorogue the House of Assembly; but the Governor shall prorogue the House at least once in each calendar year except in any year during which the House is dissolved.

(2) The Governor, acting after consultation with the Premier, may at any time, by proclamation published in the *Gazette*, dissolve the House of Assembly.

(3) The Governor shall dissolve the House of Assembly at the expiration of four years from the date when the House first meets after any general election unless it has been sooner dissolved.

##### **Recalling dissolved House of Assembly in case of emergency**

**85.** If, between a dissolution of the House of Assembly and the next ensuing general election, an emergency arises of such a nature that, in the opinion of the Governor, it is necessary for the House to be recalled, the Governor may, acting after consultation with the Premier, summon the House that has been dissolved, and that House shall thereupon be deemed (except for the purposes of section 86)

not to have been dissolved, but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.

### **General elections**

**86.** A general election shall be held at such time within two months, but not earlier than twenty-one days, after every dissolution of the House of Assembly as the Governor shall appoint by proclamation published in the *Gazette*.

### **Determination of questions as to membership**

**87.**—(1) The High Court shall have jurisdiction to hear and determine an appeal under section 67(9) and any question whether—

- (a) any person has been validly elected as a member of the House of Assembly; or
- (b) any elected member of the House of Assembly has vacated his or her seat in the House or is required by virtue of section 67(4) to cease to perform his or her functions as a member.

(2) An application to the High Court for the determination of any question under subsection (1) (a) may be made by—

- (a) any person entitled to vote in the electoral district and at the election to which the application relates;
- (b) any person who was a candidate in that district at that election; or
- (c) the Attorney General.

(3) An application to the High Court for the determination of any question under subsection (1) (b) may be made by—

- (a) any person entitled to vote at an election in the electoral district for which the member concerned was returned;
- (b) any elected member of the House of Assembly; or
- (c) the Attorney General.

(4) If an application is made under subsection (2) or (3) by a person other than the Attorney General, the Attorney General may intervene and may then appear or be represented in the proceedings.

(5) The Legislature may make provision with respect to—

- (a) the circumstances and manner in which, and the imposition of conditions upon which, any application may be made to the High Court for the determination of any question under this section; and
- (b) the powers, practice and procedure of the High Court in relation to any such application.

(6) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1).

(7) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6), and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1).

(8) In the exercise of the powers conferred on him or her by this section, the Attorney General shall not be subject to the direction or control of any other person or authority.

### **Penalty for unauthorised sitting or voting**

**88.**—(1) Any person who sits or votes in the House of Assembly knowing or having reasonable grounds for knowing that he or she is not entitled to do so shall be liable to a penalty not exceeding five hundred dollars for every day on which he or she so sits or votes, or such other penalty as may be prescribed by law.

(2) The said penalty shall be recoverable by action in the High Court at the suit of the Director of Public Prosecutions.