

SCHEDULE 2

THE CONSTITUTION OF PITCAIRN

PART 5

THE LEGISLATURE

Power to make laws

36.—(1) Subject to this Constitution, the Governor, acting after consultation with the Island Council, may make laws for the peace, order and good government of Pitcairn.

(2) The Governor shall not be obliged to act in accordance with the advice of the Island Council in exercising the power conferred by subsection (1), but in any case where the Governor acts contrary to the advice of the Council any member of the Council shall have the right to submit his or her views on the matter to a Secretary of State.

(3) The Governor may exercise the power conferred by subsection (1) without consulting the Island Council whenever he or she is instructed to do so by Her Majesty through a Secretary of State.

Rules for the making of laws

37.—(1) In the making of laws for Pitcairn the Governor shall observe, so far as is practicable, the following rules.

(2) All laws shall be styled “Ordinances” and the words of enactment shall be “Enacted by the Governor of the Islands of Pitcairn, Henderson, Ducie and Oeno”.

(3) Matters having no proper relation to each other shall not be provided for by the same law.

(4) No law shall contain anything foreign to what the title of the law imports.

(5) No provision having indefinite duration shall be included in any law expressed to have limited duration.

(6) All laws shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed a short indication of its contents.

(7) All laws shall be numbered consecutively in a separate series for each year commencing with the number one, and the position of each law in the series shall be determined with reference to the day on which the Governor made the law.

Certain laws not to be made without instructions

38. The Governor shall not, without having previously obtained instructions through a Secretary of State, make any law within any of the following classes, unless such law contains a clause suspending its operation until the signification of Her Majesty’s pleasure on it—

- (a) any law whereby any grant of land or money, or other donation or gratuity, may be made to the Governor;
- (b) any law affecting the currency of Pitcairn or relating to the issue of banknotes;
- (c) any law the provisions of which shall appear to the Governor to be inconsistent with obligations imposed on the United Kingdom by treaty;
- (d) any law of an extraordinary nature and importance whereby Her Majesty’s prerogative, or the rights or property of Her subjects not residing in Pitcairn, or the trade, transport or communications of any territory under Her Majesty’s sovereignty may be prejudiced;

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

(e) any law containing provisions which have been disallowed by Her Majesty;

but the Governor may, without such instructions and although the law contains no such suspending clause, enact any such law (except a law of the class referred to in paragraph (c)) if the Governor is satisfied that an urgent necessity exists requiring that law to be brought into immediate operation; and in any such case the Governor shall forthwith transmit a copy of the law to a Secretary of State together with his or her reasons for so enacting it.

Publication and commencement of laws

39.—(1) All laws made by the Governor shall be published in such manner and at such place or places in Pitcairn as the Governor may from time to time direct.

(2) Every such law shall come into force on the date on which it is published in accordance with subsection (1) unless it is provided, either in such law or in some other enactment, that it shall come into force on some other date, in which case it shall come into force on that date.

Laws to be sent to a Secretary of State

40. When any law has been made, the Governor shall at the earliest convenient opportunity transmit to a Secretary of State a transcript in duplicate of the law, duly authenticated under the Official Stamp and by his or her own signature, together with an explanation of the reasons and occasion for the making of the law.

Disallowance of laws

41.—(1) Any law made by the Governor may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever a law has been disallowed by Her Majesty the Governor shall, as soon as practicable, cause notice of such disallowance to be published in such manner and in such place or places in Pitcairn as the Governor may from time to time direct, and the law shall be annulled with effect from the date of the publication of that notice.

(3) Section 16(1) of the Interpretation Act 1978⁽¹⁾ shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

(1) 1978 c.30.