

SCHEDULE 2

The Constitution of the Turks and Caicos Islands

PART IV

THE LEGISLATURE

Composition

Constitution of Legislature

42. There shall be a Legislature for the Turks and Caicos Islands which shall consist of Her Majesty and a House of Assembly.

The House of Assembly

43.—(1) The House of Assembly shall consist of—

- (a) a Speaker, elected as provided in section 44;
- (b) fifteen elected members;
- (c) four appointed members; and
- (d) the Attorney General.

(2) The Attorney General shall not have the right to vote in the House of Assembly.

The Speaker and Deputy Speaker

44.—(1) When the House of Assembly first meets after a general election, or after the office of Speaker has fallen vacant for any reason other than a dissolution of the House, and before it proceeds to the despatch of any other business, the House shall elect a person to be Speaker of the House.

(2) The Speaker shall be elected from among the elected or appointed members of the House of Assembly who are not members of the Cabinet or from among persons who are not members of the House, and shall be elected by a majority of the votes of the elected and appointed members of the House; but no person shall be elected as Speaker who is not qualified to be an appointed member of the House or who would for any reason be disqualified from being an appointed member.

(3) When the House of Assembly first meets after a general election, and before it proceeds to the despatch of any other business except the election of a Speaker, it shall elect a member, from among the elected or appointed members of the House who are not members of the Cabinet, to be the Deputy Speaker, by a majority of the votes of the elected and appointed members of the House; and if the office of Deputy Speaker falls vacant for any reason other than a dissolution of the House, the House shall, as soon as convenient, elect another such member to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker—

- (a) on dissolution of the House of Assembly;
- (b) if he or she informs the House of Assembly, by writing under his or her hand addressed to the House and received by the Clerk of the House, that he or she resigns his or her office;
- (c) (i) in any circumstances which, in the case of the Speaker, would cause him or her to vacate his or her seat if he or she were an elected or appointed member of the House of Assembly; or
(ii) in the case of the Deputy Speaker, if he or she ceases to be a member of the House;

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- (d) if on the date of his or her election as Speaker or Deputy Speaker he or she is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government, or if on any date after such election he or she or a firm in which he or she is a partner or a company of which he or she is a director or manager becomes a party to any such contract, or if he or she becomes a partner in a firm or a director or manager of a company which is a party to any such contract, and he or she does not, before the expiration of 30 days from the date in question, disclose to the House of Assembly or, if that is impracticable, to the Clerk of the House in writing, the nature of such contract and his or her interest, or the interest of such firm or company, in it and the House does not exempt him or her from vacating his or her office under this paragraph;
- (e) if he or she becomes a member of the Cabinet; or
- (f) on the passing, by the votes of two-thirds of the elected and appointed members of the House of Assembly, of a motion expressing no confidence in him or her as Speaker or Deputy Speaker, as the case may be.

Elected members

45.—(1) The elected members of the House of Assembly shall be persons qualified for election in accordance with this Constitution and, subject to this Constitution, shall be elected in the manner provided by law.

- (2) For the purposes of elections to the House of Assembly, the Islands—
 - (a) shall be a single electoral district and shall return five members to the House of Assembly; and
 - (b) shall also be divided into ten electoral districts each of which shall return one member to the House.

Qualifications for elected membership

46. Subject to section 49, a person shall be qualified to be elected as a member of the House of Assembly if, and shall not be qualified to be so elected unless, on the date of his or her nomination for election he or she—

- (a) has attained the age of 21 years; and
- (b) is resident in the Islands and has been so resident for not less than twelve months, in the aggregate, out of the two years immediately preceding that date; and
- (c) is a Turks and Caicos Islander.

Appointed members

47.—(1) Appointed members of the House of Assembly shall be appointed from among persons qualified under section 48, and so far as possible from among persons representing shades of opinion which would not otherwise be represented in the House, as follows—

- (a) two shall be appointed by the Governor, acting in his or her discretion; and
- (b) two shall be appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition.

(2) No person shall be appointed under this section who has unsuccessfully stood as a candidate for election as an elected member at any election since the last dissolution of the House of Assembly.

Qualifications for appointed membership

48. Subject to section 49, a person shall not be qualified to be appointed as a member of the House of Assembly unless he or she has attained the age of 21 years and is qualified to be registered as an elector in the Islands.

Disqualifications for elected or appointed membership

49.—(1) No person shall be qualified to be an elected member of the House of Assembly who, on the date of his or her nomination for election—

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state;
- (b) holds or is acting in any public office or in the office of judge of the Supreme Court or the Court of Appeal or magistrate;
- (c) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands;
- (e) is serving or has at any time within the period of fifteen years immediately preceding that date been serving any part of a sentence of imprisonment (by whatever name called) of at least twelve months imposed on him or her by a court in any country or substituted by competent authority for some other sentence imposed on him or her by such a court; or is under such a sentence of imprisonment the execution of which has been suspended;
- (f) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government and has not, by that date, disclosed in a notice to the Integrity Commission the nature of such contract and his or her interest, or the interest of such firm or company, in it;
- (g) has been convicted of an offence of corruption or an offence relating to political party regulation or the misuse of public money under any law in force in the Islands;
- (h) is disqualified for membership of the House of Assembly by any law relating to offences connected with elections;
- (i) has not made a declaration as required by section 50; or
- (j) is disqualified for election by any law by reason of his or her holding or acting in any office the functions of which involve—
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any register of electors.

(2) For the purposes of subsection (1)(e)—

- (a) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he or she shall, throughout the whole time during which he or she so serves, be regarded as serving a sentence exceeding twelve months if (but not unless) any one of those sentences exceeds that term;
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

(3) At the close of nominations of candidates for election to the House of Assembly the Integrity Commission shall publish any notice delivered to it under subsection (1)(f) in such manner as it considers effective for the purpose of informing the electorate before the date of election.

(4) No person shall be qualified to be an appointed member of the House of Assembly who, on the date of his or her proposed appointment, falls within any of paragraphs (a) to (h) of subsection (1).

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Declaration by candidates for election to House of Assembly

50.—(1) Each candidate for election to the House of Assembly shall, on the date of his or her nomination for election, make a written declaration to the Supervisor of Elections that he or she is qualified for election under section 46 and that no disqualification mentioned in section 49 applies to him or her.

(2) The Supervisor of Elections shall publish any declaration made to him or her under subsection (1) by the close of the next following working day.

(3) Within five days of the publication of any such declaration, a challenge to the veracity of that declaration may be brought by any registered elector or by the Attorney General before the Supreme Court; the Supreme Court shall hear and determine the matter as expeditiously as possible, and its decision shall be final and not subject to any appeal.

Tenure of seats of members of House of Assembly

51.—(1) Every elected or appointed member of the House of Assembly shall vacate his or her seat in the House at the next dissolution of the House after his or her election or appointment.

(2) An elected or appointed member of the House of Assembly shall also vacate his or her seat in the House—

- (a) if he or she resigns it by writing under his or her hand addressed to the Speaker;
- (b) if, without the written permission of the Speaker, he or she is absent from three consecutive meetings of the House;
- (c) if he or she ceases to be ordinarily resident in the Islands;
- (d) if the Speaker declares his or her seat vacant in the circumstances described in subsection (3); or
- (e) subject to section 52, if any circumstances arise such that, if he or she were not a member of the House, would cause him or her to be disqualified for election by virtue of any provision of section 49(1) other than paragraph (i).

(3) Subject to section 52, if the Integrity Commission determines that an elected or appointed member of the House of Assembly has acquired a prohibited interest in a contract with the Government, the Speaker shall declare the seat of that member vacant.

(4) The Integrity Commission shall make and publish rules defining the circumstances in which the acquisition by an elected or appointed member of the House of Assembly of an interest in a contract with the Government is prohibited, and each such member of the House shall disclose to the Integrity Commission every interest he or she acquires in any such contract within seven days of acquiring it.

(5) Subject to this Constitution, an appointed member of the House of Assembly shall hold his or her seat in the House during Her Majesty's pleasure.

Delay in vacation of seat to allow for an appeal

52.—(1) A member of the House of Assembly whose seat has been declared vacant by the Speaker under section 51(3) may appeal the legality of the declaration to the Supreme Court, whose decision shall be final and not subject to any further appeal, and pending the decision of the Supreme Court the member shall not vacate his or her seat but shall cease to perform his or her functions as a member.

(2) If the Supreme Court upholds the legality of the declaration the member shall forthwith vacate his or her seat, and if the Supreme Court does not uphold the legality of the declaration the member shall not vacate his or her seat and may resume the performance of his or her functions as a member.

(3) If circumstances such as are referred to in section 51(2)(e) arise because a member of the House of Assembly—

- (a) is declared bankrupt;
- (b) is adjudged to be of unsound mind;
- (c) is under sentence of imprisonment; or
- (d) is convicted of an offence relating to party political regulation, an offence relating to misuse of public money, an offence of corruption, or an offence relating to elections,

and it is open to the member to appeal against the decision (either with or without the leave of a court or other authority) that member shall forthwith cease to perform his or her functions as a member, but, subject to subsection (5), he or she shall not vacate his or her seat in the House until the expiration of 30 days thereafter.

(4) At the request of the member the Governor, acting in his or her discretion, may from time to time extend the period of 30 days referred to in subsection (3) for further periods of 30 days to enable the member to pursue an appeal against the decision, but extensions of time exceeding in the aggregate 330 days shall not be given without the approval of the House of Assembly signified by resolution.

(5) If, on the determination of any appeal, such circumstances as are mentioned in subsection (3) continue to exist and no further appeal is open to the member, or if for any reason, including the refusal of leave to appeal or the expiration of any time limit for entering an appeal, it ceases to be open to the member to appeal, he or she shall forthwith vacate his or her seat.

(6) If at any time before the member vacates his or her seat such circumstances as are mentioned in subsection (3) cease to exist, his or her seat shall not become vacant on the expiration of the period referred to in that subsection and he or she may resume the performance of his or her functions as a member.

Determination of questions as to membership of House of Assembly

53.—(1) Without prejudice to section 52(1), the Supreme Court shall have jurisdiction to hear and determine any question as to whether—

- (a) any person has been validly elected as a member of the House of Assembly; or
- (b) an elected member of the House has vacated his or her seat in the House or is required by virtue of section 52(3) to cease to perform his or her functions as such member,

and the decision of the Supreme Court shall be final and not subject to any appeal.

(2) An application to the Supreme Court for the determination of any question under subsection (1) may be made by the Attorney General or by any person who is a registered elector; and an application for the determination of any question under subsection (1)(b) may also be made by any member of the House of Assembly.

(3) Any question as to whether a person is an *ex officio* or an appointed member of the House of Assembly, or whether any such person has vacated his or her seat, shall be determined by the Governor acting in his or her discretion.

Penalty for unauthorised person sitting or voting

54.—(1) Any person who sits or votes in the House of Assembly knowing, or having reasonable grounds for believing, that he or she is not entitled to do so shall be liable to a penalty not exceeding 1,000 United States dollars for each day on which he or she so sits or votes.

(2) The penalty referred to in subsection (1) shall be recoverable by action in the Supreme Court at the suit of the Attorney General.

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Qualifications of electors and entitlement to vote

55.—(1) Subject to subsection (2), a person shall be qualified to be registered as an elector for the purposes of the election of members of the House of Assembly if, and shall not be so qualified unless—

- (a) he or she was lawfully registered as such an elector on the date of commencement of this Constitution; or
- (b) on the qualifying date—
 - (i) he or she has attained the age of eighteen years; and
 - (ii) he or she is resident in the Islands and has been so resident for not less than twelve months, in the aggregate, out of the two years immediately preceding the qualifying date, or he or she is a member of Her Majesty’s Forces, a person working abroad on Government business or a student resident abroad in such circumstances as may be prescribed by Ordinance; and
 - (iii) he or she is a Turks and Caicos Islander.

(2) No person shall be qualified to be registered as an elector under this section who on the qualifying date—

- (a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands;
- (b) is serving a sentence of imprisonment (by whatever name called) for a term of at least twelve months imposed on him or her by a court in any country or substituted by competent authority for some other sentence imposed on him or her by such a court; or
- (c) is disqualified by or under any law in force in the Islands from being registered as an elector by reason of having been convicted of an offence relating to elections.

(3) Section 49(2) shall apply for the purposes of subsection (2)(b) of this section as it applies for the purposes of section 49(1)(e).

(4) In this section “qualifying date” means such date as may be appointed by or under any law as the date with reference to which the qualifications of persons for registration as electors, for the purpose of the election of members of the House of Assembly, are to be ascertained.

(5) A person registered as an elector shall be entitled to vote at an election unless he or she is prohibited from doing so by reason of his or her conviction, prior to the election, of an election offence which disqualifies him or her from voting; but no person shall be entitled to vote in an electoral district if—

- (a) he or she is not registered as an elector in that electoral district; or
- (b) he or she has voted in another electoral district.

Leader of the Opposition

56.—(1) The Governor shall appoint as the Leader of the Opposition the elected member of the House of Assembly who demonstrates to the Governor in writing that he or she commands the support of the majority of the members of the House in opposition to the Government.

(2) If at any time between the polling in a general election and the next following dissolution of the House of Assembly the Governor, acting in his or her discretion, is satisfied that, if the office of the Leader of the Opposition were then vacant, he or she would appoint to that office a person other than the person then holding that office, the Governor shall revoke the appointment of the Leader of the Opposition.

(3) The office of the Leader of the Opposition shall also become vacant—

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- (a) if for any reason other than a dissolution of the House of Assembly the holder of that office ceases to be a member of the House; or
- (b) if the holder of that office is appointed as a Minister.

Prorogation, dissolution and elections

Prorogation and dissolution

57.—(1) The Governor, acting in accordance with the advice of the Premier, may at any time prorogue the House of Assembly by proclamation published in the *Gazette*; but the Governor may, with the prior approval of a Secretary of State, reject the advice of the Premier to prorogue the House in any case in which in the Governor’s judgement it is necessary to do so in the interests of good governance.

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

(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

58. 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 judgement 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 59) 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 and filling vacant seats

59.—(1) A general election shall be held at such time within three months, but not less than 35 days, after every dissolution of the House of Assembly as the Governor shall appoint by proclamation published in the *Gazette*.

(2) Whenever an elected member of the House of Assembly vacates his or her seat for any reason other than a dissolution of the House, an election shall be held to fill the vacancy, on such date as the Governor shall appoint by proclamation published in the *Gazette* within three months, but not less than 35 days, of the occurrence of the vacancy unless the House is sooner dissolved or will be dissolved under section 57(3) within four months of the occurrence of the vacancy.

(3) Whenever an appointed member of the House of Assembly vacates his or her seat for any reason other than a dissolution of the House, the Governor shall, as soon as practicable, appoint a person to fill the vacancy under section 47.

Electoral District Boundary Commission

60.—(1) An Electoral District Boundary Commission (in this section and in section 61 referred to as a “Commission”) shall be appointed from time to time at such time as the Governor, acting after consultation with the Premier and the Leader of the Opposition, may determine; but the first Commission shall be appointed not later than four years after the commencement of this Constitution and each subsequent Commission shall be appointed not later than four years after the last Commission submitted its report under section 61.

(2) A Commission shall consist of—

- (a) a Chairman appointed by the Governor, acting in his or her discretion;

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- (b) a member appointed by the Governor, acting in his or her discretion, from among persons who hold or have held high judicial office; and
 - (c) a member appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition.
- (3) A person shall not be qualified to be appointed as a member of a Commission if he or she is a member of the House of Assembly or a public officer.
- (4) The Chairman or other member of a Commission shall vacate his or her office—
- (a) on the day following the submission of the report of the Commission under section 61;
 - (b) if any circumstances arise that, if he or she were not a member, would cause him or her to be disqualified for appointment as such; or
 - (c) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.
- (5) A Commission may regulate its procedure and, with the consent of the Governor acting in his or her discretion, may confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of its functions.
- (6) For the purpose of the discharge of its functions, a Commission—
- (a) may invite views from members of the public;
 - (b) shall consult the public about a draft of its report; and
 - (c) may seek such advice as it considers appropriate.
- (7) A Commission may act notwithstanding any vacancy in its membership (including any vacancy not filled when appointments of members are first made); but any decision of the Commission shall require the concurrence of not less than two members of the Commission.
- (8) In the exercise of their functions under this Constitution, a Commission and its members shall not be subject to the direction or control of any other person or authority.

Review and alteration of electoral district boundaries

61.—(1) A Commission shall, as soon as practicable after its appointment, review the boundaries of the electoral districts into which the Islands are divided and submit to the Governor and the House of Assembly a report either—

- (a) stating that, in the opinion of the Commission, no change in those boundaries is required; or
- (b) recommending the changes in those boundaries specified in the report.

(2) In determining its recommendations under subsection (1)(b), and in determining whether or not to recommend any changes in the electoral district boundaries, a Commission shall ensure that the electoral districts contain, so far as is reasonably practicable, approximately equal numbers of persons qualified to be registered as electors under section 55.

(3) As soon as may be after a Commission has submitted a report under subsection (1)(b), the Governor shall cause a bill to be introduced in the House of Assembly for giving effect, whether with or without modifications, to the recommendations contained in the report; and such a bill—

- (a) may contain provision for any matters which are incidental to or consequential on its principal provisions; and
- (b) shall include a provision for the coming into force of the measure when enacted upon the next dissolution of the House of Assembly after enactment.

(4) Where any bill introduced under this section proposes to give effect to the recommendations of a Commission with modifications, there shall be laid before the House of Assembly at the same time a statement of the reasons for the modifications.

Powers and procedure

Power to make laws

62. Subject to this Constitution, the Legislature may make laws for the peace, order and good government of the Islands.

Standing Orders of House of Assembly

63.—(1) Subject to this Constitution and to any Instructions under Her Majesty's Sign Manual and Signet, the House of Assembly may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, intituling and numbering of bills and their presentation to the Governor for assent, but such Standing Orders shall not have effect until approved by the Governor.

(2) Standing Orders made under this section may provide for the establishment of committees of the House of Assembly (in addition to the Standing Committees to be established under section 64) and for the proceedings and conduct of business before any such committee.

Standing Committees

64.—(1) The House of Assembly shall establish at least two Standing Committees of the House (in addition to the Appropriations Committee and the Public Accounts Committee established by this Constitution), each of which shall be charged with responsibility for monitoring the conduct of business of the Government for which responsibility has been assigned to a Minister or Ministers under section 36(1).

(2) Each Standing Committee shall consist of members of the House of Assembly who are not Ministers.

(3) The composition of each Standing Committee shall, so far as possible, ensure that the representation of political parties in the Committee is proportionate to the numerical strength of those parties in the House of Assembly.

(4) At least one Standing Committee shall be presided over by a member of the House of Assembly in opposition to the Government.

(5) Each Standing Committee shall have power—

(a) to summon any Minister, or any public officer of a department of government for which a Minister is responsible, to appear before it;

(b) subject to any law or Standing Orders, to require any person so summoned to answer questions and provide information about the conduct of business of the Government by the Minister or department concerned; and

(c) to report on its activities to the House of Assembly.

(6) The House of Assembly shall publish reports submitted to it under subsection (5)(c).

(7) Subject to this section, Standing Orders shall provide for the composition and functions of, and proceedings and conduct of business before, Standing Committees.

Oaths by members of House of Assembly

65. No member of the House of Assembly shall be permitted to take part in the proceedings of the House, other than proceedings necessary for the purposes of this section, until he or she has made

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and subscribed before the House an oath of allegiance in the form set out in the Schedule to this Constitution; but the election of a Speaker and a Deputy Speaker may take place before the members of the House make such oath.

Sessions of House of Assembly

66.—(1) The sessions of the House of Assembly shall be held at such times and places as the Governor may appoint by proclamation published in the *Gazette*; but there shall be at least one session in every year and a session shall be appointed to commence within two weeks after any general election.

(2) When the House of Assembly is in session, the Speaker shall call meetings of the House of Assembly so that there are at least nine meetings in each calendar year and any meeting shall be held within six weeks of the end of the previous meeting.

Presiding in House of Assembly

67.—(1) The Speaker or, in his or her absence, the Deputy Speaker or, if they are both absent, an elected or appointed member of the House of Assembly (not being a Minister) elected by the elected and appointed members of the House, shall preside in the House.

(2) References in this section to absence of the Speaker or the Deputy Speaker shall include circumstances in which either office is vacant.

Voting

68.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the elected and appointed members present and voting.

(2) The person presiding shall not vote unless on any question the votes are equally divided, in which case he or she shall have and exercise a casting vote.

Validity of proceedings

69. The House of Assembly shall not be disqualified for the transaction of any business by reason of any vacancy in its membership (including any vacancy not filled when the House is first constituted or is reconstituted at any time) and the validity of the transaction of business in the House shall not be affected by reason only of the fact that some person who was not entitled to do so voted or otherwise took part in the proceedings of the House.

Quorum

70.—(1) A quorum of the House of Assembly shall be eight members not including the person presiding, of whom five are elected members.

(2) If at any sitting of the House of Assembly any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in Standing Orders, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

Introduction of bills, etc

71.—(1) Subject to this Constitution and to Standing Orders, any member may introduce any bill or propose any motion for debate in, or may present any petition to, the House of Assembly, and the same shall be debated and disposed of according to Standing Orders.

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(2) Except on the recommendation of the Government signified by a Minister or by the Governor, acting in his or her discretion, the House of Assembly shall not—

- (a) proceed on any bill (including any amendment to a bill) which, in the opinion of the person presiding in the House, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Islands; or
- (b) proceed on any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the House, is that provision would be made for any of the purposes mentioned in paragraph (a).

Governor's reserved power

72.—(1) If the Governor considers that the enactment of legislation is necessary or desirable—

- (a) for the purpose of securing compliance with an international obligation;
- (b) to ensure compliance with the Statement of Governance Principles for the time being in effect;
- (c) to ensure that sufficient funds have been appropriated, within four months of the commencement of each financial year, for the effective operation of committees of the House of Assembly, the courts, the Attorney General's Chambers, and each institution protecting good governance; or
- (d) to give effect, with or without modifications, to the recommendations contained in a report of an Electoral District Boundary Commission,

but, after consultation with the Premier, it appears to the Governor that the Cabinet is unwilling to support the introduction into the House of Assembly of a bill for the purpose or that the House is unlikely to pass a bill introduced into it for the purpose, the Governor may, with the prior approval of a Secretary of State, cause a bill for the purpose to be published in the *Gazette* and may (notwithstanding that the bill has not been passed by the House) assent to it on behalf of Her Majesty; but the bill shall be so published for at least 21 days prior to assent unless the Governor certifies by writing under his or her hand that the matter is too urgent to permit such delay in the giving of assent and so informs a Secretary of State.

(2) If any member of the Cabinet so desires, he or she may, within 30 days of the publication of a bill under subsection (1), submit to the Governor a statement in writing of his or her comments on such publication, and the Governor shall forward such statement, or a copy of it, as soon as practicable to a Secretary of State.

(3) The powers conferred on the Governor by subsection (1) shall be exercised by the Governor in his or her discretion.

Assent to bills

73.—(1) A bill shall not become law until—

- (a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of his or her assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified Her assent by proclamation published in the *Gazette*.

(2) When a bill is presented to the Governor for his or her assent, the Governor shall, subject to this Constitution and to any instructions addressed to him or her by Her Majesty through a Secretary of State, declare that he or she assents, or refuses to assent, to it, or that he or she reserves the bill

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for the signification of Her Majesty's pleasure; but the Governor shall reserve for the signification of Her Majesty's pleasure any bill which appears to him or her, acting in his or her discretion—

- (a) to be in any way repugnant to, or inconsistent with, this Constitution;
- (b) to be in any way inconsistent with the Statement of Governance Principles for the time being in effect;
- (c) to be in any way inconsistent with any international obligation;
- (d) to affect any matter for which the Governor is responsible under section 37;
- (e) to affect the integrity or independence of the public service, of the administration of justice or of any institution protecting good governance; or
- (f) to determine or regulate the privileges, immunities or powers of the House of Assembly or of its members,

unless the Governor has been authorised by a Secretary of State to assent to it.

- (3) Subsection (2) is without prejudice to section 116(4).

Return of bills by Governor

74. The Governor, acting in his or her discretion, may return to the House of Assembly any bill presented to him or her for his or her assent, transmitting with it any amendments which he or she may recommend, and the House shall deal with such recommendation.

Disallowance of laws

75.—(1) Any law to which the Governor has given his or her assent 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 the disallowance to be published in the *Gazette* 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.

Privileges, immunities and powers of House of Assembly

76. An Ordinance may determine and regulate the privileges, immunities and powers of the House of Assembly and of its members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of its members.

(1) 1978 c.30.