

2010 No. 2966

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

**The Turks and Caicos Islands Constitution (Interim
Amendment) (Amendment) Order 2010**

Made - - - - - *15th December 2010*

Laid before Parliament *16th December 2010*

Coming into force in accordance with section 1(2)

At the Court at Buckingham Palace, the 15th day of December 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 5 and 7 of the West Indies Act 1962(a) and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation, construction and commencement

1.—(1) This Order may be cited as the Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2010 and shall be construed as one with the Turks and Caicos Islands Constitution Order 2006(b) and the Turks and Caicos Islands Constitution (Interim Amendment) Order 2009(c) (in this Order referred to as the “the 2009 Order”).

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

Amendment of 2009 Order

2.—(1) The 2009 Order is amended by substituting for section 3 the following—

“Duration of Order

3. This Order shall continue in force until it is revoked by Order in Council.”

(2) The 2009 Order is amended by substituting for section 9 the following—

(a) 1962 c.19.
(b) S.I. 2006/1913.
(c) S.I. 2009/701.

“Amendment of laws of Turks and Caicos Islands

9. While this Order is in force, and except as the Governor may otherwise provide in exercise of the power to make laws conferred by paragraph 8 of Schedule 2, where in any law in force in the Turks and Caicos Islands (other than the 2006 Order)—

- (a) there is a reference to the Cabinet, the Premier, a Minister, the Cabinet Secretary or the Leader of the Opposition, any such reference shall be read and construed as a reference to the Governor, acting in his or her discretion;
- (b) there is a reference to any power, duty or function of the Cabinet, the Premier, a Minister, the Cabinet Secretary or the Leader of the Opposition, any such reference shall be read and construed as a reference to a power, duty or function of the Governor and in the exercise or performance of it the Governor shall act in his or her discretion;
- (c) there is a reference to the House of Assembly or any of its committees, the Speaker or the Deputy Speaker, any such reference shall be read and construed as a reference to the Governor, acting in his or her discretion;
- (d) the Governor is required to exercise or perform any power, duty or function after consultation with, or in accordance with the advice of, the Cabinet or the Premier, the Governor shall exercise or perform that power, duty or function in his or her discretion.”

Revocation

3. The Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2009(a) is revoked.

Judith Simpson
Clerk of the Privy Council

(a) S.I. 2009/1755.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Turks and Caicos Islands Constitution (Interim Amendment) Order 2009 to enable the Governor to make laws at variance with section 9 of that Order, and to extend the duration of the 2009 Order (which would otherwise have expired on 14 August 2011) until it is revoked by Order in Council. This Order also revokes the Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2009, which was never brought into force and is redundant.

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STATUTORY INSTRUMENTS

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