
STATUTORY INSTRUMENTS

2009 No. 1751

SOUTH ATLANTIC TERRITORIES

**The St Helena, Ascension and Tristan
da Cunha Constitution Order 2009**

Made - - - - 8th July 2009

Laid before Parliament 15th July 2009

Coming into force in accordance with section 1(3)

**THE ST HELENA, ASCENSION AND TRISTAN
DA CUNHA CONSTITUTION ORDER 2009**

1. Citation, publication and commencement
2. Interpretation
3. Revocations
4. Change of name and establishment of Constitution
5. Existing laws
6. Existing offices and officers
7. Legislative Council, Council Committees and Executive Council
8. Standing Orders
9. Remuneration of certain office-holders
10. Chief Auditor for St Helena
11. Island Council of Ascension
12. Island Council of Tristan da Cunha
13. Pending legal proceedings
14. Power reserved to Her Majesty
Signature

SCHEDULE — THE CONSTITUTION OF ST HELENA, ASCENSION AND
TRISTAN DA CUNHA

PREAMBLE

The people of St Helena, Ascension and Tristan da Cunha: ...
are determined, with the United Kingdom Government and other
members...

1. Application of this Constitution

CHAPTER 1

Status: This is the original version (as it was originally made).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

PART 1

2. The partnership values
3. Relationships between St Helena, Ascension and Tristan da Cunha
4. Duty to give effect to the partnership values

PART 2

5. Fundamental rights and freedoms of the individual
6. Protection of right to life
7. Protection from inhuman treatment
8. Protection from slavery and forced labour
9. Protection of right to personal liberty
10. Provisions to secure a fair trial
11. Protection of right of prisoners to humane treatment
12. Protection of freedom of movement
13. Protection for private and family life and for privacy of home and other property
14. Protection of right to marry, and of spouses' and children's rights
15. Protection of freedom of conscience
16. Protection of right to education
17. Protection of freedom of expression
18. Protection of freedom of assembly and association
19. Protection from deprivation of property
20. Protection from arbitrary deprivation of St Helenian status or of British citizenship
21. Protection from discrimination
22. Derogations from fundamental rights and freedoms under emergency powers
23. Protection of persons detained under emergency laws
24. Enforcement of protective provisions
25. Application of this Part to the members of a disciplined force

PART 3

26. The Governor
27. Acting Governor
28. Governor's Deputy
29. Powers of pardon, etc.
30. Advisory Committee on the Prerogative of Mercy
31. Powers to dispose of land
32. Public seal
33. Constitution of offices

PART 4

34. Executive authority
35. Executive Council
36. Election of elected members of Executive Council

37. Tenure of office of elected and temporary members of Executive Council
38. Determination of questions as to membership of Executive Council
39. Summoning of and proceedings in Executive Council
40. Invitation of persons to assist Executive Council
41. Presiding in Executive Council
42. The Clerk of Councils
43. Governor to consult Executive Council
44. Governor's special responsibilities
45. Governor to be kept informed
46. The Attorney General

PART 5

Composition

47. The Legislature
48. Composition of Legislative Council
49. Qualifications of candidates for election to Legislative Council
50. Law as to elections
51. Tenure of office of Elected Members of Legislative Council
52. Determination of questions as to elected membership of Legislative Council
53. Register of Interests
54. Oaths or affirmations by Members of Legislative Council
55. Speaker and Deputy Speaker

Council Committees

56. Council Committees
57. Tenure of office of members of Council Committees
58. Functions of Council Committees
59. Rules of procedure and meetings of Council Committees

Powers and Procedure of Legislative Council

60. Power to make laws
61. Meetings of Legislative Council
62. Presiding in Legislative Council or otherwise discharging the functions of Speaker
63. Legislative Council may transact business notwithstanding vacancies
64. Quorum
65. Governor's right to address Legislative Council
66. Power to require officers of the St Helena Public Service to attend meetings
67. Voting
68. Standing Orders
69. Public Accounts Committee
70. Privileges
71. Code of Conduct
72. Remuneration of elected members of Executive Council, other Elected Members of Legislative Council, Speaker and Deputy Speaker
73. Introduction of Bills

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- 74. Assent to Bills
- 75. Disallowance of laws
- 76. Dissolution of Legislative Council
- 77. Recalling dissolved Legislative Council in case of emergency
- 78. General elections and bye-elections
- 79. The Clerk of Councils

PART 6

- 80. The Courts of St Helena
- 81. Independence of the judiciary

Supreme Court

- 82. Constitution of Supreme Court
- 83. Sittings of Supreme Court
- 84. Judges of Supreme Court
- 85. Exercise of jurisdiction of Supreme Court

Court of Appeal

- 86. Constitution of Court of Appeal
- 87. Jurisdiction of Court of Appeal
- 88. Practice and procedure on appeals

General

- 89. Rules of Court
- 90. Appointment of judges and judicial officers
- 91. Tenure of office of judges and judicial officers
- 92. Remuneration
- 93. Removal from office
- 94. Judicial Service Commission

PART 7

- 95. Appointment etc of officers of St Helena Public Service
- 96. Terms and conditions of employment

PART 8

- 97. Taxation
- 98. Consolidated Fund
- 99. Withdrawal from Consolidated Fund or other public account
- 100. Annual Estimates
- 101. Appropriation Bill
- 102. Authorisation of expenditure in advance of appropriation
- 103. Special Warrants

- 104. Withdrawal Warrants
- 105. Supplementary Estimates
- 106. Excess expenditure
- 107. Lapse of appropriations
- 108. Public debt
- 109. Annual statement of accounts
- 110. The Chief Auditor
- 111. Functions of Chief Auditor
- 112. Borrowing or lending by Government of St Helena

PART 9

- 113. Complaints Commissioner
- 114. Functions of Complaints Commissioner

PART 10

- 115. Interpretation
- 116. References to the holder of an office to include a person acting in the office
- 117. Power to amend and revoke instruments, etc
- 118. Appointments
- 119. Removal from office
- 120. Resignations

CHAPTER 2

PART 1

- 121. The partnership values

PART 2

- 122. Fundamental rights and freedoms of the individual
- 123. Protection of right to life
- 124. Protection from inhuman treatment
- 125. Protection from slavery and forced labour
- 126. Protection of right to personal liberty
- 127. Provisions to secure a fair trial
- 128. Protection of right of prisoners to humane treatment
- 129. Protection for private and family life and for privacy of home and other property
- 130. Protection of right to marry, and of spouses' and children's rights
- 131. Protection of freedom of conscience
- 132. Protection of right to education
- 133. Protection of freedom of expression
- 134. Protection of freedom of assembly and association
- 135. Protection from deprivation of property
- 136. Protection from arbitrary deprivation of St Helenian status or of British citizenship
- 137. Protection from discrimination

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- 138. Derogations from fundamental rights and freedoms under emergency powers
- 139. Protection of persons detained under emergency laws
- 140. Enforcement of protective provisions
- 141. Application of this Part to the members of a disciplined force
- 142. Saving for certain treaties

PART 3

- 143. The Governor
- 144. Powers of pardon, etc
- 145. Powers to dispose of land
- 146. Public seal
- 147. Constitution of offices

PART 4

- 148. Executive authority
- 149. Island Council
- 150. Attorney General

PART 5

- 151. Power to make laws
- 152. Disallowance of laws

PART 6

- 153. The Courts of Ascension
- 154. Independence of the judiciary

Supreme Court

- 155. Jurisdiction of Supreme Court
- 156. Sittings of Supreme Court
- 157. Exercise of jurisdiction of Supreme Court

Court of Appeal

- 158. Jurisdiction of Court of Appeal
- 159. Practice and procedure on appeals

General

- 160. Rules of Court
- 161. Judicial officers
- 162. Ascension Judicial Service Commission

PART 7

- 163. Appointment etc of officers of Ascension Public Service
- 164. Terms and conditions of employment

PART 8

- 165. Taxation
- 166. Consolidated Fund
- 167. Withdrawal from Consolidated Fund or other public account
- 168. Annual Estimates
- 169. Draft Appropriation Ordinance
- 170. Authorisation of expenditure in advance of appropriation
- 171. Special Warrants
- 172. Withdrawal Warrants
- 173. Supplementary Estimates
- 174. Excess expenditure
- 175. Lapse of appropriations
- 176. Public debt
- 177. Annual statement of accounts
- 178. Audit
- 179. Borrowing or lending by Government of Ascension

PART 9

- 180. Interpretation
- 181. References to the holder of an office to include a person acting in the office
- 182. Power to amend and revoke instruments, etc
- 183. Appointments
- 184. Removal from office
- 185. Resignations

CHAPTER 3 — DA

PART 1

- 186. The partnership values

PART 2

- 187. Fundamental rights and freedoms of the individual
- 188. Protection of right to life
- 189. Protection from inhuman treatment
- 190. Protection from slavery and forced labour
- 191. Protection of right to personal liberty
- 192. Provisions to secure a fair trial
- 193. Protection of right of prisoners to humane treatment
- 194. Protection of freedom of movement

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- 195. Protection for private and family life and for privacy of home and other property
- 196. Protection of right to marry, and of spouses' and children's rights
- 197. Protection of freedom of conscience
- 198. Protection of right to education
- 199. Protection of freedom of expression
- 200. Protection of freedom of assembly and association
- 201. Protection from deprivation of property
- 202. Protection from arbitrary deprivation of right of abode in Tristan da Cunha or of British citizenship
- 203. Protection from discrimination
- 204. Derogations from fundamental rights and freedoms under emergency powers
- 205. Protection of persons detained under emergency laws
- 206. Enforcement of protective provisions
- 207. Application of this Part to the members of a disciplined force

PART 3

- 208. The Governor
- 209. Powers of pardon, etc
- 210. Powers to dispose of land
- 211. Public seal
- 212. Constitution of offices

PART 4

- 213. Executive authority
- 214. Island Council
- 215. Attorney General

PART 5

- 216. Power to make laws
- 217. Disallowance of laws

PART 6

- 218. The Courts of Tristan da Cunha
- 219. Independence of the judiciary

Supreme Court

- 220. Jurisdiction of Supreme Court
- 221. Sittings of Supreme Court
- 222. Exercise of jurisdiction of Supreme Court

Court of Appeal

- 223. Jurisdiction of Court of Appeal
- 224. Practice and procedure on appeals

General

- 225. Rules of Court

PART 7

- 226. Appointments etc of officers of Tristan da Cunha Public Service
- 227. Terms and conditions of employment

PART 8

- 228. Audit

PART 9

- 229. Interpretation
- 230. References to the holder of an office to include a person acting in the office
- 231. Power to amend and revoke instruments, etc
- 232. Appointments
- 233. Removal from office
- 234. Resignations

SCHEDULE TO THE CONSTITUTION

1. Oath of allegiance I.....do swear that I will be faithful...
2. Oath for due execution of office of Governor I.....do swear...
3. Oath for due execution of office of Member of the...
4. Oath of confidentiality I.....do swear that I will be a...
5. Judicial Oath I.....do swear that I will well and truly...
6. Affirmations In the forms above respectively set forth, for the...

Explanatory Note