

SOUTH ATLANTIC TERRITORIES

The St Helena, Ascension and Tristan da Cunha Royal Instructions 2009

Dated: 8th July 2009

ELIZABETH R.

INSTRUCTIONS to Our Governor of Our Islands of St Helena, Ascension and Tristan da Cunha or other Officer for the time being Administering the Government of Our said Islands. We do hereby direct and enjoin and declare Our will and pleasure as follows –

Citation, publication, commencement and revocations

1.-(1) These Instructions may be cited as the St Helena, Ascension and Tristan da Cunha Royal Instructions 2009.

(2) These Instructions shall be published in the *Gazette* and shall take effect on the day appointed by the Governor for the coming into force of the St Helena, Ascension and Tristan da Cunha Constitution Order 2009 and thereupon the St Helena Royal Instructions 1966 and the St Helena Additional Instructions 1988 shall be revoked.

Interpretation

2.-(1) In these Instructions, “the Constitution” means the Constitution set out in the Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009.

(2) Sections 115, 180 and 229 of the Constitution shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting the Constitution.

Power to require making of oaths or affirmations

3. The Governor may, whenever he or she thinks fit, require any person in the public service of St Helena, Ascension or Tristan da Cunha to make an oath or affirmation of allegiance together with any other oaths or affirmations that may be prescribed by any law for the time being in force in St Helena, Ascension or Tristan da Cunha.

Instructions to be observed by deputy

4.-(1) These Instructions, so far as they are applicable to any functions to be discharged by a deputy to the Governor appointed under section 28 of the Constitution, shall be deemed to be addressed to, and shall be observed by, the deputy.

(2) A deputy may, if he or she thinks fit, apply to Us through a Secretary of State for instructions in any matter; but he or she shall forthwith transmit to the Governor a copy of every despatch or other communication addressed to Us for that purpose.

Rules for the enactment of laws

5.-(1) In the making of laws the Governor and, as regards St Helena, the Legislative Council shall observe, as far as practicable, the following rules.

(2) All laws shall be styled “Ordinances” and the words of enactment shall be –

- (a) in the case of St Helena “Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena”;
- (b) in the case of Ascension “Enacted by the Governor of Ascension after consultation with the Island Council of Ascension”; and
- (c) in the case of Tristan da Cunha “Enacted by the Governor of Tristan da Cunha after

consultation with the Island Council of Tristan da Cunha”.

(3) All Ordinances shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin or a heading a short indication of its contents.

(4) The Ordinances enacted in each year for St Helena, Ascension and Tristan da Cunha, respectively, shall be distinguished, in the case of each Island, by consecutive numbers, commencing in each year with the number one.

(5) Matters having no proper relation to each other shall not be provided for in the same Ordinance; no Ordinance shall contain anything foreign to what the title of the Ordinance imports; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

(6) All Ordinances shall be published in the *Gazette*.

(7) Copies of all Ordinances shall be printed, and shall bear the following –

- (a) particulars of the days on which each Ordinance was enacted and published in the *Gazette*; and
- (b) particulars of the day on which each Ordinance came into force, or if that day has not been determined, a reference to any provision whereby it may be determined.

Certain Bills not to be assented to nor Ordinances to be enacted without instructions

6.-(1) Subject to paragraph (2), the Governor shall not, without having previously obtained Our instructions through a Secretary of State, assent to any Bill or enact any Ordinance within any of the following classes unless the Bill or Ordinance contains a clause suspending its operation until the signification of Our pleasure on it, that is to say –

- (a) any Bill or Ordinance whereby any grant of land or money, or other donation, may be made to the Governor;
- (b) any Bill or Ordinance affecting the currency of St Helena, Ascension or Tristan da Cunha or relating to the issue of banknotes;
- (c) any Bill or Ordinance establishing any banking association or altering the constitution, rights or duties of any banking association;
- (d) any Bill or Ordinance the provisions of which shall appear to the Governor to be inconsistent with obligations imposed upon Us by treaty;
- (e) any Bill or Ordinance interfering with the discipline or control of Our forces by land, sea or air;
- (f) any Bill or Ordinance of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in St Helena, Ascension or Tristan da Cunha, or the trade, transport or communications of any part of Our dominions may be adversely affected;
- (g) any Bill or Ordinance whereby persons of any community or religion may either –
 - (i) be subjected or made liable to disabilities or restrictions to which persons of other communities or religions are not subjected or made liable; or
 - (ii) be granted advantages which are not enjoyed by persons of other communities or religions;
- (h) any Bill or Ordinance containing provisions to which Our assent has once been refused or which has been disallowed by Us.

(2) If the Governor is satisfied that urgent necessity requires that any Bill or Ordinance falling within any of the classes described in paragraph (1) (other than a Bill or Ordinance appearing to the Governor to be inconsistent with obligations imposed upon Us by treaty) be brought into immediate force, he or she may assent to the Bill or enact the Ordinance without instructions as aforesaid and although the Bill or Ordinance contains no such clause as aforesaid, but

he or she shall, at the earliest opportunity, transmit the Bill or Ordinance, as the case may be, to Us together with his or her reasons for so assenting to the Bill or enacting the Ordinance.

Private Bills and draft Ordinances

7.-(1) Every Bill or draft Ordinance, not being a Government measure, intended to affect or favour a particular person, association or corporate body shall contain a provision saving the rights of Us, Our Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill or draft Ordinance and those claiming by, from or under them.

(2) No such Bill shall be introduced into the Legislative Council of St Helena until due notice has been given by not less than three successive publications of the Bill in the *Gazette*; and the Governor shall not assent to the Bill unless it has been so published.

(3) No such draft Ordinance shall be considered by the Island Council of Ascension or the Island Council of Tristan da Cunha until due notice has been given by not less than three successive publications of the draft Ordinance in the *Gazette*; and the Governor shall not enact the Ordinance unless it has been so published.

(4) A certificate under the hand of the Governor signifying that publication has been made in accordance with paragraph (2) or (3) shall be transmitted to Us when the Bill or Ordinance is forwarded in pursuance of these Instructions.

Ordinances and reserved Bills to be sent through Secretary of State

8. When any Ordinance has been enacted or any Bill has been reserved for the signification of Our pleasure, the Governor shall forthwith transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the Ordinance or of the Bill, duly authenticated under the public seal and by his or her own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance or for the passing of the Bill.

Ordinances to be published

9. As soon as practicable after the commencement of each year the Governor shall cause a complete collection of all Ordinances enacted in St Helena, Ascension and Tristan da Cunha, respectively, during the preceding year to be published for general information.

Appointments to be during pleasure

10. Every appointment by the Governor of any person to any office or employment shall, unless otherwise provided by law, be expressed to be during pleasure only.

Governor's absence

11. Except in circumstances in which he or she is not regarded as absent from St Helena for the purposes of section 27 of the Constitution, the Governor shall not quit St Helena without first having obtained leave from Us for so doing through a Secretary of State.

Given at Our Court at St James's this 8th day of July in the fifty-eighth year of Our Reign