
STATUTORY INSTRUMENTS

1988 No. 1842

The St. Helena Constitution Order 1988

Citation and commencement.

1.—(1) This Order may be cited as the St. Helena Constitution Order 1988.

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

Provided that section 3 shall come into force on 28th November 1988.

Interpretation.

2.—(2) In this Order—

“the appointed day” means the day appointed by the Governor under section 1(2) of this Order;

“the Constitution” means the Constitution set out in Schedule 1 to this Order;

“the existing Constitution” means the Constitution set out in Schedule 1 to the St. Helena (Constitution) Order 1966(1);

“the Courts Orders” means the St. Helena Court of Appeal Order 1964(2) and the St. Helena Supreme Court Order 1969(3).

(2) Unless the context otherwise requires, expressions used in sections 1 to 10 (inclusive) of this Order shall have the same meaning as in the Constitution and the provisions of section 56 of the Constitution shall apply for the purposes of interpreting those sections as they apply for interpreting the Constitution.

Amendment of existing Constitution.

3. Section 41 of the existing Constitution is amended by substituting for subsection (2) the following—

“(2) The Governor shall dissolve the Legislative Council not later than 6th March 1989.”.

Revocations.

4. The instruments specified in Schedule 2 to this Order are revoked with effect from the appointed day.

Establishment of Constitution.

5. The Constitution shall come into effect in St. Helena and its Dependencies on the appointed day.

(1) S.I.1966/1458, amended by S.I. 1967/1138, 1987/1268.

(2) S.I. 1964/1845.

(3) S.I. 1969/857, amended by S.I. 1975/1211, 1983/1113.

Existing laws.

6.—(1) Subject to the provisions of this section, the existing laws shall have effect on and after the appointed day as if they had been made in pursuance of the Constitution and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

(2) The Governor may by order made at any time within twelve months after the appointed day make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(3) The provisions of this section shall be without prejudice to any powers conferred by the Constitution upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(4) For the purposes of this section, the expression “existing laws” means laws and instruments (other than Acts of the Parliament of the United Kingdom and instruments made thereunder) having effect as part of the law of St. Helena or its Dependencies immediately before the appointed day.

Existing offices.

7.—(1) Any office established by or under the existing Constitution or the Courts Orders and existing immediately before the appointed day shall on and after that day, so far as consistent with the provisions of the Constitution, continue as if it had been established by or under the Constitution.

(2) Any person who immediately before the appointed day holds or is acting in any office referred to in subsection (1) of this section shall, on and after that day, continue to hold or act in that office as if he had been appointed to hold or to act in it in accordance with or under the provisions of the Constitution, and shall be deemed to have taken any oath required by the Constitution or any other law: Provided that any person who under or by virtue of the provisions of the existing Constitution or the Courts Orders would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

Standing Orders.

8. The Standing Orders of the Legislative Council as in force immediately before the appointed day shall, except as may be otherwise provided under section 29 of the Constitution, have effect on and after that day as if they had been made under that section but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

Pending legal proceedings.

9.—(1) Any cause, matter or appeal pending before the Supreme Court or any appeal or application pending before the Court of Appeal (as those courts are respectively constituted by the Courts Orders) immediately before the appointed day may, on or after that day, be continued, determined or appealed against as if such cause, matter or appeal had been instituted or was pending before the Supreme Court, or such appeal or application made to the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

(2) Any decree or order of the Supreme Court or the Court of Appeal (as those courts are respectively constituted by the Courts Orders) given or made before the appointed day, in so far as it has not been fully executed or enforced, may be executed or enforced on or after that day as if it were a decree or order of the Supreme Court or the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

Power reserved to Her Majesty.

10. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of St. Helena and its Dependencies, including, without prejudice to the generality of the foregoing, laws amending or revoking this Order.

G. I. de Deney
Clerk of the Privy Council