
STATUTORY INSTRUMENTS

1989 No. 2401

The Montserrat Constitution Order 1989

Citation and commencement

1.—(1) This Order may be cited as the Montserrat Constitution Order 1989.

(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.

Interpretation

2.—(1) 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 2 to this Order.

(2) The provisions of section 68 of the Constitution shall apply for the purposes of interpreting sections 1 to 8 of this Order and otherwise in relation thereto as they apply for the purposes of interpreting and in relation to the Constitution.

Revocations

3. The instruments and enactments specified in Schedule 1 to this Order are revoked with effect from the appointed day.

Establishment of Constitution

4. Schedule 2 to this Order shall have effect as the Constitution of Montserrat on the appointed day

Existing Laws

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

(2) The Governor may, by regulations published in the Gazette, at any time within twelve months of the appointed day make such modifications or adaptations to any existing law as 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; and any existing law shall have effect accordingly from such day (not being earlier than the appointed day) as may be specified in any such regulations.

(3) Regulations made under this section may be amended or revoked in relation to any law affected thereby by any authority competent to amend or revoke that law.

(4) In this section “existing law” means any law or instrument having effect as part of the law of Montserrat immediately before the appointed day but does not include any Act of the Parliament

of the United Kingdom or any instrument made thereunder or any instrument or enactment revoked by this Order.

Existing officers.

6.—(1) Any office established by or under the Montserrat offices Letters Patent 1959⁽¹⁾ and existing immediately and 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 act in it in accordance with or under the provisions of the Constitution.

(3) Any person to whom subsection (2) of this section applies who, before the appointed day, has made any oath or affirmation required to be made before assuming the functions of his office shall be deemed to have made any like oath or affirmation so required by the Constitution or any other law.

Legislative Council.

7.—(1) Any person who immediately before the appointed day is a member of the Legislative Council established by the Constitution and Elections Ordinance⁽²⁾ shall on that day become a member of the Legislative Council established by the Constitution and shall be deemed to have complied with section 39 of the Constitution and shall hold his seat in the Council in accordance with the provisions of the Constitution.

(2) The persons who immediately before the appointed day hold the offices of Speaker and Deputy Speaker in accordance with the Constitution and Elections Ordinance shall, on and after that day, continue to hold those offices in accordance with the provisions of the Constitution.

(3) The Standing Orders of the Legislative Council as in force immediately before the appointed day shall, except as may be otherwise provided under section 46 of the Constitution, have effect on and after that day as if they had been made under that section but shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of the Constitution.

Power reserved to Her Majesty.

8. Her Majesty reserves to Herself power, with the advice of Her Privy Council, to make laws for the peace, order and good government of Montserrat.

G. I. de Deney
Clerk of the Privy Council

(1) 1959 II, p. 3386, amended by S.I.1971/873 and 1971/1740.

(2) Laws of Montserrat Cap. 153, amended by Ordinances No. 15 of 1970, No. 14 of 1975, No. 11 of 1980, No. 24 of 1982.