

SCHEDULE

The Constitution of the Falklands Islands

CHAPTER V THE EXECUTIVE

The Governor may act against advice of the Executive Council

67.—(1) In any case in which the Governor consults the Executive Council, he or she may act against the advice given to him or her by the Council—

- (a) if, in his or her judgement, it would be right to do so in the interests of good governance; or
- (b) if, in his or her judgement, such advice would affect any of the matters mentioned in subsection (2).

(2) The matters referred to in subsection (1)(b) are—

- (a) external affairs;
- (b) defence;
- (c) internal security, including the police;
- (d) administration of justice;
- (e) audit; and
- (f) appointments to the public service, the discipline and removal from office of public officers, and the management of the public service.

(3) If the Governor decides to act against the advice given to him or her by the Executive Council pursuant to subsection (1), the Governor shall forthwith—

- (a) report the matter to a Secretary of State; and
- (b) convey to a Secretary of State the views of the Executive Council on the matter.

(4) Whenever the Governor acts against the advice of the Executive Council any member of it may require that there shall be recorded in the minutes any advice or opinion he or she gave on the question at issue and his or her reasons.