

SCHEDULE

The Constitution of the Falklands Islands

CHAPTER II

THE GOVERNOR

The Governor

23.—(1) There shall be a Governor of the Falkland Islands who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred on him or her by or under this Constitution or any other law and such other powers and duties as Her Majesty may from time to time be pleased to assign to him or her and, subject to this Constitution and any other law, the Governor shall do or execute all things that belong to his or her office according to such instructions, if any, as Her Majesty may, through a Secretary of State, from time to time see fit to give him or her; but the question whether the Governor has in any matter complied with any such instructions shall not be enquired into in any court of law.

(3) A person appointed to the office of Governor shall, before entering upon the functions of that office, make the oath of allegiance and the oath of office.

(4) Where the Governor is directed by this Constitution to exercise any function in accordance with the advice of or after consultation with any person or authority, the question whether he or she has so exercised that function shall not be enquired into in any court of law.

Acting Governor

24.—(1) During any period when the office of Governor is vacant or the holder of it is absent from the Falkland Islands or is for any reason unable to perform the functions of that office those functions shall, during Her Majesty's pleasure, be assumed and performed by such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

(2) Before assuming the functions of the office of Governor, the person designated shall make the oaths directed by section 23(3) to be made by the Governor.

(3) The person designated shall not continue to act in the office of Governor after the Governor has notified that person that he or she is about to assume or resume the functions of that office.

Defence and internal security

25. The Governor shall consult with the Commander British Forces before exercising any function which appears to the Governor to relate to defence or internal security (with the exception of the police) and shall act in accordance with the advice which the Commander British Forces then tenders to him or her; and the Governor shall likewise act in accordance with the advice of the Commander British Forces on any matter on which the Commander British Forces considers it necessary in the interests of defence or internal security (with the exception of the police) to give advice to the Governor.