

**EXPLANATORY MEMORANDUM TO**  
**THE TURKS AND CAICOS ISLANDS CONSTITUTION (INTERIM AMENDMENT)**  
**(AMENDMENT) ORDER 2010**

**2010 No. 2966**

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

This Order amends the Turks and Caicos Islands Constitution (Interim Amendment) Order 2009 (S.I. 2009/701) (“the 2009 Order”) to enable the Governor to make laws at variance with section 9 of that Order, in particular in anticipation of the restoration of representative government in the territory, and extends the duration of the 2009 Order until it is revoked by Order in Council. The Order also revokes the Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2009 (S.I. 2009/1755).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Context**

The Order is made under sections 5 and 7 of the West Indies Act 1962 (1962 c. 19) and all other powers enabling Her Majesty.

**5. Territorial Extent and Application**

This instrument applies to the Turks and Caicos Islands.

**6. European Convention on Human Rights**

Although the instrument is laid before Parliament after being made there is no provision for further parliamentary proceedings and no statement is therefore required.

**7. Policy background**

What is being done and why

7.1 The Order will grant the Governor, as the legislative authority in the Turks and Caicos Islands, wider powers to legislate while preparations are made for the restoration of representative government. This is especially important so that appropriate electoral legislation can be enacted. The Order will also allow further time for the necessary

constitutional, legislative and administrative preparations to be made before the restoration of representative government. The 2009 Order, which is the basis for the current governmental arrangements in the territory, would otherwise have expired on 14 August 2011. This Order keeps the 2009 Order in force until it is revoked by a further Order in Council, as it is impossible to predict how long the necessary preparations will take. Finally, this Order revokes a previous amending Order (S.I. 2009/1755) which was never brought into force and is therefore redundant.

Consolidation

7.2 No consolidation of the relevant legislation is considered necessary.

**8. Consultation outcome**

The Governor of the territory has been consulted and agrees with the Order.

**9. Guidance**

No guidance is required.

**10. Impact**

10.1 No impact on business, charities or voluntary bodies in the United Kingdom.

10.2 No impact on the United Kingdom public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

The legislation does not apply to small business.

**12. Monitoring & review**

The operation of the legislation will be constantly monitored and kept under review by the Foreign and Commonwealth Office.

**13. Contact**

Susan Dickson at the Foreign and Commonwealth Office, Tel: 020 7008 3317 or email: [susan.dickson@fco.gov.uk](mailto:susan.dickson@fco.gov.uk), can answer any queries regarding the instrument.