

(St. R. & O. Revised to December 31, 1903.)

## FALKLAND ISLANDS.

LETTERS PATENT, DATED FEBRUARY 25, 1892, PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, CONSTITUTING THE OFFICE OF GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY OF THE FALKLAND ISLANDS, AND PROVIDING FOR THE GOVERNMENT THEREOF.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these presents shall come, greeting.

Whereas, by certain letters patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-third day of June, 1843, We did make provision for the government of Our settlements in the Falkland Islands and their dependencies:

Preamble,

Recites letters patent of 23rd June, 1843,

And whereas by certain other letters patent under the said Great Seal, bearing date at Westminster the twenty-eighth day of April, 1876, We did constitute the office of governor and commander-in-chief of Our said settlements in the Falkland Islands and their dependencies, and did make further provision for the government of Our said settlements:

and 28th April, 1876.

And whereas We are minded to make further provision for the government of Our said settlements in the Falkland Islands and their dependencies:

Now know ye that We do by these presents revoke and determine Our said letters patent of the twenty-third day of June, 1843, and the twenty-eighth day of April, 1876, but without prejudice to anything lawfully done thereunder; and We do by these Our letters patent declare Our will and pleasure as follows:—

Revokes letters patent of 23rd June, 1843, and 28th April, 1876,

I. Our said settlements in the Falkland Islands and their dependencies shall, until We shall otherwise provide, be called the Colony of the Falkland Islands, and there shall be a governor and commander-in-chief in and over the said Colony of the Falkland Islands (herein-after called the colony), and appointments to the said office shall be made by commission under Our sign manual and signet.

Colony.

Office of governor constituted.

II. Our said governor and commander-in-chief (herein-after called the governor) shall do and execute all things that belong to his said office, according to the tenour of these Our letters patent and of such commission as may be issued to him under Our sign manual and signet and according to such instructions as may from time to time be given to him under Our sign

Governor's powers and authorities.

manual and signet or by Our Order in Our Privy Council or by Us through one of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in the colony.

Publication  
of governor's  
commission.

Oaths to be  
taken by  
governor.

Imperial Act,  
31 & 32 Vict.  
c. 72.

Public seal.

Executive  
council.

Legislative  
council.

Powers of  
legislative  
council.

Recifes Act,  
50 & 51 Vict.  
c. 54.

III. Every person appointed to fill the office of governor shall, with all due solemnity, before entering on any of the duties of his office, cause the commission appointing him to be governor to be read and published in the presence of the chief officers and other the principal inhabitants of Our said colony, which being done, he shall then and there take before them the oath of allegiance in the form provided by an Act passed in the session holden in the thirty-first and thirty-second years of Our reign, intituled, "An Act to amend the Law relating to Promissory Oaths"<sup>2</sup>; and likewise the usual oath for the due execution of the office of governor, and for the due and impartial administration of justice, which oaths the judge for the time being of Our said colony, or in default of any judge the senior magistrate present, not being the governor, shall and he is hereby required to administer.

IV. The governor shall keep and use the public seal of the colony for sealing all things whatsoever that shall pass the said seal.

V. There shall be an executive council in and for the colony, and the said council shall consist of such persons as We shall direct by any instructions under Our sign manual and signet, and all such persons shall hold their places in the said council during Our pleasure.

VI. There shall be a legislative council in and for the colony, and the said council shall consist of the governor and such persons, not being less than two at any time, as We shall direct by any instructions under Our sign manual and signet, and all such persons shall hold their places in the said council during Our pleasure.

VII. In pursuance of the powers vested in Us by an Act of Parliament, passed in the session holden in the fiftieth and fifty-first years of Our reign, intituled "An Act to enable Her Majesty to provide for the Government of Her Possessions acquired by settlement,"<sup>3</sup> We do hereby delegate to the persons who shall from time to time compose the said legislative council full power and authority, subject always to any conditions, provisoes, and limitations prescribed by any instructions under Our sign manual and signet, to establish such ordinances, not being repugnant to the law of England, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts and for the administration of justice, as may be necessary for the peace, order, and good government of the colony.<sup>4</sup>

<sup>2</sup> The Promissory Oaths Act, 1868.  
<sup>3</sup> The British Settlements Act, 1887.

VIII. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and their undoubted right, to disallow any such ordinances, and to signify such disallowance through one of Our Principal Secretaries of State. Every such disallowance shall take effect from the time when the same shall be promulgated by the governor in the colony.

Disallowance  
of ordinances.

We do also reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with the advice of Our or their Privy Council, from time to time to make all such laws or ordinances as may appear to Us or them necessary for the peace, order, and good government of the colony.

Powers of  
legislation,  
&c., reserved  
to the Crown.

IX. In the making of any ordinances the governor and the legislative council shall conform to and observe all rules, regulations, and directions in that behalf contained in any instructions under Our sign manual and signet.

Governor and  
legislative  
council to  
observe  
instructions.

X. The governor, in Our name and on Our behalf, may make and execute, under the public seal, grants and dispositions of any lands within the colony which may be lawfully granted or disposed of by Us: Provided that every such grant or disposition be made in conformity, either with some law in force in the colony, or with some instructions addressed to the governor under Our sign manual and signet, or through one of Our Principal Secretaries of State, or with some regulation in force in the colony.

Governor  
empowered to  
make grants  
of lands.

XI. The governor may constitute and appoint all such judges, commissioners, justices of the peace, and other necessary officers and ministers as may be lawfully constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

and to ap-  
point Judges  
and other  
officers.

XII. The governor may, upon sufficient cause to him appearing, suspend from the exercise of his office any person holding any office within the colony, whether appointed by virtue of any commission or warrant from Us or in Our name, or by any other mode of appointment. Every such suspension shall continue and have effect only until Our pleasure therein shall be signified to the governor. In proceeding to any such suspension, the governor is strictly to observe the directions in that behalf given to him by any instructions as aforesaid.

Suspension of  
officers.

XIII. When any crime has been committed within the colony, or for which the offender may be tried therein, the governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted in any Court, or before any Judge or other magistrate within the colony, a pardon either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the

Grant of  
pardon.

Remission of  
fines.

execution of such sentence for such period as the governor thinks fit; and may remit any fines, penalties, or forfeitures due or accrued to Us.

Proviso.  
Banishment  
prohibited.  
Exception.  
Political  
offences.

Provided always, that the governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself or be removed from the colony.

Succession to  
government.  
Lieutenant  
governor.

Administra-  
tor.

Senior mem-  
ber of execu-  
tive council.

Proviso.  
Oaths of  
office.

Powers and  
authorities of  
administra-  
tor.

XIV. Whenever the office of governor is vacant, or if the governor became incapable or be absent from the colony, Our lieutenant governor of the colony, or if there be no such officer therein, then such person or persons as We may appoint under Our sign manual and signet, and in default of any such appointment the senior member for the time being of the executive council of the colony, shall, during Our pleasure, administer the government of the colony, first taking the oaths herein-before directed to be taken by the governor and in the manner herein prescribed; which being done, We do hereby authorise, empower, and command Our lieutenant governor or any other such administrator as aforesaid to do and execute during Our pleasure all things that belong to the office of governor and commander-in-chief, according to the tenour of these Our letters patent, and according to Our instructions as aforesaid, and the laws of the colony.

Officers and  
others to be  
obedient, &c.

XV. And We do hereby require and command all Our officers and ministers, civil and military, and all other the inhabitants of the colony, to be obedient, aiding, and assisting unto the governor, and to such person or persons as may from time to time under the provisions of these Our letters patent administer the government of the colony.

Term "the  
governor"  
explained.

XVI. In the construction of these Our letters patent, the term "the governor," unless inconsistent with the context, shall include every person for the time being administering the government of the colony.

Power re-  
served to Her  
Majesty to  
revoke, alter,  
or amend  
present  
letters patent.

XVII. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our letters patent as to Us or them shall seem fit.

Proclamation  
of letters  
patent.

XVIII. And We do direct and enjoin that these Our letters patent shall be read and proclaimed at such place or places within the colony as the governor may think fit.

In witness whereof We have caused these Our letters to be made patent. Witness Ourselves at Westminster, the twenty-fifth day of February, in the fifty-fifth year of Our reign.

By warrant under the Queen's sign manual.


*Muir Mackenzie.*



UK25021892

25 February 1892

Letters Patent constituting the office of governor of the Colony of the Falkland Islands and providing for the Government thereof.

SOURCE: UK, SR &  Rev. 1904, vol IV, "Falkland Islands," pp. 1-4;  
UK, BFSP, vol. 84, p. 262.

- (c) notwithstanding the provisions of subparagraph (a) of this paragraph, when the prevailing price is below 11 cents per pound, quotas in effect of individual exporting Members listed in Annex I shall be limited to their minimum export entitlements as provided in article 41.

4. The Council shall have discretion to suspend quotas and other limitations on exports under any of the provisions of this Agreement, whenever the prevailing price is between 14 and 15 cents per pound, but all such restrictions shall be suspended immediately the prevailing price rises above 15 cents per pound. Conversely, whenever the prevailing price is below 15 cents per pound, the Council shall have discretion regarding the price level at which quotas and other limitations on exports shall be established or re-established, provided that all such restrictions shall be introduced if the prevailing price falls below 14 cents per pound.

5. Notwithstanding the provisions of paragraphs 2 and 3 of this article, no adjustment in the level of the global quota for a given quota year shall be made within the last 45 days of that quota year.

6. The Executive Director shall notify all exporting Members listed in Annex I of their quotas in effect and of any changes thereto under this chapter.

NOTES.

With the passing of the Letters Patent of 1908 ~~specific~~ expressly including Antarctic Territories within the Falkland (Malvinas) Islands Dependencies the present <sup>Letters Patent</sup> ~~order in Council~~ ~~formed the~~ ~~legislative~~ ~~basis~~ formed the constitutional basis under which those Territories were governed. For the scheme adopted in applying laws to the ~~ordinance~~ to the Dependencies see d. UK 1908.

The present Letters Patent were amended in 1914 to provide the appointment of <sup>for the</sup> a deputy to the Governor (UK, SR & O 1914, vol. III, p. 366) and were replaced by Letters Patent of ~~1444~~ 1948 (d. UK 13121948) ~~after the~~ in conjunction with the removal <sup>of</sup> the competence of the Legislative Council with respect to laws of the Dependencies.

# Footnotes

1. ICJ Pleadings, Antarctica cases, pp. 41-45; UK, Patent roll,  
7 Vict. part I, C66/4690.
2. Not reproduced.



13 The Promissory Oaths Act, 1868 (31 & 32 Vict. c. 72).

~~14~~ 4 The British Settlements Act, 1887 (50 & 51 Vict. c. 54).

15 As regards courts established for the Falkland (Malvinas) Islands and Dependencies see d. UK13121948A and, subsequently, in respect of the British Antarctic Territory, d. UK2602M62.