

exercised by him over the Dependencies in virtue of certain Letters Patent bearing date at Westminster the Twenty-first day of July 1908.

3. 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 meet.

4. The Governor shall cause these Our Letters Patent to be published in the Government Gazette of Our Colony of the Falkland Islands and the same shall thereupon come into force.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the Twenty-eighth day of March in the Seventh Year of Our Reign.

By Warrant under the King's Sign Manual.

SCHUSTER.

INSTRUCTIONS

passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of the Falkland Islands and Dependencies thereof.

Dated 13th December, 1948.

GEORGE R.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of the Falkland Islands and the Dependencies thereof or other Officer for the time being Administering the Government of Our said Colony and Dependencies.

WHEREAS by the Falkland Islands Letters Patent, 1948 (hereinafter called "the Letters Patent"), We have ordered and declared that there shall be a Governor and Commander-in-Chief (hereinafter called "the Governor") in and over Our Colony of the Falkland Islands and the Dependencies thereof (hereinafter respectively called "the Colony" and "the Dependencies") :

AND WHEREAS certain Instructions and Additional Instructions under the Royal Sign Manual and Signet (hereinafter called "the existing Instructions") were issued to the Governor on the following dates, that is to say : on the twenty-eighth day of February, 1920, and the first day of February, 1941 :

AND WHEREAS We are minded to issue fresh Instructions under Our Sign Manual and Signet for the guidance of the Governor and any other Officer who may administer the Government of the Colony and the Dependencies :

NOW, THEREFORE, as from a date to be appointed by the Governor by Proclamation published in the Gazette, We do hereby revoke the existing Instructions, but without prejudice to any appointment lawfully made or any other thing lawfully done thereunder, and instead thereof We do hereby direct and enjoin and declare Our Will and pleasure as follows :—

Governor to
administer
Oaths.

1. The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance in the form prescribed by the Letters Patent together with such oath or oaths as may from time to time be prescribed by any law in force in the Colony, in the form prescribed by any such law. The Governor is to administer such oaths or cause them to be administered by some public officer of the Colony.

Instructions
to be observed
by Deputy.

2. (1) Whenever there is a subsisting appointment of a Deputy to the Governor under the Letters Patent, these Instructions, so far as they apply to any matter or thing to be done, or any powers or functions to be exercised or performed, by such Deputy, shall be deemed to be addressed to, and shall be observed by, such Deputy.

(2) Any such Deputy may, if he thinks fit, apply to Us through a Secretary of State for instructions in any matter ; but he shall forthwith transmit to the Governor a copy of every despatch or other communication so addressed to Us.

Constitution
Executive
Council.

3. The Executive Council shall consist of—

(1) The persons for the time being lawfully discharging the functions of Colonial Secretary, of Senior

Medical Officer, and of Agricultural Officer, who shall be styled *ex-officio* Members; and

- (2) such other persons, as may from time to time be appointed by Us by any Instructions or Warrants under Our Sign Manual and Signet, or as the Governor, in pursuance of Instructions from Us, through a Secretary of State, may from time to time appoint by Instrument under the Public Seal (hereinafter called "Appointed Members") or as may be appointed temporary Members by the Governor in manner hereinafter appearing.

4. (1) An Appointed Member of the Executive Council shall vacate his seat at the end of three years from the date of the Instrument by which he is appointed, or at such earlier date as may be provided in that Instrument, or before either such date if—

Tenure of office.

- (a) being a person holding an office of emolument under the Crown in the Colony at the date of his appointment to the Executive Council (hereinafter called "an Official Appointed Member"), he shall cease so to hold office; or
- (b) being a person not holding an office of emolument under the Crown in the Colony at the date of his appointment to the Executive Council (hereinafter called "an Unofficial Appointed Member"), he shall be appointed permanently to any office of emolument under the Crown in the Colony; or
- (c) without the permission of the Governor, he shall be absent from the Colony; or
- (d) by writing under his hand addressed to the Governor he shall resign his seat in the Executive Council, and, in the case of an Official Appointed Member, his resignation shall be accepted by the Governor.

(2) If any person is appointed to be a temporary Member of the Executive Council and his temporary appointment is immediately followed by his definitive appointment as an Appointed Member, the said period of three years shall be reckoned from the date of the Instrument by which he is appointed a temporary Member.

(3) Any person vacating a seat as an Appointed Member may be again appointed from time to time.

(4) If an Unofficial Appointed Member shall be appointed temporarily to any office of emolument under the Crown in the Colony or to act in any such office, he shall not sit as a Member or take part in the proceedings of the Executive Council by virtue of his appointment as an Unofficial Appointed Member so long as he continues to hold or act in that office.

(5) The Governor may, by Instrument under the Public Seal, declare any Appointed Member to be incapable of discharging his functions as a Member of the Executive Council, and thereupon such Member shall not sit or take part in the proceedings of the Executive Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(6) The Governor may, by Instrument under the Public Seal, suspend any Appointed Member of the Executive Council from the exercise of his functions as such, and thereupon such Member shall not sit in or take part in the proceedings of the Executive Council so long as his suspension remains in force. Every such suspension shall forthwith be reported by the Governor to Us through a Secretary of State, and shall remain in force until it shall be removed by the Governor by Instrument under the Public Seal or by Us through a Secretary of State, or the person suspended ceases to be a Member of the Executive Council.

Temporary appointments.

5. (1) Whenever there shall be a vacancy in the number of persons sitting in the Executive Council by reason of the fact that—

- (a) an *ex-officio* Member is administering the Government; or
- (b) one person is lawfully discharging the functions of more than one of the offices set out in paragraph (1) of Clause 3 of these Instructions; or
- (c) an Appointed Member is lawfully discharging the functions of any such office; or
- (d) no person is lawfully discharging the functions of one of these offices; or

- (e) the seat of an Appointed Member is vacant from any cause ; or
- (f) an Appointed Member is unable to sit in the Executive Council in consequence of a declaration by the Governor, as provided in these Instructions, that he is incapable of discharging his functions as a Member ; or
- (g) an Appointed Member is unable to sit in the Executive Council in consequence of his suspension as provided in these Instructions ; or
- (h) a Member is absent from the Colony ; or
- (i) an Unofficial Appointed Member has been appointed temporarily to an office of emolument under the Crown in the Colony, or to act in any such office ;

the Governor may, by Instrument under the Public Seal, appoint a person to be a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of *ex-officio* Members, the person so appointed shall be a person holding an office of emolument under the Crown in the Colony.

(3) Every person so appointed shall, so long as his appointment shall subsist, be to all intents and purposes an Appointed Member ; and, subject to the provisions of this clause, the provisions of Clause 4 of these Instructions shall apply accordingly.

(4) The Governor shall forthwith report any such temporary appointment to Us through a Secretary of State. Any such temporary appointment may (without prejudice to anything done by virtue thereof) be disallowed by Us through a Secretary of State or revoked by the Governor by Instrument under the Public Seal.

(5) A temporary appointment shall cease to have effect on notification by the Governor to the person appointed of disallowance by Us or of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

6. Whenever the Governor desires to obtain the advice of any person in the Colony or the Dependencies touching Our

Extraordinary
Members.

affairs therein, he may summon, in writing, for such special occasion, any such person as an Extraordinary Member of the Executive Council.

Precedence.

7. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and in default thereof :

First, the *ex-officio* Members, in the order in which their offices are referred to in paragraph (1) of Clause 3 of these Instructions ;

Secondly, the Appointed Members, according to the date of the Instruments by which they were respectively appointed, or, if appointed on the same day, in such order as the Governor may assign ; and

Thirdly, the Extraordinary Members, according to the date of the Instruments by which they were respectively appointed, or, if appointed on the same day, in such order as the Governor may assign.

Summoning
and
Quorum.

8. (1) The Executive Council shall not be summoned except by the authority of the Governor.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than two Members present besides the Governor or Member presiding.

Governor
to attend
and preside.

9. The Governor shall, so far as it is practicable, attend and preside at all meetings of the Executive Council and in his absence such Member as the Governor may appoint or, in the absence of such Member or if no Member be so appointed, the Senior Member of the Executive Council actually present shall preside.

Governor
to consult
Executive
Council.

10. In the exercise of his powers and the performance of his duties the Governor shall consult with the Executive Council, except in cases—

- (a) which are of such nature that, in his judgment, Our service would sustain material prejudice by consulting the Executive Council thereon ; or
- (b) in which the matters to be decided are, in his judgment, too unimportant to require their advice ; or

- (c) in which the matters to be decided are, in his judgment, too urgent to admit of their advice being given by the time within which it may be necessary for him to act.

In every case falling within paragraph (c) of this clause, the Governor shall as soon as practicable communicate to the Executive Council the measures which he shall have adopted, with the reasons therefor.

11. The Governor shall alone be entitled to submit questions to the Executive Council; but if the Governor shall decline to submit any question to the Executive Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the Governor thereto.

Governor to propose questions.

12. (1) The Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case consider it right so to do; but in any such case he shall report the matter to Us, through a Secretary of State, at the first convenient opportunity, with the reasons for his action.

Governor may act in opposition to Executive Council.

(2) Whenever the Governor shall so act against the advice of the Executive Council it shall be competent to any Member to require that there be recorded upon the Minutes any advice or opinion he may give upon the question with the reasons therefor.

13. (1) Minutes shall be kept of all the proceedings of the Executive Council and at every meeting of the Council the Minutes of the last preceding Meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

Minutes.

(2) Twice in each year a full transcript of all Minutes of the Executive Council for the preceding half year shall be transmitted to Us through a Secretary of State.

14. The Governor shall forthwith communicate to the Executive Council these Our Instructions and all such others as he shall, from time to time, find convenient for Our service to impart to the Executive Council.

Governor to communicate Instructions to the Executive Council.

Rules for
the enactment
of laws

15. In the making of laws the Governor and the Legislative Council shall observe, as far as practicable, the following rules :—

- (1) All laws shall be styled "Ordinances" and, save as otherwise provided by any Order in Our Privy Council, the words of enactment shall be "Enacted by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof" :

Provided that in the case of any Ordinance made by the Governor for the Dependencies the words of enactment shall be "Enacted by the Governor of the Falkland Islands and the Dependencies thereof".

- (2) All Ordinances shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents.
- (3) The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one.

Ordinances passed by the Legislative Council and assented to by the Governor shall be dated as of the day on which assent of the Governor is given, but, whatever that day may be, shall be numbered as of the year in which they are passed.

Ordinances made by the Governor for the Dependencies shall be collected and published in a separate series.

Ordinances reserved by the Governor for the signification of Our pleasure and assented to by Us shall be dated as of the day and numbered as of the year on and in which they became law.

- (4) Matters having no proper relation to each other shall not be provided for by the same Ordinance ; no Ordinance shall contain anything foreign to what the title of the Ordinance imports ; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

16. The Governor shall not, without having previously obtained instructions through a Secretary of State, enact any Ordinance or assent to any Bill within any of the following classes, unless such Ordinance or Bill contain a clause suspending the operation thereof until the signification of Our pleasure thereon, that is to say—

Certain Bills
not to be
assented to
without
Instructions.

- (1) any Ordinance or Bill for the divorce of married persons ;
- (2) any Ordinance or Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself ;
- (3) any Ordinance or Bill affecting the currency of the Colony or the Dependencies or relating to the issue of Bank Notes ;
- (4) any Ordinance or Bill establishing any banking association or altering the constitution, rights or duties of any banking association ;
- (5) any Ordinance or Bill imposing differential duties ;
- (6) any Ordinance or Bill the provisions of which shall appear to him to be inconsistent with obligations imposed upon Us by Treaty ;
- (7) any Ordinance or Bill interfering with the discipline or control of Our forces by land, sea or air ;
- (8) any Ordinance or Bill of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in the Colony or the Dependencies, or the trade, transport or communications of any part of Our dominions or any territory under Our protection or any territory in which We may for the time being have jurisdiction may be prejudiced ;
- (9) any Ordinance or Bill whereby persons of any community or religion may either—
 - (a) be subjected or made liable to disabilities or restrictions to which persons of other communities or religions are not made liable : or

- (b) become entitled to any privilege or advantage which is not conferred on persons of other communities or religions ;
- (10) any Ordinance or Bill containing provisions to which Our assent has once been refused or which have been disallowed by Us ;

Provided that, if the Governor shall have satisfied himself that urgent necessity requires that any such Ordinance or Bill (other than one appearing to him to be inconsistent with obligations imposed upon Us by Treaty) be brought into immediate operation, he may enact such Ordinance or assent to such Bill, as the case may be, but he shall, at the earliest opportunity, transmit the Ordinance to Us together with his reasons for so assenting.

Private Bills.

17. (1) Every Bill (not being a Government measure) intended to affect or benefit some particular person, association, or corporate body, shall contain a clause saving the rights of Us, Our Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from or under them.

(2) No such Bill shall be introduced into the Legislative Council until due notice has been given by not less than three successive publications of the Bill in the Gazette ; and the Governor shall not assent thereto in Our name unless it has been so published. A certificate under the hand of the Governor signifying that such publication has been made shall be transmitted to Us with the Bill or Ordinance.

Ordinances to be sent through Secretary of State.

18. When any Ordinance shall have been enacted, the Governor shall forthwith transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the Ordinance, duly authenticated under the Public Seal and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance.

Ordinances to be published.

19. As soon as practicable after the commencement of each year, the Governor shall cause a complete collection of all Ordinances enacted during the preceding year to be published for general information.

20. (1) Before disposing of any lands to Us belonging in the Colony or the Dependencies, the Governor shall cause such reservations to be made thereout as he may think necessary for any public purpose.

Disposition
of Crown
Lands.

(2) The Governor shall not, directly or indirectly, purchase for himself any land or building in the Colony or the Dependencies to Us belonging without Our special permission given through a Secretary of State.

21. Every appointment by the Governor of any person to any office or employment shall, unless otherwise provided by law, be expressed to be during pleasure only.

Appointments
to be during
pleasure.

22. (1) Whenever any offender shall have been condemned by the sentence of any court in the Colony or the Dependencies to suffer death, the Governor shall cause a written report of the case of such offender to be taken into consideration at a meeting of the Executive Council.

Regulation
of power of
pardon in
capital cases.

(2) The Governor shall not pardon or relieve any such offender unless it shall appear expedient to him so to do upon receiving the advice of the Executive Council thereon ; but he is to decide either to extend or withhold a pardon or relieve, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise. Whenever he shall decide any such question in opposition to the judgment of the majority of the Members thereof, he shall enter his reasons at length in the Minutes of the Executive Council.

23. The Governor shall forward to Us each year, through a Secretary of State, the annual book of returns commonly called the Blue Book, relating to Revenue and Expenditure, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said Blue Book more particularly specified with reference to the state and condition of the Colony and the Dependencies.

Blue Book.

24. Except in circumstances in which he is not regarded as absent from the Colony for the purposes of the Letters Patent, the Governor shall not quit the Colony without having first

Governor's
absence.

obtained leave from Us for so doing through a Secretary of State.

Interpre-
tation.

25. (1) In these Instructions, unless the context otherwise requires—

“the Executive Council” means the Executive Council established by the Falkland Islands Letters Patent, 1948;

“the Gazette” means the Falkland Islands Government Gazette;

“the Legislative Council” means the Legislative Council of the Colony established by the Falkland Islands (Legislative Council) Order in Council, 1948;

“the Public Seal” means the Public Seal of the Colony;

“Secretary of State” means one of Our Principal Secretaries of State.

(2) For the purposes of these Instructions, any reference to any public officer by the term designating his office means the officer for the time being lawfully discharging the functions of that office.

(3) For the purposes of these Instructions a person shall not be deemed to hold an office of emolument under the Crown in the Colony by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown; and if it shall be declared by any law for the time being in force in the Colony or the Dependencies that an office shall not be an office of emolument under the Crown in the Colony for all or any of the purposes of these Instructions, these Instructions shall have effect as if such law were enacted in these Instructions.

Given at Our Court at St. James's this thirteenth day of December, 1948, in the thirteenth year of Our Reign.

**THE FALKLAND ISLANDS (CONTINENTAL SHELF)
ORDER IN COUNCIL.**

[21st December, 1950.]

WHEREAS it is desirable to extend the boundaries of the Colony of the Falkland Islands so as to include the continental shelf contiguous to the coasts of the Colony: