

LETTERS PATENT

13 December 1948.

Note: Informal retyping – not the official publication

Letters Patent passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of the Colony of the Falkland Islands, and making provision for the Government thereof.

Dated 13th December, 1948.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, To all to whom these Presents shall come, Greeting.

Whereas by Letters Patent under the Great Seal dated the 25th day of February, 1892 (as amended by like Letters Patent dated the 19th day of September, 1914) (hereinafter together called "The Letters Patent of 1892 and 1914") the Office of Governor and Commander-in-Chief in and over Our Colony of the Falkland Islands and its Dependencies is constituted, and provision is made for the Government thereof :

And Whereas by further Letters Patent under the Great Seal dated the 21st day of July. 1908, it was declared that the groups of islands known as South Georgia, the South Orkneys, the South Shetlands and the Sandwich Islands and the Territory known as Graham's Land (as therein defined) should become Dependencies of Our said Colony, and that the Governor and Commander-in-Chief of Our said Colony, should be the Governor and Commander-in-Chief of such Dependencies, with all such powers of government and legislation in respect thereof as are from time to time vested in him in respect of Our said Colony :

And Whereas by like Letters Patent dated the 28th day of March, 1917 (hereinafter called "The Letters Patent of 1917") it was declared that the Dependencies of Our said Colony should be deemed to include all such islands and territories as were therein defined :

And Whereas We are minded to make other provision for the. matters aforesaid :

Now know Ye that We, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945, and otherwise in Us vested, do declare Our will and pleasure as follows :-

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| 1 | <p>(1) In these Letters Patent, unless the context otherwise requires: “the appointed day” means the day appointed under Article 2 of these Letters Patent:
 “the Colony” means Our Colony of the Falkland Islands;
 “the Dependencies” mean the Dependencies of Our Colony of the Falkland Islands as defined in the Letters Patent of 1917;
 “the Executive Council” means the Executive Council constituted by these Letters Patent;
 “the Gazette” means the Falkland Islands Government Gazette;
 “the Governor” means The Governor and Commander-in-Chief of the Colony and the Dependencies, and includes the Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;
 “the Public Seal” means the Public Seal of the Colony;
 “Secretary of State” means one of Our Principal Secretaries of State.</p> <p>(2) Save as is in these Letters Patent otherwise provided or required by the context, the Interpretation Act 1889 shall apply for the interpretation of these Letters Patent as it applies to the interpretation of an Act of Parliament.</p> | Interpretation |
| 2 | <p>These Letters Patent may be cited as the Falkland Islands Letters Patent 1948 and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.</p> | 52 & 53 Vict c63 |
| 3 | <p>The Letters Patent of 1892 and 1914 are hereby revoked, but without prejudice to any appointment lawfully made or to any other thing lawfully done thereunder.</p> | Short title and commencement |
| 4 | <p>There shall be a Governor and Commander in Chief in and over the Colony and the Dependencies and appointments to the said Office shall be made by Commission under Our Sign Manual and Signets</p> | Revocation of Letters Patent of 1892 and 1914 |
| 5 | <p>We do hereby authorise, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through our Secretary of State and such Orders in Our Privy Council and other laws as may from time to time be in force.</p> | Office of the Governor and Commander in Chief constituted |
| 6 | <p>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</p> | Governor’s Authority |
| | | Publication of Governor’s Commission |

Commission appointing him to be Governor to be read and published in the presence of such members of the Executive Council as shall be in attendance, which being done, he shall then and there take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Schedule to these Letters Patent, which Oaths the senior Member of the Executive Council these presents is hereby required to administer.

and taking
Oaths

- 7 (1) Whenever the Office of Governor is vacant or the Governor is absent from the Colony or is from any cause prevented from or incapable of acting in the duties of his Office then such other person as We may appoint under Our Sign Manual and Signet, or if there is no such person in the Colony so appointed and capable of discharging the duties of the administration, the Senior Member of the Executive Council then in the Colony and so capable shall, during Our pleasure, administer the Government of the Colony.
- (2) Before assuming the administration of the Government any such person shall in the form and manner prescribed in Article 6 of these Letters Patent, take the Oaths therein directed to be taken by the Governor; which being done, We do hereby authorise, empower and command such person, subject if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, during Our pleasure, to do all things that belong to the Office of Governor as provided in these Letters Patent.
- (3) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume the administration.
- (4) The Governor or any other person as aforesaid shall not be regarded as absent from the Colony or prevented from, or incapable of, acting in the duties of his Office for the purposes of this Article during his passage either from one part of the Colony to another, or from the Colony to the Dependencies, or when there is a subsisting appointment of a Deputy under the next succeeding Article of these Letters Patent.

Succession to
Government

- 8 (1) Whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Colony to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument.
- (2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.
- (3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State, and, in case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to the Colony, as the case may be.
- 9 (1) There shall be an Executive Council in and for the Colony and for the Dependencies, and the said Council shall consist of such persons, appointed in such manner as We shall direct by Instructions under Our Sign Manual and Signet.
- (2) The Members of the Executive Council shall hold their places in the Council during Our pleasure and, subject thereto, for such period and upon such conditions as may be specified in such Instructions as aforesaid.
- Appointment of Deputy to Governor.
- Executive Council

(3) The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof; and any proceedings therein shall be valid notwithstanding that some person attended the Council or took part in the proceedings thereof who was not entitled to do so.

10 (4) Subject to the provisions of these Letters Patent, it shall be lawful for the Governor to make laws for the peace, order and good government of the Dependencies.

Governor's power to make laws for the Dependencies.

(5) Every such law shall come into operation on the date on which it is enacted, or, if it shall be provided, either in the law or in some other enactment, that it shall come into operation on some other date, on that date.

11 Subject to the provisions of these Letters Patent the Governor shall, in the making of laws for the Dependencies, conform as nearly as may be to the directions contained in any Instructions under Our Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Royal Instructions

12 (1) Any law made by the Governor under the provisions of Article 11 of these Letters Patent may be disallowed by Us through a Secretary of State.

Disallowance of Laws

(2) Whenever any law has been disallowed by Us, the Governor shall cause notice of disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid ; and thereupon any enactment repealed or amended by, or in pursuance of the law so disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

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| 13 | The Governor may constitute and appoint in Our name and on Our behalf all Judges and other Officers as may lawfully be constituted or appointed by Us, all of whom unless otherwise provided by law, shall hold their offices during our pleasure. | Appointment of Officers |
| 14 | Subject to the provisions of any law for the time being in force and to such Instructions as may from time to time be given to him by Us through a Secretary of State, the Governor may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any public office in the Colony or the Dependencies or take such other disciplinary action as may seem to him desirable. | Discipline |
| 15 | When any offence has been committed for which the offender may be tried in the Colony or the Dependencies, the Governor may, as he shall see fit in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such principal offenders if more than one; and may grant to any offender convicted of any such offence in any Court within the Colony or the Dependencies a pardon either free or subject to lawful conditions. or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise due to Us. | Grant of Pardon |
| 16 | Subject to any law for the time being in force and to any instructions given to him by Us under Our Sign Manual and Signet or through a Secretary of State, the Governor may. In Our name and on Our behalf make and execute under the Public Seal, grants and dispositions of any lands or other immovable property within the Colony or the Dependencies which may be lawfully granted or disposed of by Us. | Disposal of Lands |
| 17 | The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal. | Public Seal |
| 18 | We do hereby require and command ail Our Officers, Civil and Military and all the other inhabitants of the Colony and the Dependencies to be obedient aiding and assisting unto the Governor. | Officers and others to obey the Governor |
| 19 | We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to or amend these Letters Patent as to Us or Them shall seem fit. | Reservation of power to amend or revoke Letters Patent |

In Witness whereof We have caused these Our Letters co be made
Patent, Witness Oursel at Westminster this Thirteenth day of
December. in the 13th year of Our reign,
By Warrant under the King's Sign Manual

NAPIER