

2010 No. 244
PITCAIRN ISLANDS

The Pitcairn Constitution Order 2010

Made — — — — 10th February 2010
Laid before Parliament 17th February 2010
Coming into force in accordance with section 1(2)

At the Court at Buckingham Palace, the 10th day of
February 2010

Present,
The Queen’s Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by the British Settlements Acts 1887(a) and 1945(b), section 1 of the Judicial Committee Act 1844(c) and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

1.—(1) This Order may be cited as the Pitcairn Constitution Order 2010. Citation and commencement

(2) This Order shall come into force on the appointed day.

2. In this Order— Interpretation
“the appointed day” means such day as may be prescribed by the Governor by proclamation published in such manner as the Governor thinks fit;
“the Constitution” means the Constitution set out in Schedule 2;
“the Governor” means the Governor of Pitcairn and includes any person for the time being lawfully performing the functions of the office of Governor of Pitcairn;
“Pitcairn” means Pitcairn, Henderson, Ducie and Oeno Islands.

3. The instruments listed in Schedule 1 are revoked with effect from the appointed day. Revocations

4. The Constitution shall have effect in Pitcairn from the appointed day. Establishment of Constitution

5.—(1) The existing laws shall have effect on and after the appointed day as if they had been made in pursuance of the Existing laws

(a) 1887 c.54. (b) 1945 c.7. (c) 1844 c.69.

Constitution and, so far as possible, shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution

(2) In subsection (1), “existing laws” means laws and instruments (other than Acts of Parliament of the United Kingdom and instruments made under them) having effect as part of the law of Pitcairn immediately before the appointed day.

Existing offices and officers

6.—(1) Except for the office of Legal Adviser, any office established by or under the Pitcairn Order 1970(d) and existing immediately before the appointed day shall on and after that day, so far as consistent with the Constitution, continue as if it had been established by or under the Constitution.

(2) Any person who immediately before the appointed day holds or is acting in an office referred to in subsection (1) shall, on and after that day, continue to hold or act in that office or the corresponding office established by the Constitution as if he or she had been appointed to hold or act in it in accordance with or under the Constitution; but any person who under the law in force immediately before the appointed day would have been required to vacate his or her office at the expiration of any period shall vacate that office at the expiration of that period.

(3) Any person to whom subsection (2) applies who, before the appointed day, has made any oath or affirmation required to be made before assuming the functions of his or her office shall be deemed to have made any like oath or affirmation so required by the Constitution or any other law.

(4) The person who holds the office of Legal Adviser immediately before the appointed day shall, on and after that day, hold the office of Attorney General in accordance with the Constitution.

Island Council

7. Any person who immediately before the appointed day is a member of the Island Council for Pitcairn in accordance with a law in force in Pitcairn shall on that day become a member of the Island Council established by the Constitution, shall be deemed to have taken any oath or affirmation required by law, and shall hold his or her seat in accordance with any such law.

Pending legal proceedings

8.—(1) Any proceedings pending immediately before the appointed day in any court having jurisdiction in or in

(d) S.I. 1970/1434, amended by S.I. 2000/1340 and 2002/2638.

relation to Pitcairn may be continued on and after that day in the same court or in the equivalent court established by the Constitution.

(2) Any judgment or order of any court having jurisdiction in or in relation to Pitcairn given or made before the appointed day, in so far as it has not been fully executed or enforced, may be executed or enforced on and after that day as a judgment or order of the same court or as if it were a judgment or order of the equivalent court established by the Constitution.

9. Article 2 of the Pitcairn (Appeals to Privy Council) Order 2000(e) is amended by substituting for the definition of “Court” the following—

Appeals to Her Majesty in Council

“Court” means the Pitcairn Court of Appeal established by the Constitution set out in Schedule 2 to the Pitcairn Constitution Order 2010.

10. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of Pitcairn including, without prejudice to the generality of the foregoing, laws amending or revoking this Order or Schedule 2.

Power reserved to Her Majesty

Judith Simpson
Clerk of the Privy Council

SCHEDULE 1 REVOCATIONS

The Pitcairn Order 1970 (S.I. 1970/1434)

The Pitcairn (Amendment) Order 2000 (S.I. 2000/1340)

The Pitcairn (Amendment) Order 2002 (S.I. 2002/2638)

The Pitcairn Court of Appeal Order 2000 (S.I. 2000/1341)

The Pitcairn Court of Appeal (Amendment) Order 2004 (S.I. 2004/2669)

The Instructions issued under the Royal Sign Manual and Signet to the Governor of Pitcairn on 30th September 1970

SCHEDULE 2

The Constitution of Pitcairn set out in Schedule 2 is set out in full on pages xxxi–lxv.

(e) S.I. 2000/1816, amended by SI 2009/224.

Proclamation appointing the day for the coming into force of the Pitcairn Constitution Order 2010

WHEREAS the Pitcairn Constitution Order 2010 (“the Order”) was made on 10 February 2010 at the Court at Buckingham Palace;

AND WHEREAS section 1(2) of the Order provides that the Order “shall come into force on the appointed day”;

AND WHEREAS section 2 of the Order provides that “the appointed day” is such day as the Governor may prescribe by proclamation published in such manner as the Governor thinks fit;

NOW THEREFORE I, George Fergusson, Governor of Pitcairn, DO HEREBY PROCLAIM that the appointed day for the coming into force of the Order shall be the fourth day of March 2010;

AND I DIRECT that a copy of this proclamation shall be published by being displayed on the public notice board at Adamstown.

PROCLAIMED at Adamstown on Pitcairn Island this fourth day of March 2010

**George Fergusson
Governor of Pitcairn**