
STATUTORY INSTRUMENTS

2011 No. 1681

**CARIBBEAN AND NORTH
ATLANTIC TERRITORIES**

The Turks and Caicos Islands Constitution Order 2011

Made - - - - 13th July 2011

Laid before Parliament 20th July 2011

Coming into force in accordance with section 1(2)

**THE TURKS AND CAICOS ISLANDS
CONSTITUTION ORDER 2011**

1. Citation and commencement
 2. Interpretation
 3. Revocations
 4. Establishment of Constitution
 5. Existing laws
 6. Existing offices and officers
 7. Chief Financial Officer
 8. General election
 9. Standing Orders
 10. Director of Public Prosecutions
 11. Pending legal proceedings
 12. Remuneration, allowances, terms and conditions of certain office-holders
 13. Functions of Governor
 14. Power reserved to Her Majesty
- Signature

SCHEDULE 1 — Revocations

The Turks and Caicos Islands Constitution Order 2006 (S.I. 2006/1913)...

SCHEDULE 2 — The Constitution of the Turks and Caicos Islands

THE CONSTITUTION
OF THE TURKS AND
CAICOS ISLANDS

The people of the Turks and Caicos Islands as a...

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Affirm their intention to: maintain the highest standards of integrity...
Now, therefore, the following provisions shall have effect as the...

PART I

1. Fundamental rights and freedoms of the individual
2. Protection of right to life
3. Protection from inhuman treatment
4. Protection from slavery and forced labour
5. Protection from arbitrary arrest or detention
6. Provisions to secure protection of law
7. Equality before the law
8. Protection of right of prisoners to humane treatment
9. Protection for private and family life and for privacy of home and other property
10. Protection of right to marry and found a family
11. Protection of freedom of conscience
12. Protection of right to education
13. Protection of freedom of expression
14. Protection of freedom of assembly and association
15. Protection of freedom of movement
16. Protection from discrimination
17. Peaceful enjoyment of property and protection from deprivation of property
18. Protection of the environment
19. Lawful administrative action
20. Provisions for periods of public emergency
21. Enforcement of fundamental rights
22. Interpretation of Part I

PART II

23. The Governor
24. Emoluments of Governor
25. Deputy Governor
26. Acting Governor
27. Temporary exercise of certain functions of Governor
28. Statement of Governance Principles
29. Exercise of Governor's functions

PART III

30. Executive authority
31. The Cabinet
32. Oaths
33. Tenure of office by Premier
34. Tenure of office by Ministers
35. Performance of functions of Ministers in certain events
36. Assignment of responsibilities to members of Cabinet
37. Governor's special responsibilities
38. Summoning of Cabinet
39. Proceedings and quorum of Cabinet
40. Attendance of other persons at Cabinet meetings
41. Attorney General

PART IV

Composition

42. Constitution of Legislature

43. The House of Assembly
44. The Speaker and Deputy Speaker
45. Elected members
46. Qualifications for elected membership
47. Appointed members
48. Qualifications for appointed membership
49. Disqualifications for elected or appointed membership
50. Declaration by candidates for election to House of Assembly
51. Tenure of seats of members of House of Assembly
52. Delay in vacation of seat to allow for an appeal
53. Determination of questions as to membership of House of Assembly
54. Penalty for unauthorised person sitting or voting
55. Qualifications of electors and entitlement to vote
56. Leader of the Opposition

Prorogation, dissolution and elections

57. Prorogation and dissolution
58. Recalling dissolved House of Assembly in case of emergency
59. General elections and filling vacant seats
60. Electoral District Boundary Commission
61. Review and alteration of electoral district boundaries

Powers and procedure

62. Power to make laws
63. Standing Orders of House of Assembly
64. Standing Committees
65. Oaths by members of House of Assembly
66. Sessions of House of Assembly
67. Presiding in House of Assembly
68. Voting
69. Validity of proceedings
70. Quorum
71. Introduction of bills, etc
72. Governor's reserved power
73. Assent to bills
74. Return of bills by Governor
75. Disallowance of laws
76. Privileges, immunities and powers of House of Assembly

PART V

The Supreme Court

77. Constitution of Supreme Court
78. Acting judges of Supreme Court
79. Oaths to be taken by judges of Supreme Court

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The Court of Appeal

- 80. Constitution of Court of Appeal
- 81. Acting judges of Court of Appeal
- 82. Oaths to be taken by judges of Court of Appeal

Judicial independence

- 83. Independence of the judiciary
- 84. Remuneration, terms and conditions of judges and magistrates
- 85. Tenure of office of judges and magistrates

Judicial Service Commission

- 86. Judicial Service Commission
- 87. Functions of Judicial Service Commission
- PART VI
- 88. Overriding duty of public officers
- 89. Public Service Commission
- 90. Appointment, discipline and removal of public officers
- 91. Particular offices
- 92. Functions of Public Service Commission
- 93. Regulations regarding Public Service Commission
- 94. Applicability of pensions law
- 95. Pensions, etc, charged on Consolidated Fund
- 96. Grant and withholding of pensions, etc
- PART VII
- 97. Establishment of institutions protecting good governance
- 98. Auditor General and National Audit Office
- 99. Complaints Commissioner
- 100. Director of Public Prosecutions
- 101. Human Rights Commission
- 102. Integrity Commission
- 103. Registration of interests
- 104. Supervisor of elections
- 105. Funding of institutions protecting good governance
- PART VIII
- 106. Definition of Crown land
- 107. Crown land principles
- 108. Grants and dispositions of Crown land
- PART IX
- 109. General principles
- 110. Taxation
- 111. Contingent liabilities
- 112. Consolidated Fund
- 113. Withdrawal from Consolidated Fund or other public funds
- 114. Appropriations Committee
- 115. Financial year estimates
- 116. Appropriation Bill
- 117. Excess expenditure

- 118. Contingencies
- 119. Power of Government to borrow or lend
- 120. Public Debt
- 121. Financial control and accounts
- 122. Public Accounts Committee
- 123. Accounting officers
- 124. Remuneration of Speaker and other members of House of Assembly
- 125. Remuneration of certain officers
- 126. Audit

PART X

- 127. Powers of pardon, etc
- 128. Constitution of offices
- 129. Freedom of information
- 130. Local government
- 131. Interpretation
- 132. Turks and Caicos Islander
- 133. References to public office
- 134. Appointments
- 135. Re-election or reappointment
- 136. Removal from office
- 137. Resignations
- 138. Oaths and affirmations
- 139. Power to amend or revoke instruments

SCHEDULE TO THE
CONSTITUTION

- 1. Oath of Allegiance I.....do swear that I will be faithful...
- 2. Oath for the due execution of the office of Governor...
- 3. Oath for the due execution of office of a member...
- 4. Judicial Oath I.....do swear that I will well and truly...
- 5. Affirmations In the forms respectively set forth, for the word...

Explanatory Note