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STATUTORY INSTRUMENTS

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**1993 No. 1248**

**The Turks and Caicos Islands  
Constitution (Amendment) Order 1993**

**Addition of new sections 34A and 34B to Constitution.**

**9.** The Constitution shall be amended by adding, immediately after section 34, the following new sections:

“Electoral District Boundary Commission

**34A.**—(1) An Electoral District Boundary Commission (in this section and in section 34B referred to as a “Commission”) shall be appointed from time to time at such time as the Governor, after consultation with the Chief Minister and the Leader of the Opposition, may determine:

Provided that—

- (a) the first Commission shall be appointed within six months of the day on which section 9 of the Turks and Caicos Islands Constitution (Amendment) Order 1993 comes into force; and
  - (b) a Commission shall be appointed not later than four years after the last Commission submitted its report under section 34B of this Constitution.
- (2) A Commission shall consist of—
- (a) a chairman, being a person who holds or has held high judicial office or high legal office, appointed by the Governor, acting in his discretion;
  - (b) a member appointed by the Governor, acting on the advice of the Chief Minister;
  - (c) a member appointed by the Governor acting on the advice of the Leader of the Opposition.
- (3) A person shall not be qualified to be appointed a member of a Commission if he is a member of the Legislative Council or a public officer other than the holder of a judicial office.
- (4) The Chairman or other member of a Commission shall vacate his office—
- (a) on the day following the submission of the report of the Commission under section 34B of this Constitution;
  - (b) if any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment as such;
  - (c) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.
- (5) A Commission may regulate its own procedure and, with the consent of the Governor acting in his discretion, may confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of its functions.

(6) A Commission may act notwithstanding any vacancy in its membership (including any vacancy not filled when appointments of members are first made) and its proceedings shall be valid notwithstanding that some person who was not entitled so to do took part therein:

Provided that any decision of a Commission shall require the concurrence of not less than two members of the Commission.

(7) In the exercise of its functions under this Constitution, a Commission shall not be subject to the direction or control of any other person or authority.

#### Review and alteration of electoral district boundaries

**34B.**—(1) The first Commission appointed after the coming into force of section 9 of the Turks and Caicos Islands Constitution (Amendment) Order 1993 shall, as soon as practicable after its appointment, submit a report to the Governor and the Legislative Council containing its recommendations for the division of the Islands into thirteen electoral districts and the boundaries of those districts.

(2) A subsequent Commission shall, as soon as practicable after its appointment, review the electoral district boundaries into which the Islands are divided and, taking into account the changes or proposed changes, if any, in the number of electoral districts, shall submit a report to the Governor and the Legislative Council containing its recommendations for any changes in the boundaries of the electoral districts.

(3) In determining its recommendations under this section, a Commission shall seek to ensure that electoral districts contain, so far as is reasonably practicable, approximately equal numbers of persons qualified to be registered as electors under section 27 of this Constitution; but a Commission may depart from this principle to such extent as it considers expedient in order to take into account—

- (a) the density of population and, in particular, the need to ensure adequate representation of sparsely populated areas;
- (b) the means of communication;
- (c) geographical features.

(4) As soon as may be after a Commission has submitted a report under this section, the Governor shall cause a bill to be introduced into the Legislative Council for giving effect, whether with or without modifications, to the recommendations contained in the report. The bill:

- (a) may contain provisions for any matters which are incidental to or consequential upon its principal provisions; and
- (b) shall include a provision for the coming into force of the measure when enacted for the determination of the electoral districts to which it relates upon the next dissolution of the Legislative Council after enactment.

(4) Where any bill introduced under this section proposes to give effect to the recommendations of a Commission with modifications, there shall be laid before the Council at the same time a statement of the reasons for the modifications.”.