

SCHEDULE

The Constitution of the Falklands Islands

CHAPTER VII

THE PUBLIC SERVICE

Power to constitute offices

82. The Governor may, in Her Majesty's name and on Her Majesty's behalf, constitute offices for the Falkland Islands.

Chief Executive

83.—(1) There shall be a Chief Executive whose office shall be a public office and who shall be appointed by the Governor, acting in agreement with the Executive Council.

(2) Under the authority of the Governor, the Chief Executive shall be the head of the public service, and in exercising that responsibility the Chief Executive shall comply with any directions given to him or her by the Governor, acting in his or her discretion.

Power to make appointments

84.—(1) Subject to subsections (2), (3) and (4), power to make appointments to any public office is vested in the Governor; but the Chief Executive shall exercise that power, and may delegate the exercise of that power to other public officers.

(2) The Governor may give directions regarding the exercise of the powers referred to in subsection (1) by the Chief Executive or by other public officers, and the Chief Executive and any other public officer shall comply with any such directions.

(3) Subject to subsection (4), the prior approval of the Governor shall be required for appointments to such public offices of or above the level of Head of Department or equivalent as the Governor may specify by directions.

(4) Power to make appointments to the offices of Attorney General, Chief of Police and Officer Commanding the Falkland Islands Defence Force is vested in, and shall be exercised by, the Governor.

(5) The powers conferred on the Governor by this section shall be exercised by the Governor in his or her discretion.

(6) This section shall not apply to the office of Chief Executive.

Discipline and removal of public officers

85.—(1) Disciplinary control of public officers, and the removal from office of any public officer, shall be in accordance with the Management Code for the time being in operation.

(2) The Governor shall be informed of any disciplinary or other management action that is likely to lead to removal from public office, demotion or significant financial penalty, or that is likely to have any adverse consequence as regards the payment of any gratuity or pension to a public officer; and a final decision resulting from any such action may be appealed to the Governor by a public officer who is the subject of the decision.

(3) In this section "Management Code" means a code for the management of the public service issued by the Governor with the approval of a Secretary of State and with the agreement of the

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Executive Council; and any amendment of the Management Code that affects the discipline or removal of public officers shall require the prior approval of a Secretary of State.

- (4) This section shall not apply to—
 - (a) any office in the police force except that of Chief of Police; or
 - (b) any office in the Falkland Islands Defence Force except that of Officer Commanding that Force.