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STATUTORY INSTRUMENTS

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**2010 No. 244**

**The Pitcairn Constitution Order 2010**

**Citation and commencement**

- 1.—(1) This Order may be cited as the Pitcairn Constitution Order 2010.
- (2) This Order shall come into force on the appointed day.

**Interpretation**

2. In this Order—
  - “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.

**Revocations**

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

**Establishment of Constitution**

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

**Existing laws**

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

### **Appeals to Her Majesty in Council**

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

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

### **Power reserved to Her Majesty**

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.

*Judith Simpson*  
Clerk of the Privy Council