

2020 No. 780

OVERSEAS TERRITORIES

**The Overseas Territories (Constitutional Modifications) Order
2020**

<i>Made</i>	- - - -	<i>21st July 2020</i>
<i>Laid before Parliament</i>		<i>29th July 2020</i>
<i>Coming into force</i>	- -	<i>22nd August 2020</i>

At the Court at Windsor Castle, the 21st day of July 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 112 of the Saint Helena Act 1833(a) and the British Settlements Acts 1887 and 1945(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Overseas Territories (Constitutional Modifications) Order 2020.

(2) This Order comes into force on 22nd August 2020.

(3) This Order extends to the Falkland Islands and to St Helena, Ascension and Tristan da Cunha.

Interpretation

2.—(1) In this Order –

“Constitution” means the Falkland Islands Constitution or the St Helena, Ascension and Tristan da Cunha Constitution;

“Falkland Islands Constitution” means the Constitution of the Falkland Islands set out in the Schedule to the Falkland Islands Constitution Order 2008(c);

“legislative body” means –

(a) in relation to the Falkland Islands, the Legislative Assembly(d);

(a) 1833 c.85.

(b) 1887 c.54 and 1945 c.7.

(c) S.I. 2008/2846.

(d) As defined in section 2(1) of the Falkland Islands Constitution Order 2008.

(b) in relation to St Helena, the Legislative Council^(a);

“meeting” includes sitting as defined in section 100(1) of the Falkland Islands Constitution and in section 115 of the St Helena, Ascension and Tristan da Cunha Constitution;

“St Helena, Ascension and Tristan da Cunha Constitution” means the Constitution of St Helena, Ascension and Tristan da Cunha set out in the Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009^(b);

“Territory” means the Falkland Islands or St Helena, Ascension and Tristan da Cunha;

“virtual meeting” means a meeting of a legislative body in which some or all members of the body are not physically present together but are in communication with one another by electronic means, and in which all the members (present and participating) are able to communicate with one another, to hear and be heard, and to have had access to all of the documents considered at the meeting; and it shall be for the members to agree that the means of communication in use are sufficient for the meeting to proceed.

(2) In the application of this Order to a particular Territory, the expression “the Territory” means that Territory, and any reference to “the Constitution” means the Constitution of that Territory.

Virtual meetings

3.—(1) Notwithstanding anything in the Constitution, virtual meetings may be held in the Territory by the legislative body.

(2) Provisions of the Constitution relating to the quorum of a legislative body and to voting in such a body shall have effect as if they apply to all members present or participating in a virtual meeting.

(3) Any bill or resolution passed by the legislative body at a virtual meeting of that body shall have the same legal force and effect as if it had been passed at an ordinary meeting of that body.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the constitutions of the Falkland Islands and of St Helena, Ascension and Tristan da Cunha to enable virtual meetings of their legislative bodies to take place.

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(a) As defined in section 2 of the St Helena, Ascension and Tristan da Cunha Constitution Order 2009.

(b) S.I. 2009/1751.

£4.90

UK202007141015 07/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/780>

ISBN 978-0-34-821033-0



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