

2020 No. 0000

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Anguilla Constitution (Amendment) Order 2020

Made - - - - *11th November 2020*

Coming into force in accordance with article 1(4)

At the Court at Buckingham Palace, the 11th day of November 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1(2) of the Anguilla Act 1980(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Anguilla Constitution (Amendment) Order 2020 and shall be construed as one with the Anguilla Constitution Order 1982(b) (in this Order referred to as “the principal Order”).

(2) The principal Order and this Order may be cited together as the Anguilla Constitution Orders 1982 to 2020.

(3) In this Order, “the Constitution” means the Constitution set out in the Schedule to the principal Order.

(4) This Order comes into force on such day as the Governor, acting in his or her discretion, may appoint by proclamation published in the Official Gazette.

Amendment of section 50 of the Constitution (Presiding in Assembly)

2. Section 50 of the Constitution (Presiding in Assembly) is amended as follows—

(a) for subsection (3) substitute—

“(3) When the Assembly first meets after a general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a Deputy Speaker from among the elected members of the Assembly other than a member of the Executive Council; and if the office of Deputy Speaker falls vacant for any other reason than the dissolution of the Assembly, the Assembly shall, as soon as convenient, elect another member to that office.”; and

(b) for subsection (4) substitute—

(a) 1980 c.67. There are amendments, but none relevant to this Order.
(b) S.I. 1982/334, as amended by S.I. 1990/587, S.I. 2017/181, S.I. 2019/852 and S.I. 2019/1461.

- “(4) A person must vacate the office of Speaker or Deputy Speaker—
- (a) on dissolution of the Assembly;
 - (b) if that person resigns the office by written notice to the Governor;
 - (c) if a motion for that person’s removal from office receives in the Assembly the affirmative votes of two-thirds of all members thereof;
 - (d) if, being a member of the Assembly, that person ceases to be a member for any reason other than a dissolution of the Assembly or if, by virtue of section 39, that person is required to cease to perform the functions of a member;
 - (e) if that person becomes a member of the Executive Council; or
 - (f) in the case of a Speaker who is not a member of the Assembly, if any circumstances arise that cause the Speaker to be disqualified for election as a member of the Assembly by virtue of section 37(1).”.

Transitional provision concerning the office of Deputy Speaker

3. When this Order comes into force, the person holding the office of Deputy Speaker must vacate that office and before it proceeds to the despatch of any other business, the Assembly must elect a member of the Assembly to be the Deputy Speaker of the Assembly in accordance with section 50(3) of the Constitution.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Constitution of Anguilla.

Following the removal of nominated members of Anguilla’s House of Assembly by the Anguilla Constitution (Amendment) Order 2019 (S.I. 2019/852), the office of Deputy Speaker of Anguilla’s House of Assembly may only be held by the Attorney General or the Deputy Governor.

Following a request from the Government of Anguilla, this Order changes the category of persons eligible to hold the office of Deputy Speaker of the House of Assembly. The effect of the Order is that neither the Attorney General nor Deputy Governor will be able to hold that office, but that any elected members of the Assembly other than a member of the Executive Council may be elected as Deputy Speaker. Related amendments are made to the circumstances in which a person must vacate the office of Deputy Speaker so that this must happen if the Deputy Speaker becomes a member of the Executive Council. The Order also requires the Assembly to elect a new Deputy Speaker when it first meets after the coming into force of the Order.