operation on the day on which the Turks and Caicos Islands (Constitution) Order in Council, 1959(a), (hereinafter called "the principal Order") comes into operation.

(2) This Order shall be construed as one with the principal Order.

(3) This Order shall be published in such manner as the Governor shall think fit.

*Amendment of section 58 of principal Order*

**2.** Section 58 of the principal Order is hereby amended by the deletion of the proviso to that section and the substitution therefor of the following proviso:—

"Provided that the Governor may use the Public Seal whenever he has occasion so to do."

*W. G. Agnew.*

EXPLANATORY NOTE

*(This Note is not part of the Order but is intended to indicate its general purport.)*

The purpose of this Order is to amend the principal Order so as to clarify the circumstances in which the Governor may use the Public Seal.

## 1959 No. 2198

## The Windward Islands and Leeward Islands (Police Service Commission) Order in Council, 1959

*Made* - - - - 21*st December*, 1959

*Coming into Operation* 1*st January*, 1960

At the Court at Buckingham Palace, the 21st day of December, 1959

**Present,**

The Queen's Most Excellent Majesty in Council

Whereas by laws enacted by the Legislatures of the Colonies of Antigua, Saint Christopher Nevis and Anguilla, and Montserrat it is provided that Her Majesty may, by Order in Council, provide for the establishment for those Colonies of a Police Service Commission constituted and transacting its business in such manner as may be determined by or under the Order and that any such Order in Council may make provision for any incidental, supplementary or consequential matters for which it appears to Her Majesty in Council necessary or expedient to make provision for the purposes of the Order:

Now, therefore, Her Majesty, by virtue and in exercise of the powers hereinbefore mentioned, Her powers under the Dominica Act, 1938(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation and commencement*

**1.**—(1) This Order may be cited as the Windward Islands and Leeward Islands (Police Service Commission) Order in Council, 1959.

(a) S.I. 1959/864 (Pt. I, p. 533, of this vol.). (b) 1 & 2 Geo. 6. c. 10.

(2) This Order shall come into operation on the first day of January, 1960.

*Interpretation*

2.—(1) The Colonies to which this Order applies are the Colonies of Antigua, Dominica, Grenada, Montserrat, Saint Christopher Nevis and Anguilla, Saint Lucia and Saint Vincent.

(2) In this Order any reference to the Administrator or the Chief Minister of a Colony to which this Order applies shall be construed as including a reference to any person who is for the time being performing the functions of the office of Administrator or Chief Minister, as the case may be, under any Order in Council or Letters Patent establishing that office and, in the case of a reference to the Administrator, as including, to the extent to which a deputy to the Administrator is authorised to act, a reference to that deputy.

(3) The Administrator of any Colony to which this Order applies shall not be obliged to obtain the advice of the Executive Council of the Colony in relation to the exercise of any function conferred upon him by this Order which is expressed to be exercisable by him in his discretion or after consultation with the Chief Minister of the Colony.

(4) Save as in this Order otherwise provided or required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

*Establishment of Commission*

3.—(1) There shall be a Police Service Commission (hereinafter referred to as the Commission) for the Colonies to which this Order applies which shall consist of seven members, one member being appointed for each of those Colonies.

(2) The member of the Commission for any Colony shall be appointed by the Administrator of the Colony, by instrument under the public seal of the Colony, after consultation with the Chief Minister of the Colony.

(3) (*a*) No person shall be qualified to be appointed as a member of the Commission if he holds or is acting in any public office.

(*b*) For the purposes of this subsection "public office" means any office of emolument in the service of the Crown in respect of the government of any Colony to which this Order applies, but does not include the office of member of the Public Service Commission of any such Colony or the office of judge of the Supreme Court or member of the Judicial and Legal Service Commission established by the Windward Islands and Leeward Islands (Courts) Order in Council, 1959(b), or office as a member of any board, panel, committee or other similar body (whether incorporated or not) established by any law for the time being in force in any such Colony.

(*c*) For the purposes of this subsection a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service of the Crown in respect of the government of any Colony to which this Order applies.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1959/2197 (Pt. I, p. 563, of this vol.).

(4) The office of a member of the Commission shall become vacant—

(*a*) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he resigns his office by writing under his hand addressed to and received by the Administrator of the Colony for which he was appointed;

(*c*) if he ceases to be qualified for appointment as a member of the Commission under the preceding subsection; or

(*d*) if the Administrator of the Colony for which he was appointed, 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) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Administrator of the Colony to which the vacancy relates or for which that member was appointed, acting after consultation with the Chief Minister of the Colony, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of the preceding subsection, continue to act until he is notified by the Administrator, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

(6) For the avoidance of doubts it is hereby declared that any person who has vacated his office as a member of the Commission may, if qualified, again be appointed to that office from time to time.

*Procedure of Commission*

**4.**—(1) (*a*) The Commission shall appoint one of its members to be the Chairman of the Commission.

(*b*) The office of the Chairman shall become vacant—

(i) if his appointment thereto is terminated by the Commission;

(ii) if he resigns his office as such by announcing his resignation at a meeting of the Commission or in the manner provided for the resignation of his office as a member of the Commission; or

(iii) if he vacates his office as a member of the Commission.

(2) In the absence of the Chairman there shall preside at any meeting of the Commission such member of the Commission as the Commission may appoint in that behalf.

(3) The meetings of the Commission shall take place at such times and places as the Chairman of the Commission may appoint:

Provided that the Administrator of any Colony to which this Order applies, acting in his discretion, may summon a meeting of the Commission whenever, by reason of the existence of business to be transacted by the Commission, he considers it desirable so to do.

(4) The Commission, or the Chairman of the Commission, may invite any person to a meeting of the Commission whenever, in the opinion of the Commission or the Chairman, as the case may be, the business to be transacted by the Commission renders the presence of that person desirable.

(5) No business shall be transacted at any meeting of the Commission unless three members of the Commission are present.

(6) Subject to the preceding subsection, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and the validity of the transaction of business by the Commission shall not be affected by reason only of the fact that some person who was not entitled so to do took part therein.

(7) Subject to the preceding provisions of this section and of any law whereby functions are conferred on the Commission, the Commission shall regulate and conduct its proceedings and despatch its business in such manner as the Commission thinks fit.

*Remuneration, etc. of members of Commission*

**5.**—(1) The remuneration and allowances (if any) of a member of the Commission appointed for any Colony shall be such as may from time to time be prescribed by or under any law enacted by the Legislature of that Colony or, if no such law in that behalf is for the time being in force, by the Administrator of that Colony:

Provided that the remuneration of any member of the Commission shall not be reduced during his continuance in office.

(2) Any remuneration for the time being payable to a member of the Commission appointed for any Colony shall be charged on and paid out of the revenues of that Colony.

*W. G. Agnew.*

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides for the establishment of a Police Service Commission for Antigua, Dominica, Grenada, Montserrat, Saint Christopher Nevis and Anguilla, Saint Lucia and Saint Vincent.

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## EMERGENCY LAWS

## 1959 No. 2206

# The Leeward Islands (Emergency Powers) Order in Council, 1959

*Made* - - - - 21*st December*, 1959
*Coming into Operation* 1*st January*, 1960

At the Court at Buckingham Palace, the 21st day of December, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred on Her by section 3 of the Leeward Islands Act, 1956(a), and of all other powers enabling

(a) 4 & 5 Eliz. 2. c. 23.