

Research on Overseas Territories Constitutional Provisions for Speakers regarding: Appointment and Vacation of Office, Policy Documents on Leaves of Absence

A Cayman Compass article¹ from February 2020 raising the issue of a ‘leave of absence’ taken by the Speaker of the House of the then Legislative Assembly was brought to the attention of the Constitutional Commission. Opposition MLA, Mr. Ezzard Miller, called for the resignation of the Speaker due to, in his interpretation, a lack of constitutional basis for this action. In considering this matter the Constitutional Commission compiled research reviewing the constitutional provisions enabling a leave of absence or any other similar action in the Cayman Islands and other British Overseas Territories.

After reviewing the research the Commission concluded that it appears as if the Cayman Islands Constitution Order 2009 does address the possible leave of absence of the Speaker, and in fact does state that if it is a leave of absence ‘pending the relinquishment of that office’, then someone can be appointed to that office. Any other form of leave of absence is therefore not precluded, and the wording suggests it is in fact anticipated/allowed. The provisions relating to vacating office by the Speaker would therefore be relevant here too. As there does not appear to be any provision that would capture the particular circumstances of taking leave of office at this time, then again, it is not apparent how the Speaker would be in contravention of the Constitution.

For additional detailed information on this matter please refer to the Constitutional Commissions website which has a comprehensive document entitled [“The Speaker of the Parliament of the Cayman Islands Explanatory Notes.”](#)

Despite there being no major issues of concern found, the Commission agreed that this research holds general utility as a public interest exercise, and therefore has made it publically available.

The references in this chart are not intended to be an exhaustive list for each jurisdiction. Rather, this chart indicates the relevant provisions that could be found (related to the topic at hand) based on the information available.

The methodology used to compile this chart is as follows: Google searches; targeted searches on respective jurisdictions’ local government or parliament websites (where available), law libraries (where accessible) and gazettes (where accessible); and internal document searches. Primary keywords used: constitution, speaker, appoint, vacate, leave of absence, standing orders. Secondary keywords used: legislature, parliament, minister, suspend, absent, code of conduct.

Overseas Territory	Constitutional Provisions for Appointment	Constitutional Provisions for Vacation of Position	Non-Constitutional Provisions
Sovereign Base Areas of Akrotiri and Dhekelia	Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 No provisions for Speaker	Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 No provision for Speaker	N/A

¹ Ragoonath, R. (2020, February). House Speaker takes immediate ‘leave of absence’. The Cayman Compass. Retrieved online on 30 November 2020 from <https://www.caymancompass.com/2020/02/27/house-speaker-takes-immediate-leave-of-absence/>.

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<p>Anguilla</p>	<p>Anguilla Constitution Order 1982 (constitutional amendments made in 2019 do not refer to the Speaker)</p> <p>Presiding in Assembly 50.—(1) At sittings of the Assembly there shall preside— <ul style="list-style-type: none"> (a) the Speaker; or (b) in the absence of the Speaker, the senior ex-officio member of the Assembly. (c) The Speaker shall be elected by the Assembly, though he need not be a member thereof. </p> <p>Appointments 118.—(1) Where any person has vacated any office (including any seat in the Legislative Council) established by this Chapter, he or she may, if qualified, again be appointed or elected or otherwise selected to hold that office in accordance with this Chapter.</p> <p>(2) Where a power is conferred by this Chapter on any person to make any appointment to any office, a person may be appointed to that office even though some other person may be holding that office, when that other person is on leave of absence pending relinquishment of that office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred on the holder of that office, the person last appointed to that</p>	<p>Anguilla Constitution Order 1982 (constitutional amendments made in 2019 do not refer to the Speaker)</p> <p>Tenure of office of members of Assembly 38. The seat of a nominated or elected member of the Assembly shall become vacant— <ul style="list-style-type: none"> (a) upon a dissolution of the Assembly; (b) if, without prior notice to the Governor, he is absent from three consecutive meetings of the Assembly; (c) if he ceases to be a Commonwealth citizen; (d) if he ceases to be resident in Anguilla; (e) if he resigns his seat by writing under his hand addressed to the Governor; (f) if any of the circumstances arise that, if he were not a member of the Assembly, would cause him to be disqualified for election thereto by virtue of paragraph (a), (b), (c), (d), (e), or (g) of subsection (1) of the last foregoing section; or (g) in the circumstances specified in the next following section. </p> <p>Vacation of seat on sentence 39.—(1) Subject to the provisions of this section, if a nominated or elected member of the Assembly is sentenced by a court in any part of the Commonwealth to death</p>	<p>Unable to find any non-constitutional provisions concerning absences of the Speaker.</p>

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	<p>office shall be deemed to be the sole holder of the office.</p> <p>(3) In this Chapter, unless it is otherwise provided or required by the context, any reference to power to make appointments to an office shall be construed as including reference to power to make appointments on promotion and transfer to that office and power to appoint a person to act in that office during any period when it is vacant or the holder of it is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform the functions of that office.</p> <p>(4) Where by this Chapter any person is directed, or power is conferred on any person or authority to appoint a person, to act in an office if the holder of it is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called into question in any court on the grounds that the holder of the office is not unable to perform the functions of the office.</p> <p>(This section is replicated in sections 183 and 232.)</p>	<p>or to imprisonment (by whatever name called) for a term exceeding twelve months, he shall forthwith cease to perform his functions as a member of the Assembly, and his seat in the Assembly shall become vacant at the expiration of a period of thirty days thereafter;</p> <p>Provided that the Speaker may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the Assembly signified by resolution.</p> <p>(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, his seat in the Assembly shall not become vacant under the provisions of the last foregoing subsection and he may again perform his functions as a member of the Assembly.</p> <p>(3) For the purposes of this section—</p> <p>(a) where a person is sentenced to two or more terms of imprisonment that are required to be served consecutively account shall betaken only of any of those</p>	

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		<p>terms that exceeds twelve months; and</p> <p>(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.</p>	
<p>Bermuda</p>	<p>Bermuda Constitution Order 1968</p> <p>President and Vice-President of Senate and Speaker and Deputy Speaker of House of Assembly</p> <p>32 (1) At its first sitting after any general election—</p> <p>(a) the Senate shall elect a President and a Vice-President from among its members and</p> <p>(b) the House of Assembly, shall elect a Speaker and a Deputy Speaker from among its members;</p> <p>and the election of a President or a Speaker shall take place before the transaction of any other business by the House concerned.</p>	<p>Bermuda Constitution Order 1968</p> <p>President and Vice-President of Senate and Speaker and Deputy Speaker of House of Assembly</p> <p>32 (2) The office of President, Vice-President, Speaker or Deputy Speaker shall become vacant if the holder thereof—</p> <p>(a) ceases to be a member of the Senate or the House of Assembly, as the case may be;</p> <p>(b) is required, under the provisions of section 31(2) of this Constitution, to cease to perform his functions as such a member; or</p> <p>(c) announces the resignation of his office to the House of which he is a member or resigns it by writing under his hand addressed, in the case of the President or the Speaker, to the Clerk of that House or, in the case of the Vice-President or the Deputy Speaker, to the President or the Speaker respectively;</p> <p>(d) in the case of the Vice-President or the Deputy Speaker, if he is</p>	<p>Official Standing Orders of the House of Assembly</p> <p>6 Presiding in The House and in Committee</p> <p>(1) The Speaker, or in his or her absence the Deputy Speaker, or in their absence a Member of the House (not being a Member of Cabinet or a Junior Minister) elected by the House for that sitting, shall preside at the sittings of the House, and shall either act as Chairperson of Committees of the whole House or ask some other Member present (not being a Minister or Junior Minister) to take the Chair without formal communication to the House.</p> <p>(2) The Speaker or, in his or her absence the Deputy Speaker or, in their absence, the Member who is elected to preside or the Member selected to take the Chair pursuant to sub-paragraph 6 (1) above may at any time ask any other Member present (not being a Minister or Junior Minister) to take the Chair of the House or Chair of the Committee of the whole House (as the case may be) without formal communication to the House.</p>

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		<p>elected to be President or Speaker.</p> <p>(3) If the office of President, Vice-President, Speaker or Deputy Speaker becomes vacant for any reason other than a dissolution of the Legislature, the Senate or, as the case may require, the House of Assembly shall (unless the Legislature is sooner dissolved) elect one of its members to fill the vacancy at its next sitting after the occurrence of the vacancy or as soon as practicable thereafter.</p>	<p>(3) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other Member presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the functions of the Speaker.</p> <p>(4) Whenever the unavoidable absence of the Speaker from any day's sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the next sitting of the House, or for twenty-four hours, whichever period is the shorter.</p> <p>(5) The Speaker in the House and the Chair in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.</p> <p><i>NB: The below refers to ministers only...</i></p> <p><u>Bermuda Ministerial Code of Conduct 2018</u></p> <p>16 Ministers' Visits Overseas</p> <p>16.2 Any Minister who wishes to be absent from Bermuda for any reason should seek the Premier's prior written approval. This must be done before any commitment, even of an informal nature, is made. Copies of the letter requesting official leave of absence should be sent to the Secretary to the Cabinet, the House</p>

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			Leader, and the Government Whip, whose views will be taken into account before a decision is reached.
British Antarctic Territory	<p>British Antarctic Territory Order 1989</p> <p>No provisions for position of Speaker.</p>	<p>British Antarctic Territory Order 1989</p> <p>No provisions for position of Speaker.</p>	N/A
British Indian Ocean Territory	<p>British Indian Ocean Territory Order 2004</p> <p>No provisions for position of Speaker.</p>	<p>British Indian Ocean Territory Order 2004</p> <p>No provisions for position of Speaker.</p>	N/A
British Virgin Islands	<p>The Virgin Islands Constitution Order 2007</p> <p>Speaker and Deputy Speaker 69.—(1) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business it shall elect a person to be the Speaker of the House.</p> <p>(3) The Speaker shall be elected from among the elected members of the House of Assembly or from persons qualified to be elected members of the House, other than Ministers, and no person shall be elected as Speaker if he or she is a person disqualified for election as a member of the House by virtue of any provision of section 66(1) other than paragraph (f).</p>	<p>The Virgin Islands Constitution Order 2007</p> <p>Speaker and Deputy Speaker 69.—(2) If the office of Speaker falls vacant for any reason other than a dissolution of the House of Assembly, the House shall as soon as practicable elect another person to that office.</p> <p>(5) If the office of Deputy Speaker falls vacant for any reason other than a dissolution of the House of Assembly, the House shall as soon as convenient elect to that office another member of the House who is not a member of the Cabinet.</p> <p>(6) A person shall vacate the office of Speaker or Deputy Speaker—</p>	<p>The House of Assembly Standing Orders (Amendment) 2016</p> <p>NB: I was unable to find/access the principal version of Standing Orders or its revision/consolidation.</p> <p>7. Standing Order 6 of the principal Standing Orders is amended</p> <p>(a) by repealing paragraph (1) and substituting with the following:</p> <p>“(1) The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the House not being a Member of Cabinet elected by the House for the sitting, shall preside at the sittings of the House</p>

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	<p>(4) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a member of the House who is not a member of the Cabinet to be Deputy Speaker of the House.</p>	<p>(a) on dissolution of the House of Assembly;</p> <p>(b) if he or she announces the resignation of his or her office to the House of Assembly or if by writing under his or her hand addressed to the House and received by the Clerk of the House he or she resigns that office;</p> <p>(c) if a motion on the Order Paper for his or her removal is carried by the votes of a majority of all the elected members of the House; or</p> <p>(d) if he or she is appointed to be a member of the Cabinet.</p> <p>(7) A person shall also vacate the office of Speaker—</p> <p>(a) if he or she ceases to be a person qualified for election as a member of the House of Assembly;</p> <p>(b) if any circumstances arise that would cause him or her to be disqualified for election as an elected member of the House by virtue of any provision of section 66(1) other than paragraph (f);</p> <p>(c) on the expiration of a period of thirty days from the date of his or her election if he or she was at that date a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Virgin Islands for or on account of the public service and if, before the expiration of that</p>	<p>and shall act as Chairman of Committees of the whole House.”</p>

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		<p>period, he or she has not disclosed to the House of Assembly the nature of such contract and his or her interest, or the interest of such firm or company, in it and the House has not exempted him or her from vacating his or her office under this paragraph; or</p> <p>(d) if any circumstances arise that, if he or she were an elected member of the House of Assembly, would cause him or her to vacate his or her seat under section 67(3)(d).</p> <p>(8) A person shall also vacate the office of Deputy Speaker if—</p> <p>(a) he or she ceases to be a member of the House of Assembly for any reason other than a dissolution of the House; or</p> <p>(b) by virtue of section 67(4), he or she is required to cease to perform his or her functions as a member of the House.</p>	
Cayman Islands	<p>The Cayman Islands Constitution Order 2009</p> <p>Speaker and Deputy Speaker 65.—(1) At the first sitting of the Legislative Assembly after a general election, and as soon as practicable after a vacancy occurs in the relevant office otherwise than on a dissolution of the</p>	<p>The Cayman Islands Constitution Order 2009</p> <p>Speaker and Deputy Speaker 65.—(2) A person shall vacate the office of Speaker or Deputy Speaker—</p> <p>(a) upon a dissolution of the Legislative Assembly;</p> <p>(b) if he or she informs the Assembly, by writing addressed to the</p>	<p>Legislative Assembly Standing Orders (2018 Consolidation)</p> <p>Presiding Officer 4. (1) At sittings of the House there shall preside –</p> <p>(a) the Speaker;</p> <p>(b) in the absence of the Speaker, the Deputy Speaker; or</p>

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	<p>Assembly, the elected members of the Assembly shall by a majority vote elect—</p> <p>(a) a Speaker from among the elected members of the Assembly, or persons who are qualified to be elected as members of the Assembly, other than Ministers; and</p> <p>(b) a Deputy Speaker from among the elected members of the Assembly other than Ministers;</p> <p>and the election of the Speaker and the Deputy Speaker shall take precedence over any other business of the Assembly.</p>	<p>Assembly and received by the Clerk of the Assembly, that he or she resigns his or her office;</p> <p>(c) in any circumstances which, in the case of the Speaker, would cause him or her to vacate his or her seat as, or if he or she were, a member of the Assembly, or, in the case of the Deputy Speaker, if he or she ceases to be an elected member of the Assembly;</p> <p>(d) if, on the date of his or her election as Speaker or Deputy Speaker, he or she is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government or if, on any date after such election he or she or a firm in which he or she is a partner or a company of which he or she is a director or manager becomes a party to any such contract or he or she becomes a partner in a firm or a director or manager of a company which is a party to any such contract, and he or she does not, before the expiration of 30 days from the date in question, disclose to the Assembly or, if that is impracticable, to the Clerk of the Assembly in writing the nature of such contract and his or her interest, or the interest of such a firm or company, in it and the Assembly does not exempt him or</p>	<p>(c) in the absence of the Speaker and the Deputy Speaker, such of the elected Members (other than a Minister) as may be elected by the elected Members.</p> <p>(2) The Speaker and Deputy Speaker shall be elected in accordance with section 65 of the Constitution.</p> <p>(3) The person presiding shall, in such capacity, act as chairman of Committees of the whole House.</p> <p>(4) The person presiding in the House and the chairman of a Committee shall exercise all the powers conferred by these Standing Orders.</p> <p>Absence of Members</p> <p>6. It is the duty of a Member who is unable to attend a meeting of which he has had due notice, or a meeting that is adjourned to a later date, to inform the Clerk as early as possible of his inability to attend and, where necessary, whether he has obtained written leave of absence from the Governor under section 52(1)(d) of the Constitution [referring to the tenure of office of ministers].</p> <p>The following document published by the Commission in 2014 was referenced in the CC in the meeting held on 11 May 2020:</p> <p>An Educational Guide to the Constitution</p>

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		<p>her from vacating his or her office under this paragraph;</p> <p>(e) if he or she becomes a Minister; or</p> <p>(f) on the passing, by the votes of two-thirds of the elected members of the Assembly, of a motion expressing no confidence in him or her as Speaker or Deputy Speaker, as the case may be.</p> <p>(3) If the office of Speaker or Deputy Speaker becomes vacant, the Legislative Assembly shall elect another Speaker or Deputy Speaker fulfilling the requirements of subsection (1)(a) and (b).</p> <p>Interpretation</p> <p>124. (5) Without prejudice to subsection (4)—</p> <p>(a) where the holder of any office constituted by or under this Constitution is on leave of absence pending the relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person to it; and</p> <p>(b) where two or more persons concurrently hold the same office by virtue of paragraph (a), the person last appointed shall in respect of any function conferred on the holder of that office be deemed to be the sole holder of it.</p>	<p>Page 28:</p> <p>The Legislature</p> <p><i>What happens if an issue that arises is not covered by the Standing Orders?</i></p> <p>If any issue arises that is not covered by the Standing Orders the LA is required to resort to the usage and practice of the House of Commons of the United Kingdom. These practices are to be followed as far as may be practicable to the LA and not inconsistent with the Standing Orders or with the practice of the Assembly.</p>

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<p>Falkland Islands</p>	<p>The Falkland Islands Constitution Order 2008</p> <p>Presiding 39.—(1) Subject to subsection (4), there shall preside at each sitting of the Legislative Assembly—</p> <ul style="list-style-type: none"> (a) the Speaker; (b) in the absence of the Speaker, the Deputy Speaker; or (c) in the absence of the Speaker and the Deputy Speaker, such member of the Assembly as shall be elected to preside at that sitting by the Assembly. <p>(2) The Legislative Assembly shall elect a Speaker and a Deputy Speaker, who shall be persons, whether or not members of the Assembly, who are qualified and not disqualified to be members of the Assembly.</p> <p>(4) The Legislative Assembly shall elect a Speaker before proceeding to any other business, and the Attorney General shall preside for the purpose of that election.</p>	<p>The Falkland Islands Constitution Order 2008</p> <p>Presiding 39.—(3) The Speaker and the Deputy Speaker shall be elected for the life of the Legislative Assembly and shall be removable by a vote of no fewer than six of the elected members voting in favour of the motion.</p> <p>Reappointments and concurrent appointments² 98.—(1) Where any person has vacated any office established by this Constitution he or she may, if qualified, again be appointed or elected to that office in accordance with this Constitution.</p> <p>(2) Where this Constitution vests in any person or authority the power to make any appointment to any office, a person may be appointed to that office, even though some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of that office; and where two or more persons are holding the same</p>	<p>Legislative Assembly Standing Rules and Orders 2010 (includes 2017 Amendment)</p> <p>The Speaker 6. (2) If the Speaker is not present at a sitting of the Legislative Assembly, the Deputy Speaker or such member of the Assembly, as may have been appointed pursuant to section 39(1)(c) of the Constitution shall preside thereat.</p>

² A similar provision is made in section 118 of [The Saint Christopher and Nevis Constitution Order 1983](#).

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	<p>Presiding in the Legislative Assembly 72. At sittings of the Legislative Assembly there shall preside—</p> <ul style="list-style-type: none"> (a) the Speaker; or (b) in the absence of the Speaker, the Deputy Speaker; or (c) in the absence of the Speaker and the Deputy Speaker, such one of the elected members other than a Minister as may be elected by the elected members. 	<p>office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred on the holder of that office, the person last appointed shall be deemed to be the sole holder of that office.</p>	
Gibraltar	<p><u>Gibraltar Constitution Order 2006</u></p> <p>Speaker 26.–(1) The Speaker of the Parliament shall be appointed by the Parliament by resolution passed by a simple majority of its Members and presented by the Chief Minister acting after consultation with the Leader of the Opposition.</p> <p>(2) The Chief Minister shall in consultation with the Leader of the Opposition and before the meeting of the Parliament at which the resolution under subsection (1) is to be debated appoint a Member of the Parliament for the sole purpose of presiding over the resolution.</p> <p>(3) No person shall be qualified for appointment as Speaker if –</p> <ul style="list-style-type: none"> (a) he is an Elected Member of the Parliament; (b) he is not a British citizen or a British overseas territories citizen by virtue of a connection with 	<p><u>Gibraltar Constitution Order 2006</u></p> <p>Speaker 26. (4) A person shall vacate the office of Speaker –</p> <ul style="list-style-type: none"> (a) if a motion of no confidence in him is passed in the Parliament by a majority of two-thirds of the Members; (b) if any circumstances arise that would cause him to be disqualified for election as an Elected Member of the Parliament by virtue of section 28(1); (c) if he is nominated for election as an Elected Member of the Parliament; or (d) on a dissolution of the Parliament. <p>(5) If the office of the Speaker is vacant or if the person holding the office of Speaker is absent from Gibraltar or is for any other reason at any time unable to perform the functions of his office, those functions may be performed by such person (being</p>	<p><u>Standing Rules & Orders</u></p> <p>Presiding in the Gibraltar Parliament. 4. There shall preside at the Parliament</p> <ul style="list-style-type: none"> (a) the Speaker; (b) in the absence of the Speaker, such Member of the Parliament as the Parliament may elect for the sitting.

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	<p>Gibraltar who has attained the age of eighteen years; or</p> <p>(c) he is a person disqualified for election as an Elected Member of the Parliament under section 28.</p>	<p>a person qualified for appointment as Speaker) as may from time to time be designated in that behalf by the Parliament upon motion being presented by the Chief Minister acting after consultation with the Leader of the Opposition.</p> <p>(6) No business shall be transacted in the Parliament at any time when the office of Speaker is vacant save a motion under subsection (5) for which purpose the Parliament may be convened by the Chief Minister notwithstanding the absence of the Speaker.</p>	
<p>Montserrat</p>	<p><u>The Montserrat Constitution Order 2010</u></p> <p>Speaker and Deputy Speaker</p> <p>59.—(1) When the Legislative Assembly first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the Assembly.</p> <p>(3) The Speaker shall be elected from among the elected members of the Legislative Assembly who are not members of the Cabinet, or from among persons who are not members of the Assembly; but no person shall be elected as Speaker if—</p> <p>(a) he or she is not qualified in accordance with section 51; or</p> <p>(b) he or she is a person disqualified for election as an elected member of the Assembly by virtue of any</p>	<p><u>The Montserrat Constitution Order 2010</u></p> <p>Speaker and Deputy Speaker</p> <p>59.—(2) If the office of Speaker falls vacant for any reason other than a dissolution of the Legislative Assembly, the Assembly shall, as soon as practicable, elect another person to that office.</p> <p>(5) If the office of Deputy Speaker falls vacant for any reason other than a dissolution of the Legislative Assembly, the Assembly shall, as soon as practicable, elect another such member to that office.</p> <p>(6) A person shall vacate the office of Speaker or Deputy Speaker—</p> <p>(a) on a dissolution of the Legislative Assembly; but a person so vacating the office of Speaker shall be entitled to continue</p>	<p><u>Legislative Council Standing Orders</u> (starts on page 55)</p> <p>Absence of members</p> <p>4. (1) Any member unable to attend a meeting of the Council to which he has been summoned shall acquaint the Clerk as early as possible of his inability to attend.</p> <p>(2) No member shall leave the Council or a Committee of the Council except with the consent of the Speaker or the Chairman of the Committee.</p>

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	<p>provision of section 52(1) other than paragraph (d).</p> <p>(4) When the Legislative Assembly first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a member of the Assembly who is not a member of the Cabinet to be Deputy Speaker of the Assembly.</p>	<p>receiving the benefits and privileges of that office until another person is elected to that office;</p> <p>(b) if he or she announces his or her resignation from his or her office to the Assembly or if by writing under his or her hand addressed to the Assembly and received by the Clerk of the Assembly he or she resigns that office; or</p> <p>(c) if he or she becomes a member of the Cabinet.</p> <p>(7) A person shall also vacate the office of Speaker—</p> <p>(a) if he or she ceases to be qualified in accordance with section 51;</p> <p>(b) if any circumstances arise that would cause him or her to be disqualified for election as an elected member of the Legislative Assembly by virtue of any provision of section 52(1) other than paragraph (d);</p> <p>(c) on the expiration of a period of 30 days from the date of his or her election if he or she was at that date a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government and if, before the expiration of that period, he or she has not disclosed to the Assembly the nature of such contract and his or her interest, or the interest of</p>	

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		<p>such firm or company, in it, and the Assembly has not exempted him or her from vacating his or her office under this paragraph:</p> <p>(d) if any circumstances arise that, if he or she is or were an elected member, would cause him or her to vacate his or her seat under section 53(3)(e); or</p> <p>(e) if a motion of no confidence in the Speaker receives in the Legislative Assembly the votes of at least two-thirds of all the elected members of the Assembly.</p> <p>(8) A person shall also vacate the office of Deputy Speaker if he or she ceases to be a member of the Legislative Assembly for any reason other than a dissolution of the Assembly.</p> <p>Presiding in Legislative Assembly</p> <p>60.—(1) The Speaker or, in his or her absence, the Deputy Speaker or, if they are both absent, a member of the Legislative Assembly (not being a member of the Cabinet) elected by the Assembly for that sitting shall preside at each sitting of the Assembly.</p> <p>(2) References in this section to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.</p>	

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		<p>Interpretation 68. (5) Where the holder of any office constituted by or under this Constitution is on leave of absence pending the relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto; and where two or more persons concurrently hold the same office by virtue of an appointment made in pursuance of this subsection, the person last appointed shall, in respect of any function conferred on the holder of that office, be deemed to be the sole holder thereof.</p>	
<p>Pitcairn, Henderson, Ducie and Oeno Islands</p>	<p>Pitcairn Constitution Order 2010</p> <p>No provisions for position of Speaker. Local legislation does provide for an Island Council, for which arrangements for appointment and vacation of can be found in Part III of the Local Government Ordinance.</p>	<p>Pitcairn Constitution Order 2010</p> <p>No provisions for position of Speaker. Local legislation does provide for an Island Council, for which arrangements for appointment and vacation of can be found in Part III of the Local Government Ordinance.</p>	<p>N/A</p>
<p>Saint Helena, Ascension and Tristan da Cunha</p>	<p>The Constitution of St. Helena, Ascension And Tristan Da Cunha (non-authoritative consolidated text)</p> <p>Speaker and Deputy Speaker 55.(1)At the first sitting of the Legislative Council after a vacancy occurs in the office of Speaker or Deputy Speaker, or both, and before the transaction of any other business (except the administration of oaths or affirmations under section 54), the Council shall by secret ballot proceed</p>	<p>The Constitution of St. Helena, Ascension And Tristan Da Cunha (non-authoritative consolidated text)</p> <p>Speaker and Deputy Speaker 55. (4) The office of Speaker or Deputy Speaker shall become vacant— (a) if any circumstance arises that, if the Speaker or the Deputy Speaker were an Elected Member of the Legislative Council, would</p>	<p>Standing Orders of the Legislative Council</p> <p>ORDER 1 – Preliminary 2 Interpretation “Member” means a Member of the Council (including, for the avoidance of doubt, the Speaker, the Deputy Speaker, and the ex officio Members mentioned in section 48(b)(ii) of the Constitution); and “Elected Member” refers to any of the Members elected pursuant to section 48(b)(i) of the Constitution;</p>

Overseas Territory	Constitutional Provisions for Appointment	Constitutional Provisions for Vacation of Position	Non-Constitutional Provisions
	<p>to elect, to fill the vacancy, a Speaker or, as the case may be, a Deputy Speaker from among persons who are not Elected Members of the Council but who are qualified to be elected as Members of the Council and are not disqualified in any way for membership.</p> <p>(2) To be elected, a candidate must receive the votes of a majority of all the Elected Members of the Legislative Council.</p> <p>(3) The Standing Orders of the Legislative Council shall make provision for the conduct, consistently with this Constitution, of an election to fill the office of Speaker or Deputy Speaker.</p>	<p>cause his or her seat to become vacant;</p> <p>(b) if the Speaker or the Deputy Speaker resigns that office by writing under his or her hand addressed to the Clerk of Councils;</p> <p>(c) if the Speaker or the Deputy Speaker becomes a candidate for election to the Council as an Elected Member;</p> <p>(d) if the Speaker or the Deputy Speaker becomes a member of a Council Committee;</p> <p>(e) on the passing, by the votes of a majority of all the Elected Members of the Council, of a motion expressing no confidence in the Speaker or the Deputy Speaker; or</p> <p>(f) if the Council is dissolved.</p>	<p>ORDER 21 – Infirm Members Notwithstanding any other provision of these Orders, a Member may remain seated throughout the proceedings of the Council if, by reason of illness or bodily infirmity, he has been specially permitted by the President to do so.</p> <p>Code of Conduct for Members of Legislative Council</p> <p>6.7 Absence from St Helena Elected Members (including, for this purpose, the Deputy Speaker) may not be absent from St Helena, except for the purposes of official business, or with the prior written permission of the Speaker. It is the responsibility of the Elected Member to make sure that she or he receives the written permission of the Speaker. If the Speaker proposes to be absent from St Helena, he or she shall inform the Governor and the Deputy Speaker.</p>
<p>South Georgia and the South Sandwich Islands</p>	<p>The South Georgia and South Sandwich Islands Order 1985</p> <p>No provisions for position of Speaker.</p>	<p>The South Georgia and South Sandwich Islands Order 1985</p> <p>No provisions for position of Speaker.</p>	<p>N/A</p>

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<p>Turks & Caicos</p>	<p><u>Turks & Caicos Constitution Order 2011</u></p> <p>The Speaker and Deputy Speaker 44.—(1) When the House of Assembly first meets after a general election, or after the office of Speaker has fallen vacant for any reason other than a dissolution of the House, and before it proceeds to the despatch of any other business, the House shall elect a person to be Speaker of the House.</p> <p>(2) The Speaker shall be elected from among the elected or appointed members of the House of Assembly who are not members of the Cabinet or from among persons who are not members of the House, and shall be elected by a majority of the votes of the elected and appointed members of the House; but no person shall be elected as Speaker who is not qualified to be an appointed member of the House or who would for any reason be disqualified from being an appointed member.</p> <p>(3) When the House of Assembly first meets after a general election, and before it proceeds to the despatch of any other business except the election of a Speaker, it shall elect a member, from among the elected or appointed members of the House who are not members of the Cabinet, to be the Deputy Speaker, by a majority of the votes of the elected and appointed members of the House; and if the office of Deputy Speaker falls vacant</p>	<p><u>Turks & Caicos Constitution Order 2011</u></p> <p>The Speaker and Deputy Speaker 44.—(4) A person shall vacate the office of Speaker or Deputy Speaker—</p> <p>(a) on dissolution of the House of Assembly;</p> <p>(b) if he or she informs the House of Assembly, by writing under his or her hand addressed to the House and received by the Clerk of the House, that he or she resigns his or her office;</p> <p>(c) (i) in any circumstances which, in the case of the Speaker, would cause him or her to vacate his or her seat if he or she were an elected or appointed member of the House of Assembly; or (ii) in the case of the Deputy Speaker, if he or she ceases to be a member of the House;</p> <p>(d) if on the date of his or her election as Speaker or Deputy Speaker he or she is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government, or if on any date after such election he or she or a firm in which he or she is a partner or a company of which he or she is a director or manager becomes a party to any such contract, or if he or she becomes a partner in a firm or a director or manager of a company</p>	<p><u>The House of Assembly (Powers and Privileges) Ordinance 2014 (Consolidation)</u></p> <p>Suspension of Member 6. (1) A Member who, under the Standing Orders, has been suspended from the service of the House must not enter or remain within the precincts of the House’s meeting place whilst the suspension remains in force.</p> <p>(2) If the Member is found within the precincts of the House’s meeting place in contravention of this section, the Member may be forcibly removed by an officer of the House.</p> <p>(3) Proceedings shall not lie against the officer for anything done to effect or in an attempt to effect the removal.</p> <p>(4) However, no more force is to be used by the officer to effect or in an attempt to effect the removal than is necessary in the circumstances.</p> <p><u>Turks & Caicos Standing Orders</u></p> <p>Speaker absent at commencement of sitting 6. If at the commencement of a sitting the Speaker’s absence is announced by the Clerk, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the Speaker is present.</p>

Overseas Territory	Constitutional Provisions for Appointment	Constitutional Provisions for Vacation of Position	Non-Constitutional Provisions
	<p>for any reason other than a dissolution of the House, the House shall, as soon as convenient, elect another such member to that office.</p> <p>Presiding in House of Assembly 67. –(1) The Speaker, or, in his or her absence, the Deputy Speaker or, if they are both absent, an elected or appointed member of the House of Assembly (not being a Minister) elected by the elected and appointed members of the House, shall preside in the House.</p>	<p>which is a party to any such contract, and he or she does not, before the expiration of 30 days from the date in question, disclose to the House of Assembly or, if that is impracticable, to the Clerk of the House in writing, the nature of such contract and his or her interest, or the interest of such firm or company, in it and the House does not exempt him or her from vacating his or her office under this paragraph;</p> <p>(e) if he or she becomes a member of the Cabinet; or</p> <p>(f) on the passing, by the votes of two-thirds of the elected and appointed members of the House of Assembly, of a motion expressing no confidence in him or her as Speaker or Deputy Speaker, as the case may be.</p> <p>Presiding in House of Assembly 67. –(2) References in this section to absence of the Speaker or the Deputy Speaker shall include circumstances in which either office is vacant.</p>	<p>When Deputy Speaker may preside 7. The Deputy Speaker may at any time, at the request or invitation of the Speaker, take the Chair temporarily without formal communication to the House.</p> <p>Absence of Speaker and Deputy Speaker 8. (1) Whenever the absence of both the Speaker at the Deputy Speaker is announced by the Clerk, the House shall, by motion, elect a member then present to take the Chair.</p> <p>(2) The Father or Mother of the House shall preside for the purpose of the election.</p> <p>(3) If the Father or Mother of the House is not present the Clerk shall preside.</p> <p>(4) The member elected shall be invested with all the powers of the Speaker until the Speaker or Deputy Speaker is present.</p> <p>Father and Mother of the House 21. (1) There shall be a Father or Mother of the House, who shall be the member of the House serving for the longest period, which period shall be calculated in the aggregate.</p> <p>(2) The Father or Mother of the House shall be accorded by the Speaker, precedence of order and rank in the proceedings and the ceremonies of the House, and upon invitation by the Speaker</p>

Overseas Territory	Constitutional Provisions for Appointment	Constitutional Provisions for Vacation of Position	Non-Constitutional Provisions
			<p>may execute protocol and ceremonial function, the rendering of ceremonial and valedictory remarks, as well as general guidance to the House on matter of practice, procedure, and the traditions of the House.</p>