



ST HELENA



SELECT COMMITTEES (ESTABLISHMENT) ORDER 2026

Made by the Governor in exercise of the powers conferred by section 69A of the Constitution.

Citation and commencement

1. This Order may be cited as the Select Committees (Establishment) Order 2026, and comes into force upon publication.

Interpretation

2. In this Order unless the context otherwise requires—
“**Chair**” means the Chair of the relevant Select Committee appointed under paragraph 4 and includes an acting Chair selected under paragraph 6(1);
“**Committee**” means a Select Committee established under paragraph 3;
“**Elected Member**” means an Elected Member of the Legislative Council;
“**non-public Government document**” means a document held by the Government that is not publicly available and includes a document held by a Minister in their official capacity;
“**Portfolio Director**” means the public officer in charge of a Government Department, and includes an officer appointed temporarily to act in that capacity;
“**responsible Minister**” means the Minister or Chief Minister, as the case may be, who has responsibility for the relevant department or function of government in accordance with section 37B of the Constitution;
“**responsible officer**” means, as the case may be, the Deputy Chief Secretary, Deputy Financial Secretary or relevant Portfolio Director;
“**working day**” means a day which is not a Saturday, Sunday, or public holiday.

Establishment of Committees

3. (1) Pursuant to section 69A of the Constitution, two Select Committees, to be known respectively as Select Committee 1 and Select Committee 2, are hereby established for purposes of scrutiny of sectors of Government activity.

- (2) The two Committees are responsible for after-the-fact review and scrutiny of decisions, policies and activities of the Government.
- (3) The two Committees are responsible for review and scrutiny of the following sectors of Government—
 - (a) Select Committee 1—
 - (i) Health and Social Care,
 - (ii) Environment, Natural Resources and Planning, and
 - (iii) Education, Skills and Employment;
 - (b) Select Committee 2—
 - (i) Treasury and Economic Development,
 - (ii) Safety, Security and Home Affairs, and
 - (iii) Central Support Services and any other office or department which forms part of St Helena Government, or works for or on behalf of St Helena Government.
- (4) Notwithstanding the general provisions of this paragraph, Select Committees shall have no mandate or authority to inquire into, review, or scrutinise—
 - (a) any policies, decisions, activities, or expenditure relating to projects funded under the Economic Development Investment Programme (EDIP), or
 - (b) individual Human Resources matters including specific grievances and employment cases.

Members and Chair of Committees

- 4. (1) The Elected Members of the Legislative Council present and voting at a formal meeting of the Legislative Council must elect a Chair for each Select Committee, in accordance with the Standing Orders, from among the Elected Members who are not Ministers.
- (2) A person elected as a Select Committee Chair in accordance with subparagraph (1) must be appointed as such by the Governor.
- (3) As soon as practicable after being elected in accordance with subparagraph (1), the Chairs must agree on the selection from among the other Elected Members, who are not Ministers,—
 - (a) three members to Select Committee 1, and
 - (b) two members to Select Committee 2,who are to be appointed as such by the Governor.
- (4) Subject to paragraph 6(3), an Elected Member may be appointed as member of only one Select Committee at any one time.

- (5) If the Chairs of the Committees have not, within 10 working days after the date of their election, agreed on the selection of members under subparagraph (3), the Governor, acting in their discretion, may appoint the number of such members as required under that subparagraph.
- (6) Where the office of Chair or member of the Committee, as the case may be, is vacant, and—
 - (a) a Chair is not elected in accordance with subparagraph (1) within a reasonable period, or
 - (b) a member is not selected by the Chairs of the Committee for appointment within 10 working days of the date of such vacancy, the Governor may appoint a Chair or member as the case may be, at the Governor's discretion.
- (7) The Chair of the Committee may, with approval of the Governor, appoint specialist advisers to advise the members.

Meetings of Committee

- 5. (1) A Select Committee may convene formally or informally at any time, but may not take live evidence—
 - (a) other than at a formally convened meeting of a Committee;
 - (b) from any one person for more than one day (or, if sitting more than one day, for a total of eight hours) in any calendar month.
- (2) The Committee may consider a maximum of two matters at any one time and may not consider another matter until the report on at least one of those matters has been completed and submitted to the relevant minister for their response in accordance with paragraph 8(2).
- (3) Meetings shall be held in public except where the Chair directs, or the Committee resolves, that the public should be excluded due to the matter before the Committee being such that it ought to be treated as confidential.
- (4) The Chair may—
 - (a) compel the Chief Secretary, Financial Secretary and any responsible officer to attend the Committee meeting;
 - (b) request attendance of any other public officers through the Chief Secretary or the relevant Portfolio Director.
- (5) The Attorney General may be requested to attend a Committee meeting in accordance with subparagraph (4)(b), but is not required to disclose legal advice given to the Government or to undertake any step or disclose any matter or information that in the opinion of the Attorney General—
 - (a) would be improper,
 - (b) would be inappropriate, or

- (c) could tend to undermine the Governor, the Government position, or current court proceedings.
- (6) The Chair may invite persons other than public officers to attend and address the Committee with respect to any relevant matter being considered by the Committee.
- (7) The Chair must determine which matters are to be considered by the Committee after consultation with the Chief Minister.
- (8) For the purposes of this paragraph, a formally convened meeting of a Committee must comply with the following conditions—
 - (a) all persons compelled, requested or invited to attend the meeting in accordance with subparagraphs (4), (5) or (6) must be given at least ten working days' notice of the meeting,
 - (b) the meeting must be recorded, a detailed minute taken, or both, and
 - (c) the meeting must be held in accordance with any relevant rules of procedure made under paragraph 10.

Quorum and voting

- 6. (1) If, due to absence or any other reason, the Chair is unable to preside at a meeting of the Committee, another member selected by the members present from among themselves must preside as acting Chair.
- (2) No business may be conducted at any Committee meeting unless a quorum of two members (including the Chair, or person presiding as acting chair) are present.
- (3) If a member or members of a Select Committee are unable to attend or are not counted as part of the quorum under paragraph 9(3), which results in the Committee not being quorate, the Chair may select a member or members of the other Select Committee to attend and to substitute as members.
- (4) All questions for decision of the Committee must be determined by the majority of the votes of members present and voting and, in the case where the votes are equal, the Chair shall have a second or casting vote.

Use of non-public Government documents

- 7. (1) Non-public Government documents are not allowed before the Committee otherwise than in accordance with the provisions of this paragraph.

- (2) Subject to subparagraph (3), the responsible Minister must decide whether a Committee shall have access to a non-public Government document which relates to the subject matter within the relevant portfolio of that Minister.
- (3) If a non-public Government document relates to a special responsibility of the Governor under section 44 of the Constitution, the Governor (after consulting the responsible Minister, if applicable) must decide whether a Committee shall have access to such document.
- (4) Where subparagraph (2) or (3) applies, the responsible Minister or Governor, as the case may be, must determine whether full access to the document will be provided and, if not, must determine whether—
 - (a) the document will be withheld in its entirety;
 - (b) the document will be provided with redactions, and what those redactions will be;
 - (c) the document will be provided subject to conditions and what those conditions will be.
- (5) Conditions that may be imposed under subparagraph 4(c) include but are not limited to—
 - (a) the manner in which the document can be accessed;
 - (b) how the document may be used;
 - (c) what reference may be made to the document in a report by the Committee.
- (6) Where, under subparagraph (4), access to a document is withheld or redactions or conditions applied, the responsible Minister or Governor must provide a statement to the Committee explaining why such restrictions are in the public interest.
- (7) When being granted access to any non-public Government document, the Chair and members of the Committee are required to sign a confidentiality agreement with respect to such document, containing such provisions as may be determined by the relevant Government department.

Report to Legislative Council

- 8. (1) A conclusion by the Committee must be contained in a report, which may include recommendations to the Executive Council concerning the matter, and the Chair must lay the Committee report before the Legislative Council.
- (2) The Chair must give written notice to the responsible Minister, allowing the responsible Minister at least seven working days to respond before submitting the report to the Clerk of Councils for purposes of laying the report before Legislative Council under subparagraph (1).

- (3) The responsible Minister notified under subparagraph (2) must respond to the report no later than six weeks from the date that the notification was given.
- (4) Any response provided in accordance with subparagraph (3) must be submitted to the Chair to be laid before the Legislative Council together with the Committee report under subparagraph (1).
- (5) A member or members of the Committee may make and lay a minority report before the Legislative Council and the provisions of subparagraphs (2) - (4) apply in the same manner in respect of such minority report.

Conflict of interest

- 9. (1) If a member has any direct or indirect conflict of interest relating to the matter before the Committee, the member must, as soon as reasonably possible before commencement of the meeting of the Committee, disclose that conflict of interest.
- (2) Where a disclosure is made under subparagraph (1), the Chair, acting in their discretion, may—
 - (a) require the member to withdraw from the meeting,
 - (b) order that the member be allowed to remain but may neither participate in the discussion nor vote,
 - (c) order that the member be allowed to remain and participate in the discussion but may not vote, or
 - (d) declare that the conflict of interest disclosed is not one which materially affects the ability of the member to participate objectively in the determination of the matter, in which case the member may participate and vote on the matter.
- (3) Where subparagraph (2)(a), (b) or (c) applies, the member must not be counted as part of the quorum.
- (4) If the member disclosing the conflict of interest under subparagraph (1) is the Chair, an acting Chair needs to be selected in accordance with paragraph 6(1) to make a determination with respect to the disclosure under subparagraph (2), and if the acting Chair makes a declaration under subparagraph (2)(d), the selection of the acting Chair shall lapse and the Chair may continue to preside at the meeting.

Rules of procedure

- 10. Subject to the Constitution and this Order, the members of both Select Committees may agree and make rules of procedure which rules shall apply to both Committees.

Revocation

- 11.** The Select Committees (Establishment) Order 2022 is revoked.

Made this 1st day of September 2026

Nigel Phillips CBE
Governor