

**ST HELENA, ASCENSION AND TRISTAN DA CUNHA
CONSTITUTION ORDER, 2009**

**COUNCIL COMMITTEES (RULES OF PROCEDURE) (AMENDMENT)
ORDER, 2020**
(Section 59 of the Schedule)

Citation and interpretation

1. (1) This Order may be cited as the Council Committees (Rules of Procedure) (Amendment) Order, 2020.

(2) In this Order, “the principal Order” means the Council Committees (Rules of Procedure) Order 2010.

Amendment of rule 1 - Citation and application

2. The principal Order is amended by inserting after the words “under section 56 of the Constitution” the following words—

“; to facilitate the performance of the functions of the Council Committees appointed by the Governor pursuant to section 58(1) of the Constitution and charged with responsibility for the subjects or departments of government as directed by the Governor pursuant to section 58(2) of the Constitution and set out in the Schedule.”.

Amendment of rule 8 - Minutes

3. The principal Order is amended in rule 8(1) as follows—

- (a) by deleting the words “2 working days” and substituting the words “5 working days”; and
- (b) by deleting the words “, and to each of the *ex officio* members of the Legislative Council”.

Insertion of rule 10A - Inordinate delay in determination of matters

4. The principal Order is amended by inserting after rule 10 the following rule—

“Inordinate delay in determination of matters

10A. (1) If, after a matter to be determined by a Committee of which the Chair is a member has been considered by the Committee and in the opinion of the Chair the matter is unlikely to be determined in what the Chair would consider to be a reasonable time in the circumstances given the matter to be determined, the Chair may, after consultation with the Governor and the relevant Head of Department on the matter to be determined, make a determination in respect of the matter.

(2) At the next meeting convened following a determination of the Chair under sub-rule (1), the Chair must—

- (a) inform the Committee that the Chair has made a determination;

- (b) inform the Committee of the determination made; and
- (c) present the reasons for the determination to the Committee.

(3) A member of a Committee who disagrees with the determination of a Chair made in accordance with sub-rule (1) may, submitting the member's reasons for the member's disagreement, appeal to the Governor to quash the determination of the Chair.

(4) An appeal and the reasons submitted pursuant to sub-rule (3) may be made orally or in writing.

(5) Where an appeal has been made to the Governor under sub-rule (3) the Governor may, after considering the reasons submitted, uphold the determination of the Chair or quash the determination of the Chair and refer the matter back to the Committee for further consideration and determination.”.

Amendment of rule 17 - Chair may act on Committee's behalf between meetings

5. The principal Order is amended by revoking rule 17 and substituting the following rule—

“17. Between meetings of a Committee, the Chair (in consultation with any relevant Head of Department) may act on the Committee's behalf on matters which are of a routine nature or which are of such a nature that it is impracticable for a meeting of the Committee to be convened by the time within which it might be necessary for the Chair to act and the Chair must report all acts of the Chair on behalf of the Committee at the next meeting of the Committee.”.

Insertion of rule 17A - Governor to be consulted

6. The principal Order is amended by inserting after rule 17 the following rule—

“Governor to be consulted

17A. Consultation must be made with the Governor for a question relating to international shipping or international air access for which a Committee is required to make a determination and a determination in respect of such a question must be approved by the Governor.”.

Insertion of Schedule

7. The principal Order is amended by inserting after section 19 the following—
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SCHEDULE *(rule 1)*

Council Committees

1. Pursuant to section 58(1) of the Constitution—

- (a) the Council Committees appointed by the Governor are continued as follows—
- (i) the Economic Development Committee;
 - (ii) the Education Committee as the Education and Employment Committee;
 - (iii) the Environment & Natural Resources Committee;
 - (iv) the Public Health Committee;
 - (v) the Social & Community Development Committee; and
- (b) there is appointed the Finance Committee.

Committee Responsibilities

2. The Council Committees continued and appointed under paragraph 1 are directed by the Governor pursuant to section 58(2) of the Constitution, to have responsibility for the matters respectively assigned as follows—

Economic Development Committee

Subject to relevant laws, and to policies of the Governor in Council, the Committee continued has policy responsibility for Government business concerning economic development, investment, tourism, agriculture, fisheries, labour market, communications (including media, telecommunications, postal services); shipping and port management and air access; and for policy relating to any legislation relevant to those subjects.

Education and Employment Committee (new name for this committee)

Subject to relevant laws, and to policies of the Governor in Council, the Committee continued has policy responsibility for Government business concerning education (including, specifically, schools, skills and lifelong learning) and employment rights; and for policy relating to any legislation relevant to those subjects.

Environment & Natural Resources Committee

Subject to relevant laws, and to policies of the Governor in Council, the Committee continued has policy responsibility for Government business concerning infrastructure (including utilities); environmental management; lands (including crown estate); land use planning and development control; and forestry; and for policy relating to any legislation relevant to those subjects.

Public Health Committee

Subject to relevant laws, and to policies of the Governor in Council, the Committee continued has policy responsibility for Government business concerning health (including health services, preventive health services, environmental health, and public health); disaster management; health and safety; and for policy relating to any legislation relevant to those subjects.

Social & Community Development Committee

Subject to relevant laws, and to policies of the Governor in Council, the Committee continued has policy responsibility for Government business concerning social security; social services; pensions; housing (including Government Landlord Housing); legal system (including the Constitution, Human Rights, and Immigration); civil society (including non-government organisations); community centres; culture and heritage; leisure, sports and recreation; and for policy relating to any legislation relevant to those subjects.

Finance Committee

Subject to relevant laws, and to policies of the Governor in Council, the Committee appointed has policy responsibility for Government business concerning finance and audit; and for policy relating to any legislation relevant to those subjects.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

The purpose of this Order is to permit the Chair to make decisions on behalf of the Council Committee in circumstances where a decision is urgently required and to publish the appointment of and directions to the Council Committees as a Schedule to the Rules of Procedure.