

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor-General and Commander-in-Chief of the West Indies

Dated 20th August, 1957.

ELIZABETH, R.

Instructions to Our Governor-General and Commander-in-Chief of The West Indies or other person for the time being performing the functions of that office.

Whereas by the Constitution of the West Indies (hereinafter referred to as "the Constitution") it is provided that there shall be a Governor-General and Commander-in-Chief of the Federation thereby constituted (hereinafter referred to as "the Federation") who shall be appointed by Us by Commission under Our Sign Manual and Signet and hold office during Our pleasure and who shall be Our representative in the Federation:

And Whereas We are minded to issue Instructions for the guidance of the Governor-General and Commander-in-Chief or any other person who may be appointed to perform the functions of that office:

Now, therefore, as from the date appointed under subsection (2) of section 1 of the West Indies (Federation) Order in Council, 1957, We do direct and enjoin and declare Our will and pleasure as follows:—

1. (1) Every person who is appointed to the office of Governor-General and Commander-in-Chief under article 2, or who is appointed to perform the functions of that office under article 3, of the Constitution, shall, before entering on the duties of that office, cause the Commission by which he is appointed to be read and published in the presence of the Chief Justice of the Federation or some other judge of the Federal Supreme Court and, unless there is for the time being no Council of State, of such members of that Council as can conveniently attend, and make before the said persons an oath or affirmation of allegiance and an oath or affirmation for the due execution of the office of Governor-General and Commander-in-Chief in accordance with the provisions of the Constitution, which oaths or affirmations the said Chief Justice or other judge is hereby required to administer.

(2) Until the Chief Justice of the Federation or some other judge of the Federal Supreme Court has been appointed and has entered upon the functions of his office, the reference in the foregoing paragraph of this clause to the Chief Justice of the Federation or some other judge of the Federal Supreme Court shall be construed as a reference to the President of the Court established by the West Indian Court of Appeal Act, 1919, or some other judge of that Court.

Governor-General to consult a committee regarding exercise of certain functions during initial period.

2. (1) During the period commencing with the date appointed under subsection (2) of section 1 of the West Indies (Federation) Order in Council, 1957, and ending when the House of Representatives first meets, the Governor-General shall, so far as is practicable, consult the members of the Standing Committee of the Federation, or such of them as may be available, regarding—

- (a) the exercise of the powers conferred upon him by subsection (1) and subsection (5) of section 2 of the West Indies (Federation) Order in Council, 1957; and
- (b) the exercise of his functions in any case in which, if the period aforesaid had ended, he would be required by the Constitution to consult or obtain the advice of the Council of State or the Prime Minister of the Federation:

Provided that—

- (i) the Governor-General shall not be required to consult any of the members of the said Committee in any case in which the Governor-General considers that, if the period aforesaid had ended, he would consult the Prime Minister instead of the Council of State under paragraph (2) of article 60 of the Constitution; and
- (ii) in appointing any Federal Justice the Governor-General shall consult such member, if any, of the Standing Committee of the Federation as the members of that Committee may appoint for that purpose.

(2) In any case in which the Governor-General consults with the members of the Standing Committee of the Federation or any of them in pursuance of this clause he may act otherwise than in accordance with the advice of those members.

(3) In this clause references to the Standing Committee of the Federation shall be construed as references to the body established in pursuance of paragraph 52 of the Report by the Conference on British Caribbean Federation held in London in February, 1956, and references to the members thereof shall be construed as references to the members thereof representing territories comprised in the Federation.

Exercise of certain powers in accordance with constitutional conventions of United Kingdom.

3. In the exercise of the powers conferred on him by paragraph (1) of article 38 and paragraph (1) of article 64 of the Constitution the Governor-General shall act as nearly as may be in accordance with the constitutional conventions that apply to the exercise by Us of like powers in the United Kingdom.

4. When any law has been enacted by the Federal Legislature the Governor-General shall forthwith transmit to Us, through one of Our Principal Secretaries of State, two copies of that law, duly authenticated under the public seal of the Federation and by his own signature, together with an explanation of the reasons and occasion for the enactment of the law.

5. Except in circumstances in which he is not regarded as absent from the Federation for the purposes of article 3 of the Constitution, the Governor-General shall not leave the Federation without first obtaining permission from Us through one of Our Principal Secretaries of State.

6. These Instructions, so far as may be, shall be deemed to be addressed to, and shall be observed by, any deputy to the Governor-General appointed under article 4 of the Constitution.

7. In these Instructions, unless the context otherwise requires—

“the Governor-General” means the Governor-General and Commander-in-Chief of the Federation and includes any person for the time being performing the functions of that office under article 3 of the Constitution;

“the Federal Supreme Court,” “the Council of State,” “the House of Representatives” and “the Federal Legislature” mean respectively the Federal Supreme Court, the Council of State, the House of Representatives and the Federal Legislature established under the Constitution.

Given at Our Court at Saint James’s this twentieth day of August, in the Sixth year of Our Reign.