

Governor issues statement to explain constitutional point

The Governor, Mr. Alan Scott, in response to enquiries regarding the procedure recommended by the Constitutional Commissioners for appointment of a chief minister, has issued the following statement:

"I have been asked about a reference in the report of the Constitutional Commissioners to the procedure for appointment of a chief

minister, if such a post is created. The Commissioners' report says:

(a) "The Governor acting in his discretion shall appoint as Chief Minister the elected member of the Legislative Assembly who appears to him best able to command the confidence of a majority of the elected members."

(b) "If no such person is appointed, the Governor shall appoint as

Chief Minister the elected member of the Legislative Assembly who, in secret ballot, obtains a majority of votes of elected members of the Assembly."

"The phrase 'acting in his discretion' in (a) seems to have caused some misunderstanding. It is the phrase normally used in this context, and appears in the constitutions of Anguilla, Bermuda, Montserrat and the Turks and Caicos Islands.

"In the British Virgin Islands, where there have been political parties for some years, the provision is that 'the Governor shall appoint as Chief Minister the elected member of the

Legislative Council recommended by a majority of the elected members of council who are members of the political party gaining the majority of seats."

Failing any such majority being gained, then 'the Governor acting in his discretion shall appoint as Chief Minister the elected member who in his judgment is best able to command the support of a majority of the elected members of the Legislative Council.'

"The phrase 'acting in his discretion' simply indicates that it is not a matter on which the Governor is required to consult Executive Council.

"It would be unconstitutional as well as inappropriate for the Governor to be required to consult an outgoing Executive Council (which continues in office until it is replaced by the incoming Executive Council) about the appointment of the incoming chief Minister." (GIS)