

## TUVALU

## THE TUVALU ROYAL INSTRUCTIONS 1975

Dated: 17th September 1975.

ELIZABETH, R.

INSTRUCTIONS to Our Commissioner in and over Our Colony of Tuvalu or other Officer Administering the Government of the Colony.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1.—(1) These Instructions may be cited as the Tuvalu Royal Instructions 1975.

Citation, publication and commencement.

(2) These Instructions shall be published by exhibition at the Public Office of the Commissioner and thereafter as soon as may be in the Gazette and shall take effect on the day on which the Tuvalu Order 1975 (in these Instructions referred to as "the Order of 1975") comes into operation.

Interpretation.

2. The provisions of section 83 of the Constitution set out in Schedule 2 to the Order of 1975 shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting that Order.

Rules for the making of laws.

3. In the making of laws under the powers conferred by section 50 of the Constitution the following rules shall be observed as far as practicable:—

(a) All laws shall be styled "Ordinances" and the words of enactment shall be—  
"Enacted by the Commissioner with the advice and consent of the House of Assembly";

Provided that in the case of any law made by the Commissioner under section 56 of the Constitution the words of enactment shall be "Enacted by the Commissioner in accordance with the provisions of section 56 of the Constitution of Tuvalu";

(b) All Ordinances shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin or at its head a short indication of its contents.

(c) All Ordinances shall be numbered consecutively in a separate series for each year, commencing with the number one, so that—

(i) an Ordinance passed by the House of Assembly (or deemed to have been so passed under section 56 of the Constitution)

and assented to by the Commissioner is included in the series for the year in which it is so passed, and its position in the series is determined with reference to the day on which the Commissioner has assented to it;

(ii) an Ordinance assented to by Us through a Secretary of State is included in the series for the year in which the Commissioner has signified Our assent by proclamation, and its position in the series is determined with reference to the day on which Our assent has been so signified.

(d) Matters having no proper relation to each other shall not be provided for by the same Ordinance; no Ordinance shall contain anything foreign to what the title of the Ordinance imports; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

4. Without having previously obtained Our instructions through a Secretary of State, the Commissioner shall not assent to any Bill within any of the following classes, unless the Bill contains a provision suspending its operation until the signification of Our pleasure, that is to say, any Bill—

Certain Bills not to be assented to without instructions.

(a) for the divorce of married persons;

(b) whereby any grant of land or money or other donation be made to himself;

(c) affecting the currency of Tuvalu or relating to the issue of bank notes;

(d) establishing any banking association, or altering the constitution, powers or privileges of any banking association;

(e) imposing differential duties;

(f) affecting the discipline or control of Our naval, military or air forces;

(g) the provisions of which appear to him to be inconsistent with obligations imposed on Us by treaty, convention, agreement or arrangement relating to any country or international or similar organisation outside Tuvalu;

(h) of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in Tuvalu, or the trade, transport or communications of any part of Our dominions or any territory under Our protection or in which We have for the time being jurisdiction, may be prejudiced;

(i) the provisions of which appear to him as likely to cause a financial liability which the Government of Tuvalu might find difficulty in meeting out of its own resources; or

(j) containing provisions to which Our assent has been refused or which have been disallowed by Us.

Provided that if the Commissioner is satisfied that it is urgently necessary in the public interest that a Bill falling within any of the said classes (other than a Bill falling within paragraph (g) of this clause) be brought into immediate operation, he may assent to that Bill without

such instructions as aforesaid and although the Bill contains no provision as aforesaid; but he shall forthwith transmit to Us the Bill together with his reasons for so assenting to it.

5. When any Ordinance has been enacted or any Bill has been reserved for the signification of Our pleasure, the Commissioner shall forthwith transmit to Us through a Secretary of State for the signification of Our pleasure, a transcript in duplicate of the Ordinance or Bill, duly authenticated by his own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance or the passing of the Bill.

Ordinances and Bills to be sent through a Secretary of State.

6. As soon as practicable after the commencement of each year the Commissioner shall cause a complete collection of all Ordinances enacted during the preceding year to be published for general information.

Collection of Ordinances to be published annually.

7. The Commissioner shall not, directly or indirectly, purchase for himself any land or building in Tuvalu to Us belonging without Our special permission given through a Secretary of State.

Purchase of property by Commissioner.

8. The Commissioner may, whenever he thinks fit, require any person in the public service of Tuvalu or holding any office constituted by or under the Constitution to make an oath or affirmation of allegiance in the form set out in Annex 2 to the Constitution together with any other oath or affirmation that may be prescribed in relation to his office by any law for the time being in force in Tuvalu.

Oath of allegiance by public officers, etc.

Given at Our Court at St. James's this Seventeenth day of September 1975 in the twenty-fourth year of Our Reign.