STATUTORY INSTRUMENTS

2017 No. 317

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Turks and Caicos Islands (Finance) Order 2017

Made - - - -	*8th March 2017*
Laid before Parliament	*10th March 2017*
Coming into force - -	*1st April 2017*

At the Court at Buckingham Palace, the 8th day of March 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 5 and 7 of the West Indies Act 1962(**1**), and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Turks and Caicos Islands (Finance) Order 2017.

(2) This Order comes into force on 1st April 2017.

(3) This Order extends to the Turks and Caicos Islands.

Interpretation

2.—(1) In this Order—

"the Constitution" means the Constitution set out in Schedule 2 to the Turks and Caicos Islands Constitution Order 2011(**2**); and

"the Ordinance" means the Chief Financial Officer Ordinance 2012(**3**).

(2) All other expressions used in this Order have the same meaning as set out in the Constitution.

(**1**) 1962 c.19.
(**2**) S.I. 2011/1681, as amended by S.I. 2017/181.
(**3**) TCI Ordinance No. 17 of 2012, Chapter 19.15.

Abolition of the office of the Chief Financial Officer

3.—(1) The office of the Chief Financial Officer is abolished and—

(a) section 7 of the Turks and Caicos Islands Constitution Order 2011 is revoked; and

(b) the Ordinance is repealed.

(2) Paragraph (1) does not affect the validity of any things done, or omitted to be done, by the Chief Financial Officer during the existence of that office.

Powers of the Governor

4.—(1) This article applies where the Governor considers that there has been a failure to appropriate and provide reasonable funding for a matter listed in paragraph (2) (in this article, an "unfunded matter").

(2) The matters referred to in paragraph (1) are—

(a) ensuring the effective conduct of the business of the Government with respect to—

(i) defence;

(ii) external affairs;

(iii) the regulation of international financial services;

(iv) internal security, including the Police Force; or

(v) the appointment of any person to any public office, the suspension, termination of appointment, dismissal or retirement of any public officer, the taking of any disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service and the organisation of the public service;

(b) upholding the rule of law and judicial independence;

(c) securing compliance with an international obligation;

(d) ensuring compliance with any Statement of Governance Principles for the time being in effect;

(e) ensuring the effective operation of committees of the House of Assembly, the courts, the Attorney General's Chambers, and each institution protecting good governance; and

(f) giving effect to the recommendations contained in a report of the Electoral District Boundary Commission.

(3) The Governor may cause to be prepared a Supplementary Appropriation Bill to provide for the issue from the Consolidated Fund of any sums necessary to meet the expenditure for, and for the appropriation of those sums required for, an unfunded matter.

(4) If it appears to the Governor that the Cabinet is unwilling to support the introduction into the House of Assembly of a Supplementary Appropriation Bill prepared under paragraph (3), or that the House is unlikely to pass a Supplementary Appropriation Bill if introduced, the Governor may, with the prior approval of a Secretary of State, cause that Bill to be published in the *Gazette* and may (notwithstanding that the Bill has not been passed by the House) assent to it on behalf of Her Majesty.

(5) Where expenditure has been authorised for an unfunded matter by an Appropriation Ordinance or a Supplementary Appropriation Ordinance, whether prepared under paragraph (3) or not, money may be withdrawn from the Consolidated Fund to meet that specified expenditure upon the authority of a warrant signed by the Governor and addressed to the Accountant General, and the Accountant General shall ensure the release of that money for the purposes specified in the Ordinance.