



**FALKLAND ISLANDS  
GOVERNMENT**

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*Acknowledgements:*

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A brief history of the

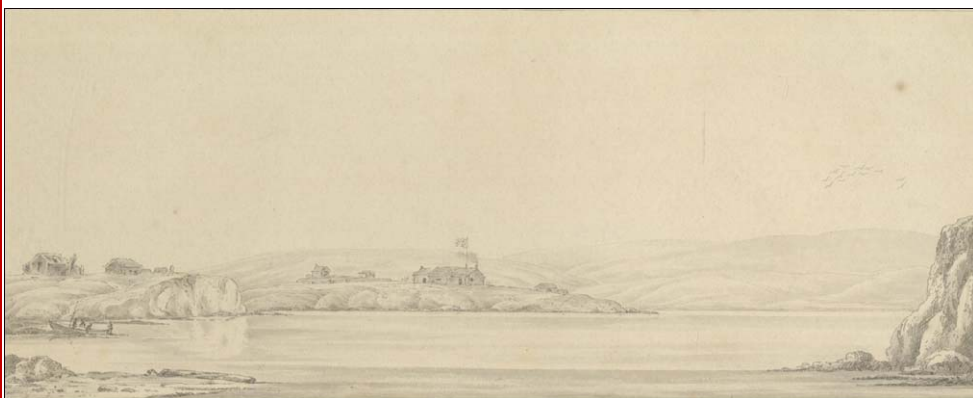
# Legislature of the Falkland Islands

## The Development of the Colony

Richard Clement Moody, in his words *“merely a subaltern of Engineers”*, was chosen 22 July 1841 at the age of 28 to proceed to the Falkland Islands as Her Majesty’s Government were contemplating taking measures to colonize the Islands. At the time of his selection no firm decision had been reached in London on the future of the small British settlement at Port Louis. Moody was instructed to proceed to the Falkland Islands for *“the purpose of superintendence and of making certain enquiries on the result of which steps will here-after be taken for establishing a regular authority in those Islands”*. On 23 August 1841 Moody was appointed Lieutenant Governor of the Falkland Islands. As the Falkland Islands did not afford the means of representative institutions the Colony was to remain for a time without a Legislature or Courts of Justice and the commencement of his government was to be *“one of influence, persuasion and example, rather than of direct authority”*

Accompanied by a small but vital group of Royal Sappers and Miners and their families, as well as two civilians to undertake surveying, Moody arrived at Port Louis 15 January 1842. That same month he composed a *“Statistical table showing the names, occupations &c &c of the inhabitants of the Falkland Islands in January 1842”* which also recorded the houses and stock in the fledgling settlement of 49 souls suddenly increased to 76 with the arrival of Moody’s party. Of these descendants of the civilian population, Dettleff, Pitaluga and Watson, and of the sappers & miners, Biggs and Yates, are still in the Islands today.

Only four days after his arrival at Port Louis Moody rode overland to inspect Port William in the company of Lieutenant Tyssen. After careful inspection he was of the opinion that it was much better adapted as the site of the chief town of the Colony than Port Louis but due to the lateness of the season did not have sufficient time to settle himself and his party before the winter commenced.



Port Louis—20 January 1834

Michael Summers BA OBE was first elected to Legislative Council in a by-election in 1996, and was then re-elected a further five times. He served many years on Executive Council, and ten years as Chair of Standing Finance Committee. His key focus has always been the economy and foreign affairs. He was Chair of the Select Committee on the Constitution (completed 2008).



My approach to Government in the Falkland Islands has always been that unless you take care of the economy and external affairs (critically including the relationship with the UK Government), most of the other things we would like to achieve are much more difficult. I have consequently focused on these two key areas to help keep the Islands safe, successful and able to develop further. The right to Self Determination and a longer term perspective have been my key guiding principles.

As an elected Member in a period spanning 21 years across 6 different Assemblies it is not so easy to pick out particular projects or events that stand out. The most important developments are often the result of gradual change, or a combination of actions. Establishing the key role of the Legislature in the making and execution of Government policy, and embedding true democracy, is certainly the most important. The relationship between the Legislature and the Executive has been transformed in these two decades, as has the critical working relationship between Falkland Islands Government and the UK Government. Alongside that establishing the strong economic base from which we can plan future works has been critical; when you can pay your own way you have a much stronger political voice.

One of my first acts as a newly elected MLA in 1996 was to propose the making of an Islands Plan. No such plan existed at that point, and it was a substantial task to pull it into being. This has enabled subsequent works on the Economic Development Strategy and its sub-strategies. The making of plans themselves do not create wealth, but clear the way for logical and consistent policies and decisions that enable businesses to flourish.

The making of the new Fisheries Management Ordinance, and the Offshore Minerals Ordinance (enabling oil exploration and production), were stand out pieces of work.

In social development the making of the new Government Occupational Pension Scheme (FIPS), the Children’s Ordinance (bringing a new era in safeguarding children), and planning the new Vulnerable Persons facility (shortly to begin construction), are key achievements.

Access to Information legislation, public meetings, elected leadership, roads, the ferry, the abattoir, South American Atlantic Services (SAAS), full time Members, the 2008 Constitution, the Crimes Bill, the 1999 Agreement, the 2016 Joint Statement, the DNA project, relationships with the USA and Canada, the 2nd flight with South America, are all projects and programmes in which I have been fully engaged, and which have been instrumental in our progress.....and the list goes on. A remark by a Canadian Legislator two years ago truly struck home. He said *“Yours is one of the most remarkable nation building achievements I have ever seen”*.

Economically self-sufficient, internally self-governing to the maximum extent possible. That’ll do for me, I am proud to have been part of it.

## Longest Serving Female and Male Members of the

### Legislative Council/Assembly



**Norma Edwards OBE** was elected to Legislative Council in 1985. At that time things were in turmoil after the war. Great changes were happening in the Islands and it was an honour for me to be a small part of those changes.

At that time we re-wrote the Constitution which enabled there to be much more internal autonomy. We were able to decide our own future because we had the right to Self Determination written within that Constitution for the first time. During my time on Government we:

- ◇ Set up the Development Corporation, which amongst other things oversaw the sub-division of Farms which was happening at that time.
- ◇ Introduced further education for our children up to University level—fully funded
- ◇ Built several new infrastructures (school, hospital, Falkland Islands Defence Force, water & power plants)
- ◇ Built or repaired the roads of Stanley and built Camp tracks to all the farms and settlements on both main Islands. 24 hour power was installed on all farms and a ferry service linking the Islands. An abattoir was built so that farmers are not entirely reliant on wool for their income. Life in Camp has changed dramatically from when I moved to our farm in 1986.
- ◇ Telecommunications were set up to improve communications locally and with the rest of the world.

One of the main concerns I had when I first stood for Council was for the control of the fishing vessels in our waters. Between 850-900 at any one time were helping themselves, free of charge, to our fish. The first Motion I put to Legislative Council was for the introduction of Transhipment Fees within the three mile limit. That boosted the coffers until we had a fishing regime in place. It was important to me that when the Conservation and Fisheries Ordinance was introduced and for the first time in our history we had a decent income each year, that we invested some of our fisheries income to make sure we had a “nest egg” for future lean times. I’m pleased to say our investments are very healthy and I hope they continue to thrive.

Over my time on Government I served on just about every portfolio or committee, but the Board of Health was my main one and it gives me great satisfaction to say we now have a health service we can be very proud of. For the size of our little country it compares very well with the rest of the world.

It was a privilege to serve on the Government of these Islands during the greatest period of change in the history of the Falklands and I am pleased that our children have, I think, a bright future ahead of them and our people can look forward to an economically stable future. All we need to do now is ensure we protect our waters from pollution so that our wildlife will thrive as well!



Government Offices and House circa 1845

In his despatch of 5 June 1842 Moody advised that his intention was to put the settlers in full possession of the land upon which their houses stood by the sale of allotments. Aided by his surveyor, Murrell Robinson Robinson, Moody drew up a town plan for Port Louis which he requested in October be renamed Anson after Admiral Lord Anson who had advocated the colonisation of the Falkland Islands. By the census of 31 March 1843 the number of houses in the settlement had nearly doubled.

Less than a month after his arrival Moody had sailed around the Islands to gain an impression. He completed his General Report 14 April 1842 and sent it on to London 3 May. The report outlined the resources and potential of the Islands and recommended settlement. Moody’s report however had raised again the question of the site of a new settlement and mentioned the Admiralty’s preference for Port William as a harbour over Berkeley Sound. On 18 August 1843 Moody acknowledged the receipt of despatch 26 from Lord Stanley ordering him to take the necessary steps to remove the settlement to Port William as early as possible. The first detachment of Sappers started work on the south shore of Jackson’s Harbour August 1843 with the construction of a turf house and small wooden house. The move of the administration to Stanley - as Moody requested the new seat of government and future capital of the Falkland Islands be called - began in earnest during 1844 with the Governor himself finally moving to the new town on 15 July 1844.

The *Colombian Packet* arrived at Anson 23 November 1843 with two Instruments under the Great Seal; the first erecting the settlement at the Falkland Islands into a Colony and the second constituting Moody its Governor and Commander in Chief over the Falkland Islands and their Dependencies, both dated 23 June 1843. The latter was accompanied by Instructions under the Royal Sign Manual. The Charter of the Colony set out the constitution of the government of the settlement and instructions to set up Legislative and Executive Councils.

## The Beginning of the Legislative Assembly

The Falkland Islands Letters Patent of 1843 stated that Legislative Council would comprise of the Governor plus not less than two others appointed by the Crown, these to be *“Public Officers or of such other persons within the said Settlements and their Dependencies as should from time to time be named or designated for that purpose... and that all such Councillors should hold their places in the said Council at our pleasure with full power and authority to make and establish all such Laws, Institutions and Ordinances, as might be required for the peace, order and good Government of the said Settlements and their Dependencies...”*

In July 1842 Moody pointed out the necessity of sending out some person invested with judicial authority, a chaplain and a surgeon. This was agreed to and Dr Henry Joseph Hamblin and his family, including his brother-in-law J R Longden, arrived at Anson 23 November 1843. Also on board was John Hamilton Slaughter, private secretary for the Governor.

With the arrival on 3 March 1845 of William Henry Moore, the stipendiary magistrate, and on 23 October 1845 the Reverend James Leith Moody, Colonial Chaplain, the first Legislative and Executive Councils were able to be formed. The first members of Executive Council were Governor Moody, William Moore and Henry Hamblin.

The Stanley Gazette of 30 December 1845 announced the appointment of the Governor Richard Moody, William Henry Moore and Reverend James Leith Moody to constitute and form the Legislative Council of the Falkland Islands and their Dependencies. The first meeting was held Saturday 29 August 1846 with James Robert Longden sworn in as the first Clerk to the Council.

In consequence of a suggestion of observation from Reverend Moody that before entering upon business prayers be read by the chaplain a clause was appended to the Standing Rules and Orders during the second meeting held in October 1846 and to this day still stands.

Although there was no legal requirement for unofficial members (people not employed by the Crown), from an early date Governors nominated private individuals, especially those involved in commerce and farming to serve on both Councils. The first private individual to be appointed to Legislative Council was Richard Almond Williams on 15 May 1847. He was replaced by John Bull Whittington, a settler who had arrived in 1840, who was appointed on 29 August 1848.

Elections are held every 4 years within the constituencies:

### Constituencies

**27** —(1) The Falkland Islands shall be divided into two constituencies, Camp and Stanley. Camp shall return three elected members to the Legislative Assembly and Stanley five elected members and the members shall be elected in such a manner as shall be prescribed by Ordinance.

(2) For the purposes of this section the boundaries of the Stanley constituency shall be such as shall be prescribed by the Ordinance which shall make provision for elections to the Legislative Assembly and “Camp” shall be the remainder of the Falkland Islands.

(3) Subsections (1) and (2) may be amended by Ordinance; but no Bill for any such Ordinance shall be enacted unless it has been supported in a referendum by at least two-thirds of those voting who are registered as electors in each constituency.

(4) In any referendum held under subsection (3), any person registered as an elector pursuant to section 32 at the time of the referendum shall be entitled to vote.

*Falkland Islands Constitution Order 2008*

When elected, the Members of the Legislative Assembly (MLAs) must take the oath of allegiance and the oath of office before entering upon the functions of his or her office. The wording for the oath of office is specified in Annex B to the Constitution:

"I, name, do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and the people of the Falkland Islands, and will uphold the Constitution and other laws in force in the Falkland Islands, as a member of the Legislative Assembly. So help me God."

Initially, MLAs were not fulltime but in 2013 this was changed. MLAs began to receive a salary as it was deemed too much pressure was put upon those that were self-employed or that it deterred people from standing for Camp and Stanley as it would mean time off pay, employing someone to do your work for you, or using leave for legislative duties.



Legislative Assembly 2013

## From Council to Assembly

For just over 163 years, the Falklands had a Legislative Council. On 1 January 2009 it became the Legislative Assembly instead, but why?

The change from Legislative Council to Legislative Assembly was made as part of a package of changes in a new Constitution for the Islands, just one milestone (although a significant one) in a journey of self-determination.

When the current version of the Constitution came into force on 1 January 2009 it marked the end of a 10-year process that started with a 1999 policy document about the UK's relationship with its Overseas Territories.

The Falkland Islands Constitution is still contained in UK legislation and is not enacted or even drafted locally. However, there was extensive consultation and the process was handled in the Falklands by Select Committee.

In May 2007 the final report was published. The Select Committee said:

"10. Section 21(1) makes provision for there to be a Legislative Council for the Falkland Islands. Select Committee is of the view that in common with other Overseas Territories this should now be known as the House of Assembly or Legislative Assembly. The purpose of this is to better reflect the development of internal self-government, and to distinguish between what is in effect a National Government and restricted local Council administration in the UK. Members would be entitled Members of the Legislative Assembly (MLA)."

Although not all of the recommendations of the Select Committee were accepted in full, section 26(1) of the current Constitution said:

### Establishment and composition of the Legislative Assembly

- 26—(1)** There shall be a Legislative Assembly for the Falkland Islands.
- (2) The Legislative Assembly shall consist of eight elected members and two ex officio members, namely the Chief Executive and the Director of Finance, and the Speaker.
- (3) The ex officio members shall not have the right to vote in the Legislative Assembly.

*Falkland Islands Constitution Order 2008*



Legislative Council  
November 2005

## Universal Suffrage

On 4 March 1949 the new Constitution of the Falkland Islands was inaugurated and for the first time four out of the six unofficial members were elected by popular vote. The new Legislative Council comprised of three ex-officio members - the Colonial Secretary, the Senior Medical Officer and the Agricultural Officer - who held their seats by virtue of office; four elected members; two nominated unofficial members selected by the Governor and three nominated official members. This gave the Council a balanced Chamber with the Governor as President exercising a casting vote only. Elected members however were in a minority of four to eight. The first election was held and Arthur G Barton was elected for East Falkland, Keith W Luxton for West Falkland and Stanley C Luxton and Arthur L Hardy for Stanley. Of these four, two were born in the Falkland Islands, three belonged to longstanding local families and one was married to a member of a longstanding local family.

On 15 December 1951 an amendment to the Constitution, the Falkland Islands (Legislative Council) (Amendment) Order in Council 1951, was announced whereby the number of nominated official members of the Legislative Council was reduced from three to two giving for the first time a majority to the unofficial members of the Council however only four out of eleven members were elected.

By Order-in-Council dated 2 September 1964 the constitution was altered to allow for a clear unofficial majority by reducing the number of ex-officio members from three to two. Of significance was the wording of the Order which changed the description of nominated members from "Unofficial" to "Independent" reflecting the growing acknowledgement of the democratic process, endorsed by Governor Arrowsmith's address to Legislative Council shortly before the new Constitution came in place *"Nominated members were in no sense 'Government Men' and were as independent in their views and the way they voted as elected members."*



Stanley — 1870s

## The First Elected Female Councillor

Women weren't denied the right to vote on grounds of gender in the Falkland Islands. The Legislative Council (Elections) Ordinance of 1948 contained provisions for **all** persons above 21 to vote. This Ordinance was brought in further to The Falkland Islands (Legislative Council) Order in Council of 1948. Women were able to vote in the Falkland Islands from 1949 which was the first popular election in the Falkland Islands and only four elections later the first female councillor was elected in 1964.

Marjorie Vinson had accepted a three year contract as deputy head of the primary school in Stanley in 1945. At the end of her contract she married Richard Vinson and moved to North Arm. The Vinsons moved to Darwin in 1964 and the same year Marjorie was elected as the East Falkland candidate. Prior to election she had immersed herself in Camp life, helping with teaching and welfare, and while on council promoted improved opportunities for education for Camp children and the well-being of the community. In 1967 Marjorie was awarded an MBE for community services but not one for airs and graces chose to receive the award at a small ceremony at Government House.



**Marjorie Vinson — 1961**

## The Local Commissions and New Constitutions

In order to have a greater say in the running of the Falkland Islands the people of the Islands expressed a desire for a change in the Constitution. The first local Commission on the Constitution was set up by Legislative Council to ascertain more exactly the Islander's views and to submit recommendations. A report was published in 1975 which led to the changes of 1977. Two nominated members were replaced by two additional elected members giving the elected members a majority of the seats. Legislative Council now consisted of the Governor as President; the Chief Secretary and Financial Secretary as ex-officio members, and six elected members - one each for East Stanley, West Stanley, all of Stanley, East Falkland, West Falkland and all of Camp.

In 1981 a second Commission on the Constitution was set up by Legislative Council with extensive public consultation. This consultation gave rise to the Falklands Islands Constitution Order 1985 which took effect on 18 April 1985 and resulted in the ex-officio members of Legislative Council being unable to vote and eight elected members; four from the Camp constituency and four from the Stanley constituency.

In 1994 a Committee on the Constitution was established by Legislative Council to consider whether further changes should be made. As a result several significant amendments were made in 1997. To reflect the population movement in the Falkland Islands Camp members were reduced to three and Stanley members increased to five. Provision was made for an elected Speaker to replace the Governor as President of Legislative Council.

In 2000 a Select Committee on the Constitution was set up by Legislative Council in response to a UK White Paper in 1999 suggesting that all UK Overseas territories "*should examine their Constitutions and constitutional relationships with the UK to ensure that they suited all the current day circumstances*".

In 2002 the Falkland Islands became a British Overseas Territory and the first Speaker was elected to replace the Governor in presiding over Legislative Council.

In 2005 the Report of the Select Committee was published for public comment and discussion.

On 1 January 2009 a new constitution took effect and the Legislative Council was renamed the Legislative Assembly.