

**LAWS OF KIRIBATI
REVISED EDITION 1980**

CHAPTER 16A

COUNCIL OF STATE

ARRANGEMENT OF SECTIONS

Section

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An Act to make provision in respect of the Council of State

6 of 1980

Commencement: 22 August 1980

1. This Act may be cited as the Council of State Act 1980. Short title
2. (1) The Council of State may by regulation provide for regulating and facilitating the performance by the Council of its functions under the Constitution. Procedures of the Council
 (2) Subject to this Act and to regulations, the Council may regulate its own procedure.
 (3) The question, whether any procedures prescribed for the Council are being or have been complied with, is non-justiciable.
3. (1) During any period when the Council of State is performing its functions under the provision of sections 35 (1) and 49 (2) of the Constitution, the Council shall exercise direction and control over all government departments and, subject to such direction and control, a department shall be under the supervision of the Secretary to the department. Control of government department
 (2) Where the Council of State considers it necessary for public information to do so, the Council may publish any of its resolutions in such manner as it considers appropriate.

Form of exercise of powers

4. Without prejudice to any other manner of execution, whether or not prescribed by the regulations, in the performance by the Council of State, under the provisions of sections 35 (1) and 49 (2) of the Constitution, of the functions of any authority the Council may execute any instrument in the following form, or in a form to the same effect—

“The Council of State, performing in accordance with the Constitution the functions of
(title of authority)

Interpretation of certain references

5. (1) In this section, “authority to which this section applies” means—

- (a) the Beretitenti; or
- (b) the Beretitenti, acting in accordance with the advice of the Cabinet; or
- (c) the Beretitenti, acting—
 - (i) in accordance with the advice of; or
 - (ii) after consultation (by himself, the Cabinet or a Minister) with; or
 - (iii) on the recommendation of,
 the holder of an office by virtue of which he is a member of the Council of State, or any 2 or 3 of them; or
- (d) the Cabinet; or
- (e) a Minister (whether or not a named Minister); or
- (f) any other authority the functions of which are performed by the Council of State under section 49 (2) of the Constitution.

(2) In relation to the performance by the Council of State, under sections 35 (1) and 49 (2) of the Constitution, of the functions of any authority to which this section applies, any reference in any law or in any document having legal effect to an authority to which this section applies shall, as appropriate, be read as a reference to the Council of State.

(3) After the Council of State has ceased to perform the functions referred to in subsection (2), any reference in any law or document having legal effect to the Council in its performance, under sections 35 (1) and 49 (2) of the Constitution, of the functions of an authority to which this section applies shall be read as a reference to that authority, and that law or document is amended accordingly.

6. During any period when the Chairman of the Public Service Commission, the Chief Justice and the Speaker are engaged in carrying out the functions of the Council of State they shall not be debarred from also carrying out the functions of their respective offices.

Carrying out
by members
of functions
of substantive
offices