TURKS AND CAICOS ISLANDS

TURKS AND CAICOS ISLANDER STATUS (AMENDMENT) (NO. 2) ORDINANCE 2023

(Ordinance 14 of 2023)

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(Ordinance 14 of 2023)

Assent……..20th July 2023

Publication in Gazette……21st July 2023

Commencement…… in accordance with section 1

AN ORDINANCE TO AMEND THE TURKS AND CAICOS ISLANDER STATUS ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Turks and Caicos Islander Status (Amendment) (No. 2) Ordinance 2023 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance "principal Ordinance" means the Turks and Caicos Islander Status Ordinance.

Section 3 amended

3. Section 3(2)*(b)* of the principal Ordinance is amended by repealing subparagraph (ii) and substituting—

> "(ii) at least one of P's parents, grandparents or great grandparents has or had Islander Status and was born in the Islands;".

Section 4 amended

4. Section 4 of the principal Ordinance is amended—

(a) in subsection (1)*(b)* by repealing the words "(4),";

(b) by repealing subsection (4);

(c) in subsection (7), by repealing paragraph *(d)* and substituting—

"*(d)*whether the applicant has been or is involved in incitement of violence, racism or public disorder;".

Section 4A inserted

5. The principal Ordinance is amended by inserting the following section immediately after section 4—

"**Islander Status: acquisition of dependant children of persons granted**

4A.A person acquires Islander status if he is a child of a person who acquired Islander status by grant under section 4 and the following conditions apply—

(a) at the time of application the child was resident in the Islands with his parent; and

(b) the child was included in the application form as a dependant child.".

Section 5 amended

6. Section 5 of the principal Ordinance is amended—

(a) in subsection (1)*(b)* by inserting the words "or Form 3" immediately after the words "Form 2"; and

(b) by inserting immediately after subsection (2), the following—

"(2A) An application form under subsection (1) may be made available by or submitted through electronic means.".

Section 14 amended

7. Section 14 of the principal Ordinance is amended by repealing paragraph *(c)* and substituting—

"(*c)*an Attorney of at least ten years' experience, with a background in administrative or public law and whom the Governor is satisfied possesses the appropriate qualifications and experience to undertake his duties, and demonstrates that he is competent to carry his duties in the Commission.".

Section 15 amended

8. Section 15 of the principal Ordinance is amended—

(a) by repealing the headnote and substituting—

"**Qualification or disqualification from appointment**";

(b) by making the existing provision subsection (2) and inserting a new subsection (1) as follows—

"(1) A person is qualified to be appointed as a member of the Commission—

(a) if he possess a deep understanding of the local culture, history, and issues related to the Islands;

(b) has an understanding of the framework concerning Turks and Caicos Islander Status;

(c) if he has a reputation for honesty, integrity, and objectivity.".

Section 18 amended

9. Section 18(5) of the principal Ordinance is amended by repealing the words "General or his representative"."

Section 24A inserted

10. The principal Ordinance is amended by inserting the following section immediately after section 23—

"**DNA Testing**

23A. (1) The Ministry may require DNA testing where there is insufficient evidence to establish a parental relationship for purposes of Turks and Caicos Islander Status.

(2) For purposes of this section DNA means deoxyribonucleic acid.

(3) DNA testing shall be conducted at an approved laboratory in the Islands.

(4) The Minister shall approve a laboratory for the purpose of carrying out a DNA testing procedure under this Ordinance and may nominate a reporter for the approved laboratory.

(5) The Minister shall cause to be published in the *Gazette*, the name of an approved laboratory and a nominated reporter for the approved laboratory.

(6) The Ministry may issue guidelines to detail the requirements and processes for DNA testing required under this Ordinance.".

Section 5 of Turks and Caicos Islander Status (Amendment) Ordinance 2023 substituted

11. The Turks and Caicos Islander Status (Amendment) Ordinance 2023 is amended by repealing section 5 and substituting—

"**Transitional provision**

5. Notwithstanding the period of application under section 5(3), an application for the grant of Islander status for an application made under section 5(1)*(b)* for the year 2023, shall be made between 1 September to 31 December.".