

Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand

Preamble

Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To all to whom these presents shall come, Greeting:

Recites Letters Patent of 28 October 1983

- (1) Whereas by certain Letters Patent under the Seal of New Zealand dated 28 October 1983 (the Letters Patent), We did constitute the Office of Governor-General and Commander-in-Chief in and over Our Realm of New Zealand:

Recites desirability of modernising Governor-General's Oath

- (2) And whereas it is desirable to modernise the language of the Oath for the due execution of the Office of Our Governor-General:

Recites expedience of not requiring attendance in person at Executive Council meeting in situation of urgency or emergency

- (3) And whereas it is expedient that in a situation of urgency or emergency members of the Executive Council need not attend in person a meeting of the Council:

*Recites that Office of Administrator of Government
to continue to devolve in accordance with seniority
in judiciary*

- (4) And whereas the Office of Administrator of the Government should continue to devolve in order of seniority in the New Zealand judiciary after the enactment of the Supreme Court Act 2003 establishing the Supreme Court of New Zealand:

*Recites desirability of allowing Governor-General to
travel abroad without leave*

- (5) And whereas it is desirable that Our Governor-General be able to travel abroad without Our leave:

*Recites approval by Executive Council of draft of
amending Letters Patent*

- (6) And whereas, by Order in Council at Wellington on the 17th day of July 2006, Our Governor-General and Commander-in-Chief of New Zealand, acting by and with the advice and consent of the Executive Council of New Zealand, has requested the issue of Letters Patent amending the Letters Patent of 28 October 1983 and has set out in the Schedule to the Order in Council the form of the draft of the amending Letters Patent:

*Recites approval by Government of Cook Islands and
Government of Niue of draft of amending Letters
Patent*

- (7) And whereas approval of the draft of the amending Letters Patent has been signified on behalf of the Government of the Cook Islands and the Government of Niue:

Now, therefore, We do declare Our will and pleasure in regard to the Letters Patent of 28 October 1983 as follows:

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1 Effects amendment of clause 6

Clause 6 is amended by revoking paragraph (b) and substituting the following paragraph:

“

“(b) The Oath for the due execution of the Office of Governor-General in the form following:

I, [*name*], swear that, as Governor-General and Commander-in-Chief of the Realm of New Zealand, comprising New Zealand; the self-governing states of the Cook Islands and Niue; Tokelau; and the Ross Dependency, I will faithfully and impartially serve Her [*or His*] Majesty [*specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second, Queen of New Zealand [or King of New Zealand], Her [or His] heirs and successors, and the people of the Realm of New Zealand, in accordance with their respective laws and customs. So help me God.*”

2 Effects amendment of clause 9

Clause 9 is amended by adding “, except that in a situation of urgency or emergency, members may be present by any method of communication that allows each member to participate effectively during the whole of the meeting”.

3 Effects revocation and substitution of clause 12

Clause 12 is revoked and the following clause substituted:

“12 Administrator of the Government

Whenever the Office of Governor-General is vacant, or the holder of the Office is for any reason unable to perform all or any of the functions of the Office, We do hereby authorise, empower, and command the Chief Justice of New Zealand to perform the functions of the Office of Governor-General. If, however, there is for the time being no Chief Justice able to act

as Governor-General, then the next most senior Judge of the New Zealand judiciary who is able so to act is so authorised, empowered, and commanded. The Chief Justice or the next most senior Judge, while performing all or any of the functions of the Office of Governor-General, is to be known as the Administrator of the Government; and in these Our Letters Patent every reference to Our Governor-General includes, unless inconsistent with the context, a reference to Our Administrator of the Government.”

4 Effects amendment of clause 13

Clause 13 is amended by omitting “President of the Court of Appeal or the Senior Judge for the time being of the Court of Appeal” and substituting “next most senior Judge of the New Zealand judiciary”.

5 Effects revocation of clause 15 Clause 15 is revoked.

6 Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent

And We do hereby reserve to Ourselves and Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

7 Amending Letters Patent to have effect as law

And We do further declare that these Our Letters Patent shall take effect as part of the law of Our Realm of New Zealand on the 22nd day of August 2006.

In witness whereof We have caused these Our Letters to be made Patent, and for the greater testimony and validity thereof We have caused the Seal of New Zealand to be affixed to these presents, which We have signed with Our Regal Hand.

Given this seventh day of August in the Year of Our Lord Two Thousand and Six and in the 55th Year of Our Reign.

By Her Majesty’s Command.

Helen Clark,

Prime Minister of New Zealand.

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