

Appendix A

Letters Patent Constituting the Office of Governor-General of New Zealand 1983

As amended in 1987 and 2006

Letters Patent Constituting the Office of Governor-General of New Zealand (SR 1983/225)

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 11 May 1917. WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom bearing date at Westminster the 11th day of May 1917, His late Majesty King George the Fifth constituted, ordered, and declared that there should be a Governor-General and Commander-in-Chief in and over the Dominion of New Zealand:

Recites Letters Patent of 18 December 1918. AND WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom bearing date at Westminster the 18th day of December 1918, His late Majesty King George the Fifth made other provision for the publication and the coming into operation of the said Letters Patent bearing date the 11th day of May 1917, in lieu of the provision made in the Fifteenth Clause thereof:

Recites Royal Instructions of 11 May 1917. AND WHEREAS at the Court at St. James's on the 11th day of May 1917, His late Majesty King George the Fifth caused certain Instructions under the Royal Sign Manual and Signet to be given to the Governor-General and Commander-in-Chief:

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Recites Dormant
Commission of
23 July 1917.

AND WHEREAS at the Court at St. James's on the 23rd day of July 1917, His late Majesty King George the Fifth caused a Dormant Commission to be passed under the Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for the time being of the Supreme Court of New Zealand to administer the Government of New Zealand, in the event of the death, incapacity, or absence of the Governor-General and Commander-in-Chief and of the Lieutenant-Governor (if any):

Recites Approval by
Executive Council of
draft of new Letters
Patent.

AND WHEREAS, by Order in Council bearing date at Wellington the 26th day of September 1983, 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 new Letters Patent revoking and determining the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission, and substituting in place of the revoked documents other provision in the form of the draft of new Letters Patent set out in the First Schedule to that Order in Council:

Recites Application
of Letters Patent,
Royal Instructions,
and Dormant
Commission to Cook
Islands and Niue.

AND WHEREAS the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission extend to the self-governing state of the Cook Islands and to the self-governing state of Niue as part of the law of the Cook Islands and of Niue, respectively:

Recites Approval by
Government of Cook
Islands and
Government of Niue
of draft of new
Letters Patent.

AND WHEREAS approval of the said draft of new Letters Patent has been signified on behalf of the Government of the Cook Islands and the Government of Niue:

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Effects Revocations. NOW, THEREFORE, We do by these presents revoke and determine the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission, but without prejudice to anything lawfully done thereunder; and We do hereby declare that the persons who are members of the body known as the Executive Council of New Zealand immediately before the coming into force of these Our Letters Patent shall be members of Our Executive Council hereby constituted as though they had been appointed thereto under these Our Letters Patent.

AND WE do declare Our will and pleasure as follows:

Office of Governor-General and Commander-in-Chief constituted.

I. We do hereby constitute, order, and declare that there shall be, in and over Our Realm of New Zealand, which comprises—

- (a) New Zealand; and
- (b) The self-governing state of the Cook Islands; and
- (c) The self-governing state of Niue; and
- (d) Tokelau; and
- (e) The Ross Dependency,—

a Governor-General and Commander-in-Chief who shall be Our representative in Our Realm of New Zealand, and shall have and may exercise the powers and authorities conferred on him by these Our Letters Patent, but without prejudice to the office, powers, or authorities of any other person who has been or may be appointed to represent Us in any part of Our Realm of New Zealand and to exercise powers and authorities on Our behalf.

Appointment of Governor-General and Commander-in-Chief.

II. And We do hereby order and declare that Our Governor-General and Commander-in-Chief (hereinafter called Our Governor-General) shall be appointed by Us, by Commission under the Seal of New Zealand, and shall hold office during Our pleasure.

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Governor-General's powers and authorities.

III. And We do hereby authorise and empower Our Governor-General, except as may be otherwise provided by law,—

- (a) To exercise on Our behalf the executive authority of Our Realm of New Zealand, either directly or through officers subordinate to Our Governor-General; and
- (b) For greater certainty, but not so as to restrict the generality of the foregoing provisions of this clause, to do and execute in like manner all things that belong to the office of Governor-General including the powers and authorities hereinafter conferred by these Our Letters Patent.

Manner in which Governor-General's powers and authorities are to be executed.

IV. Our Governor-General shall do and execute all the powers and authorities of the Governor-General according to—

- (a) The tenor of these Our Letters Patent and of such Commission as may be issued to Our Governor-General under the Seal of New Zealand; and
- (b) Such laws as are now or shall hereafter be in force in Our Realm of New Zealand or in any part thereof.

Publication of Governor-General's Commission.

V. Every person appointed to fill the office of Governor-General shall, before entering on any of the duties of the office, cause the Commission appointing him to be Governor-General to be publicly read, in the presence of the Chief Justice, or some other Judge of the High Court of New Zealand, and of Members of the Executive Council thereof.

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| Oaths to be taken by Governor-General. | <p>VI. Our Governor-General shall, immediately after the public reading of the Commission appointing him, take—</p> <p>(a) The Oath of Allegiance in the form for the time being prescribed by the law of New Zealand; and</p> <p>(b) The Oath for the due execution of the Office of Governor-General in the form following:</p> <p style="padding-left: 40px;">I, [<i>name</i>], 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 [<i>or His</i>] Majesty [<i>specify the name of the reigning Sovereign, as thus:</i> Queen Elizabeth the Second], Queen of New Zealand [<i>or King of New Zealand</i>], Her [<i>or His</i>] heirs and successors, and the people of the Realm of New Zealand, in accordance with their respective laws and customs. So help me God.</p> <p>which Oaths the Chief Justice or other Judge in whose presence the Commission is read is hereby required to administer.</p> |
| Constitution of Executive Council. | <p>VII. And We do by these presents constitute an Executive Council to advise Us and Our Governor-General in the Government of Our Realm of New Zealand.</p> |
| Membership of Executive Council. | <p>VIII. The Executive Council shall consist of those persons who, having been appointed to the Executive Council from among persons eligible for appointment under the Constitution Act 1986, are for the time being Our responsible advisers.</p> |

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| Quorum of Executive Council. | IX. The Executive Council shall not proceed to the despatch of business unless two Members at the least (exclusive of any Member presiding in the absence of Our Governor-General) be present throughout the whole of the meeting at which any such business is despatched, 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. |
| Appointment of Members of Executive Council, etc. | X. And We do hereby authorise and empower Our Governor-General, from time to time in Our name and on Our behalf, to constitute and appoint under the Seal of New Zealand, to hold office during pleasure, all such Members of the Executive Council, Ministers of the Crown, Commissioners, Diplomatic or Consular Representatives of New Zealand, Principal Representatives of New Zealand in any other country or accredited to any international organisation, and other necessary Officers as may be lawfully constituted or appointed by Us. |
| Exercise of Prerogative of Mercy. | XI. And We do further authorise and empower Our Governor-General, in Our name and on Our behalf, to exercise the prerogative of mercy in Our Realm of New Zealand, except in any part thereof where, under any law now or hereafter in force, the prerogative of mercy may be exercised in Our name and on Our behalf by any other person or persons, to the exclusion of Our Governor-General; and for greater certainty but not so as to restrict the authority hereby conferred, Our Governor-General may:
(a) Grant, to any person concerned in the commission of any offence for which he may be tried in any court in New Zealand or in any other part of Our said Realm to which this clause applies or to any person convicted of any offence in any such court, a pardon, either free or subject to lawful conditions; or |

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- (b) Grant, to any person, a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person in any court in New Zealand or in any other part of Our said Realm to which this clause applies; or
- (c) Remit, subject to such lawful conditions as he may think fit to impose, the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Us on account of any offence in respect of which a person has been convicted by any court in New Zealand or in any other part of Our said Realm to which this clause applies.

Administrator of the
Government.

XII. 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.

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Oaths to be taken by Administrator of the Government.	XIII. The said Chief Justice or next most senior Judge of the New Zealand judiciary shall, on the first occasion on which he is required to act as Administrator of the Government and before entering on any of the duties of the office of Governor-General, take the Oaths hereinbefore directed to be taken by Our Governor-General, which Oaths, with such modifications as are necessary, shall be administered by some other Judge of the High Court of New Zealand, in the presence of not less than two Members of the Executive Council.
Powers and authorities of Governor-General not abridged.	XIV. While Our Administrator of the Government is performing all or any of the functions of the office of Governor-General, the powers and authorities of Our Governor-General shall not be abridged, altered, or in any way affected, otherwise than as We may at any time hereafter think proper to direct.
Governor-General's absence.	Revoked
Ministers to keep Governor-General informed.	XVI. Our Ministers of the Crown in New Zealand shall keep Our Governor-General fully informed concerning the general conduct of the Government of Our said Realm, so far as they are responsible therefor, and shall furnish Our Governor-General with such information as he may request with respect to any particular matter relating to the Government of Our said Realm.
Ministers and others to obey, aid, and assist Governor-General.	XVII. Our Ministers of the Crown and other Officers, civil and military, and all other inhabitants of Our Realm of New Zealand, shall obey, aid, and assist Our Governor-General in the performance of the functions of the office of Governor-General.
Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent.	XVIII. And We do hereby reserve to Ourselves, 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.

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Present Letters Patent to have effect as law. XIX. And We do further declare that these Our Letters Patent shall take effect as part of the law of Our Realm of New Zealand, comprising New Zealand, the self-governing state of the Cook Islands, the self-governing state of Niue, Tokelau, and the Ross Dependency on the 1st day of November 1983.

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 the 28th day of October in the Year of Our Lord One Thousand Nine Hundred and Eighty-three and in the 32nd Year of Our Reign.

By Her Majesty's Command.

[L.S.]

R.D. MULDOON,
Prime Minister of New Zealand.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 31 October 1983

Clause VI(b) was substituted, as from 22 August 2006, by clause I Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 2006/219).

Clause VIII was substituted, as from 1 January 1987, by the Letters Patent Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 1987/8).

Clause IX was amended, as from 22 August 2006, by clause II Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 2006/219) by adding the words, "except that in a situation or 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".

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Clause XII was substituted, as from 22 August 2006, by clause III Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 2006/219).

Clause XIII was amended, as from 22 August 2006, by clause IV Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 2006/219) by substituting the words “next most senior Judge of the New Zealand judiciary” for the words “President of the Court of Appeal or the Senior Judge for the time being of the Court of Appeal”.

Clause XV was revoked, as from 22 August 2006, by clause V Letters Patent (2006) Amending Letters Patent Constituting the Office of Governor-General of New Zealand (SR 2006/219).