1964 No. 491

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Barbados (Letters Patent Consolidation) Order 1964

Made - - - -	*26th March* 1964
Laid before Parliament	*3rd April* 1964
Coming into Operation	*On a day to be appointed by the Governor under section* 1(2)

At the Court at Buckingham Palace, the 26th day of March 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred upon Her by the West Indies Act 1962(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and construction.

1.—(1) This Order may be cited as the Barbados (Letters Patent Consolidation) Order 1964.

(2) This Order shall come into operation on such day, not being earlier than 4th April 1964, as the Governor, acting in his discretion, may, by Proclamation published in the official Gazette of the Island, appoint.

(3) The provisions of paragraph 40 of Schedule 2 to this Order shall apply for the purposes of interpreting the provisions of this Order (other than that Schedule) as they apply for the purposes of interpreting that Schedule.

Revocation of existing Letters Patent.

2. The Letters Patent specified in Schedule 1 to this Order (hereinafter referred to as " the existing Letters Patent ") are revoked with effect from the commencement of this Order.

Provisions of Schedule 2 to have effect.

3. The provisions of Schedule 2 to this Order shall come into effect in the Island at the commencement of this Order.

Existing laws.

4.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the existing Letters Patent, have effect after the commencement of this Order as if they had been made in pursuance of this Order and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(a) 10 & 11 Eliz. 2. c. 19.

(2) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(3) For the purposes of this section, the expression " the existing laws " means all Acts, laws, rules, regulations, orders and other instruments made in pursuance of, or continued in force by, the existing Letters Patent and having effect as part of the law of the Island immediately before the commencement of this Order.

Existing offices.

5. Where any office has been established by or under the existing Letters Patent and any provision of this Order establishes a similar or an equivalent office (not being the office of member of the Privy Council or Senator) any person who, immediately before the commencement of this Order, holds or is acting in the former office shall, so far as is consistent with the provisions of this Order, be deemed to have been appointed, as from the commencement of this Order, to hold or to act in the latter office in accordance with the provisions of this Order and to have taken any necessary oath under this Order:

Provided that any person who under the provisions of the existing Letters Patent would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

Standing Orders of Senate.

6. The Standing Orders of the Legislative Council constituted by the existing Letters Patent as in force immediately before the commencement of this Order shall, until it is otherwise provided under paragraph 15 of Schedule 2 to this Order, be the Standing Orders of the Senate but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring those Standing Orders into conformity with this Order.

Power reserved to Her Majesty.

7. Her Majesty may by Order in Council amend or revoke any of the provisions of this Order.

W. G. Agnew.

SCHEDULE 1 Section 2

Description	*Reference*
Letters Patent passed under the Great Seal of the Realm and dated 4th June 1914 constituting the office of Governor and Commander-in-Chief of the Island of Barbados and its dependencies and providing for the Government thereof (in this Schedule referred to as the Barbados Letters Patent 1914).	Rev. III, p. 51: S.R. & O. 1914 III, p. 359
Letters Patent passed under the Great Seal of the Realm and dated 22nd February 1937 amending the Barbados Letters Patent 1914	Rev. III, p. 51: S.R. & O. 1937, p. 2379

Description	*Reference*
Letters Patent passed under the Great Seal of the Realm and dated 26th August 1943 further amending the Barbados Letters Patent 1914	Rev. III, p. 51: S.R. & O. 1943 I, p. 1030
Letters Patent passed under the Great Seal of the Realm and dated 8th March 1954 further amending the Barbados Letters Patent 1914	S.I. 1954 II, p. 2974
Letters Patent passed under the Great Seal of the Realm and dated 14th July 1959 further amending the Barbados Letters Patent 1914	S.I. 1959 II, p. 3371
Letters Patent passed under the Great Seal of the Realm and dated 15th May 1961 further amending the Barbados Letters Patent 1914	S.I. 1961 II, p. 3347
Letters Patent passed under the Great Seal of the Realm and dated 4th August 1961 further amending the Barbados Letters Patent 1914	S.I. 1961 II, p. 3377

Section 3

SCHEDULE 2

Governor.

1.—(1) There shall be a Governor and Commander-in-Chief in and over the Island who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred or imposed on him by or under this Order or any other law and such powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and of any law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered to act in his discretion) according to such Instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with any such Instructions shall not be enquired into in any court.

Oath to be taken by Governor.

2. A person appointed to the office of Governor shall, before entering upon the functions of that office, cause the Commission appointing him to be Governor to be read and published at the seat of Government in the presence of the Chief Justice and of such members of the Cabinet as can conveniently attend and shall then take before them the oath of allegiance and such oath for the due execution of his office as may be prescribed.

Acting Governor

3.—(1) During any period when the office of Governor is vacant or the Governor is absent from the Island or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by—

(*a*) such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State; or

(*b*) if there is no such person in the Island so designated, by the Chief Justice; or

(*c*) if the office of Chief Justice is vacant or the Chief Justice is absent from the Island or is for any reason unable to discharge the functions of his office, by the President of the Senate.

(2) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths and affirmations directed by paragraph 2 to be made by the Governor.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor if the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(4) The Governor or any other person as aforesaid shall not, for the purposes of this paragraph, be regarded as absent from the Island or as unable to perform the functions of the office of Governor—

(*a*) by reason that he is in passage from one part of the Island to another; or

(*b*) at any time when there is a subsisting appointment of a deputy under paragraph 4.

(5) References in this paragraph to the Chief Justice are references to the substantive holder of that office.

Deputy to Governor.

4.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government but not from the Island;

(*b*) has occasion to be absent from the Island for a period which he has reason to believe will be of short duration; or

(*c*) is suffering from an illness which he has reason to believe will be of short duration,

he may, acting in his discretion, by instrument under the Public Seal, appoint any person in the Island to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument.

(2) The power and authority of the Govenor shall not be abridged, altered or in any way affected by the appointment of a deputy under this paragraph, and a deputy shall conform to and observe all instructions that the Governor, acting in his discretion, may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court.

(3) A person appointed as a deputy under this paragraph shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Governor, acting in his discretion.

Powers of pardon, etc.

5. The Governor may, in Her Majesty's name and on Her Majesty's behalf,—

(*a*) grant to any person concerned in or convicted of an offence against any law in force in the Island a pardon, either free or subject to lawful conditions;

(*b*) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence;

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence;

(*d*) remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

Privy Council.

6.—(1) There shall be a Privy Council in and for the Island which shall be constituted in such manner as may be prescribed by Instructions under Her Majesty's Sign Manual and Signet.

(2) The Privy Council shall exercise such functions in relation to the powers conferred upon the Governor by paragraph 5 as may be prescribed by Instructions under Her Majesty's Sign Manual and Signet.

(3) Where it is provided by any law in force in the Island that any public officer may apply for his case to be referred to the Privy Council when the question has arisen of his dismissal or subjection to some other penalty by way of disciplinary control, and the officer applies for his case to be considered accordingly, the Privy Council shall consider the case, and shall advise the Governor what action shall be taken in respect of that officer, and on receipt of such advice the Governor shall act in accordance with the provisions of any such law in respect of such advice.

Constitution of offices.

7. Subject to the provisions of this Order and of any other law, the Governor may constitute offices for the Island, make appointments to any such office and terminate any such appointment.

Public Seal.

8. The Governor shall keep and use the Public Seal for sealing all things that shall pass the Public Seal.

Establishment of Senate.

9. There shall be a Senate in and for the Island.

Composition of Senate.

10.—(1) The Senate shall consist of twenty-one Senators who shall be appointed by the Governor by instrument under the Public Seal in accordance with this paragraph.

(2) Of the twenty-one Senators—

(*a*) twelve shall be appointed by the Governor acting in accordance with the advice of the Premier;

(*b*) two shall be appointed by the Governor acting in accordance with the advice of the Leader of the Opposition; and

(*c*) seven shall be appointed by the Governor, acting in his discretion, to represent religious, economic or social interests in the Island or such other interests in the Island as the Governor considers ought to be represented.

(3) Before appointing any person to represent an interest under sub-paragraph (2)(*c*) of this paragraph the Governor shall consult such persons as, in his discretion, he considers can speak for those interests and ought to be consulted.

Qualifications for appointment as Senator.

11. Subject to the provisions of paragraph 12 any person who, at the date of his appointment, is a British subject of the age of twenty-one years or upwards shall be qualified to be appointed as a Senator and no other person shall be so qualified.

Disqualifications for appointment as Senator.

12. No person shall be qualified to be appointed as a Senator who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ;

(*b*) holds any office of profit or emolument under the Crown or any office the functions of which are of a judicial nature ;

(*c*) is a member of the General Assembly ;

(*d*) is under sentence of death imposed on him by a court in any part of Her Majesty's dominions or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(*e*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Island ;

(*f*) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions and has not been discharged ;

(*g*) is an officer, employee or servant of any council established under the Local Government Act 1958(a) ; or

(*h*) is disqualified for membership of the General Assembly by or under any law for the time being in force in the Island relating to corrupt or illegal practices at elections.

Tenure of office of Senators.

13.—(1) Every Senator shall vacate his seat in the Senate at the next dissolution of the Senate after his appointment.

(2) A Senator shall vacate his seat in the Senate—

(*a*) if he resigns his seat by writing under his hand addressed to the President of the Senate or, if the office of President is vacant or the President is absent from the Island, to the Deputy President ;

(*b*) if he ceases to be a British subject ;

(*c*) if, with his consent, he is nominated as a candidate for election to the General Assembly, or if he is elected to be a member of the General Assembly ;

(*d*) if he is absent from the Island at any time when the Senate is sitting, without the leave of the President under sub-paragraph (3) of this paragraph, for a period exceeding forty days ;

(a) Act No. 55 of 1958.

(*e*) subject to sub-paragraph (4) of this paragraph, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of sub-paragraphs (*b*), (*d*), (*e*), (*f*), (*g*) or (*h*) of paragraph 12;

(*f*) if he sits or votes in the Senate before taking the oath of allegiance in accordance with paragraph 21; or

(*g*) in the case of a Senator who was appointed as such in accordance with the advice of the Premier or in accordance with the advice of the Leader of the Opposition, if the Governor, acting in accordance with the advice of the Premier or in accordance with the advice of the Leader of the Opposition, as the case may be, by instrument under the Public Seal, declares the seat of that Senator to be vacant.

(3) The President of the Senate may grant leave to any Senator to be absent from the Island for any period not exceeding at any one time six months.

(4) (*a*) If the circumstances such as are referred to in sub-paragraph (2)(*e*) of this paragraph arise because a Senator is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence relating to elections and if it is open to the Senator to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a Senator but, subject to sub-paragraph 4(*b*) of this paragraph, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the President of the Senate may, at the request of the said Senator, from time to time extend that period for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

(*b*) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the Senator, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he shall forthwith vacate his seat.

(*c*) If at any time before the Senator vacates his seat such circumstances as aforesaid cease to exist his seat shall not become vacant on the expiration of the period referred to in sub-paragraph (4)(*a*) of this paragraph and he may resume the performance of his functions as a Senator.

President and Deputy President of Senate.

14.—(1) When the Senate first meets after the commencement of this Order or after it has been dissolved and before it proceeds to the despatch of any other business, it shall elect a Senator, not being a Minister or Parliamentary Secretary, to be President of the Senate; and whenever the office of President is vacant otherwise than by reason of a dissolution of the Senate, the Senate shall, not later than its second sitting after the vacancy has arisen, elect another Senator to fill that office.

(2) When the Senate first meets after the commencement of this Order or after it has been dissolved, it shall, as soon as practicable, elect a Senator, not being a Minister or Parliamentary Secretary, to be

Deputy President; and whenever the office of Deputy President becomes vacant, the Senate shall, as soon as convenient, elect another Senator to fill that office.

(3) A person shall vacate the office of President or Deputy President of the Senate—

(*a*) if he announces the resignation of his office to the Senate or if, by writing under his hand addressed, in the case of the President to the Clerk of the Senate and, in the case of the Deputy President to the President (or, if the office of President is vacant or the President is absent from the Island, to the Clerk), he resigns that office;

(*b*) if he ceases to be a Senator:

Provided that the President shall not vacate his office by reason only that he has ceased to be a Senator on a dissolution of the Senate, until the Senate first meets after that dissolution;

(*c*) if he is appointed to be a Minister or Parliamentary Secretary; or

(*d*) in the case of the Deputy President, if he is elected to be President.

(4)(*a*) If, by virtue of sub-paragraph (4) of paragraph 13, the President or Deputy President of the Senate is required to cease to perform his functions as a Senator he shall also cease to perform his functions as President or Deputy President, as the case may be, and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed—

(i) in the case of the President, by the Deputy President or, if the office of Deputy President is vacant, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose;

(ii) in the case of the Deputy President, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose.

(*b*) If the President or Deputy President resumes the performance of his functions as a Senator, in accordance with the provisions of sub-paragraph (4) of paragraph 13, he shall also resume the performance of his functions as President or Deputy President, as the case may be.

Standing Orders of Senate.

15. Subject to the provisions of this Order, the Senate may from time to time make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business.

Presiding in Senate.

16.—(1) The President or, in his absence, the Deputy President or, if they are both absent, a Senator (not being a Minister or Parliamentary Secretary) elected by the Senate for that sitting shall preside at each sitting of the Senate.

(2) References in this paragraph to circumstances in which the President or Deputy President is absent include references to circumstances in which the office of President or Deputy President is vacant.

Validity of proceedings in Senate.

17. The Senate shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the Senate is first constituted or not

constituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Senate or otherwise took part in those proceedings.

Quorum of Senate.

18.—(1) If at any time during a sitting of the Senate objection is taken by a Senator that there is not a quorum present and, after such interval as may be prescribed in the Standing Orders of the Senate, the person presiding ascertains that there is still not a quorum present he shall thereupon adjourn the Senate.

(2) For the purposes of this paragraph a quorum of the Senate shall consist of eight Senators besides the person presiding.

Voting in Senate.

19. All questions proposed for decision in the Senate shall be determined by a majority of the votes of the Senators present and voting:

Provided that the person presiding shall not vote unless on any question the votes are equally divided, in which case he shall have and exercise a casting vote.

Determination of questions as to membership of Senate.

20.—(1) Any question whether—

(*a*) any person has been validly appointed as a Senator; or

(*b*) any person has vacated his seat or is required under the provisions of sub-paragraph (4) of paragraph 13 to cease to exercise his functions as a Senator,

shall be determined by the Supreme Court of the Island in accordance with the provisions of any law for the time being in force in the Island.

(2) Proceedings for the determination of any question referred to in sub-paragraph (1) of this paragraph shall not be instituted except with the leave of a judge of the Supreme Court.

(3) No appeal shall lie from a decision of the Supreme Court or a judge of that Court under sub-paragraph (1) or (2) of this paragraph.

Oaths of allegiance.

21. No Senator and no member of the General Assembly shall take part in the proceedings of the Senate or the Assembly, as the case may be, unless he has taken the oath of allegiance in such manner as is for the time being prescribed by any law in force in the Island.

Sessions of Senate and General Assembly.

22. The sessions of the Senate and of the General Assembly shall be held at such places and commence at such times as the Governor may appoint.

Prorogation and dissolution of Senate and General Assembly.

23.—(1) The Governor may at any time prorogue the Senate or the General Assembly.

(2) The Governor, acting in his discretion, may at any time dissolve the Senate and the General Assembly:

Provided that, unless they have been sooner dissolved, the Senate and the General Assembly shall stand dissolved at the expiration of the period for the time being prescribed by any law in force in the Island for the duration of the General Assembly.

24. Subject to the provisions of this Order, the Governor, acting in accordance with the advice and consent of the Senate and the General Assembly, may make laws for the peace, order and good government of the Island. Power to make laws.

25.—(1) Subject to the provisions of this Order and of the Standing Orders of the Senate, any Senator may introduce any Bill or propose any motion for debate in, or may present any petition to, the Senate, and the same shall be debated and disposed of according to the Standing Orders of the Senate. Introduction of Bills, etc., in Senate.

(2) A Money Bill shall not be introduced in the Senate, but any other Bill may be introduced therein.

(3) The Senate shall not—

(*a*) proceed upon any Bill, other than a Bill sent from the General Assembly, or upon any amendment to a Bill, which, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for imposing or altering any tax;

(ii) for imposing or altering any charge on the revenues or other funds of the Island; or

(iii) for compounding or remitting any debt due to the Island;

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, is that provision should be made for any of the purposes aforesaid; or

(*c*) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

26.—(1) If a Money Bill, having been passed by the General Assembly and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to the Senate, the Bill shall, unless the General Assembly otherwise resolves, be presented to the Governor for his assent nothwithstanding that the Senate has not consented to the Bill. Restriction on powers of Senate as to Money Bills.

(2) There shall be endorsed on every Money Bill when it is sent to the Senate the certificate of the Speaker of the General Assembly signed by him that it is a Money Bill; and there shall be endorsed on any Money Bill that is presented to the Governor for assent in pursuance of the preceding sub-paragraph the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that sub-paragraph have been complied with.

27.—(1) If any Bill other than a Money Bill is passed by the General Assembly in two successive sessions (whether or not the Senate is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that Bill shall, on its rejection for the second time by the Restriction on powers of Senate as to Bills other than Money Bills.

Senate, unless the General Assembly otherwise resolves, be presented to the Governor for assent nothwithstanding that the Senate has not consented to the Bill:

Provided that the foregoing provisions of this sub-paragraph shall not have effect unless at least seven months have elapsed between the date on which the Bill is passed by the General Assembly in the first session and the date on which it is passed by the General Assembly in the second session.

(2) For the purposes of this paragraph a Bill that is sent to the Senate from the General Assembly in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the General Assembly to be necessary owing to the time that has elapsed since the date of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The General Assembly may, if it thinks fit, on the passage through the Assembly of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the Assembly; but the exercise of this power by the Assembly shall not affect the operation of this paragraph in the event of the rejection of the Bill in the Senate.

(4) There shall be inserted in any Bill that is presented to the Governor for assent in pursuance of this paragraph any amendments that are certified by the Speaker of the General Assembly to have been made in the Bill by the Senate in the second session and agreed to by the Assembly.

(5) There shall be endorsed on any Bill that is presented to the Governor for assent in pursuance of this paragraph the certificate of the Speaker of the General Assembly signed by him that the provisions of this paragraph have been complied with.

Provisions relating to paragraphs 25, 26 and 27.

28.—(1) In paragraphs 25, 26 and 27, "Money Bill" means a public Bill which, in the opinion of the Speaker of the General Assembly, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this paragraph the expressions "taxation", "debt", "public money" and "loan" do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

(2) For the purposes of paragraph 27, a Bill shall be deemed to be rejected by the Senate if—

(*a*) it is not passed by the Senate without amendment ; or

(*b*) it is passed by the Senate with any amendment which is not agreed to by the General Assembly.

(3) Whenever the office of Speaker of the General Assembly is vacant or the Speaker is for any reason unable to perform any function conferred on him by paragraph 26 or 27 or sub-paragraph (1) of this paragraph, that function may be performed by the Deputy Speaker of the General Assembly.

(4) Any certificate of the Speaker or Deputy Speaker given under paragraph 26 or 27 shall be conclusive for all purposes and shall not be questioned in any court.

(5) Before giving any certificate under paragraph 26 or 27 the Speaker or Deputy Speaker, as the case may be, shall, if practicable consult the Attorney-General.

Power of disallowance in respect of laws relating to Government stock.

29.—(1) Any law enacted under the provisions of this Order which has been assented to by the Governor and which appears to Her Majesty's Government in the United Kingdom to alter, to the injury of the stockholders, any provision relating to any stock to which this paragraph applies or to involve a departure from the original contract in respect of any such stock, may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the official Gazette of the Island and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this paragraph any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if the law had not been made, but save as provided in the foregoing provisions of this sub-paragraph the provisions of section 38(2) of the Interpretation Act 1889(a) shall apply to that annulment as they apply to the repeal of an Act of Parliament.

(4) The stock to which this paragraph applies is stock forming the whole or part of the public debt of the Island—

(*a*) in which a trustee may invest, or might at any time have invested, by virtue of section 2 of the Colonial Stock Act 1900(b) ; or

(*b*) by the conditions of issue of which it is provided that this paragraph shall apply to it.

Assent to Bills.

30.—(1) A Bill shall be presented to the Governor for assent if and, subject to the provisions of paragraphs 26 and 27, shall not be so presented unless it has been passed by the Senate and the General Assembly either without amendment or with such amendments only as are agreed to by both the Senate and the General Assembly.

(2) When a Bill is presented to the Governor for assent he shall, subject to paragraph 31, declare that he assents thereto or that he reserves the Bill for the signification of Her Majesty's pleasure.

(a) 52 & 53 Vict. c. 63. (b) 63 & 64 Vict. c. 62.

(3) A Bill reserved for Her Majesty's pleasure shall become a law on the date upon which Her Majesty's assent, given through a Secretary of State, is signified by Proclamation published in the official Gazette of the Island.

Bills to be reserved.

31. The Governor shall, unless he has been authorised by a Secretary of State to assent thereto, reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion,—

(*a*) to be likely to prejudice Her Majesty's Prerogative;

(*b*) to be inconsistent with any obligations imposed upon Her Majesty by any treaty, convention, or agreement or arrangement relating to any country or international or similar organisation outside the Island;

(*c*) to be in any way repugnant to or inconsistent with the provisions of any Act of the Island relating to—

(i) the manner of selection and appointment of judges of the Supreme Court of the Island, the Director of Public Prosecutions, the Auditor General or members of the Public Service Commission, the Judicial and Legal Service Commission or the Police Service Commission;

(ii) the tenure of office of any of the persons mentioned in this sub-paragraph or the terms and conditions of their service;

(*d*) to be in any way repugnant to or inconsistent with the provisions of any Act of the Island or any agreement entered into by the Government of the Island with any other person or authority—

(i) for safeguarding the functions and powers of the Public Service Commission, the Judicial and Legal Service Commission, the Police Service Commission or the Director of Public Prosecutions; or

(ii) which is applicable to the grant and payment of any compensation, pension, gratuity or other like allowance to or in respect of any public officer whose appointment was made with the approval of a Secretary of State;

(*e*) to affect the currency of the Island or to relate to the issue of bank notes; or

(*f*) to be likely to prejudice the defence of the Island or of any part of Her Majesty's dominions.

Restriction on powers of Senate as to certain statutory instruments.

32.—(1) Any statutory instrument to which this paragraph applies and which, having been laid before the Senate in any session at least one month before the end of the session, is not approved by the Senate in that session shall, if it is again laid before the Senate at least one month before the end of the next succeeding session (whether or not the Senate and the General Assembly have been dissolved between those two sessions), be deemed to have been approved by the Senate at the end of the latter session if it has not earlier been so approved:

Provided that the foregoing provisions of this sub-paragraph shall not have effect unless at least seven months have elapsed between the date on which the statutory instrument is laid before the Senate in the first session and the date on which it is so laid in the second session.

(2) In this paragraph "statutory instrument" means any document by which the Governor, a Minister or any other executive authority

has exercised a power to make, confirm or approve orders, rules, regulations or other subordinate legislation, being a power conferred by any Act of the Island (whether enacted before or after this Order comes into operation) and the statutory instruments to which this paragraph applies are all statutory instruments in respect of which it is provided (in whatever terms) that they may not come into force until approved by the Senate.

(3) For the purposes of this paragraph a statutory instrument that is laid before the Senate in any session shall be deemed to be the same statutory instrument as a former statutory instrument laid before the Senate in the preceding session if, when it is laid before the Senate, it is identical with the former statutory instrument or contains only such alterations as are certified by the President of the Senate to be necessary owing to the time that has elapsed since the date of the former statutory instrument.

(4) Where the office of President is vacant or the President is for any reason unable to perform the function conferred upon him by the preceding sub-paragraph that function may be performed by the Deputy President.

(5) Any certificate of the President or Deputy President given under sub-paragraph (3) of this paragraph shall be conclusive for all purposes and shall not be questioned in any court.

Cabinet.

33.—(1) There shall be in and for the Island a Cabinet which shall consist of a Premier and such number of other Ministers, not being less than five, as may be determined by the Governor, acting in accordance with the advice of the Premier.

(2) The Governor shall appoint as Premier the member of the General Assembly who appears to him best able to command the support of the majority of the members of the Assembly, and shall, acting in accordance with the advice of the Premier, appoint the other Ministers from among the Senators and the members of the Assembly:

Provided that, if occasion arises for making an appointment to the office of Premier or any other Minister while the Senate and the Assembly are dissolved, a person who was a Senator or a member of the Assembly immediately before the dissolution may be appointed as Premier or any other Minister.

(3) Subject to sub-paragraph (4) of this paragraph the Premier and the other Ministers shall hold office during the Governor's pleasure.

(4) The office of any Minister shall become vacant—

(*a*) if the holder of the office ceases to be a Senator or a member of the General Assembly otherwise than by reason of a dissolution of the Senate or of the Assembly; or

(*b*) if, when the Senate and the General Assembly first meet after any dissolution of the Senate and the General Assembly, the holder of the office is not then a Senator or a member of the General Assembly; or

(*c*) if the holder of the office resigns his office by writing under his hand addressed to the Governor.

(5) The Governor, acting in accordance with the advice of the Premier, may, by directions in writing, charge the Premier or any other Minister with responsibility for any subject or department of government and vary or revoke such directions.

Governor entitled to information.

34. The Governor shall, for the due exercise of his functions, be entitled to all papers which are available to the Cabinet and to any information concerning the government of the Island which is so available.

Exercise of Governor's powers.

35.—(1) In the exercise of the functions conferred upon him by this Order the Governor shall obtain and act in accordance with the advice of the Cabinet or a Minister acting under the authority of the Cabinet.

(2) The provisions of sub-paragraph (1) of this paragraph shall not apply in relation to any power conferred upon the Governor expressed to be exercisable in his discretion or at his pleasure or in accordance with the advice or after consultation with any person or authority other than the Cabinet or that he is otherwise authorised to exercise without obtaining the advice of the Cabinet.

(3) Where the Governor is directed by this Order to exercise any power after consultation with any person or authority other than the Cabinet he shall not be obliged to exercise that power in accordance with the advice of that person or authority.

(4) Where the Governor is directed by this Order to exercise any function in accordance with the advice of or after consultation with any person or authority, the question whether he has so exercised that function shall not be enquired into in any court.

Parliamentary Secretaries.

36.—(1) The Governor, acting in accordance with the advice of the Premier, may appoint Parliamentary Secretaries from among the Senators and the members of the General Assembly to assist Ministers in the performance of their duties:

Provided that, if occasion arises for making appointments while the Senate and the Assembly are dissolved, a person who was a Senator or a member of the Assembly immediately before the dissolution may be appointed as a Parliamentary Secretary.

(2) Subject to sub-paragraph (3) of this paragraph a Parliamentary Secretary shall hold office during the Governor's pleasure.

(3) The office of a Parliamentary Secretary shall become vacant—

(*a*) if the holder of the office ceases to be a Senator or a member of the General Assembly otherwise than by reason of a dissolution of the Senate or of the Assembly;

(*b*) if, when the Senate and the General Assembly first meet after any dissolution of the Senate and the General Assembly, the holder of the office is not then a Senator or a member of the General Assembly; or

(*c*) if the holder of the office resigns from office by writing under his hand addressed to the Governor.

Tenure of office of judges.

37.—(1) A judge of the Supreme Court of the Island may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any

other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the following sub-paragraph.

(2) A judge of the Supreme Court shall be removed from office by the Governor by instrument under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of the following sub-paragraph, been referred by Her Majesty to the Judicial Committee of the Privy Council under section 4 of the Judicial Committee Act 1833(a) or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(3) If the Premier (in the case of the Chief Justice) or the Chief Justice after consultation with the Premier (in the case of any other judge) represents to the Governor that the question of removing a judge of the Supreme Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman, and not less than two other members selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in any part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) The provisions of the Commissions of Enquiry Act 1908(b) as in force immediately before the commencement of this Order shall, subject to the provisions of this paragraph, apply as nearly as may be in relation to a tribunal appointed under the preceding sub-paragraph or, as the context may require, to the members thereof as they apply in relation to Commissions or Commisioners appointed under that Act, and for that purpose shall have effect as if they formed part of this Order.

(5) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal appointed under sub-paragraph (3) of this paragraph, the Governor, acting in accordance with the advice of the Premier (in the case of the Chief Justice) or of the Chief Justice after the Chief Justice has consulted with the Premier (in the case of any other judge), may suspend the judge from performing the functions of his office.

(6) Any such suspension may at any time be revoked by the Governor, acting in accordance with the advice of the Premier or the Chief Justice, as the case may be, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(a) 3 & 4 Will. 4. c. 41. (b) Revised Laws of Barbados, Vol. III, p. 242.

(*b*) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) In its application in relation to a tribunal appointed under this paragraph the provisions of the Commissions of Enquiry Act 1908 shall have effect subject to the following modifications:—

(*a*) all powers or duties conferred or imposed on the Governor or the Cabinet under the Act shall be exercised or performed by the Governor, acting in his discretion;

(*b*) section 2, so much of section 3 as follows the words "in his place", section 5, the words "after taking such oath or affirmation" in section 7 and section 16 shall not apply.

Disposal of public monies.

38. All public monies raised, or which shall be raised, by authority of any law of the Island, shall be issued by warrant under the hand of the Governor or under the hand of some person authorised by him in writing and disposed of for the support of the Government of the Island, or for such other purposes as shall be particularly appointed by such law, and not otherwise.

Reappointments and concurrent appointments.

39.—(1) Where any person has vacated any office established by this Schedule or any office of a Minister or Parliamentary Secretary established under this Schedule he may, if qualified, again be appointed to hold that office in accordance with the provisions of this Schedule.

(2) When any holder of the office of Governor or of any office constituted under paragraph 7 is on leave of absence pending relinquishment of his office, another person may be appointed to that office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this sub-paragraph, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

Interpretation.

40.—(1) In this Schedule—

"the General Assembly" means the General Assembly of the Island;

"the Island" means Barbados and such other territories as are, immediately before the commencement of this Order, comprised within the Government of Barbados under the Letters Patent revoked by this Order;

"session" means, in relation to the Senate or the General Assembly, the sittings of that chamber commencing when it first meets after the commencement of this Order or after the prorogation or dissolution of the chamber at any time and terminating when the chamber is prorogued or is dissolved without having been prorogued;

"sitting" means, in relation to the Senate or the General Assembly, a period during which the Senate or the Assembly, as the case may be, is sitting continuously without adjournment and includes any period when the Senate or the Assembly is in committee.

(2) (*a*) In this Schedule " the Leader of the Opposition " means the member of the General Assembly who is for the time being the leader in the Assembly of the party which commands the support of the largest number of members of the Assembly in opposition to the Government.

(*b*) If any doubt arises as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the General Assembly or as to who is or was at any material time the leader in the Assembly of such a party, the question shall be decided for the purposes of this Schedule by the Speaker of the Assembly and his decision shall be final and shall not be questioned in any court.

(3) When it is otherwise required by the context references in this Schedule to the Governor include references to a person performing the functions of the office of Governor under paragraph 3 and, to the extent to which he is authorised to act, a deputy to the Governor appointed under paragraph 4.

(4) For the purposes of this Schedule a person shall not be regarded as holding an office of profit or emolument under the Crown by reason only—

(*a*) that he is in receipt of any remuneration or allowance in respect of his tenure of the office of President or Deputy President of the Senate, of a Minister or a Parliamentary Secretary;

(*b*) of his tenure of any other office the receipt of remuneration or allowance in respect of which does not, pursuant to any law for the time being in force in the Island, constitute a disqualification for being a Senator; or

(*c*) that he is in receipt of a pension or other like allowance in respect of public service.

(5) References in this Schedule to Her Majesty's dominions shall include references to any territories under Her Majesty's protection or in which Her Majesty has jurisdiction.

(6) The resignation of any person from the office of Senator, Minister or Parliamentary Secretary by writing under his hand addressed in accordance with this Schedule to any other person shall take effect when the writing signifying the resignation is received by that other person.

(7) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Schedule and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order consolidates with modifications the provisions contained in the Barbados Letters Patent 1914 to 1961. It makes provision for the office and functions of the Governor, for a Privy Council, a Senate, legislation, a Cabinet, and the tenure of office of judges of the Supreme Court of Barbados.