(*h*) the disqualification for election as members of the proposed Legislative Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register:

Provided that no election of members to the proposed Legislative Council shall be held under any such law until provision shall have been made by Order of His Majesty in Council for the establishment of the proposed Legislative Council, and that provision shall have come into operation.

Power to revoke or amend this Order

3. His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order, as to Him or Them shall seem fit.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

It is essential, in order that the new Dominica constitution should be brought into force as early as possible this year, that provisions for elections to the new Legislature should be made by local legislation very shortly. It would not, however, be constitutionally proper that such legislation should be enacted by the existing Dominica Legislature in advance of the new constitutional instruments without special enabling provision made by Order in Council. This Order makes the necessary provision and gives the required powers to the existing Legislature.

The Dominica (Legislative Council) Order in Council, 1951

1951 No. 1392

Made - - - - 1*st August*, 1951

Coming into Operation :—

Sections 2 *and* 35 - 1*st August*, 1951

Remainder - - - *On a day to be appointed by the Governor by Proclamation in the Dominica Official Gazette.**

At the Court at Buckingham Palace, the 1st day of August, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by the Dominica Act 1938(a), His Majesty in Council is empowered to make such provision, by Order in Council, as he thinks proper for the government of Dominica, and thereby to delegate to any authority constituted for Dominica (whether by such Order or otherwise)

(a) 1 & 2 Geo. 6. c. 10.

* The date thus appointed was 29th September, 1951.

power to make laws for the peace, order and good government of Dominica, and to vary or revoke any such Order by a subsequent Order in Council:

And Whereas by the Dominica Order in Council, 1939(a), as amended by the Dominica Order in Council, 1949(b) (hereinafter together called " the existing Orders "), provision is made, amongst other things, for the constitution and powers of a Legislative Council for Dominica:

And Whereas it is expedient to make other provision than in the existing Orders is contained for the constitution and powers of the said Legislative Council:

Now, Therefore, His Majesty, by virtue and in exercise of His powers under the Dominica Act, 1938(c), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, as follows: —

PART I

Preliminary

Interpretation

1.—(1) In this Order, unless the context otherwise requires—

" the Administrator " means the Administrator of Dominica, and includes any person for the time being acting as Administrator thereof;

" the appointed day " means the day appointed under Section 2 of this Order;

" the Council " means the Legislative Council of Dominica established by this Order;

" Deputy President " means the Member of the Council elected by the Council to be the Deputy President thereof in accordance with the provisions of Section 20 of this Order;

" dollars " means dollars in the currency of the Island;

" the Gazette " means the Dominica Official Gazette;

" the Governor " means the Governor and Commander-in-Chief of the Windward Islands and includes the officer for the time being administering the Government of the Windward Islands and, to the extent to which a Deputy for the Governor is authorized to act, that Deputy:

" the Island " and " Dominica " mean the Colony of Dominica:

" meeting " means any sitting or sittings of the Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session.

" minister of religion " means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship;

" Proclamation " means a written or printed notice under the hand of the Governor or the Administrator, published by his order in the Gazette;

" public office " means, subject to the provisions of subsection (3) of this Section, any office of emolument in the public service or any office of emolument under a Municipal Corporation within Dominica;

(a) S.R. & O. 1939 (No. 1896) I, p. 658. (b) S.I. 1949 (No. 1840) I, p. 4740.
(c) 1 & 2 Geo. 6. c. 10.

" public officer " means the holder of any public office and includes any person appointed to act in any such office ;

" the Public Seal " means the Public Seal of the Island ;

" the public service " means the service of the Crown in respect of the Government of Dominica ;

" session " means the meetings of the Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued ;

" sitting " means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in committee ;

" the Windward Islands " means the Colonies of Grenada, Saint Vincent, Saint Lucia, and Dominica and the Dependencies thereof.

(2) Where in this Order reference is made to any officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) For the purposes of this Order a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service in any such office ; and if it shall be declared by any law in force in Dominica that an office shall not be a public office, for all or any of the purposes of this Order, this Order shall have effect accordingly as if that law were enacted herein.

(4) Save as in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(5) References in this Order to His Majesty's dominions shall have effect as if they included references to all British protectorates and British protected states and to all territories administered by the Government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

(6) This Order shall be construed—

(*a*) as if subsection (1) of Section (1) of the India (Consequential Provisions) Act, 1949(b), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection ; and

(*b*) as if subsection (2) of Section 3 of the British Nationality Act, 1948(c) (as interpreted by subsection (1) of Section 3 of the Ireland Act, 1949(d)), and subsection (2) of Section 3 of the Ireland Act, 1949(d), applied to it as those subsections apply to Laws in force at the dates of the commencement of those Acts respectively.

Short title and commencement

2.—(1) This Order may be cited as the Dominica (Legislative Council) Order in Council, 1951. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette.*

(2) This Section shall come into operation forthwith.

(a) 52 & 53 Vict. 63. (b) 12, 13 & 14 Geo. 6. c. 92.
(c) 11 & 12 Geo. 6. c. 56. (d) 12, 13 & 14 Geo 6. c. 41.

* The date thus appointed was 29th September, 1951.

Revocation

3. The Orders in Council specified in the first column of the Schedule to this Order are hereby revoked to the extent specified in the second column of such Schedule, but without prejudice to anything lawfully done thereunder.

PART II

Legislative Council

Legislative Council

4. There shall be a Legislative Council in and for Dominica which shall consist of the Administrator, two *ex officio* Members, three Nominated Members and eight Elected Members.

Ex Officio Members

5. The *ex officio* Members of the Council shall be the Crown Attorney and the Financial Secretary.

Nominated Members

6.—(1) The Nominated Members of the Council shall be persons qualified for appointment in accordance with the provisions of this Order, and shall be appointed by the Governor by Instrument under the Public Seal.

(2) The Governor shall forthwith report to His Majesty through a Secretary of State every appointment of any person to be a Nominated Member of the Council.

Elected Members

7. The Elected Members of the Council shall be persons qualified for election in accordance with the provisions of this Order and elected in the manner provided by, or in pursuance of, any law for the time being in force in Dominica.

Summoning of persons to assist the Council

8. The Administrator may summon any person to the Council notwithstanding that such person may not be a Member of the Council, when, in the opinion of the Administrator, the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the matter in respect of which he was summoned as if he were a Member of the Council except that he shall not have the right to vote in the Council.

Qualifications for Nominated and Elected Membership

9. Subject to the provisions of Section 10 of this Order, any person who—

(*a*) is a British subject of the age of twenty-one years or upwards; and

(*b*) being a candidate for election as an Elected Member, has resided in Dominica for a period of twelve months immediately before the date of his nomination for election, or is domiciled in Dominica and is resident therein at the date aforesaid; and

(*c*) being a candidate for election as an Elected Member, is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council;

shall be qualified to be appointed as a Nominated Member or to be elected as an Elected Member of the Council, and no other person shall be qualified to be so appointed or elected or, having been so appointed or elected, shall sit or vote in the Council.

Disqualifications for Nominated and Elected Membership

10. No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member of the Council or, having been so appointed or elected, shall sit or vote in the Council, who at the time of appointment or election—

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

(*b*) (i) in the case of a Nominated Member, holds any public office; or

(ii) in the case of an Elected Member, holds, or is acting in, any such office; or

(*c*) is a minister of religion; or

(*d*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of His Majesty's dominions; or

(*e*) (i) in the case of a Nominated Member, is a party to, or a partner in a firm, or a director or manager of a company which is a party to, any contract with the Government of Dominica for or on account of the public service and has not disclosed to the Administrator the nature of such contract and his interest, or the interest of such firm or company, therein; or

(ii) in the case of an Elected Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Government of Dominica for or on account of the public service, and has not, within one month before the day of election, published in the English language in the Gazette and in a newspaper circulating in the electoral district for which he is a candidate, a notice setting out the nature of such contract, and his interest or the interest of such firm or company, therein; or

(*f*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Dominica; or

(*g*) has been sentenced by a Court in any part of His Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may have been substituted therefore by competent authority, or received a free pardon; or

(*h*) is disqualified for membership of the Council by any law for the time being in force in Dominica relating to offences connected with elections; or

(*i*) in the case of an Elected Member, is disqualified for election by any law for the time being in force in Dominica by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for the compilation or revision of any electoral register.

Tenure of office of Nominated and Elected Members

11.—(1) Subject to the provisions of this Order, every Nominated Member of the Council shall hold his seat therein during His Majesty's Pleasure.

(2) Every Nominated or Elected Member shall in any case cease to be a Member at the next dissolution of the Council after his appointment or election, or previously thereto if his seat shall become vacant under the provisions of this Order.

(3) The seat of a Nominated or Elected Member of the Council shall become vacant—

(*a*) upon his death ; or

(*b*) if he shall, by writing under his hand addressed to the Administrator, resign his seat in the Council ; or

(*c*) if he shall, without the leave of the Administrator previously obtained, be absent from three consecutive meetings of the Council ; or

(*d*) if, being a Nominated Member, he is nominated as a candidate in any election of an Elected Member to the Council or, being an Elected Member, is appointed as a Nominated Member of the Council ; or

(*e*) if he shall cease to be a British subject ; or shall take any oath, or make any declaration or acknowledgment, of allegiance, obedience or adherence to any foreign Power or State ; or shall do, concur in or adopt any act done with the intention that he shall become a subject of any foreign Power or State ; or

(*f*) if he shall become a party to any contract with the Government of Dominica for or on account of the public service, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become a partner in a firm, or a director or manager of a company, which is a party to any such contract ;

Provided that, if in the circumstances it shall appear to him or them to be just so to do, the Administrator may exempt any Nominated Member and the Council may exempt any Elected Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid, or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company) disclose to the Administrator or to the Council, as the case may be, the nature of such contract and his interest or the interest of any such firm or company therein ; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under the law in force in any part of His Majesty's dominions ; or

(*h*) if he shall be sentenced by a Court in any part of His Majesty's dominions to death or imprisonment (by whatever name called) for a term exceeding twelve months; or

(*i*) if, being an Elected Member, he shall be appointed to, or to act in, any public office; or

(*j*) if, being a Nominated Member, he shall be appointed permanently to any such office; or

(*k*) if he shall become subject to any of the disqualifications specified in paragraphs (*c*), (*f*) or (*h*) of Section 10 of this Order, or, in the case of an Elected Member, if he shall become subject to the disqualification specified in paragraph (*i*) of the said Section 10.

(4) If any Nominated Member of the Council shall be appointed temporarily to, or to act in, any public office he shall not sit or vote in the Council by virtue of his appointment as a Nominated Member so long as he continues to hold, or act in, that office.

(5) Any person whose seat in the Council has become vacant may, if qualified, again be appointed or elected as a Member of the Council from time to time.

Decision of questions as to membership

12.—(1) All questions which may arise as to the right of any person to be or remain a Member of the Council, other than an Elected Member, shall be referred to and determined by the Governor.

(2) All questions which may arise as to the right of any person to be or remain an Elected Member of the Council shall be referred to and determined by the Supreme Court in accordance with the provisions of any law in force in Dominica.

Filling of vacancies

13.—(1) Whenever the seat of a Nominated Member of the Council becomes vacant, the vacancy shall be filled by appointment by the Governor in accordance with the provisions of this Order.

(2) Whenever the seat of an Elected Member of the Council becomes vacant, the vacancy shall be filled by election in accordance with the provisions of this Order.

Suspension and incapacity of Nominated Members

14.—(1) The Governor may, by Instrument under the Public Seal, suspend any Nominated Member from the exercise of his functions as a Member of the Council. Every such suspension shall be forthwith reported by the Governor to His Majesty through a Secretary of State, and shall remain in force until it shall be removed by the Governor by Instrument under the Public Seal or by His Majesty through a Secretary of State, or the person suspended ceases to be a Member of the Council.

(2) The Governor may, by Instrument under the Public Seal, declare any Nominated Member to be, by reason of illness, incapable of discharging his functions as a Member of the Council and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Temporary Members

15.—(1) Whenever there shall be a vacancy in the number of persons sitting as *ex officio* or Nominated Members of the Council by reason of the fact that—

(*a*) an *ex officio* Member is administering the Government of Dominica ; or

(*b*) one person is lawfully discharging the functions of the offices of Crown Attorney and Financial Secretary ; or

(*c*) no person is lawfully discharging the functions of one of those offices ; or

(*d*) any such office has ceased to exist ; or

(*e*) a Nominated Member is suspended, as provided in Section 14 of this Order, from the exercise of his functions as a Member ; or

(*f*) a Nominated Member is declared to be incapable, by reason of illness, as provided in Section 14 of this Order, of discharging his functions as a Member ; or

(*g*) an *ex officio* or Nominated Member is absent from Dominica ; or

(*h*) the seat of a Nominated Member is vacant for any cause other than the dissolution of the Council ; or

(*i*) a Nominated Member is appointed temporarily to, or to act in, any public office,

a person may be appointed by the Governor by Instrument under the Public Seal as a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as *ex officio* Members, the person appointed shall be a person holding office in the public service ; and if the vacancy is in the number of persons sitting in the Council as Nominated Members, the person appointed shall be a person qualified for appointment as a Nominated Member.

(3) If a person is appointed under the provisions of this Section to be a temporary Member, then, so long as his appointment shall subsist, and subject to the provisions of this section—

(*a*) in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members, the provisions of this Order shall apply to him as if he were an *ex officio* Member ; and

(*b*) in the case of a vacancy in the number of persons sitting in the Council as Nominated Members, he shall be to all intents and purposes a Nominated Member and the provisions of Section 11 of this Order shall apply to him accordingly ;

and in a case coming within paragraph (*a*) of this sub-section such person shall take precedence next after the *ex officio* Members mentioned in Section 5 of this Order, and if there are two such persons they shall take precedence between themselves in such order as may be appointed by the Governor.

(4) The Governor shall forthwith report every appointment made under this Section to His Majesty through a Secretary of State, and such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor by Instrument under the Public Seal.

(5) An appointment made under this Section shall cease to have effect on notification by the Administrator to the person appointed of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Precedence of Members

16.—(1) After the Administrator, the Members of the Council shall take precedence among themselves as His Majesty may specially assign, and in default thereof as follows: —

First, the *ex officio* Members in the order in which they are referred to in Section 5 of this Order ;

Secondly, the Nominated and Elected Members according to the length of time during which they have been continuously Members of the Council, Members appointed or elected at the same time taking precedence among themselves—

(*a*) in the case of two or more Nominated Members appointed by the same Instrument, in the order in which they are named therein ;

(*b*) in the case of two or more Elected Members not having obtained the same number of votes, according to the number of votes, obtained by each ;

(*c*) in any other case, according to the alphabetical order of their names.

(2) For the purposes of this Section—

(*a*) When the Council is dissolved, Members appointed to fill vacancies caused thereby shall be deemed to have been appointed, and Members elected at the ensuing elections shall be deemed to have been elected, by virtue of those elections, on the date of the receipt by the Administrator of the return of the first writ at those elections ; and

(*b*) paragraph (*a*) of this subsection shall apply to the Members appointed or elected to the Council as first constituted under this Order as if such appointments or elections were consequent upon a dissolution of the Council ; and

(*c*) in ascertaining the period during which a person has continuously been a Nominated Member or an Elected Member of the Council—

(i) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of a dissolution of the Council and the date of his re-appointment or re-election to fill a vacancy in the Council caused by that dissolution ; and

(ii) if any person having been, for any period immediately before the appointed day, a Member of the Legislative Council constituted under the existing Orders, is appointed or elected as a Member by virtue of the first appointments or elections to the Council after the appointed day, he shall be deemed to have been a Member of the Council for that period, and no account shall be taken of any interval between the end of that period and the date upon which he is first appointed or elected to the Council, or of any interval in his membership of the Legislative Council constituted under the existing Orders between a dissolution of that Council and his appointment or election to fill the vacancy thereby caused.

PART III

Legislation and Procedure of Legislature

Power to make Laws

17. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order and good government of Dominica.

Royal Instructions

18. Subject to the provisions of this Order, the Governor and the Council shall, in the transaction of business and making of laws, conform as nearly as may be to the directions in that behalf from time to time conveyed to the Governor in any Instructions under His Majesty's Sign Manual and Signet.

Standing Rules and Orders

19.—(1) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Council may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, to provide for the giving of notice of the provisions of Bills and for the presentation thereof to the Governor for assent; but no such Rules and Orders, or amendment or revocation thereof, shall have effect until they shall have been approved by the Governor.

(2) Until other provision is made under this Section, the Standing Rules and Orders of the Legislative Council constituted under the existing Orders, as in force immediately before the appointed day shall, in so far as they are applicable and not inconsistent with the provisions of this Order, be the Standing Rules and Orders of the Council; and the said Standing Rules and Orders may be amended or revoked by Standing Rules and Orders made under subsection (1) of this Section.

Deputy President

20.—(1) The Council shall—

(*a*) at its first sitting in every session; and

(*b*) at its first sitting after the occurrence of a vacancy in the office of Deputy President;

or as soon thereafter as may be convenient, elect a Member from among the Nominated and Elected Members to be Deputy President of the Council.

(2) The Deputy President may, by writing under his hand addressed to the Administrator, resign his office.

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

(*a*) upon ceasing to be a Member of the Council; or

(*b*) upon the termination of the session of the Council in which he was elected to the office of Deputy President; or

(*c*) upon receipt of his resignation thereof by the Administrator.

(4) A person shall, if qualified, be eligible for re-election to the office of Deputy President from time to time.

Presiding in the Council

21. The Administrator, if present, shall preside at meetings of the Council, and in his absence the Deputy President, or in the absence of the Deputy President or if no Deputy President has been elected, the Member present who stands first in order of precedence shall preside.

Governor's right to address Council

22. The Governor shall have the right of addressing the Council at any time he shall think fit.

Vacancies and Quorum

23.—(1) The Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in the proceedings.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than five Members present besides the Administrator or other Presiding Member.

Voting

24.—(1) Subject to the provisions of Section 26 of this Order, all questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present and voting.

(2) The Administrator, or the Deputy President or other Member when presiding, shall not have an original vote, but if upon any question the votes shall be equally divided he shall have a casting vote.

(3) The votes of Members of the Council shall be taken in the inverse order of their precedence.

Introduction of Bills, etc.

25. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders:

Provided that, except with the recommendation or consent of the Administrator signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Administrator or other Presiding Member, would—

(*a*) dispose of or charge any public revenue or public funds of Dominica or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty; or

(*b*) suspend the Standing Rules and Orders of the Council or any of them.

Governor's reserved power

26.—(1) If the Governor shall consider that it is expedient—

(*a*) in the interests of public order, public faith or of good government (which expressions shall, without prejudice to their generality, include the responsibility of the Island as a component part of the

British Commonwealth of Nations, all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer); or

(*b*) in order to secure detailed control of the finances of the Island during such time as, by virtue of receipt of financial assistance by the Island from His Majesty's Exchequer for the purpose of balancing the annual budget or otherwise, such control rests with His Majesty's Government,

that any Bill introduced, or any motion proposed, in the Council shall have effect, then, if the Council shall fail to pass such Bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provisions of this Order or of any Standing Rules and Orders of the Council, declare that such Bill or motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or any Committee thereof; and thereupon the said Bill or motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Order relating to assent to Bills and disallowance of Ordinances shall apply accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he shall make any such declaration and the reasons therefor.

(3) If any Member of the Council objects to any declaration made under this Section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any such declaration relating to a motion may be revoked by a Secretary of State, and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion which shall have had effect by virtue of the declaration revoked shall cease to have effect; and the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(**a**), shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

27.—(1) No Bill shall become a law until either the Governor shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given His assent thereto through a Secretary of State:

Provided that, if the Governor is not present within Dominica and if the Administrator is satisfied that circumstances require that a Bill (not being a Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of this Order) shall become a law without delay, the Administrator may, subject to the provisions of any Instructions addressed to the Governor under His Majesty's Sign Manual and Signet

(a) 52 & 53 Vict. c. 63.

or through a Secretary of State, assent thereto in His Majesty's name and on His Majesty's behalf and shall sign the same in token of such assent, and thereupon such Bill shall become a law.

(2) When a Bill is presented to the Governor for his assent, he shall, according to his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the Governor shall reserve for the signification of His Majesty's pleasure any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of this Order, unless he shall have been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor or by the Administrator shall come into operation on the date on which such assent shall be given, unless it shall be enacted, either in such law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, in which case it shall come into operation on that date.

(4) A Bill reserved for the signification of His Majesty's pleasure shall become a law so soon as His Majesty shall have given His assent thereto, through a Secretary of State, and the Governor or the Administrator shall have signified such assent by Proclamation. Every such law shall come into operation on the date of such Proclamation, unless it shall be enacted, either in such law or in some other enactment (including an enactment in force on the appointed day) that it shall come into operation on some other date, in which case it shall come into operation on that date.

Disallowance of Laws

28.—(1) Any law to which the Governor or the Administrator shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by His Majesty, the Governor shall, as soon as practicable, cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect from the date of publication of such notice; and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made, and, subject thereto, the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(**a**), shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Sessions of the Council

29.—(1) Subject to the provisions of subsection (2) of this Section, the sessions of the Council shall be held at such times and places as the Administrator shall from time to time appoint by Proclamation.

(2) The first session of the Council shall commence within a period of six months from the appointed day, and thereafter there shall be

(**a**) 52 & 53 Vict. c. 63.

a session of the Council once at least in every year, so that there shall not be an interval of twelve months between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution

30.—(1) The Governor may at any time, by Proclamation, summon, prorogue or dissolve the Council.

(2) On dissolution, all Members shall vacate their seats and the Council shall be reconstituted by election and appointment in accordance with the provisions of this Order at such time, within two months of every dissolution, as the Administrator shall appoint by Proclamation.

(3) The Governor shall dissolve the Council at the expiration of three years from the date of the receipt by the Administrator of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

Minutes

31.—(1) Minutes shall be kept of all the proceedings of the Council, and at every meeting of the Council the Minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before the Council proceeds to the despatch of any other business.

(2) Twice in each year the Governor shall cause a full and exact copy of all Minutes of the Council for the preceding half year to be transmitted to His Majesty through a Secretary of State.

Oath of Allegiance

32. Except for the purpose of enabling this Section to be complied with, no Member of the Council shall sit or vote therein until he shall have taken and subscribed before the Adminstrator, or some person authorised by the Administrator in that behalf, the following oath:—

"I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law. So help me God."

Provided that every person authorised by law to make an affirmation instead of taking an oath in legal proceedings may make such affirmation in like terms instead of taking the said oath.

PART IV

Miscellaneous

Laws as to Elections

33.—(1) Subject to the provisions of this Order, provision may from time to time be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Council including (without prejudice to the generality of the foregoing power) the following matters, that is to say:—

(*a*) the qualifications and disqualifications of electors;

(*b*) the registration of electors;

(*c*) the ascertainment of qualifications of electors and of candidates for election;

(*d*) the division of the Island into electoral districts for the purpose of elections; and the division of electoral districts into polling divisions;

(*e*) the holding of elections;

(*f*) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member of the Council;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the Council, or for registration as an elector, or for voting at elections, of any person concerned in any such offence;

(*h*) the disqualification for election as Members of the Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(2) The provision for the election of Elected Members of the Council made under and by virtue of the Dominica (Legislative Council) (Electoral Provisions) Order in Council, 1951(a), shall be deemed to have been made under and by virtue of the provisions of subsection (1) of this Section.

Penalty for unqualified person sitting or voting

34.—(1) Any person who—

(*a*) having been elected or appointed a Member of the Council, but not having been at the time of such election or appointment qualified to be so elected or appointed, shall sit or vote in the Council; or

(*b*) shall sit or vote in the Council after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was not so qualified, or that his seat has become vacant or that he has become disqualified, as the case may be, shall be liable to a penalty not exceeding ninety-six dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Crown Attorney.

Removal of difficulties

35.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to be necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this Section later than the first day of January, 1953.

(2) Any Order made under this Section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a day not earlier than the date of this Order.

(3) This Section shall come into operation forthwith.

Powers reserved to His Majesty

36.—(1) His Majesty hereby reserves to Himself, His Heirs, and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order.

(2) Nothing in this Order shall affect the powers of His Majesty in Council to make laws from time to time for the peace, order and good government of Dominica.

F. J. Fernau.

(a) S.I. 1951 No. 330, p. 1347 above.

SCHEDULE

First Column	Second Column
The Dominica Order in Council, 1939(a).	The definitions in subsection (1) of Section 4, except the definitions of " Governor " and " Governor in Council ". The words " and Legislative " and the letter ' s ' in the word " Councils " in the title of Part II. The words " during His Majesty's pleasure and, subject thereto " in subsection (1) of Section 5. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. The title " Part III ". " Legislation and Procedure in the Legislative Council ". Sections, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 44 and 47.
The Dominica Order in Council, 1949(b).	The whole Order.
The Dominica (Legislative Council —Extension of Duration) Order in Council, 1950(c).	The whole Order.

EXPLANATORY NOTE

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

This Order in Council provides for the establishment of a new Legislative Council which will legislate for the Colony of Dominica. It consists of the Administrator, as President, two *ex-officio* Members, three Nominated Members and eight Elected Members.

GRENADA

The Grenada (Legislative Council) (Electoral Provisions) Order in Council, 1951

1951 No. 328

Made - - - - 27th February, 1951
*Coming into Operation On a day to be appointed by the Governor by Proclamation in the Grenada Government Gazette.**

At the Court at Buckingham Palace, the 27th day of February, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by Letters Patent constituting the Office of Governor and Commander-in-Chief of the Windward Islands, comprising the Islands

(a) S.R. & O. 1939 (No. 1896) I, p. 658. (b) S.I. 1949 (No. 1840) I, p. 4740.
(c) S.I. 1950 (No. 525) II, p. 1520.
* The date thus appointed was 25th April, 1951.