1962 No. 1244

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Grenada (Constitution) Order in Council 1962

Made - - - -	14*th June* 1962
Laid before Parliament	18*th June* 1962
Coming into Operation	19*th June* 1962

At the Court at Buckingham Palace, the 14th day of June 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 5 of 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, construction and commencement.

1.—(1) This Order may be cited as the Grenada (Constitution) Order in Council 1962.

(2) This Order shall be construed as one with the Grenada (Constitution) Order in Council 1959(b) (hereinafter referred to as "the principal Order"); and the principal Order and this Order may be cited together as the Grenada (Constitution) Orders in Council 1959 and 1962.

(3) This Order shall come into operation on such day as the Administrator, acting in his discretion, may, by writing under his hand, appoint, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Dissolution of Legislative Council.

2. The Legislative Council constituted at the date of commencement of this Order in accordance with the provisions of the principal Order is hereby dissolved, and the provisions of the principal Order and of any other law in force in Grenada immediately before that date shall have effect as if the dissolution of the Council by virtue of this section were a dissolution of the Council under section 46 (2) of the principal Order.

Dissolution of Executive Council, and suspension and modification of provisions relating thereto until appointed day.

3.—(1) The Executive Council constituted at the date of commencement of this Order in accordance with the provisions of the principal Order is hereby dissolved, and, without prejudice to anything previously done thereunder and until the appointed day:—

(*a*) the operation of sections 12 to 21 of the principal Order is suspended;

(a) 10 & 11 Eliz. 2. c. 19. (b) S.I. 1959/2200 (1959 I, p. 380).

(*b*) the operation of subsections (1) to (5) of section 6 of the principal Order and, to the extent that it requires the Administrator in the exercise of any function to act in accordance with the advice of, or after consultation with, the Executive Council or any Minister of the Government of Grenada, of any other provision of that Order or of any other law in force in Grenada is suspended ; and

(*c*) any provision of any law in force in Grenada that confers any power or imposes any duty on any Minister of the Government of Grenada shall, subject to any modification or adaptation made under the next following subsection, be construed as if it conferred that power or imposed that duty on the Administrator.

(2) (*a*) The Administrator may, by order made at any time before the appointed day, make such adaptations and modifications to any law to which this subsection applies as appear to him to be necessary or expedient in consequence of the dissolution of the Executive Council and the suspension of the operation of sections 12 to 21 of the principal Order.

(*b*) An order made under this subsection may be amended or revoked by a subsequent order made in like manner, shall have effect from such date, not being earlier than the date of commencement of this Order, as may be specified therein, and, unless previously revoked, shall cease to have effect on the appointed day.

(*c*) The laws to which this subsection applies are laws made by any legislature in Grenada and instruments made by virtue of any such law that are in force in Grenada immediately before the date of commencement of this Order and laws and instruments that are so in force by virtue of the exercise of the powers conferred by article 16 of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962(a) or by virtue of the provisions of article 12 of the British Caribbean Court of Appeal Order in Council 1962(b).

Amendment of principal Order as from appointed day.

4. As from the appointed day the provisions of the principal Order shall, without prejudice to anything previously done thereunder, be amended in the manner specified in the schedule to this Order.

The appointed day.

5. For the purposes of the two last foregoing sections " the appointed day " means such day as the Administrator may, by proclamation published in the Gazette, appoint for the purposes of those sections, which day shall not be earlier than the day after that on which a general election of elected members of the Legislative Council is next held in accordance with the provisions of the principal Order.

W. G. Agnew.

THE SCHEDULE (Section 4)

Amendments to the principal Order

1. The insertion at the end of paragraph (*c*) of section 6 (2) of the words " and the power conferred by section 40A of this Order ".

2. In section 6 (4) (as modified by article 15 (2) of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962) the substitution for paragraphs (*a*) to (*d*) of the words " in the interests of public

(a) S.I. 1962/1084 (1962 II, p. 1220). (b) S.I. 1962/1086 (1962 II, p. 1247).

order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Grenada as a territory within the Commonwealth and all matters relating to the creation or abolition of any public office or to the salary or other conditions of service of any public officer)".

3. In section 12 the insertion immediately after the words "subject to" of the words "the next following subsection and", and the insertion immediately after subsection (1) of the following subsection:—

"(1A) The Administrator, acting in his discretion, may, by instrument under the public seal, appoint one other person, being a person who holds a public office, to be a member of the Executive Council in addition to the members aforesaid."

4. The insertion immediately after section 14 (4) of the following subsection:—

"(5) A member of the Executive Council appointed under subsection (1A) of section 12 of this Order shall vacate his office as a member if he ceases to hold a public office or if his appointment is revoked by the Administrator, acting in his discretion, by instrument under the public seal.".

5. In section 17 (1) the insertion immediately after the words "Provided that" of "(*a*)" and at the end of the proviso of the following paragraph:—

"(*b*) whenever there is a subsisting appointment of a member of the Executive Council under subsection (1A) of section 12 of this Order, the Administrator, acting in his discretion, shall, by directions in writing, charge that member with responsibility for finance and for any department of finance (by whatever name called) and references to the Minister responsible for finance in any provision of this Order or of any other law in force in Grenada that confers any power or imposes any duty on that Minister shall be construed as if they were references to that member.".

6. The insertion immediately after the word "Composition" at the beginning of Part IV of the words "of the Legislative Council", and the substitution for section 23 of the following section:—

"Constitution of Legislative Council.

23. There shall be a Legislative Council in and for Grenada constituted in accordance with the provisions of this Order.".

7. In section 24 the substitution for the words and figure "subsection (2)" in subsection (1) of the words "the following provisions" and the insertion immediately after subsection (2) of the following subsection:—

"(3) Any person appointed to be a member of the Executive Council under subsection (1A) of section 12 of this Order shall, by virtue of being a member of the Executive Council, be a member of the Legislative Council in addition to the members aforesaid.".

8. The substitution for section 33 of the following section:—

"Power to make laws.

33. Subject to the provisions of this Order, it shall be lawful for the Administrator, with the advice and consent of the Legislative Council, to make laws for the peace, order and good government of Grenada.".

9. The insertion immediately after section 40 (2) of the following subsection:—

"(3) The Administrator, acting in his discretion, may—

(*a*) send by message to the Speaker the draft of any Bill or motion which he considers should be introduced or proposed in the Legislative Council; and

(*b*) in the same or a later message require that the Bill or motion shall be introduced or proposed not later than a date specified in the message;

and if that requirement is not complied with, the Bill or motion shall be deemed for all purposes to have been introduced or proposed in the Council on the date so specified.".

10. The insertion immediately after section 40 of the following section:—

"Administrator's reserved power.

40A.—(1) If the Administrator considers that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Grenada as a territory within the Commonwealth, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer), that any Bill introduced, or any motion proposed, in the Legislative Council shall have effect, then, if the Council fails to pass the Bill or to carry the motion within such time and in such form as the Administrator thinks reasonable and expedient, the Administrator may, at any time he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the Council, declare that the Bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was introduced or proposed or with such amendments as the Administrator thinks fit that have been moved or proposed in the Council, including any committee thereof; and the Bill or motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Administrator shall not make any declaration under this section except in accordance with the following conditions:—

(*a*) the question whether the declaration should be made shall be submitted in writing by the Administrator to the Executive Council, and if the Council advises that the declaration should be made, the Administrator may make the declaration;

(*b*) if, when the question is submitted to it, the Council does not within such time as the Administrator may think reasonable and expedient, advise that the declaration should be made, then—

(i) the Administrator may submit the question to a Secretary of State and, if the Secretary of State so authorizes him, may make the declaration; or

(ii) the Administrator may make the declaration without submitting the question to a Secretary of State if, in his judgment, urgent necessity requires him to make the declaration before he can obtain the authority of a Secretary of State; in which case he shall, when he makes the declaration, so certify in writing.

(3) (*a*) Whenever the Administrator, in accordance with the provisions of the last foregoing subsection, submits to a Secretary of State the question whether a declaration should be made, or makes a declaration without submitting the question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Administrator makes a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declarations and, in the case of a declaration made under sub-paragraph (ii) of paragraph (*b*) of the last foregoing subsection, the grounds of urgency.

(4) If any member of the Legislative Council objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Administrator a statement in writing of his reasons for so objecting; and, if he furnishes a copy of that statement and requests the Administrator to do so, the Administrator shall, as soon as practicable, forward the copy to a Secretary of State.

(5) Any declaration made under this section that relates to a motion may be revoked by a Secretary of State, and the Administrator shall cause notice of the revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect, and section 38 (2) of the Interpretation Act 1889(a) shall apply to the revocation as it applies to the repeal of an Act of Parliament.".

11. The substitution for the words of enactment specified in section 42 of the words "Enacted by the Legislature of Grenada.".

12. The deletion from section 46 (1) of the words "acting in accordance with the advice of the Chief Minister".

13. In section 51 (2) the substitution for the words "after consultation with the Chief Minister" of the words "in his discretion".

14. The deletion of paragraph (*a*) of the proviso to section 52.

EXPLANATORY NOTE

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

This Order dissolves the Legislative and Executive Councils of Grenada and provides for the suspension or modification, until a day appointed under section 5, of provisions relating to the Executive Council and Ministers of the Government of Grenada. The Order also makes certain amendments to the Grenada (Constitution) Order in Council 1959 with effect from the day so appointed.

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