1967 No. 587

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Saint Vincent Constitution (Amendment No. 3) Order 1967

Made - - - -	12*th April* 1967
Laid before Parliament	12*th April* 1967
Coming into Operation	13*th April* 1967

At the Court at Windsor Castle, the 12th day of April 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under sections 5 and 7 of the West Indies Act 1962(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Saint Vincent Constitution (Amendment No. 3) Order 1967, and shall be included among the Orders that may be cited together as the Saint Vincent Constitution Orders 1959 to 1967.

(2) This Order shall be construed as one with the Saint Vincent (Constitution) Order in Council 1959(**b**), as amended by the West Indies (Dissolution and Interim Commissioner) Order in Council 1962(**c**), the Saint Vincent Constitution (Amendment) Order 1967(**d**) and the Saint Vincent Constitution (Amendment No. 2) Order 1967(**e**), (hereinafter called "the principal Order").

(3) This Order shall come into operation on 13th April 1967.

Dissolution of Executive Council, suspension of provisions relating thereto and temporary provisions relating to Administrator's functions.

2.—(1) The Executive Council constituted at the commencement of this Order in accordance with the provisions of the principal Order is hereby dissolved.

(2) Without prejudice to anything previously done thereunder and until such day (being after the holding of the poll in the general election of elected members of the Legislative Council next following the commencement of this Order) as the Administrator may appoint by proclamation published in the Gazette—

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

(*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,

(**a**) 1962 c. 19.
(**b**) S.I. 1959/2201 (1959 I, p. 479).
(**c**) S.I. 1962/1084 (1962 II, p. 1220).
(**d**) S.I. 1967/232 (1967 I, p. 749).
(**e**) S.I. 1967/547 (1967 I, p. 1764).

or after consultation with, the Executive Council or any Minister, of any other provision of that Order or of any other law in force in Saint Vincent is suspended; and

(*c*) any provision of any such law that confers any power or imposes any duty upon the Administrator in Council, the Executive Council or any Minister shall be construed as if it conferred that power or imposed that duty upon the Administrator.

(3) Until the day appointed under the last foregoing subsection, the Administrator shall exercise his functions after consultation with the persons who, in his judgment, are the leaders of the political parties which were represented in the Legislative Council last dissolved before the commencement of this Order:

Provided that—

(*a*) he shall not be obliged to consult with those persons—

(i) in the exercise of any function conferred upon him by the principal Order which is expressed to be exercisable by him in his discretion or in accordance with the advice of, or after consultation with, any person or authority other than the Executive Council or a Minister;

(ii) in the exercise of any function conferred upon him by any other law in terms which authorise him to exercise that function without obtaining the advice of the Executive Council or a Minister;

(iii) in the exercise of the powers conferred upon him by the Emergency Powers Order in Council 1939(a), as from time to time amended;

(iv) concerning any matter which, in his judgment, is a matter relating to the maintenance of law and order in Saint Vincent or to the Judiciary or the public service;

(v) in any case in which, in his judgment, the urgency of the matter requires him to act before those persons can be consulted or the question for decision is too unimportant to require such consultation;

(vi) in any case in which, in his judgment, it would not be in the public interest to consult those persons; and

(*b*) he shall not be obliged to consult with any such person if, in his judgment, circumstances make it impracticable to consult with that person.

Insertion of section 47A in Order of 1959.

3. The following section shall be inserted in the principal Order immediately after section 47:—

"Bye-elections.

47A. Whenever any person vacates his seat as an elected member of the Legislative Council for any reason other than a dissolution of the Council or whenever the election of any person as an elected member of the Council is determined under section 48 to be invalid the Administrator, acting in his discretion, shall, unless the Council is sooner dissolved, issue a writ for the election of a member to fill the vacancy returnable within sixty days from the vacation of the seat or the determination, as the case may be.".

(a) S.I. 1952 I at p. 621.

Amendment of section 48 of Order of 1959.

4.—(1) Section 48 of the principal Order is amended by renumbering subsection (2) as subsection (7) and by substituting the following subsections for subsection (1):—

"(1) The High Court shall have jurisdiction to hear and determine any question whether—

(*a*) any person has been validly elected as an elected member of the Legislative Council;

(*b*) any elected member of the Council has vacated his seat therein or is required by virtue of section 29(4) of this Order to cease to perform his functions as a member; or

(*c*) any person has been validly elected as Speaker of the Council from among persons who are not members of the Council or, having been so elected, has vacated the office of Speaker.

(2) An application to the High Court for the determination of—

(*a*) any question under paragraph (*a*) of the last foregoing subsection may be made by any person entitled to vote in the election to which the application relates or by any person who was a candidate in that election or by the principal law officer;

(*b*) any question under paragraph (*b*) of that subsection may be made by any elected member of the Legislative Council or by any person registered in some electoral district as a voter in elections of elected members of the Legislative Council or by the principal law officer;

(*c*) any question under paragraph (*c*) of that subsection may be made by any elected member of the Council or by the principal law officer,

and if such an application is made by a person other than the principal law officer, the principal law officer may intervene and may then appear or be represented in the proceedings.

(3) The Administrator, acting in his discretion, may by regulation make provision with respect to—

(*a*) the circumstances and manner in which and imposition of conditions upon which any application may be made to the High Court for the determination of any question under this section;

(*b*) the powers and practice and procedure of the High Court in relation to any such application; and

(*c*) the powers and practice and procedure of the Court of Appeal in proceedings under the next following subsection.

(4) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1) of this section.

(5) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by the last foregoing subsection and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1) of this section.

(6) In the exercise of his functions under this section the principal law officer shall not be subject to the direction or control of any other person or authority."

(2) Without prejudice to the generality of the provisions of section 48(3) (as set out in subsection (1) of this section) regulations made thereunder may make provision for applying the provisions of any law in force in Saint Vincent for the purposes of the regulations with such adaptations, modifications and exceptions as may be specified in the regulations.

(3) Any proceedings brought under section 48 of the principal Order and pending in the Supreme Court immediately before this Order comes into force may be continued and concluded as if that section had not been amended by this Order.

Modification of electoral law.

5. The Administrator, acting in his discretion, may by regulation provide that any law relating to the election of persons as members of the Legislative Council (whether enacted before or after the commencement of this Order) shall have effect with such adaptations, modifications or exceptions as may be specified in the regulations; and the provisions of the principal Order shall have effect subject to the provisions of this section.

Amendment of provisions for issuing of money in advance of appropriation.

6. Notwithstanding anything in section 64(4) of the principal Order, section 4 of the Finance and Audit Ordinance 1964(a) shall, in so far as it relates to the issuing of sums from the public funds of Saint Vincent during the financial year ending on 31st December 1967, be construed as if for the words "four months" there were substituted the words "six months" and as if for the words "one-third" in paragraph (2) of the proviso there were substituted the words "one-half".

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order dissolves the Executive Council of Saint Vincent, suspends the operation of the provisions of the Saint Vincent (Constitution) Order in Council 1959 relating to the Executive Council and Ministers until a day to be appointed by the Administrator and makes provision relating to the Administrator's functions which has effect until that day. It also amends the provisions of the Order of 1959 relating to the determination of questions as to membership of the Legislative Council and amends the provisions of the Finance and Audit Ordinance of Saint Vincent so as to extend by two months the period in the current financial year during which public money may be issued in advance of appropriation.

(a) No. 1 of 1964.