Regulations, 1951, the Railways (Additional Charges) (Amendment) Regulations, 1952, the Railways (Additional Charges) (Amendment) Regulations, 1954, and the Railways (Additional Charges) (Amendment) Regulations, 1955, and authorise the British Transport Commission to make in connection with the conveyance of merchandise on their railways additional charges equal in amount in some cases to 5 per cent. in some cases to 7½ per cent. and in other cases to 12½ per cent. of the charges for the time being in operation.

TRINIDAD AND TOBAGO

1956 No. 835

The Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1956

Made - - - - 1*st June*, 1956
Coming into Operation :—
Section 41—*Forthwith*
Remainder, except Sections 36 *and* 38—*On a day to be appointed under Section* 1 (2)*
Sections 36 *and* 38—*On a day to be appointed under Section* 39†

At the Court at Buckingham Palace, the 1st day of June, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to amend the Trinidad and Tobago (Constitution) Order in Council, 1950(a), (in this Order referred to as "the Principal Order") as amended by the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1951(b), in the manner hereinafter appearing:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her by the Trinidad and Tobago Act, 1887(c), 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 Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1956, and shall be construed as one with the Principal Order.

(2) This Order 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, acting in his discretion, by Proclamation published in the Gazette, (in this Order referred to as "the day of commencement of this Order").

* 3.9.56. † Date not yet (July, 1957) appointed.
(a) S.I. 1950/510 (1950 II, p. 1156). (b) S.I. 1951/1944 (1951 II, p. 869).
(c) 50 & 51 Vict. c. 44.

Revocation

2. The Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1951, is hereby revoked but without prejudice to anything lawfully done thereunder.

Amendment of the Principal Order, Parts I, II

3. Section 1 of the Principal Order is hereby amended—

(*a*) in subsection (1) by the insertion therein immediately after the definition of "minister of religion" of the two new definitions following, namely:—

"'Parliamentary Secretary' means a Parliamentary Secretary appointed under section 26A of this Order;

'Police Force' means the Police Force established in and for the Colony and in respect of which provision is made under the Police Ordinance of the Colony(**a**);"; and

(*b*) in subsection (4) by the deletion of paragraph (*b*) and the substitution therefor of the following paragraph:—

"(*b*) For the purposes of this Order a person shall not be considered to be a public officer or otherwise to hold office of emolument under the Crown by reason of the fact that he is in receipt of a salary or other emoluments in respect of his tenure of the office of Speaker, Deputy Speaker, Chief Minister, Acting Chief Minister, Minister, Acting Minister, Parliamentary Secretary, Member of the Legislative Council, or Member of the Executive Council."

4. Section 4 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Executive Council.

4. There shall be an Executive Council in and for the Colony which, subject to the provisions of section 12 of this Order, shall consist of the following Members, namely the Governor, as Chairman, a Chief Minister, two *ex officio* Members and seven Elected Members."

5. Section 5 of the Principal Order is hereby amended by the deletion of paragraphs (*a*) and (*b*) of subsection (2) and the substitution therefor of the following paragraphs:—

"(*a*) consult with the Executive Council in the exercise of all powers conferred upon him by this Order other than powers which he is by this Order directed or empowered to exercise in his discretion or after consultation with or on the advice of any person or authority other than the Executive Council; and

(*b*) act in accordance with the advice of:—

(i) the Executive Council in any matter on which he is by this subsection obliged to consult with the Executive Council;

(ii) any person or authority other than the Executive Council in exercise of any power which he is directed or empowered by this Order to exercise on the advice of such person or authority."

(**a**) Ch. 11, No. 1.

6. Section 6 of the Principal Order is hereby revoked and the following section substituted therefor:—

"The Chief Minister.

6.—(1) Subject to the provisions of subsection (1) of section 11 of this Order, the Chief Minister shall be a person who is elected to the Executive Council in accordance with the provisions of this section.

(2) The Legislative Council shall, not later than its third sitting after the 26th day of May, 1956, and after every dissolution of the Legislative Council, elect from among the Elected Members thereof other than the Speaker a person to be a Member of the Executive Council as Chief Minister."

7. Section 7 of the Principal Order is hereby revoked and the following section substituted therefor:—

"*Ex-officio* Members.

7. The *ex-officio* Members of the Executive Council shall be the Colonial Secretary and the Attorney General."

8. Section 8 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Elected Members.

8.—(1) Subject to the provisions of subsection (2) of section 11 of this Order, the Elected Members of the Executive Council shall be persons who, save as provided by section 12 of this Order, are elected to the Executive Council in accordance with the provisions of this section.

(2) The Legislative Council shall, not later than its third sitting after the 26th day of May, 1956, and after every dissolution of the Legislative Council, elect from among the Elected Members thereof other than the Speaker and Chief Minister seven persons to be Elected Members of the Executive Council.

(3) Any election under the preceding subsection shall be made after the election by the Council of a person to be the Chief Minister in pursuance of subsection (2) of section 6 of this Order."

9. Section 9 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Tenure of office.

9.—(1) The Legislative Council may, by resolution in favour of which there are cast the votes of not less than two-thirds of all the Members of the Legislative Council, revoke the election to the Executive Council of the Chief Minister or of any Elected Member thereof, and upon the passing of such resolution, the seat in the Executive Council of the Chief Minister or of such Elected Member, as the case may be, shall become vacant.

(2) The seat in the Executive Council of the Chief Minister or of an Elected Member of the Executive Council shall in any case become vacant—

(*a*) if he shall cease to be a Member of the Legislative Council :

Provided that if a Member of the Executive Council shall cease to be a Member of the Legislative Council by reason of a dissolution of that Council, he shall not on that account vacate his seat in the Executive Council until such time as the Legislative Council shall, after such dissolution, elect a person to be a Member of the Executive Council in pursuance of subsection (2) of section 6 of this Order ; or

(*b*) if he shall be absent from the Colony without written permission given by the Governor acting in his discretion.

(3) The Chief Minister or an Elected Member of the Executive Council may, by writing under his hand addressed to the Governor, resign his seat in the Executive Council, and upon receipt of such resignation by the Governor the seat in the Executive Council of the Chief Minister or of such Elected Member, as the case may be, shall become vacant.

(4) The seat in the Executive Council of an Elected Member of the Executive Council shall become vacant upon his election by the Legislative Council to be a Member of the Executive Council as Chief Minister.

(5) A person whose seat in the Executive Council has become vacant may, if qualified, again be elected from time to time as a Member of the Executive Council under subsection (2) of section 6, or subsection (2) of section 8, of this Order, as the case may require.

(6) The Governor may, by Instrument under the Public Seal, declare the Chief Minister or an Elected Member of the Executive Council to be, by reason of illness, temporarily incapable of discharging his functions as a Member of the Executive Council, and thereupon the Chief Minister or such Member, as the case may be, shall not sit or vote in the Executive Council until he is declared in manner aforesaid again to be capable of discharging his said functions."

10. Section 11 of the Principal Order is hereby revoked and the following section substituted therefor:—

" Filling of vacancies.

11.—(1) Whenever the seat in the Executive Council of the Chief Minister becomes vacant from any cause other than a dissolution of the Legislative Council, the Legislative Council shall, not later than its third sitting after the occurrence of the vacancy, elect a person from among the Elected Members thereof (whether an Elected Member of the Executive Council or not), other than the Speaker, to be a Member of the Executive Council as Chief Minister.

(2) Whenever the seat of an Elected Member of the Executive Council becomes vacant from any cause other than a dissolution of the Legislative Council, the Legislative Council shall, not later than its third sitting after the occurrence of the vacancy, elect a person from among the Elected Members thereof, other than the Speaker, to fill the vacancy."

11. Section 12 of the Principal Order is hereby revoked and the following section substituted therefor :—

"Acting Chief Minister and Temporary Members.

12.—(1) (*a*) Whenever the Chief Minister—

(i) has occasion to be absent from the Colony, or

(ii) by reason of his illness considers it desirable so to do,

he may request the Governor to appoint one of the Elected Members of the Executive Council, whom he shall specify, to act as Chief Minister during such absence or illness, and the Governor, upon receipt of such request, shall by Instrument under the Public Seal appoint such Elected Member accordingly.

(*b*) Whenever the Governor, under subsection (6) of section 9 of this Order, has declared the Chief Minister to be, by reason of illness, temporarily incapable of discharging his functions as a Member of the Executive Council, the Governor may appoint one of the Elected Members of the Executive Council to act as Chief Minister until the Chief Minister is declared under the said subsection (6) of section 9 again to be capable of discharging his said functions. Every appointment under this paragraph shall be by Instrument under the Public Seal and shall take effect from the time specified therein.

(*c*) Whenever the seat in the Executive Council of the Chief Minister shall become vacant under subsection (2) or (3) of section 9 of this Order, the Governor may by Instrument under the Public Seal appoint one of the Elected Members of the Executive Council to act as Chief Minister.

(*d*) An appointment under paragraph (*a*) of this subsection may be revoked by the Governor by Instrument under the Public Seal upon the request of the Chief Minister, and shall be so revoked if the Chief Minister shall so request.

(*e*) An appointment under paragraph (*b*) or (*c*) of this subsection may be revoked by the Governor by Instrument under the Public Seal.

(*f*) So long as his appointment shall subsist, a person appointed to act as Chief Minister under this subsection shall for the purposes of this Order, but subject to the provisions of this section, perform all the functions of the Chief Minister, and the provisions of subsection (1) of section 14 of this Order shall apply to him as they apply to the Chief Minister.

(*g*) An appointment to act as Chief Minister under paragraph (*a*) or (*b*) or (*c*) of this subsection shall cease to have effect on notification by the Governor's Secretary and Clerk to the Executive Council to the person appointed of its

revocation under paragraph (*d*) or (*e*) of this subsection, as the case may be, or by the election by the Legislative Council of a person to be Chief Minister, or by the expiration of the period for which such appointment was made or upon the person appointed vacating his seat as an Elected Member of the Executive Council.

(*h*) A person appointed to act as Chief Minister under paragraph (*a*) or (*b*) or (*c*) of this subsection shall be paid such emoluments as may be provided for by any law in force in the Colony.

(2) Whenever the seat in the Executive Council of an Elected Member shall become vacant under subsection (2), (3) or (4) of section 9 of this Order, the Governor may by Instrument under the Public Seal appoint a Parliamentary Secretary to be a Temporary Member of the Executive Council for the period of such vacancy.

(3) Subject to the provisions of subsections (1) and (2) of this section, whenever there shall be a vacancy in the number of persons sitting in the Executive Council by reason of the fact that—

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

(*b*) an Elected Member of the Executive Council is lawfully discharging the functions of Chief Minister ; or

(*c*) no person is lawfully discharging the functions of Chief Minister ; or

(*d*) one person is lawfully discharging the functions of both the officers referred to in section 7 of this Order ; or

(*e*) no person is lawfully discharging the functions of one of those officers ; or

(*f*) a Member is declared by the Governor under subsection (6) of section 9 of this Order to be, by reason of illness, temporarily incapable of discharging his functions as a Member ; or

(*g*) a Member is absent from the Colony ;

the provisions of subsection (4) of this section shall have effect.

(4) (*a*) If the vacancy is in the number of persons sitting in the Executive Council as *ex-officio* Members, the Governor may appoint a person who is a public officer to be a Temporary Member of the Executive Council for the period of such vacancy.

(*b*) If the vacancy is in the number of persons sitting in the Executive Council as Elected Members, the Governor may appoint a Parliamentary Secretary to be a Temporary Member of the Executive Council for the period of such vacancy.

(*c*) Every appointment made under this subsection shall be by Instrument under the Public Seal, and every appointment made under paragraph (*a*) of this subsection shall be made by the Governor acting in his discretion.

(5) (*a*) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under paragraph (*a*) of subsection (4) of this section, and every person so appointed shall hold his appointment during Her Majesty's pleasure.

(*b*) Any such appointment may be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal.

(6) An appointment made under subsection (2) or paragraph (*b*) of subsection (4) of this section may be revoked by the Governor by Instrument under the Public Seal.

(7) (*a*) So long as his appointment shall subsist, a person appointed under paragraph (*a*) of subsection (4) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be an *ex-officio* Member of the Executive Council.

(*b*) So long as his appointment shall subsist, a person appointed under subsection (2) or paragraph (*b*) of subsection (4) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be an Elected Member of the Executive Council; and, subject as aforesaid, the provisions of this Order which relate to an Elected Member of the Executive Council, other than subsection (1) of section 9, shall have effect accordingly.

(8) (*a*) An appointment made under paragraph (*a*) of subsection (4) of this section shall cease to have effect on notification by the Governor to the person appointed of its revocation under paragraph (*b*) of subsection (5) of this section, or by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

(*b*) An appointment under subsection (2) or paragraph (*b*) of subsection (4) of this section shall cease to have effect on notification by the Governor's Secretary and Clerk to the Executive Council to the person appointed of its revocation by the Governor under subsection (6) of this section, or if the person appointed ceases to hold office as a Parliamentary Secretary under the provisions of section 26A of this Order, or by the definitive election by the Legislative Council of a person to fill the vacancy, or where the vacancy shall otherwise cease to exist."

12. Section 13 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Method of election and removal of Chief Minister and Elected Members.

13. In any election of a Member of the Executive Council under subsection (2) of section 6 or under subsection (2) of section 8, or under section 11, of this Order, and on any motion for the removal of the Chief Minister or an Elected Member of the Executive Council under subsection (1) of section 9 of this Order, the votes of the Members of the Legislative Council shall be given by ballot in such a manner as not to disclose how any particular Member shall vote."

13. Section 14 of the Principal Order is hereby amended by the deletion of all the words, figures and punctuation marks from the word "First" in subsection (1) to the end of the said subsection and the substitution therefor of the following:—

"First, the Chief Minister;

Secondly, the *ex-officio* Members mentioned in section 7 of this Order in the order in which they are referred to therein;

Thirdly, Members temporarily appointed under section 12 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex-officio* Members, in such order as may be assigned by the Governor acting in his discretion;

Fourthly, the Elected Members according to the length of time for which they have been continuously Members of the Executive Council, Members who have been continuously Members for the same length of time taking precedence according to the alphabetical order of their names."

14. Section 16 of the Principal Order is hereby amended by the insertion immediately after the word "thereof" of the words "including any vacancy not filled when the Council is first constituted or is reconstituted at any time".

15. Section 17 of the Principal Order is hereby amended by the deletion of the word "four" appearing in subsection (2) and the substitution therefor of the word "five".

16. Section 20 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Assignment of departments and subjects.

20.—(1) The Governor, acting in his discretion, may by directions in writing—

(*a*) charge any *ex-officio* Member of the Executive Council with the administration of any department or subject not being the subject of finance;

(*b*) declare which other departments or subjects, not including the subject of finance, may be assigned to Members of the Executive Council other than *ex-officio* Members; and

(*c*) revoke or vary any directions given under this subsection.

(2) The subject of finance shall be assigned to a Member of the Executive Council other than an *ex-officio* Member.

(3) The Governor, on the advice of the Chief Minister, may by directions in writing—

(*a*) charge any Member of the Executive Council, other than an *ex-officio* Member, with the administration of the subject of finance, and during such time as it shall be declared, under paragraph (*b*) of subsection (1) of

this section, to be a department or subject which may be assigned to Members other than *ex-officio* Members, with the administration of any other department or subject; and

(*b*) revoke or vary any directions given under this subsection."

17. Section 21 of the Principal Order is hereby amended by the insertion immediately after the word "than" of the words "the Chief Minister or".

18. Section 22 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Salaries of Chief Minister and other Members of Executive Council.

22. Unless it shall be otherwise provided by any law in force in the Colony—

(*a*) the Chief Minister shall be paid a salary at the rate of twelve thousand nine hundred and sixty dollars per annum;

(*b*) a Minister shall be paid a salary at the rate of eleven thousand five hundred and twenty dollars per annum;

(*c*) a Member of the Executive Council, other than an *ex-officio* Member or a Minister, shall be paid a salary at the rate of six thousand nine hundred and sixty dollars per annum;

(*d*) the aforesaid salaries shall be in lieu of any salary to which the Chief Minister or Minister or Member would, but for this section, be entitled by virtue of his being a Member of the Legislative Council;

(*e*) the aforesaid salaries are hereby charged upon the revenues of the Colony and shall be paid by the Accountant General upon warrant directed to him under the hand of the Governor."

19. Section 23 of the Principal Order is hereby amended—

(*a*) in subsection (1) by the deletion of paragraph (*b*) and the substitution therefor of the following paragraph:—

"(*b*) If it shall be decided by the Governor that the Chief Minister or a Minister is for any cause temporarily unable to administer any department or subject with the administration of which he is charged, then the Governor, on the advice of the Chief Minister or the Acting Chief Minister, as the case may require, may by directions in writing charge any other Member of the Executive Council with the administration of the department or subject until such time as it shall be decided by the Governor that the Chief Minister, or the said Minister, as the case may be, is again able to administer the same:

Provided that an *ex-officio* Member shall not be charged with the administration of the subject of finance.

The Governor, on the advice of the Chief Minister or the Acting Chief Minister, as the case may require, may by directions in writing revoke or vary any directions given under this paragraph.";

(*b*) in subsection (2) by the insertion immediately after the words "other than" of the words "the Chief Minister or".

20. Section 25 of the Principal Order is hereby amended—

(*a*) by the deletion of the Marginal Note and the substitution therefor of the following, namely, "Disagreement between the Chief Minister, Acting Chief Minister or Minister and head of department."; and

(*b*) by the insertion immediately after the word "includes" in subsection (2) of the words "the Chief Minister, the Acting Chief Minister and".

21. Section 26 of the Principal Order is hereby amended by the insertion immediately after the word "to" of the words "the Chief Minister or the Acting Chief Minister or".

Insertion of Part IIA

22. The Principal Order is hereby amended by the insertion therein immediately after Part II of the following as Part IIA.

"PART IIA

Parliamentary Secretaries

Appointment and tenure of office of Parliamentary Secretaries.

26A.—(1) After every election by the Legislative Council of persons to be the Chief Minister and the Elected Members of the Executive Council in pursuance of subsection (2) of section 6, and of subsection (2) of section 8, of this Order, the Governor shall appoint from among the Elected Members of the Legislative Council four persons, not being Members of the Executive Council or the Speaker or the Deputy Speaker, to be Parliamentary Secretaries.

(2) No person shall continue to hold the office of Parliamentary Secretary—

(*a*) if he shall cease to be a Member of the Legislative Council:

Provided that, if he shall cease to be a Member of the Legislative Council by reason of a dissolution of that Council, he shall not on that account vacate his office as Parliamentary Secretary until such time as the Legislative Council shall, after such dissolution, elect a person to be a Member of the Executive Council in pursuance of subsection (2) of section 6 of this Order; or

(*b*) if he shall be elected by the Legislative Council under subsection (1) or (2) of section 11 of this Order to be the Chief Minister or an Elected Member of the Executive Council, as the case may be; or

(*c*) if he shall be elected to be the Speaker or Deputy Speaker of the Legislative Council; or

(*d*) if he shall be absent from the Colony without written permission given by the Governor acting in his discretion.

(3) A Parliamentary Secretary may by writing under his hand addressed to the Governor resign his office; and upon receipt of such resignation by the Governor the office of such Parliamentary Secretary shall become vacant.

(4) The Governor may at any time revoke the appointment of a Parliamentary Secretary.

(5) Whenever any office of Parliamentary Secretary becomes vacant under the provisions of this section, the Governor shall, as soon as may be convenient after the occurrence of such vacancy, appoint from among the Elected Members of the Legislative Council a person, not being a Member of the Executive Council or the Speaker or the Deputy Speaker, to fill the vacancy.

(6) A person shall, if qualified, be eligible for re-appointment to the office of Parliamentary Secretary from time to time.

(7) Every appointment, and every revocation of appointment, of a person as a Parliamentary Secretary under this section shall be notified in writing under the hand of the Governor's Secretary and Clerk to the Executive Council both to the person appointed or whose appointment is revoked, as the case may be, and to the Clerk of the Legislative Council for the information of the Legislative Council, and every such appointment or revocation of appointment shall take effect as from the date of the notification given to the person appointed or whose appointment is revoked, as the case may be.

(8) The Governor, on the advice of the Chief Minister, may by directions in writing charge a Parliamentary Secretary with assisting a Minister in the exercise of his Ministerial duties, and may likewise at any time revoke or vary any such directions.

(9) Unless it shall be otherwise provided by any law in force in the Colony—

(*a*) a Parliamentary Secretary when charged with assisting a Minister under subsection (8) of this section shall be paid a salary at the rate of six thousand nine hundred and sixty dollars per annum;

(*b*) a salary paid under this subsection to any person who is a Parliamentary Secretary shall be in lieu of any salary to which such person would, but for this subsection, be entitled by virtue of his being a Member of the Legislative Council, and shall not be payable for any period during which such person is a Temporary Member of the Executive Council under subsection (2) or paragraph (*b*) of subsection (4) of section 12 of this Order;

(*c*) all salaries payable under this subsection are hereby charged upon the revenues of the Colony and shall be paid by the Accountant General upon warrant directed to him under the hand of the Governor.

(10) The Governor, acting in his discretion, may grant leave of absence from his duties to a Parliamentary Secretary."

Amendment of the Principal Order, Parts IV, V

23. Section 29 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Legislative Council.

29. There shall be a Legislative Council in and for the Colony which shall consist of thirty-one Members, namely, two *ex-officio* Members, five Nominated Members and twenty-four Elected Members:

Provided that if any person elected to be Speaker of the Legislative Council shall not at the time of his election be a Member of the Council, the person so elected as Speaker shall be a Member of the Legislative Council in addition to the aforesaid thirty-one Members, and in such event the Legislative Council shall consist of thirty-two Members."

24. Section 30 of the Principal Order is hereby revoked and the following section substituted therefor:—

"The Speaker.

30.—(1) There shall be a Speaker, who shall be a person who is not an *ex-officio* or Nominated Member of the Legislative Council or a Member of the Executive Council, or a person who holds any office of emolument under the Crown, who shall be elected by the Legislative Council.

(2) The election of the Speaker shall take place before the despatch of any other business at the first sitting of the Legislative Council after the 26th day of May, 1956, and thereafter at the first sitting after every dissolution of the Legislative Council.

(3) A person holding office as Speaker may, by writing under his hand addressed to the Governor, resign his office, and upon receipt of such resignation by the Governor the office of Speaker shall become vacant.

(4) Subject to the provisions of subsection (5) of this section, a person holding office as Speaker shall, unless he earlier resigns his office, vacate his office:—

(*a*) if, being an Elected Member of the Legislative Council, he shall vacate his seat as such Member; or

(*b*) if, not being an Elected Member of the Legislative Council, he shall do or suffer anything which would, if he were an Elected Member, cause him to vacate his seat as such Member.

(5) A person holding office as Speaker shall not vacate his office by reason of the dissolution of the Legislative Council but shall, subject to the provisions of this section, continue to hold office until such time as the Legislative Council shall after such dissolution elect a person to be Speaker in pursuance of subsection (2) of this section.

(6) Whenever the office of Speaker shall become vacant otherwise than as provided by subsection (5) of this section, the Legislative Council shall, at its first sitting after the occurrence of the vacancy, or as soon thereafter as may be convenient, elect another person to be Speaker.

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

(8) In any election of a Speaker under the provisions of this section the votes of the Members of the Legislative Council shall be given by ballot in such a manner as not to disclose how any particular Member shall have voted."

25. Section 32 of the Principal Order is hereby amended—

(*a*) in subsection (1)—

(i) by the deletion of the words "five thousand seven hundred and sixty dollars per annum" and the substitution therefor of the words "seven thousand two hundred dollars per annum";

(ii) by the deletion of the words "nine hundred and sixty dollars per annum" and the substitution therefor of the words "one thousand four hundred and forty dollars per annum"; and

(*b*) by the addition immediately after subsection (2) of the following new subsection to be numbered (3):—

"(3) Where any person who is an Elected Member of the Legislative Council is elected to be Speaker in pursuance of this Order, the salary payable to such person as Speaker under this section or any other law in force in the Colony shall be in lieu of any salary to which he would, but for this subsection, be entitled by virtue of his being an Elected Member of the Legislative Council."

26. Section 33 of the Principal Order is hereby revoked and the following section substituted therefor:—

"*Ex-officio* Members.

33. The *ex-officio* Members of the Legislative Council shall be the Colonial Secretary and the Attorney General."

27. Section 40 of the Principal Order is hereby revoked and the following section substituted therefor:—

"Decision of questions as to membership.

40.—(1) All questions which may arise as to the right of any person—

(i) not being an Elected Member of the Legislative Council to be or remain a Member of the Legislative Council as Speaker, or

(ii) to be or remain an Elected Member of the Legislative Council,

shall be referred to the Supreme Court of the Colony in accordance with the provisions of any law in force in the Colony.

(2) All questions which may arise as to the right of any other person to be or remain a Member of the Legislative Council shall be referred to the Governor and shall be determined by the Governor acting in his discretion."

28. Section 41 of the Principal Order is hereby amended—

(*a*) by the deletion of the words " more than one of the three " appearing in paragraph (*a*) of subsection (1) and the substitution therefor of the words " both the " ; and

(*b*) by the deletion of the word " any " appearing in paragraph (*b*) of subsection (1).

29. Section 51 of the Principal Order is hereby revoked and the following section substituted therefor:—

" Presiding in Legislative Council.

51. The person who shall preside at the sittings of the Legislative Council shall be—

(i) the Speaker ; or

(ii) in his absence or if the office of Speaker shall be vacant, the Deputy Speaker ; or

(iii) in their absence or if the offices of Speaker and Deputy Speaker shall both be vacant or if one of such officers shall be absent and the office of the other shall be vacant, a Member of the Legislative Council (not being a Member of the Executive Council or a Parliamentary Secretary) elected by the Legislative Council for the sitting."

30. Section 52 of the Principal Order is hereby amended by the insertion immediately after the word " thereof " of the words " including any vacancy not filled when the Council is first constituted or is reconstituted at any time ".

31. Section 53 of the Principal Order is hereby amended by the deletion of the word " nine " appearing therein and the substitution therefor of the word " eleven ".

32. Section 54 of the Principal Order is hereby revoked and the following section substituted therefor :—

" Voting.

54. Save as otherwise provided in this Order, all questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the Members present and voting :

Provided that the Speaker or other Presiding Member of the Legislative Council shall not vote unless the votes of the other Members shall be equally divided, in which case he shall give a casting vote."

33. Section 55 of the Principal Order is hereby amended by the insertion immediately before the word " may " where it first appears therein of the words " other than the Speaker ".

34. Section 62 of the Principal Order is hereby amended by the deletion of subsection (1) and the substitution therefor of the following subsection :—

"(1) The Governor, after consultation with the Chief Minister, may at any time prorogue or dissolve the Legislative Council by Proclamation published in the Gazette."

Amendment of the Principal Order, Part VI

35. Section 64 of the Principal Order is hereby amended by the insertion immediately after the word "is" appearing in subsection (3) of the words "or becomes".

36. Section 65 of the Principal Order is hereby amended—

(*a*) in subsection (1), by the deletion of the word "relating" appearing therein and the insertion immediately after the word "question" appearing therein of the words and punctuation marks following, namely, ", not being a question affecting solely the Police Force or any member or members thereof, which relates"; and

(*b*) in subsection (2), by the deletion of the word "it" appearing in the second place therein and the substitution therefor of the word "them".

37. Section 66 of the Principal Order is hereby amended—

(*a*) by the deletion of the word "its" appearing in paragraph (*e*) thereof and the substitution therefor of the word "their";

(*b*) by the deletion of the full-stop at the end thereof and the substitution therefor of a semi-colon; and

(*c*) by the addition at the end thereof of the following new paragraph :—

"(*h*) the protection and privileges of members of the Commission in respect of the performance of their duties, and the privilege of communications to and from the Commission or the members thereof, in case of legal proceedings."

Insertion of Part VIA

38. The Principal Order is hereby amended by the insertion therein immediately after Part VI of the following as Part VIA :—

"PART VIA

Police Service Commission and Police Promotions Boards

Interpretation.

66A. In this Part of this Order—

"Commissioner" means the Commissioner of Police in command of the Police Force;

"Inspector" includes Chief Inspector and Sub-Inspector;

"Junior Police Officer" means any member of the Police Force below the rank of Sub-Inspector;

"Police Ordinance" means the Police Ordinance of the Colony(**a**);

(**a**) Ch. 11. No. 1.

"Senior Police Officer" means any member of the Police Force of or above the rank of Sub-Inspector.

Police Service Commission.

66B.—(1) There shall be, in and for the Colony, a Police Service Commission which, subject to the provisions of subsection (3) of this section, shall consist of such persons, appointed in such manner, as may be prescribed by regulations made under section 66G of this Order.

(2) The Governor, acting in his discretion, may terminate the appointment of any Member of the Police Service Commission, and, subject as aforesaid, the members of the said Commission shall hold office upon such terms and conditions as may be prescribed by regulations made under section 66G of this Order.

(3) No person shall be appointed as, or shall remain, a member of the Police Service Commission if he is or becomes a Member of the Legislative Council.

Functions of Police Service Commission.

66C.—(1) The Governor, acting in his discretion, may refer to the Police Service Commission for their advice—

(*a*) any question relating to the appointment or promotion of Senior Police Officers; or

(*b*) any question relating to the dismissal or other disciplinary control of Senior Police Officers other than Inspectors; or

(*c*) any question involving the exercise by the Governor of his power to dismiss any Inspector or Junior Police Officer, or any matter relating to an Inspector or Junior Police Officer in respect of which, under any law in force in the Colony,—

(i) an appeal has been made by an Inspector or Junior Police Officer to the Governor from a decision of the Commissioner; or

(ii) a decision of the Commissioner has been referred to the Governor for his sanction or confirmation; or

(*d*) any other question, not being a question relating solely to Inspectors or Junior Police Officers, which, in his opinion, affects in general the good order and government of the Police Force.

(2) It shall be the duty of the Police Service Commission to advise the Governor on any question which he shall refer to them in accordance with the provisions of this section but the Governor shall not be required to act in accordance with the advice given to him by the said Commission.

Police Promotions Boards.

66D.—(1) There shall be within the Police Force such number of Police Promotions Boards as may be prescribed by regulations made under section 66G of this Order.

(2) Every such Board shall consist of such number of Senior Police Officers, appointed in such manner, as may be so prescribed.

Functions of Police Promotions Boards.

66E.—(1) The Commissioner may refer to a Police Promotions Board any question relating to the promotion of Junior Police Officers which he is authorised to refer to such Board by regulations made under section 66G of this Order.

(2) It shall be the duty of a Police Promotions Board to advise the Commissioner on any question which he shall refer to them in accordance with the provisions of this section but the Commissioner shall not be required to act in accordance with the advice given to him by such Board.

Right of the Commissioner to advise the Governor not to be affected.

66F. Nothing in this Part of this Order shall affect, or be construed as affecting, the right of the Commissioner to tender his own advice to the Governor on any question.

Power to make regulations.

66G. Subject to the provisions of this Order the Governor, acting in his discretion, may make regulations for giving effect to this Part of this Order, and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for all or any of the following matters, that is to say—

(*a*) in respect of the Police Service Commission—

(i) the membership of the Commission;

(ii) the appointment, tenure of office and terms of service of members of the Commission;

(iii) the organisation of the work of the Commission and the manner in which the Commission shall perform their functions;

(iv) consultation by the Commission with persons other than members of the Commission;

(v) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of their functions;

(vi) the delegation to any member of the Commission of all or any of the powers or duties of the Commission;

(vii) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of four hundred and eighty dollars and imprisonment for a term of one year;

(viii) the protection and privileges of members of the Commission in respect of the performance of their duties, and the privilege of communications to and from the Commission or the members thereof, in case of legal proceedings; and

(*b*) in respect of Police Promotions Board's their composition."

Commencement of sections 36 *and* 38 *of this Order*

39. Sections 36 and 38 of this Order shall come into operation on such day, after the day of commencement of this Order, as shall be appointed by the Governor, acting in his discretion, by Proclamation published in the Gazette.

Transitional provisions

40. Notwithstanding any provision of this Order, the Executive Council as established and constituted in and for the Colony under the Principal Order immediately before the day of commencement of this Order shall continue to perform its functions until such time as the Legislative Council shall elect a person to be a Member of the Executive Council in pursuance of subsection (2) of section 6 of the Principal Order as amended by this Order; and upon such election the seat in the Executive Council of every person then a Member thereof as Nominated Member or Elected Member of the Executive Council shall be vacated, and the Executive Council shall be reconstituted in accordance with the provisions of the Principal Order as amended by this Order.

41.—(1) Notwithstanding any provisions of this Order or of the Principal Order—

(*a*) The Deputy Speaker last elected by the Legislative Council before the 26th day of May, 1956, shall, unless he earlier resigns his office, continue to hold office until such time as the Legislative Council shall after the said date elect a person to be Speaker in pursuance of subsection (2) of section 30 of the Principal Order as enacted by this Order;

(*b*) the Governor, acting in his discretion, may at any time after the 26th day of May, 1956, and before the date of the first sitting of the Legislative Council thereafter amend the Standing Orders of the Legislative Council.

(2) Any amendment made in pursuance of the provisions of paragraph (*b*) of the preceding subsection may be revoked or amended by the Legislative Council under subsection (1) of section 50 of the Principal Order.

(3) This section shall come into operation forthwith.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order in Council establishes a reformed Executive Council and Legislative Council for the Colony of Trinidad and Tobago.

The Executive Council consists of the Governor, as Chairman, and ten other Members, eight being elected by the Elected Members of the Legislative Council from among their own number. Of these one is elected as Chief Minister. Provision is made for charging Members of the Executive Council with responsibility for departments or subjects.

In the Legislative Council the number of Elected Members is increased from eighteen to twenty-four. Provision is made for an elected Speaker.

The Order also establishes a Police Service Commission and Police Promotions Boards to be constituted in accordance with regulations made by the Governor.