SCHEDULE

The Trading with the Enemy (Transfer of Negotiable Instruments, etc.) (Japan) Order, 1947(a).

The Trading with the Enemy (Transfer of Negotiable Instruments, etc.) (Japan) Order, 1948(b).

EXPLANATORY NOTE

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

By an Order dated 6th January, 1950 (S.I. 1950, No. 30) the Board of Trade have amended the Trading with the Enemy (Custodian) Order so that its provisions cease to apply to money remitted to persons specified in the Order on or after 6th January, 1950, within the authority given therein. This present Treasury Order sanctions transfers and assignment of choses in action, negotiable instruments and certain securities transferable by delivery which may be made to such persons on or after the date of this Order.

TRINIDAD AND TOBAGO

The Trinidad and Tobago (Constitution) Order in Council, 1950

1950 No. 510

Made - - - - 31*st March*, 1950
Laid before Parliament 3*rd April*, 1950
Coming into Operation :—

Sections 68 *and* 70—*4th April*, 1950

Remainder except Part II— *On the commencement of the Trinidad and Tobago Letters Patent*, 1950.*

Part II— *On a day to be appointed by Order of the Governor under Section* 27.*

At the Court at Windsor Castle, the 31st day of March, 1950

Present,

The King's Most Excellent Majesty in Council

Whereas, by the Letters Patent mentioned in Part 1 of the First Schedule to this Order, there are established in and for the Colony of Trinidad

(a) S.R. & O. 1947 (No. 1032) I, p. 2184. (b) S.I. 1948 (No. 2813) I, p. 4372.
* The date thus appointed was 31st August, 1950.

and Tobago an Executive Council, to be constituted in accordance with provision made by Instructions under the Royal Sign Manual and Signet, and a Legislative Council, to be constituted in accordance with provision made by Order in His Majesty's Privy Council:

And Whereas, by the Orders in Council mentioned in Part 2 of the First Schedule to this Order, provision is made for the constitution of of the Legislative Council aforesaid:

And Whereas upon the commencement of the Trinidad and Tobago Letters Patent, 1950, the Letters Patent mentioned in Part 1 of the First Schedule to this Order will be revoked:

And Whereas it is expedient to revoke the Orders in Council mentioned in Part 2 of the First Schedule to this Order and by this Order to establish, and make provision for the constitution of, an Executive Council and a Legislative Council in and for the Colony of Trinidad and Tobago in place of the Executive Council and Legislative Council aforesaid, and to make certain other provisions for the Government of the said Colony:

Now, therefore, His Majesty, by virtue and in exercise of the powers vested in Him by the Trinidad and Tobago Act, 1887(a), 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 appointed day " means the day appointed under Article 2 of the Trinidad and Tobago Letters Patent, 1950;

" the Colony " means the Colony of Trinidad and Tobago;

" clear income " means the gross income received by a person for his own use, less such outgoings and expenses incurred by him in the production of the income as would be allowable as deductions in arriving at a chargeable income under the provisions of any Income Tax Ordinance, or any regulation made thereunder, in force in the Colony;

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

" election " means an election of Members to the Legislative Council and " elector " means an elector for any such election;

" the Executive Council " means the Executive Council established by this Order;

" the existing Letters Patent " means the Letters Patent mentioned in Part 1 of the First Schedule to this Order;

" the existing Orders " means the Orders in Council mentioned in Part 2 of the First Schedule to this Order;

(a) 50 & 51 Vict. c. 44.

" the Gazette " means the Trinidad Royal Gazette ;

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

" the Instructions of 1924 " means the Instructions issued under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony and dated the sixth day of June, 1924, as amended by Additional Instructions dated the fifth day of August, 1941 ;

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

" 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 ;

" public office " means any office of emolument in the public service ;

" 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 Colony ;

" the public service " means the service of the Crown in respect of the government of the Colony ;

" session " means the sittings of the Legislative 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 prorogued or is dissolved without having been prorogued ;

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

" the Speaker " and " the Deputy Speaker " mean respectively the Speaker and the Deputy Speaker of the Legislative Council.

(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) 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.

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

(*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, Minister, Acting Minister, Member of the Legislative Council or Member of the Executive Council.

(5) This Order shall be construed—

(*a*) as if subsection (1) of Section 1 of the India (Consequential Provision) Act, 1949(**a**), 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(**b**) (as interpreted by subsection (1) of Section 3 of the Ireland Act, 1949(**c**)) and subsection (2) of Section 3 of the Ireland Act, 1949(**c**), applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

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

Short title and commencement.

2. This Order may be cited as the Trinidad and Tobago (Constitution) Order in Council, 1950. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on the appointed day.

Revocation.

3. The existing Orders are hereby revoked but without prejudice to anything lawfully done thereunder.

PART II

Executive Council

General

Executive Council.

4. There shall be an Executive Council in and for the Colony, which shall consist of the Governor, as Chairman, three *ex officio* Members, one Nominated Member and five Elected Members.

Functions of Executive Council and exercise of Governor's Powers.

5.—(1) The Executive Council shall be the principal instrument of policy and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of His Majesty in Council, any Instructions under His Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law in force in the Colony.

(2) The Governor shall, save as otherwise provided by any Instructions under His Majesty's Sign Manual and Signet—

(*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; and

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

(*b*) act in accordance with the advice of the Executive Council in any matter on which he is by this subsection obliged to consult with the Executive Council.

(3) Nothing in subsection (2) of this section shall be construed as applying to matters for which provision is made by subsection (1) of section 17, or by section 56, of this Order.

Ex officio Members.

6. The *ex officio* Members of the Executive Council shall be the Colonial Secretary, the Attorney-General and the Financial Secretary.

Nominated Member.

7.—(1) The Nominated Member of the Executive Council shall be a person who is a Nominated Member of the Legislative Council and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

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

Elected Members.

8.—(1) The Elected Members of the Executive Council shall be persons who are Elected Members of the Legislative Council and shall be 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 commencement of this Order and after every dissolution of the Legislative Council, elect from among the Elected Members thereof five persons to be Elected Members of the Executive Council.

Tenure of Office.

9.—(1) Subject to the provisions of this Order, the Nominated Member of the Executive Council shall hold his seat in the Executive Council during His Majesty's pleasure.

(2) 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 any Elected Member thereof, and, upon the passing of such resolution, the seat of such Member in the Executive Council shall become vacant.

(3) The seat of the Nominated Member or 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 any person to be a Member of the Executive Council in pursuance of subsection (2) of section 8 of this Order; or

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

(4) The Nominated Member 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 of such Member shall become vacant.

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

(6) The Governor, acting in his discretion, may by Instrument under the Public Seal suspend the Nominated Member of the Executive Council from the exercise of his functions as a Member of the Executive Council and while such suspension is in force the person suspended shall not sit or vote in the Executive Council.

Every such suspension shall forthwith be 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, acting in his discretion, by Instrument under the Public Seal or by His Majesty through a Secretary of State, or until the person suspended ceases to be a Member of the Executive Council.

(7) The Governor may, by Instrument under the Public Seal, declare the Nominated Member 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 such Member 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.

Decision of questions as to membership.

10. All questions which may arise as to the right of any person to be or remain a Member of the Executive Council shall be referred to the Governor and shall be determined by the Governor acting in his discretion.

Filling of vacancies.

11.—(1) Whenever the seat of the Nominated Member of the Executive 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 Executive Council becomes vacant from any cause other than a dissolution of the Legislative Council, the Legislative Council shall, as soon as is convenient, elect a person from among the Elected Members thereof to fill the vacancy.

Temporary Members.

12.—(1) 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*) one person is lawfully discharging the functions of more than one of the three officers referred to in section 6 of this Order; or

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

(*d*) the Nominated Member is suspended from the exercise of his functions as a Member under subsection (6) of section 9 of this Order; or

(*e*) a Member is declared by the Governor under subsection (7) of section 9 of this Order to be, by reason of illness, temporarily incapable of discharging his functions as a Member; or

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

a person may be appointed or elected to be a Temporary Member of the Executive Council for the period of such vacancy.

(2) The said person—

(*a*) in the case of a vacancy in the number of persons sitting in the Executive Council as *ex officio* Members, shall be a person who is a public officer and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal;

(*b*) in the case of a vacancy in respect of the person sitting in the Executive Council as Nominated Member, shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal from among the Nominated Members of the Legislative Council; and

(*c*) in the case of a vacancy in the number of persons sitting in the Executive Council as Elected Members, shall be elected by the Legislative Council from among the Elected Members thereof.

(3) (*a*) The Governor shall forthwith report to His Majesty through a Secretary of State every appointment made under paragraph (*a*) or paragraph (*b*) of subsection (2) of this section, and every person so appointed shall hold his appointment during His Majesty's pleasure.

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

(4) (*a*) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the Executive Council.

(*b*) So long as their appointments or elections shall subsist, persons appointed under paragraph (*b*), and persons elected under paragraph (*c*), of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Nominated and Elected Members, respectively, of the Executive Council; and, subject as aforesaid, the provisions of section 9 of this Order shall have effect accordingly.

(5) An appointment made under this section shall cease to have effect on notification by the Governor to the person appointed of its revocation by the Governor, and an appointment or election made under this section shall cease to have effect on its supersession by the definitive appointment or election, as the case may be, of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Method of election and removal of Elected Members.

13. In any election of a Member of the Executive Council under subsection (2) of section 8, or under subsection (2) of section 11, or under paragraph (*c*) of subsection (2) of section 12, of this Order, and on any motion for the removal of an Elected Member of the Executive Council

under subsection (2) 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.

Precedence of Members.

14.—(1) After the Governor the Members of the Executive Council shall take precedence as His Majesty may specially assign and, if precedence be not so assigned, as follows:—

First, the *ex officio* Members mentioned in section 6 of this Order in the order in which they are referred to therein;

Secondly, 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;

Thirdly, the Nominated Member and 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.

(2) In ascertaining, for the purposes of subsection (1) of this section, the length of time for which any person shall have been continuously a Member of the Executive Council—

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

(*b*) if any person, having been, for any period immediately before the date upon which the Executive Council established by the existing Letters Patent ceases to exist, a Member of that Council, becomes a Member of the Executive Council as first appointed and elected under this Order, he shall be deemed to have been a Member of the Executive Council during that period; and no account shall be taken of any interval between the end of that period and the date upon which such person is first appointed or elected as a Member of the Executive Council under this Order.

Presiding in Executive Council.

15. The Governor shall, so far as is practicable, attend and preside at all meetings of the Executive Council, and in his absence such Member as the Governor, acting in his discretion, may appoint or, in the absence of such Member or if no Member be so appointed, the Member present who stands first in order of precedence, shall preside.

Executive Council may transact business notwithstanding vacancies.

16. The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Summoning and quorum.

17.—(1) The Executive Council shall not be summoned except by the authority of the Governor, but shall be so summoned on the written request of at least five Members of the Executive Council.

(2) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are less than four Members present besides the Governor or other Member presiding.

Voting.

18. Where any matter is dependent upon the decision of the Executive Council, any decision shall be regarded as the decision of the Executive Council if a majority of the votes of the Members present and voting are cast in favour thereof. The Governor shall not have an original vote but, if upon any question the votes shall be equally divided, he may, acting in his discretion, give a casting vote. In the absence of the Governor, the Member presiding shall have an original vote and may also, if upon any question the votes shall be equally divided, give a casting vote.

Committee of Executive Council.

19. There may be established, by or in pursuance of any Instructions under His Majesty's Sign Manual and Signet and subject to the provisions of any such Instructions, a committee of the Executive Council to exercise such functions, in such manner, as may be prescribed by or in pursuance of any such Instructions.

Administrative functions of Members of Executive Council

Assignment of departments.

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;

(*b*) declare which departments or subjects 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 Governor may by directions in writing—

(*a*) charge any Member of the Executive Council, other than an *ex officio* Member, with the administration of any department or subject 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; and

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

Ministers.

21. A Member of the Executive Council, other than an *ex officio* Member, shall, while charged with the administration of any department or subject under the provisions of section 20 of this Order, be styled a Minister.

Salaries of Ministers and other Members of Executive Council.

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

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

(*b*) a Member of the Executive Council, other than an *ex officio* Member or a Minister, shall be paid a salary at the rate of four thousand eight hundred dollars per annum;

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

(*d*) 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.

Temporary assignment of departments; Acting Ministers.

23.—(1) (*a*) If it shall be decided by the Governor, acting in his discretion, that an *ex officio* Member of the Executive Council is for any cause temporarily unable to administer any department or subject with the administration of which he is charged, then the Governor, acting in his discretion, may by directions in writing (and notwithstanding that the department or subject is not declared, under paragraph (*b*) of subsection (1) of section 20 of this Order to be a department or subject which may be assigned to Members other than *ex officio* Members) charge any other Member of the Executive Council with the administration of that department or subject until such time as the said *ex officio* Member is declared by the Governor, acting in his discretion, again to be able to administer the same.

The Governor, acting in his discretion, may by directions in writing, revoke or vary any directions given under this paragraph.

(*b*) If it shall be decided by the Governor that 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 may by directions in writing charge any other Member of the Executive Council with the administration of that department or subject until such time as the said Minister is declared by the Governor again to be able to administer the same.

The Governor may, by directions in writing, revoke or vary any directions given under this paragraph.

(2) A Member of the Executive Council (other than an *ex officio* Member or a Minister), while charged with the administration of any department or subject under the provisions of this section, shall be styled an Acting Minister and shall be paid such emoluments as may be provided for by any law in force in the Colony.

Governor's Secretary and Clerk to Executive Council.

24. There shall be an officer to be styled the Governor's Secretary and Clerk to the Executive Council, who shall be appointed by the Governor acting in his discretion.

The said officer—

(*a*) in his capacity as Governor's Secretary, shall have such functions as the Governor, acting in his discretion, may from time to time direct; and

(*b*) in his capacity as Clerk to the Executive Council shall be responsible for arranging the business for, and keeping the minutes of, meetings of the Executive Council and for conveying the decisions of the Governor in Executive Council to the appropriate person or authority, and shall have such other functions as the Governor may from time to time direct.

Disagreement between Minister and head of department.

25.—(1) If the public officer who is for the time being head of any department shall, on any question relating to the administration of the department, disagree with the Minister who is charged with the administration of the department, then—

(*a*) the said officer may submit to the Minister, in writing, a statement of his reasons for disagreeing with the Minister and of his own recommendations on the question at issue;

(*b*) the Minister shall send to the Governor's Secretary and Clerk to the Executive Council a copy of such statement together with any written statement which he himself may wish to make on the question at issue ; and

(*c*) the question shall be considered at a meeting of the Executive Council and shall be disposed of as the Governor may direct.

(2) In this section the expression "Minister" includes an Acting Minister.

Leave of absence.

26. The Governor, acting in his discretion, may grant leave of absence from his duties to any Minister or Acting Minister.

PART III

Commencement of Part II, and transitional provisions for the exercise of Governor's powers

Commencement of Part II.

27. Part II of this Order shall come into operation on such day after the appointed day as the Governor, acting in his discretion, shall by order appoint, and thereupon the Executive Council established by the existing Letters Patent (hereafter in this Part called "the existing Executive Council") shall cease to exist.

Governor's powers.

28. Whenever the Governor shall have occasion, before the commencement of Part II of this Order, to exercise any power conferred upon him by any other Part of this Order, then, unless the power is one which he is by this Order directed or empowered to exercise in his discretion, he shall, in the exercise of the power, consult with the existing Executive Council in such circumstances, and on such conditions, as may be prescribed by such provisions of the Instructions of 1924 as may at that time have effect.

PART IV

Legislative Council

Legislative Council.

29. There shall be a Legislative Council in and for the Colony which shall consist of a Speaker, three *ex officio* Members, five Nominated Members and eighteen Elected Members.

The Speaker.

30.—(1) The Speaker shall be a person who is not an *ex officio*, Nominated, or Elected Member of the Legislative Council and who does not hold any office of emolument under the Crown, and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Speaker shall hold office during His Majesty's pleasure and, subject thereto, for such period as may be specified in the instrument by which he is appointed, and shall not vacate his office by reason of a dissolution of the Legislative Council:

Provided that the 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.

Deputy Speaker.

31.—(1) The Legislative 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 Speaker ;

or as soon thereafter as may be convenient, elect as Deputy Speaker of the Legislative Council one of its own Members, who is not a Member of the Executive Council.

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

(3) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (*a*) of subsection (1) of this section.

(4) (*a*) A person shall vacate the office of Deputy Speaker—

(i) upon ceasing to be a member of the Legislative Council; or

(ii) upon becoming a member of the Executive Council.

(*b*) The Deputy Speaker may by writing under his hand addressed to the Speaker or, in the absence of the Speaker or if there shall be no Speaker, to the Clerk of the Legislative Council, resign his office; and upon receipt of such resignation by the Speaker or by the Clerk of the Council, as the case may be, the office of Deputy Speaker shall become vacant.

(5) In any election of a Deputy Speaker under 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 vote.

Emoluments of Speaker and Deputy Speaker.

32.—(1) The Speaker shall be paid a salary at the rate of five thousand seven hundred and sixty dollars per annum and the Deputy Speaker shall, in addition to any emoluments which he may receive by virtue of his being a Member of the Legislative Council, be paid an allowance at the rate of nine hundred and sixty dollars per annum. The said salary and allowance are hereby charged on the revenues of the Colony and shall be paid by the Accountant-General upon warrant directed to him under the hand of the Governor.

(2) Nothing in this section shall prevent the payment to the Speaker or Deputy Speaker of such emoluments in excess of the aforesaid salary or allowance as may be provided for by any law in force in the Colony.

Ex officio Members.

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

Nominated Members.

34.—(1) Subject to the provisions of section 37 of this Order, the Nominated Members of the Legislative Council shall be British subjects of the age of twenty-one years or upwards and shall be appointed by the Governor, acting in his discretion, 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 Legislative Council.

Elected Members.

35. The Elected Members of the Legislative 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 enacted under this Order.

Qualifications for elected membership.

36.—(1) Subject to the provisions of section 37 of this Order, any person who—

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

(*b*) has resided in the Colony for a period of at least two years immediately before the date of his nomination for election or is domiciled in the Colony and is resident there at the date aforesaid; and

(*c*) 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 Legislative Council; and

(*d*) (i) is in receipt of a clear income in his own right of not less than nine hundred and sixty dollars per annum; or

(ii) is the owner in his own right of real estate (which for the purpose of this sub-paragraph includes a leasehold interest) of the value of not less than five thousand dollars over and above all charges and encumbrances in respect thereof, or is in receipt of a clear income in his own right of not less than four hundred and eighty dollars per annum derived from real estate;

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

(2) Paragraph (*d*) of subsection (1) of this section and the definition of "clear income" contained in subsection (1) of section 1 of this Order may be revoked or amended by any law enacted under this Order; and if the said paragraph (*d*) shall be so revoked the reference thereto in paragraph (*j*) of subsection (3) of section 38 of this Order shall cease to have effect.

Disqualifications for nominated and elected membership.

37.—(1) No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member of the Legislative Council who—

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

(*b*) holds, or is acting in, any office of emolument under the Crown; or

(*c*) (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 the Colony for or on account of the public service, and has not disclosed to the Governor the nature of such contract and his interest, or the interest of any 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 the Colony 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 any such firm or company, therein; or

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

(*e*) 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

(*f*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony; 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 by competent authority have been substituted therefor, or received a free pardon ; or

(*h*) in the case of an Elected Member, is disqualified for election by any law in force in the Colony 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 ; or

(*j*) is disqualified for membership of the Legislative Council by any law in force in the Colony relating to offences connected with elections.

(2) Paragraph (*d*) of subsection (1) of this section and the definition of " minister of religion " contained in subsection (1) of section 1 of this Order may be revoked or amended by any law enacted under this Order ; and if the said paragraph (*d*) shall be so revoked the reference thereto in paragraph (*h*) of subsection (3) of section 38 of this Order shall cease to have effect.

Tenure of office of Nominated and Elected Members.

38.—(1) Subject to the provisions of this Order, every Nominated Member of the Legislative Council shall hold his seat in the said Council during His Majesty's pleasure.

(2) Every Nominated or Elected Member of the Legislative Council shall in any case cease to be a Member at the next dissolution of the Legislative 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 Legislative Council shall become vacant—

(*a*) upon his death ; or

(*b*) if, in the case of a Nominated Member, he shall be absent from the sittings of the Legislative Council for such period and in such circumstances as the Governor, acting in his discretion, may by regulation prescribe ; or

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

(*d*) 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 or citizen of any foreign Power or State ; or

(*e*) if he shall become a party to any contract with the Government of the Colony 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 to them to be just so to do, the Governor, acting in his discretion,

may exempt any Nominated Member and the Legislative 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 Governor or to the Legislative 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

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

(*g*) if he shall be 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; or

(*h*) if he shall become subject to any of the disqualifications specified in paragraphs (*b*), (*d*), (*f*) or (*j*) of subsection (1) of section 37 of this Order; or

(*j*) if, in the case of an Elected Member, he shall cease to have the qualifications specified in paragraph (*d*) of subsection (1) of section 36, or shall become subject to the disqualification specified in paragraph (*h*) of subsection (1) of section 37, of this Order.

(4) A Nominated Member of the Legislative Council may by writing under his hand addressed to the Governor, and an Elected Member of the Legislative Council may by writing under his hand addressed to the Speaker, resign his seat in the Legislative Council, and upon receipt of such resignation by the Governor, or by the Speaker or Deputy Speaker, as the case may be, the seat of such Member shall become vacant.

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

Nominated Member incapable of discharging functions.

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

Decision of questions as to membership.

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

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

Temporary Members.

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

(*a*) one person is lawfully discharging the functions of more than one of the three officers referred to in section 33 of this Order; or

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

(*c*) a Nominated Member is declared by the Governor, under section 39 of this Order, to be, by reason of illness, temporarily incapable of discharging his functions as a Member ; or

(*d*) an *ex officio* or Nominated Member is absent from the Colony ;

a person may be appointed to be a Temporary Member of the Legislative Council for the period of such vacancy.

(2) The said person—

(*a*) in the case of a vacancy in the number of persons sitting in the Legislative Council as *ex officio* Members, shall be a person who is a public officer and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal ; and

(*b*) in the case of a vacancy in the number of persons sitting in the Legislative Council as Nominated Members, shall be a person qualified for appointment as a Nominated Member and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

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

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

(4) (*a*) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the Legislative Council.

(*b*) So long as their appointments shall subsist, persons appointed under paragraph (*b*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Nominated Members of the Legislative Council ; and, subject as aforesaid, the provisions of section 38 of this Order shall have effect accordingly.

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

Governor to notify Speaker of appointments.

42.—(1) The Governor shall, by writing under his hand, notify the Speaker of every appointment of a person to be a Nominated Member of the Legislative Council.

Speaker to report vacancies.

(2) Whenever the seat of a Member of the Legislative Council becomes vacant under the provisions of subsection (3) of section 38 of this Order, the Speaker shall, by writing under his hand, report such vacancy to the Governor.

(3) As occasion may require, a notification under subsection (1) of this section may be addressed to the Deputy Speaker and a report under subsection (2) of this section may be made by the Deputy Speaker.

Filling of vacancies.

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

Qualifications of electors.

44.—(1) Subject to the provisions of section 45 of this Order, any person shall be entitled to be registered as an elector in any one electoral district if he—

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

(*b*) has resided in the Colony for a period of at least two years immediately before the date of registration or is domiciled in the Colony and is resident therein at that date; and

(*c*) has resided in the electoral district in which he claims to be registered for a period of at least six months immediately before the date of registration.

(2) No person shall be registered as an elector in any electoral district who is not entitled to be so registered under the provisions of this Order.

Disqualifications of electors.

45. No person shall be entitled to be registered as an elector in any electoral district who—

(*a*) 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 by competent authority have been substituted therefor or received a free pardon; or

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

(*c*) is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections.

Right to vote at elections.

46. Every person who is registered as an elector in any electoral district shall, while so registered, be entitled to vote at any election for that district and no person shall vote at any election for any electoral district who is not registered as an elector in that district:

Provided that nothing in this subsection shall entitle any person to vote at any election if—

(*a*) he is prohibited from so voting, by any law in force in the Colony, by reason of his being a returning officer; or

(*b*) he is prohibited from so voting by any law in force in the Colony relating to offences connected with elections.

Laws as to elections, etc.

47. Subject to the provisions of this Order, provision may be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Legislative 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 the qualifications of electors and of candidates for election;

(*d*) the division of the Colony into electoral districts for the purpose of elections;

(*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 Legislative Council;

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

and any such law may amend or revoke any of the provisions of section 44 or of section 45 of this Order.

PART V

Legislation and Procedure in Legislative Council

Power to make laws.

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

Royal Instructions.

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

Standing Orders.

50.—(1) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Legislative Council may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor for assent.

(2) The first Standing Orders of the Legislative Council shall be made by the Governor, acting in his discretion, and may be amended or revoked by the Council under subsection (1) of this section.

Presiding in Legislative Council.

51. The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the Legislative Council (not being a Member of the Executive Council) elected by the Legislative Council for the sitting, shall preside at the sittings of the Legislative Council.

Council may transact business notwithstanding vacancies.

52. The Legislative Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Quorum.

53. No business except that of adjournment shall be transacted in the Legislative Council if objection is taken by any Member present that there are less than nine Members present besides the Speaker or other Member presiding.

Voting.

54.—(1) 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, and if, upon any question before the Legislative Council, the votes of the Members are equally divided the motion shall be lost.

(2) (*a*) The Speaker shall have neither an original nor a casting vote; and

(*b*) any other person, including the Deputy Speaker, shall, when presiding in the Legislative Council, have an original vote but no casting vote.

Introduction of Bills, etc.

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

Provided that, except with the recommendation or consent of the Governor signified thereto, the Legislative Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Speaker or other Member presiding, would dispose of or charge any public revenue or public funds of the Colony, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

Governor's reserved power.

56.—(1) Subject to the provisions of subsection (2) of this section, if the Governor shall consider 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 the Colony as a territory within the British Commonwealth of Nations, and 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) that any Bill introduced, or any motion proposed, in the Legislative Council should have effect, then, if the Legislative Council 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 which he shall think fit, may, notwithstanding any provisions of this Order or of any Standing Orders of the Council, declare that such Bill or motion shall have effect as if it had been passed by the Legislative 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 Legislative Council or in 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 laws shall have effect accordingly.

(2) The Governor shall not make any declaration under this section except in accordance with the following conditions, that is to say:—

(*a*) The question whether the declaration should be made shall first be submitted in writing by the Governor to the Executive Council and if, upon the question being so submitted to it, the Executive Council shall resolve that the declaration be made, the Governor may make the declaration.

(*b*) If, when the question whether the declaration should be made is submitted to it as aforesaid, the Executive Council shall not, within such time as the Governor shall think reasonable and expedient, resolve that the declaration be made, then—

(i) the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorizes the Governor to make the declaration ; or

(ii) the Governor may make the declaration without submitting the said question to a Secretary of State, if in the Governor's opinion urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State ; in which case he shall, at the time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(3) (*a*) Whenever the Governor, in accordance with the provisions of paragraph (*b*) of subsection (2) of this section, shall submit to a Secretary of State the question whether a declaration should be made, or shall make a declaration without submitting the said question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Governor shall make 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 declaration and, in the case of a declaration made in accordance with the provision of sub-paragraph (ii) of paragraph (*b*) of subsection (2), 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 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.

(5) Any declaration made under this section, other than a declaration relating to a Bill, 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 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.

57.—(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.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual

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

and Signet or through a Secretary of State, declare that he assents, or refuses to 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—

(*a*) 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; and

(*b*) any Bill which determines or regulates the privileges, immunities or powers of the Legislative Council or of its Members;

unless he shall have been authorized by a Secretary of State to assent thereto.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette, or, if it shall be enacted either in such law or in some other law (including any law in force on the appointed day) that it shall come into operation on some other date, on that date.

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

Disallowance of laws.

58.—(1) Any law to which the Governor 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 cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid 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. Subject as aforesaid, 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.

Oath of Allegiance.

59.—(1) Except for the purpose of enabling this section to be complied with, no Member of the Legislative Council shall sit or vote therein until he shall have taken and subscribed before the Legislative Council the Oath of Allegiance in the form set out in the Second Schedule to this Order:

Provided that if, between the time when a person becomes a Member of the Legislative Council and the time when the Legislative Council next meets thereafter, a meeting takes place of any committee of the Legislative Council of which such person is a member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the committee, take and subscribe the said oath before a

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

judge of the Supreme Court of the Colony; and the taking and subscribing of the oath in such manner shall suffice for all purposes of this section. In any such case the judge shall forthwith report to the Legislative Council through the Speaker or, as occasion may require, through the Deputy Speaker that the person in question has taken and subscribed the said oath before him.

(2) For the purposes of subsection (1) of this section, every person authorized by any law in force in the Colony to make an affirmation instead of taking an oath in legal proceedings may, instead of taking the oath in that subsection mentioned, make an affirmation in like terms.

Privileges of Legislative Council and Members.

60. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Legislative Council and its Members, but no such privileges, immunities or powers shall exceed those of the Common's House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the Members thereof.

Sessions.

61.—(1) There shall be a session of the Legislative Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Council in one session and the first sitting thereof in the next session.

(2) The first session of the Legislative Council shall commence within six months after the appointed day.

(3) The sessions of the Legislative Council shall be held in such places, and shall commence at such times, as the Governor may from time to time by Proclamation published in the Gazette appoint.

Prorogation and dissolution.

62.—(1) The Governor may at any time, by Proclamation published in the Gazette, prorogue or dissolve the Legislative Council.

(2) The Governor shall dissolve the Legislative Council at the expiration of five years from the date of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

General elections.

63. There shall be a general election at such time, within four months after the appointed day and thereafter within four months after every dissolution of the Legislative Council, as the Governor shall by Proclamation published in the Gazette appoint.

PART VI

Public Service Commission

Public Service Commission.

64.—(1) There shall be, in and for the Colony, a Public Service Commission (hereafter in this Part of this Order referred to as "the Commission") and, subject to the provisions of subsection (3) of this section, the Commission shall consist of such persons, appointed in such manner, as may be prescribed by regulations made under section 66 of this Order.

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

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

Functions of Public Service Commission.

65.—(1) The Governor, acting in his discretion, may refer to the Commission for their advice any question relating to the appointment (including promotion and transfer) or to the dismissal or other disciplinary control of public officers or of any public officer, or to any other matter which, in his opinion, affects the public service.

(2) It shall be the duty of the Commission to advise the Governor on any question which he shall refer to it 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 Commission.

Power to make regulations.

66. 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*) the membership of the Commission;

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

(*c*) the organization of the work of the Commission and the manner in which the Commission shall perform its functions;

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

(*e*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

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

(*g*) 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.

PART VII

Miscellaneous

Penalty for unqualified persons sitting or voting.

67.—(1) Any person who—

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

(*b*) shall sit or vote in the Legislative 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 so disqualified, or that his seat has become vacant, 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 of the Colony at the suit of the Attorney-General.

Provisions necessary to give effect to Order.

68.—(1) At any time before the appointed day the Legislature established by the existing Letters Patent may, by laws enacted under those Letters Patent and the existing Orders, make such provision as appears to them to be necessary or expedient for giving effect to the provisions of this Order and in particular and without prejudice to the generality of the foregoing power may make provision for all or any of the matters specified in section 47 of this Order except the matters specified in paragraph (*a*) thereof; and the expression "any law in force in the Colony", wherever it occurs in this Order, shall include any law enacted in pursuance of this section.

(2) For the avoidance of doubts it is hereby declared that any law enacted in pursuance of this section may make provision for writs for the election of Members of the Legislative Council to be issued, and for registration of electors to take place, before the appointed day.

(3) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

Clause IV of Order of 1898 revoked.

69.—(1) In this section "the Order of 1898" means the Order in Council made at the Court at Balmoral on the twentieth day of October, 1898(a), providing that the Island of Tobago shall be a ward of the Colony of Trinidad and Tobago.

(2) Clause IV of the Order of 1898 is hereby revoked.

(3) For the avoidance of doubts it is hereby declared that the Legislature of the Colony has, and has always had, power to enact laws applicable either to the whole Colony or to any part or parts thereof, and the revocation of Clause IV of the Order of 1898 shall be without prejudice to the said power.

Removal of difficulties.

70.—(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 him 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 thirty-first day of March, 1952.

(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 date not earlier than the date of this Order.

(3) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

Power reserved to His Majesty.

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

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

E. C. E. Leadbitter.

(a) S.R. & O. Revised Edition, 1904, Trinidad and Tobago, p. 5.

Preamble and section 1.

FIRST SCHEDULE

Part 1

Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of Trinidad and Tobago and dated the sixth day of June, 1924(a).

Letters Patent passed under the Great Seal of the Realm and dated the fifth day of May, 1941(b), amending the aforesaid Letters Patent of the sixth day of June, 1924.

Part 2

The Trinidad and Tobago (Legislative Council) Order in Council, 1924(c).

The Trinidad and Tobago (Legislative Council) Amendment Order in Council, 1928(d).

The Trinidad and Tobago (Legislative Council) Amendment Order in Council, 1941(e).

The Trinidad and Tobago (Legislative Council) Amendment Order in Council, 1942(f).

The Trinidad and Tobago (Legislative Council) Amendment Order in Council, 1945(g).

Section 59.

SECOND SCHEDULE

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

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 nine other Members. The Legislative Council consists of a Speaker and twenty-six other Members. The Order also establishes a Public Service Commission to be constituted in accordance with regulations made by the Governor.

(a) S.R. & O. 1924, p. 1907. (b) S.R. & O. 1941, I, p. 1262.
(c) S.R. & O. 1924, p. 1891. (d) S.R. & O. 1928, p. 1401.
(e) S.R. & O. 1941, I, p. 1255. (f) S.R. & O. 1942 I, p. 917.
(g) S.R. & O. 1945, I, p. 1424.