STATUTORY INSTRUMENTS

1961 No. 1192

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Trinidad and Tobago (Constitution) Order in Council, 1961

Made - - - - *26th June,* 1961

Coming into Operation Order and Parts I (other than articles 5 and 6, paragraph (2) of article 9 and articles 10, 11 and 13) II, III and VII of the Constitution	*On a day to be appointed by the Governor under section* 1 (2).
Remainder - - -	*On a day to be appointed by the Governor under section* 1 (3).

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The Constitution of Trinidad and Tobago.

At the Court at Buckingham Palace, the 26th day of June, 1961

Present,
The Queen's Most Excellent Majesty in Council

Whereas, having regard to the constitutional discussions held in London in November, 1959, and in Trinidad in June, 1960, it is expedient that a new constitution should be established for Trinidad and Tobago:

And Whereas, in accordance with the wishes of the people of Trinidad and Tobago, as signified by their representatives assembled in the Legislative Council on the ninth day of September, 1959, there is hereby recorded their belief that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace, their faith in fundamental human rights and the dignity and worth of the individual, and their conviction that human rights should be protected by the rule of law:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her by the Trinidad and Tobago Act, 1887(a), and 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:—

PART I.—GENERAL

Citation, construction and revocation.

1.—(1) This Order may be cited as the Trinidad and Tobago (Constitution) Order in Council, 1961, and the Annex to this Order may be cited separately as the Constitution of Trinidad and Tobago.

(2) The provisions of this Order and of the Constitution annexed to this Order shall, except where otherwise provided, come into force on such day as the Governor may, by proclamation published in the Gazette, appoint (in this Order referred to as "the appointed day").

(3) The provisions of articles 5 and 6, paragraph (2) of article 9, articles 10, 11 and 13 of Part I and of Parts IV, V and VI of the Constitution shall come into force on such day, after the appointed day, as the Governor may, by proclamation published in the Gazette, appoint.

(4) Subject to the provisions of sections 9, 11 and 12 of this Order, the following Orders are hereby revoked—

(*a*) the Trinidad and Tobago (Constitution) Order in Council, 1950(b);

(*b*) the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1956(c);

(*c*) the Trinidad and Tobago (Constitution) Order in Council, 1958(d);

(a) 50 & 51 Vict. c. 44.
(b) S.I. 1950/510 (1950 II, p. 1156).
(c) S.I. 1956/835 (1956 II, p. 2393).
(d) S.I. 1958/428 (1958 I, p. 248).

(*d*) the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1959(a); and

(*e*) the Trinidad and Tobago (Electoral Provisions) Order in Council, 1960(b).

(5) The Trinidad and Tobago Letters Patent, 1950(c), and the Trinidad and Tobago Letters Patent, 1959(d), are revoked.

Constitution of Trinidad and Tobago.

2. The provisions of the Constitution set out in the Annex to this Order (in this Order referred to as "the Constitution") shall have the force of law.

PART II.—TRANSITIONAL PROVISIONS

First Governor.

3. The person who, immediately before the appointed day, holds the office of Governor shall, as from that day, hold the like office as if he had been appointed thereto under article 1 of the Constitution, and the Commission under Her Majesty's Sign Manual and Signet by which he was appointed to the office of Governor shall, as from that day, have effect as if it had been granted in pursuance of that article.

Remuneration of personal staff.

4.—(1) At any time before the coming into force of Parts IV, V and VI of the Constitution, the Governor, acting with the concurrence of the Premier, may by notice published in the Gazette, prescribe, in relation to the first Governor under the Constitution the salaries and allowances that are to be paid to the members of the personal staff of the Governor, and the other sums that are to be paid in respect of the expenditure attaching to the office of Governor.

(2) Any matter prescribed by a notice published under the preceding subsection shall, for the purposes of article 5 of the Constitution, be deemed, as from the coming into force of that article, to have been prescribed in pursuance thereof, and the provisions of such notice may be amended or revoked by a further notice so published or by any law so enacted.

First general election.

5. The first general election of members of the House of Representatives shall be held on such day within four months after the appointed day as the Governor may appoint by Proclamation published in the Gazette.

First constituencies.

6. Until other provision is made under article 47 of the Constitution, the Territory shall be divided, for the purposes of the election of members of the House of Representatives, into thirty constituencies in accordance with any order made under subsection (4) of section 7 of the Trinidad and Tobago (Electoral Provisions) Order in Council, 1960, which is in force immediately before the appointed day.

First session of chambers of the Legislature.

7. The first session of the Senate and of the House of Representatives shall begin within six months after the appointed day.

First Standing Orders.

8. The Governor shall make and cause to be laid before the Senate and the House of Representatives respectively when they first meet such Standing Orders with respect to the matters mentioned in article 26 of the Constitution as appear to him expedient to enable the Senate and the House of Representatives to commence the transaction of their business in an orderly manner, but any such Orders may be amended or revoked by the chamber to which they relate.

(a) S.I. 1959/1044 (1959 I, p. 509).
(b) S.I. 1960/1961 (1960 I. p. 469).
(c) S.I. 1950 II, p. 1551.
(d) S.I. 1959 II. p. 3442.

Continuation of Cabinet and exercise of Governor's powers prior to commencement of Part IV.

9.—(1) Until the coming into force of Part IV of the Constitution, the provisions of Part II of the Trinidad and Tobago (Constitution) Order in Council, 1950 (as set out in sections 3 and 4 of the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1959) shall, subject to the provisions of subsection (2) of this section, continue to have effect and accordingly—

(*a*) the Cabinet established in accordance with those provisions shall continue to exist and shall be constituted and perform its functions in accordance with those provisions;

(*b*) Parliamentary Secretaries appointed in accordance with those provisions shall continue to perform their functions in accordance with those provisions; and

(*c*) any member of the Cabinet who, immediately before the appointed day, is charged with the administration of any subject or department under those provisions, shall, subject to those provisions, continued to be so charged.

(2) No member of the Cabinet aforesaid and no Parliamentary Secretary appointed under the said provisions shall vacate his office on the grounds that he has ceased to be a member of the Legislative Council established by the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959, by reason only of the fact that the said Legislative Council has ceased to exist.

(3) Until the coming into force of Part IV of the Constitution, section 5 of the Trinidad and Tobago (Constitution) Order in Council, 1950 (as set out in section 3 of the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1959) shall have effect in relation to functions conferred upon the Governor by any provision of the Constitution as it has effect in relation to functions conferred upon him by the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959.

Director of Public Prosecutions

10. Until a person is appointed under the provisions of article 79 of the Constitution to be Director of Public Prosecutions, the functions of that office shall, as from the coming into force of Part IV of the Constitution, be performed by the Solicitor General.

Supreme Court.

11.—(1) Until the coming into force of Part V of the Constitution the provisions of Part VI of the Trinidad and Tobago (Constitution) Order in Council, 1950 (as set out in section 14 of the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1959) shall continue to have effect and the judges of the Supreme Court shall accordingly be appointed and hold office in accordance with those provisions.

(2) The Supreme Court in existence immediately before the day upon which Part V of the Constitution comes into force shall, as from that day, be the Supreme Court for the purposes of the Constitution, and the Chief Justice and other judges of the Supreme Court holding office immediately before that day shall, as from that day, continue to hold the like offices as if they had been appointed thereto under the provisions of Part V of the Constitution.

Continuation of Commissions prior to commencement of Part VI.

12. Until the coming into force of Part VI of the Constitution the provisions of Part VIA of the Trinidad and Tobago (Constitution) Order in Council, 1950 (as set out in section 14 of the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1959) shall continue to have effect, and accordingly the Public Service Commission, the Judicial and Legal Service Commission, the Police Service

Commission and the Police Promotion Boards established in pursuance of those provisions shall continue to exist, and shall be constituted and perform their functions in accordance with those provisions, and public officers, police officers and the personal staff of the Governor shall be appointed and hold office in accordance with those provisions.

Officers to continue in service.

13. Subject to the provisions of the Constitution, every person who immediately before the appointed day, or, as the case may be, the day upon which Parts IV, V, and VI of the Constitution come into force, holds a public office or an office on the personal staff of the Governor shall, as from that day, continue to hold the like office as if he had been appointed thereto in accordance with any provision of the Constitution with respect to the making of appointments thereto that comes into force on that day.

Waiver of necessity of taking oaths.

14. Any person who under the provisions of this Part of this Order holds any office as from the appointed day or the day upon which Parts IV, V and VI of the Constitution come into force by virtue of having been the holder of any office before that day shall be deemed to have complied with the requirements of the Constitution or any other law for the time being in force in the Territory relating to the taking of oaths on appointment to the first named office.

Existing laws.

15.—(1) All laws which are in force in the Territory on the appointed day shall (subject to amendment or repeal by the competent authority) continue in force as from that day, and all laws which have been made before that day but have not previously been brought into operation may, subject as aforesaid be brought into force in accordance with any provision in that behalf, but such laws shall, subject to the provisions of this section be construed, in relation to any period beginning on or after the appointed day, with such adaptations and modifications as are necessary to bring them into conformity with this Order.

(2) The Governor may, by order published in the Gazette, at any time within twelve months after the appointed day, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor to be necessary or expedient for bringing the provisions of that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order, not being a date earlier than the appointed day.

(3) Where, under the Constitution, provision may be made for any matter by the Legislature or any matter may be prescribed by the Legislature, provision shall be regarded as having been so made for that matter or that matter shall be regarded as having been so prescribed if provision is made for that matter, or that matter is prescribed, by an existing law.

(4) In this section "existing law" means a law enacted by any legislature established for the Territory before the appointed day and in force immediately before the appointed day and includes any instrument in force as aforesaid and made in exercise of a power conferred by any such law.

(5) An order made under this section may be revoked or amended by a further order made under this section or, in relation to any law

or instrument affected thereby, by the authority having power to repeal, revoke or amend that law or instrument.

Regulations relating to retirement etc. of certain officers serving before the appointed day.

16.—(1) The Governor may, with the concurrence of the Secretary of State, make such provision, by regulations published in the Gazette, as appears to him to be necessary or expedient for the retirement from the public service or from service as a judge of the Supreme Court of such persons or classes of persons holding office in that service or as a judge immediately before the appointed day, as may be specified by or under those regulations and for the payment of compensation, pensions, gratuities and other like allowances in such cases.

(2) All sums payable by virtue of regulations made under the preceding subsection shall be charged on and paid out of the revenues of the Territory.

PART III.—MISCELLANEOUS

Power reserved to Her Majesty.

17. Her Majesty reserves to Herself power, with the advice of Her Privy Council, to revoke, add to, suspend or amend this Order.

Interpretation.

18. The provisions of article 90 of the Constitution shall apply for the purpose of interpreting this Order as they apply for interpreting the Constitution.

W. G. Agnew.

ANNEX

THE CONSTITUTION OF TRINIDAD AND TOBAGO

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PART I—THE GOVERNOR

The Governor.

1.—(1) There shall be a Governor and Commander-in-Chief in and over the Territory who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred or imposed on him by or under this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered by this Constitution to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be enquired into in any court.

(3) A person appointed to the office of Governor shall, before entering upon the functions of that office, make oaths or affirmations of allegiance and for the due execution of that office in the forms set out in the First Schedule to this Constitution.

Acting Governor.

2.—(1) During any period when the office of Governor is vacant or the Governor is absent from the Territory or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by—

(*a*) such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State; or

(*b*) if there is no person in the Territory so designated and able to perform those functions, such person as Her Majesty may appoint in that behalf by Commission under Her Sign Manual and Signet.

(2) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths or affirmations directed by the last foregoing article to be made by the Governor.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(4) The Governor or any other person as aforesaid shall not, for the purposes of this article, be regarded as absent from the Territory or as unable to perform the functions of the office of Governor—

(*a*) by reason that he is in passage from one part of the Territory to another; or

(*b*) at any time when there is a subsisting appointment of a deputy under the next following article.

Deputy to Governor.

3.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government but not from the Territory; or

(*b*) has occasion to be absent from the Territory for a period which he has reason to believe will be of short duration; or

(*c*) is suffering from an illness which he has reason to believe will be of short duration,

he may, acting in his discretion, by instrument under the Public Seal, appoint any person in the Territory to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument.

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this article, and a deputy shall conform to and observe all instructions that the Governor, acting in his discretion, may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court.

(3) A person appointed as a deputy under this article shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Governor acting in his discretion.

Salary and duty allowance of Governor and Acting Governor.

4.—(1) The Governor shall receive such salary and (save when some other person is performing the functions of his office under article 2 of this Constitution) such duty allowance as, subject to paragraph (3) of this article, may be prescribed by any law of the Legislature.

(2) During any period when any person is performing the functions of the office of Governor under article 2 of this Constitution that person shall receive a salary calculated at the rate of nineteen-twentieths of the salary of the Governor and such duty allowance as would otherwise be payable to the Governor and shall not be entitled to receive during that period any salary in respect of any other office payable out of the revenues of the Territory.

(3) The salary, duty allowance and other conditions of service of the Governor or any other person performing the functions of the office of Governor under article 2 of this Constitution shall not be altered to his disadvantage during his continuance in the office of Governor or while he continues to perform the functions of that office, as the case may be, and the said salary and duty allowance shall be charged on and paid out of the revenues of the Territory.

Personal staff and expenditure of the Governor.

5.—(1) The Legislature may, by law, prescribe the offices that are to constitute the personal staff of the Governor, the salaries and allowances that are to be paid to the members of that staff and the other sums that are to be paid in respect of the expenditure attaching to the office of Governor.

(2) Any salaries, allowances or other sums prescribed under the preceding paragraph shall be charged on and paid out of the revenues of the Territory.

(3) Subject to the provisions of the next following paragraph, the power to make appointments to the offices for the time being prescribed under paragraph (1) of this article as being offices constituting the personal staff of the Governor, and to dismiss and to exercise disciplinary control over persons holding or acting in such offices, shall vest in the Governor acting in his discretion.

(4) The Governor, acting in his discretion, may appoint to any one of the offices prescribed under paragraph (1) of this article such public officer as he may select from a list submitted by the Public Service Commission, but—

(*a*) the provisions of the last preceding paragraph shall apply in relation to any officer so appointed as respects his service on the personal staff of the Governor but not as respects his service as a public officer;

(*b*) an officer so appointed shall not, during his continuance on the personal staff of the Governor, perform the functions of any public office; and

(*c*) an officer so appointed may at any time be appointed by the Governor, if the Public Service Commission so requests, to assume or resume the functions of a public office and shall thereupon vacate his office on the personal staff of the Governor, but the Governor may, in his discretion, decline to release the officer for that appointment.

(5) All offices prescribed under paragraph (1) of this article as offices that are to constitute the personal staff of the Governor shall for the purposes of articles 70, 76, 81, 87, 88 and 89 of this Constitution be deemed to be public offices.

Exercise of Governor's functions.

6.—(1) In the exercise of his functions the Governor shall, subject to the following paragraphs of this article, obtain and act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet.

(2) The preceding paragraph shall not apply to the exercise by the Governor of—

(*a*) any function conferred upon him by this Constitution which is expressed to be exercisable by him in his discretion, or on or in accordance with the recommendation or advice of, or with the concurrence of, or after consultation with, any person or authority other than the Cabinet;

(*b*) any function conferred upon him by any other law which is expressed to be exercisable by him in his discretion or which he is otherwise authorised by such law to exercise without obtaining the advice of the Cabinet; and

(*c*) the power with respect to which provision is made by paragraph (4) of article 41 of this Constitution.

(3) Where the Governor is directed by this Constitution to exercise any function on the recommendation of any person or authority, he shall exercise that function in accordance with such recommendation:

Provided that—

(*a*) before he acts in accordance therewith, he may, acting in his discretion, once refer that recommendation back for reconsideration by the person or authority concerned; and

(*b*) if that person or authority, having reconsidered the original recommendation under the preceding sub-paragraph, substitutes therefor a different recommendation, the provisions of this paragraph shall apply to that different recommendation as they apply to the original recommendation.

(4) Where the Governor is directed by this Constitution to exercise any function after consultation with any person or authority (other than the Cabinet or the Committee) he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(5) Where the Governor is directed by this Constitution to exercise any function on or in accordance with the recommendation or advice of, or with the concurrence of, or after consultation with, any person or authority, the question whether he has so exercised that function shall not be enquired into in any court.

Powers to dispose of land.

7. Subject to the provisions of any law for the time being in force in the Territory, the Governor, in Her Majesty's name and on Her behalf, may, under the Public Seal, make grants and dispositions of any lands or other immovable property in the Territory or of any interests in such property that are vested in Her Majesty for the purposes of the Government of the Territory and may exercise in relation to such property or interests any other powers that are lawfully exercisable by Her Majesty.

Powers to constitute offices and make appointments, etc.

8. Subject to the provisions of this Constitution and of any other law for the time being in force in the Territory, the Governor, in Her Majesty's name and on Her Majesty's behalf, may—

(*a*) constitute offices for the Territory and make appointments, to be held during Her Majesty's pleasure, thereto ; and

(*b*) dismiss any person so appointed or take such other disciplinary action in relation to him as the Governor may think fit.

Powers of pardon, etc.

9.—(1) The Governor, may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of an offence to which this article applies a pardon, either free or subject to lawful conditions ;

(*b*) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence ;

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(*d*) remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) In the exercise of the power conferred upon him by this article, the Governor shall obtain and act in accordance with the advice of the Committee.

(3) The offences to which this article applies are offences against any law in force in the Territory other than a law of the Federal Legislature.

Committee on prerogative of mercy.

10.—(1) There shall be in and for the Territory a Committee on the exercise of the prerogative of mercy which shall consist of—

(*a*) such Minister as may for the time being be designated by the Governor, who shall be Chairman ;

(*b*) the Attorney-General ; and

(*c*) not more than four other members appointed by the Governor.

(2) A member of the Committee appointed by the Governor shall hold office at the pleasure of the Governor.

(3) The powers conferred upon the Governor by this article shall be exercised by him in accordance with the advice of the Premier.

Procedure of Committee.

11.—(1) The Committee shall not be summoned except by the authority of the Minister.

(2) No business shall be transacted at any meeting of the Committee if there are less than three members present, of whom one shall be the Minister.

(3) Subject to the last foregoing paragraph, the Committee shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Committee, and the validity of the transaction of any business by the Committee shall not be affected by reason only of the fact that some person who was not entitled to do so took part in the proceedings.

(4) The Minister shall preside at meetings of the Committee.

(5) Where an offender has been sentenced to death by any court in the Territory for an offence to which article 9 applies, the Minister shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as the Minister may require, to be taken into consideration at a meeting of the Committee.

(6) Subject to the provisions of this article, the Committee may regulate its own procedure.

Public Seal.

12. The Governor shall keep and use the Public Seal for sealing all things that shall pass the Public Seal.

Interpretation.

13. In this Part—

"the Committee" means the Committee on the exercise of the prerogative of mercy established by article 10 of this Constitution;

"the Minister" means the Minister for the time being designated by the Governor in accordance with sub-paragraph (*a*) of paragraph (1) of article 10 of this Constitution.

PART II—THE LEGISLATURE

General

Establishment of Legislature.

14. There shall be a Legislature in and for the Territory which shall consist of Her Majesty, a Senate and a House of Representatives.

The Senate

Composition of Senate.

15.—(1) The Senate shall consist of twenty-one members (in this Constitution referred to as "Senators") who shall be appointed by the Governor by instrument under the Public Seal in accordance with this article.

(2) Of the twenty-one Senators—

(*a*) twelve shall be appointed by the Governor acting in accordance with the advice of the Premier;

(*b*) two shall be appointed by the Governor acting in accordance with the advice of the leader of the opposition; and

(*c*) seven shall be appointed, to represent religious, economic or social interests in the Territory, by the Governor, acting after consultation with such persons as, in his discretion, he considers can speak for those interests and ought to be consulted.

Qualifications for appointment as Senator.

16. Subject to the next following article, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he—

(*a*) is a British subject of the age of thirty years or upwards ;

(*b*) has resided in the Territory for a period of two years immediately before the date of his appointment or is domiciled and resident in the Territory at that date ; 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 Senate.

Disqualifications for appointment as Senator.

17.—(1) No person shall be qualified to be appointed as a Senator who—

(*a*) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state ;

(*b*) is disqualified for membership of the Senate by any law of the Legislature enacted in pursuance of the next following paragraph ;

(*c*) is a member of the House of Representatives ;

(*d*) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;

(*e*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory ;

(*f*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ; or

(*g*) is disqualified for membership of the House of Representatives by virtue of any law of the Legislature by reason of his having been convicted of any offence relating to elections.

(2) The Legislature may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the Senate by virtue of—

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law ;

(ii) his belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force ; or

(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

Tenure of office of Senators.

18.—(1) Every Senator shall vacate his seat in the Senate at the next dissolution of the Legislature after his appointment.

(2) A Senator shall also vacate his seat in the Senate—

(*a*) if he resigns it by writing under his hand addressed to the President of the Senate or, if the office of President is vacant or the President is absent from the Territory, to the Vice President ;

(*b*) if he is absent from the sittings of the Senate for such period and in such circumstances as may be prescribed in the Standing Orders of the Senate;

(*c*) if, with his consent, he is nominated as a candidate for election to the House of Representatives, or if he is elected to be a member of the House of Representatives;

(*d*) if he ceases to be a British subject;

(*e*) subject to the next following paragraph, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of sub-paragraph (*a*), (*b*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of the last foregoing article; or

(*f*) in the case of a Senator appointed in accordance with the advice of the Premier or in accordance with the advice of the leader of the opposition, if the Governor, acting in accordance with the advice of the Premier or in accordance with the advice of the leader of the opposition, as the case may be, by instrument under the Public Seal, declares the seat of that Senator to be vacant.

(3) (*a*) If circumstances such as are referred to in paragraph (*e*) of the last foregoing paragraph arise because a Senator is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence relating to elections and if it is open to the Senator to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a Senator but, subject to the next following sub-paragraph, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the President of the Senate may, at the request of the Senator, from time to time extend that period for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

(*b*) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the Senator, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he shall forthwith vacate his seat.

(*c*) If at any time before the Senator vacates his seat such circumstances as aforesaid cease to exist his seat shall not become vacant on the expiration of the period referred to in sub-paragraph (*a*) of this paragraph and he may resume the performance of his functions as a Senator.

President and Vice-President.

19.—(1) When the Senate first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a Senator to be President of the Senate; and, if the office of President falls vacant at any time before the next dissolution of the Legislature, the Senate shall, as soon as practicable, elect another Senator to that office.

(2) When the Senate first meets after any general election and before it proceeds to the despatch of any other business except the election of the President, it shall elect a Senator to be Vice-President of the

Senate; and if the office of Vice-President falls vacant at any time before the next dissolution of the Legislature, the Senate shall, as soon as convenient, elect another Senator to that office.

(3) The Senate shall not elect a Senator who is a Minister or a Parliamentary Secretary to be the President or Vice-President of the Senate.

(4) A person shall vacate the office of President or Vice-President of the Senate—

(*a*) if he ceases to be a Senator:

Provided that the President shall not vacate his office by reason only that he has ceased to be a Senator on a dissolution of the Legislature until the Senate first meets after that dissolution;

(*b*) if he is appointed to be a Minister or a Parliamentary Secretary;

(*c*) if he announces the resignation of his office to the Senate or if, by writing under his hand addressed, in the case of the President to the Clerk of the Senate and, in the case of the Vice-President, to the President (or, if the office of President is vacant or the President is absent from the Territory, to the Clerk), he resigns that office; or

(*d*) in the case of the Vice-President, if he is elected to be President.

(5) (*a*) If, by virtue of paragraph (3) of article 18 of this Constitution, the President or Vice President is required to cease to perform his functions as a Senator he shall also cease to perform his functions as President or Vice President, as the case may be, and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed—

(i) in the case of the President, by the Vice President or, if the office of Vice President is vacant, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose;

(ii) in the case of the Vice President, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose.

(*b*) If the President or Vice President resumes the performance of his functions as a Senator, in accordance with the provisions of paragraph (3) of article 18 of this Constitution, he shall also resume the performance of his functions as President or Vice President, as the case may be.

The House of Representatives

Composition of House of Representatives.

20.—(1) Subject to paragraph (2) of this article, the House of Representatives shall consist of thirty members who, subject to the provisions of this Constitution, shall be elected in the manner provided by any law of the Legislature.

(2) If any person who is not a member of the House of Representatives is elected to be Speaker of the House he shall, by virtue of holding the office of Speaker, be a member of the House in addition to the thirty members aforesaid.

Qualifications for election as member.

21. Subject to the next following article, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he—

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

(*b*) has resided in the Territory for a period of two years immediately before the date of his nomination for election or is domiciled and resident in the Territory at that date, 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 House of Representatives.

Disqualifications for election as member.

22.—(1) No person shall be qualified to be elected as a member of the House of Representatives who—

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

(*b*) is disqualified for membership of the House of Representatives by any law of the Legislature enacted in pursuance of the next following paragraph ;

(*c*) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;

(*d*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory ;

(*e*) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(*f*) is disqualified for membership of the House of Representatives by any law of the Legislature 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

(*g*) is disqualified for membership of the House of Representatives by virtue of any law of the Legislature by reason of his having been convicted of any offence relating to elections.

(2) The Legislature may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the House of Representatives by virtue of—

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law ;

(ii) his belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force ; or

(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

Tenure of office of members.

23.—(1) Every member of the House of Representatives shall vacate his seat in the House at the next dissolution of the Legislature after his election.

(2) A member of the House of Representatives shall also vacate his seat in the House—

(*a*) if he resigns it by writing under his hand addressed to the Speaker, or if the office of Speaker is vacant, or the Speaker is absent from the Territory, to the Deputy Speaker;

(*b*) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House;

(*c*) if he ceases to be a British subject; or

(*d*) subject to the next following paragraph, if any circumstances arise that, if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of the last foregoing article.

(3) (*a*) If circumstances such as are referred to in sub-paragraph (*d*) of the last foregoing paragraph arise because any member of the House of Representatives is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the next following sub-paragraph, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(*b*) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(*c*) If at any time before the member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in sub-paragraph (*a*) of this paragraph and he may resume the performance of his functions as a member of the House.

Speaker and Deputy Speaker.

24.—(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House; and, if the office of Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected either from among the members of the House of Representatives who are not Ministers or Parliamentary

Secretaries or from among persons who are not members of either chamber of the Legislature:

Provided that a person who is not a member of either chamber of the Legislature shall not be elected as Speaker if—

(*a*) he is not a British subject; or

(*b*) he is a person disqualified for election as a member of the House of Representatives by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of article 22 of this Constitution.

(3) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister or a Parliamentary Secretary, to be Deputy Speaker of the House; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as convenient, elect another such member to that office.

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

(*a*) in the case of a Speaker elected from among the members of the House of Representatives or in the case of the Deputy Speaker—

(i) if he ceases to be a member of the House:

Provided that the Speaker shall not vacate his office by reason only that he has ceased to be a member of the House on a dissolution of the Legislature, until the House first meets after that dissolution;

(ii) if he is appointed to be a Minister or a Parliamentary Secretary;

(*b*) in the case of a Speaker elected from among persons who are not members of either chamber of the Legislature—

(i) when the House first meets after any dissolution of the Legislature;

(ii) if he ceases to be a British subject; or

(iii) if any circumstances arise that would cause him to be disqualified for election as a member of the House by virtue of sub-paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (1) of article 22 of this Constitution;

(*c*) if he announces the resignation of his office to the House of Representatives or if by writing under his hand addressed, in the case of the Speaker to the Clerk of the House and in the case of the Deputy Speaker to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from the Territory, to the Clerk) he resigns that office; or

(*d*) in the case of the Deputy Speaker, if he is elected to be Speaker.

(5) (*a*) If, by virtue of paragraph (3) of article 23 of this Constitution, the Speaker or Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives he shall also cease to perform his functions as Speaker or Deputy Speaker, as the case may be, and those functions shall, until he vacates his seat in the House or resumes the performance of the functions of his office, be performed—

(i) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant, by such member of the House

(not being a Minister or Parliamentary Secretary) as the House may elect for the purpose;

(ii) in the case of the Deputy Speaker, by such member of the House (not being a Minister or Parliamentary Secretary) as the House may elect for the purpose.

(*b*) If the Speaker or Deputy Speaker resumes the performance of his functions as a member of the House, in accordance with paragraph (3) of article 23 of this Constitution, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.

(6) There shall be charged on the revenues of the Territory and paid thereout to the Speaker such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(7) The salary of the Speaker and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Powers and Procedure

Power to make laws.

25. Subject to the provisions of the West Indies (Federation) Order in Council, 1957(a), and this Constitution, the Legislature may make laws for the peace, order and good government of the Territory.

Standing Orders.

26. Subject to the provisions of this Constitution, each chamber of the Legislature may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Governor for assent.

Oath of allegiance.

27.—(1) No member of either chamber of the Legislature shall be permitted to take part in the proceedings of that chamber (other than proceedings necessary for the purposes of this article) until he has made and subscribed before that chamber an oath or affirmation of allegiance in the form set out in the First Schedule to this Constitution:

Provided that the election of a President and Vice-President of the Senate or the election of a Speaker and Deputy Speaker of the House of Representatives may take place before the members of the Senate or the members of the House of Representatives, as the case may be, have made such oath or affirmation.

(2) If, between the time when a person becomes a Senator and the time when the Senate first meets thereafter, a meeting takes place of any committee of the Senate of which that person is a member, that person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, make and subscribe the oath or affirmation before the President or, if the President is absent from the Territory or the office of President is vacant, before the Deputy President: and the making and subscribing of the oath in such manner shall suffice for all the purposes of this article.

(3) The provisions of paragraph (2) of this article shall apply in relation to a person who becomes a member of the House of Representatives as they apply in relation to a person who becomes a Senator but as if references to the President and the Deputy President were references to the Speaker and the Deputy Speaker.

(a) S.I. 1957/1364 (1957 I, p. 202).

Presiding in Senate and House of Representatives.

28.—(1) The President, or in his absence, the Vice-President or, if they are both absent, a Senator (not being a Minister or a Parliamentary Secretary) elected by the Senate for that sitting shall preside at each sitting of the Senate.

(2) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member of the House of Representatives (not being a Minister or a Parliamentary Secretary) elected by the House for that sitting shall preside at each sitting of the House.

(3) References in this article to circumstances in which the President, Vice-President, Speaker or Deputy Speaker is absent include references to circumstances in which the office of President, Vice-President, Speaker, or Deputy Speaker is vacant.

Voting.

29.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in either chamber of the Legislature shall be determined by a majority of the votes of the members thereof present and voting.

(2) The President or other member presiding in the Senate and the Speaker or other member presiding in the House of Representatives shall not vote unless on any question the votes are equally divided, in which case, except as otherwise provided in the next following paragraph, he shall have and exercise a casting vote.

(3) A Speaker elected from among persons who are not members of the House of Representatives shall have neither an original nor a casting vote and if, upon any question before the House when such a Speaker is presiding, the votes of the members are equally divided, the motion shall be lost.

Validity of proceedings.

30. A chamber of the Legislature shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the chamber is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the chamber or otherwise took part in the proceedings.

Quorum.

31—(1) If at any sitting of either chamber of the Legislature any member of the chamber who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the chamber, the person presiding at the sitting ascertains that a quorum of the chamber is still not present, the chamber shall be adjourned.

(2) For the purposes of this article—

(*a*) a quorum of the Senate shall consist of eight Senators ;

(*b*) a quorum of the House of Representatives shall consist of ten members of the House ;

(*c*) the person presiding at the sitting of either chamber shall not be included in reckoning whether there is a quorum of that chamber present.

Introduction of Bills, etc.

32.—(1) Subject to the provisions of this Constitution and of the Standing Orders of the chamber, any member of either chamber may introduce any Bill or propose any motion for debate in, or may present any petition to, that chamber, and the same shall be debated and disposed of according to the Standing Orders of the chamber.

(2) A Bill other than a Money Bill may be introduced in either chamber. A Money Bill shall not be introduced in the Senate.

(3) Except on the recommendation or with the consent of the Cabinet neither chamber of the Legislature shall—

(*a*) proceed upon any Bill (including any amendment to a Bill) which in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for imposing or increasing any tax;

(ii) for imposing or increasing any charge on the revenues or other funds of the Territory or for altering any such charge otherwise than by reducing it; or

(iii) for compounding or remitting any debt due to the Territory;

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid; or

(*c*) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

Restriction on powers of Senate as to Money Bills.

33.—(1) If a Money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to that chamber, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor for assent notwithstanding that the Senate has not consented to the Bill.

(2) There shall be endorsed on every Money Bill when it is sent to the Senate the certificate of the Speaker signed by him that it is a Money Bill; and there shall be endorsed on any Money Bill that is presented to the Governor for assent in pursuance of the preceding paragraph the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that paragraph have been complied with.

Restriction on powers of Senate as to Bills other than Money Bills.

34.—(1) If any Bill other than a Money Bill is passed by the House of Representatives in two successive sessions (whether or not the Legislature is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that Bill shall, on its rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be presented to the Governor for assent notwithstanding that the Senate has not consented to the Bill:

Provided that the foregoing provisions of this paragraph shall not have effect unless at least twelve months have elapsed between the date on which the Bill is passed by the House of Representatives in the first session and the date on which it is passed by that chamber in the second session.

(2) For the purposes of this article a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since the date

of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The House of Representatives may, if it thinks fit, on the passage through that chamber of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the exercise of this power by the House of Representatives shall not affect the operation of this article in the event of the rejection of the Bill in the Senate.

(4) There shall be inserted in any Bill that is presented to the Governor for assent in pursuance of this article any amendments that are certified by the Speaker to have been made in the Bill by the Senate in the second session and agreed to by the House of Representatives.

(5) There shall be endorsed on any Bill that is presented to the Governor for assent in pursuance of this article the certificate of the Speaker signed by him that the provisions of this article have been complied with.

Provisions relating to articles 32, 33 and 34.

35.—(1) In articles 32, 33 and 34 of this Constitution, "Money Bill" means a public Bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this paragraph the expressions "taxation", "debt", "public money" and "loan" do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

(2) For the purposes of the preceding article, a Bill shall be deemed to be rejected by the Senate if—

(*a*) it is not passed by the Senate without amendment; or

(*b*) it is passed by the Senate with any amendment which is not agreed to by the House of Representatives.

(3) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any functions conferred upon him by article 33 or 34 of this Constitution or paragraph (1) of this article, that function may be performed by the Deputy Speaker.

(4) A certificate of the Speaker or the Deputy Speaker under article 33 or 34 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court.

(5) Before giving any certificate under article 33 or 34 of this Constitution the Speaker or the Deputy Speaker, as the case may be, shall consult the Attorney-General or, if the Attorney-General is absent from the seat of government, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.

Assent to Bills.

36.—(1) A Bill shall not become law until—

(*a*) the Governor has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent; or

(*b*) Her Majesty has given Her assent thereto through a Secretary of State and the Governor has signified such assent by proclamation published in the *Gazette*.

(2) A Bill shall be presented to the Governor for assent if, and, subject to the provisions of articles 33 and 34 of this Constitution, shall not be so presented unless, it has been passed by both chambers of the Legislature either without amendment or with such amendments only as are agreed to by both chambers.

(3) When a Bill is presented to the Governor for assent he shall declare that he assents or refuses assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion—

(*a*) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organisation outside the Territory;

(*b*) to be likely to prejudice the Royal prerogative; or

(*c*) to be in any way repugnant to or inconsistent with the provisions of this Constitution.

Words of enactment.

37.—(1) In every Bill presented to the Governor for assent, other than a Bill presented under article 33 or 34 of this Constitution, the words of enactment shall be as follows:—

"Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—".

(2) In every Bill presented to the Governor for assent under article 33 or 34 of this Constitution, the words of enactment shall be as follows:—

"Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Trinidad and Tobago in accordance with the provisions of article 33 (*or article* 34, *as the case may be*) of the Constitution of Trinidad and Tobago, and by the authority of the same, as follows:—".

(3) Any alteration of the words of enactment of a Bill made in consequence of the provisions of the preceding paragraph shall not be deemed to be an amendment of the Bill.

Power of disallowance in respect of laws relating to Trinidad Government stock.

38.—(1) Any law of the Legislature which has been assented to by the Governor and which appears to Her Majesty's Government in the United Kingdom to alter, to the injury of the stockholders, any provision relating to any stock to which this article applies or to involve a departure from the original contract in respect of any such stock, may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the *Gazette* and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this article any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made, but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to that annulment as they apply to the repeal of an Act of Parliament.

(4) The stock to which this article applies is stock forming the whole or part of the public debt of the Territory—

(*a*) in which a trustee may invest, or might at any time have invested, by virtue of section 2 of the Colonial Stock Act, 1900(b); or

(*b*) by the conditions of issue of which it is provided that this article shall apply to it.

Privileges, etc. of chambers.

39. The Legislature may by law determine and regulate the privileges, immunities and powers of the two chambers of the Legislature and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the members thereof.

Miscellaneous

Sessions of Senate and House of Representatives.

40.—(1) Subject to the provisions of this Constitution, the sessions of the chambers of the Legislature shall be held in such places and shall commence at such times as the Governor may appoint by proclamation published in the *Gazette*.

(2) There shall be a session of each chamber from time to time so that a period of twelve months does not intervene between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution.

41.—(1) The Governor may at any time, by proclamation published in the *Gazette*, prorogue or dissolve the Legislature.

(2) The Governor shall dissolve the Legislature at the expiration of five years from the date when the House of Representatives first meets after any general election unless it has been sooner dissolved.

(3) If, between a dissolution of the Legislature and the next ensuing general election of members to the House of Representatives, an emergency arises of such a nature that, in the opinion of the Premier, it is necessary for the two chambers of the Legislature to be summoned before that general election can be held, the Governor, acting in accordance with the advice of the Premier, may, by proclamation published in the *Gazette*, summon the two chambers of the preceding Legislature and that Legislature shall thereupon be deemed (except for the purposes of the next following article) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.

(4) The power conferred on the Governor by paragraph (1) of this article shall be exercised by him as nearly as may be in accordance

(a) 52 & 53 Vict. c. 63. (b) 63 & 64 Vict. c. 62.

with the constitutional conventions that apply to the exercise of the like power in the United Kingdom :

Provided that the question whether the Governor has so exercised that power shall not be enquired into in any court.

General elections and appointment of Senators.

42.—(1) A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of the Legislature as the Governor shall appoint by proclamation published in the *Gazette*.

(2) As soon as practicable after every general election, the Governor shall proceed under article 15 of this Constitution to the appointment of members of the Senate.

Determination of questions as to membership.

43.—(1) Any question whether—

(*a*) any person has been validly appointed as a Senator or validly elected as a member of the House of Representatives ;

(*b*) any Senator or member of the House of Representatives has vacated his seat or is required, under the provisions of paragraph (3) of article 18 or paragraph (3) of article 23 of this Constitution, to cease to exercise any of his functions as a Senator or as a member of the House of Representatives ; or

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

shall be determined by the Supreme Court in accordance with the provisions of any law for the time being in force in the Territory.

(2) Proceedings for the determination of any question referred to in the preceding paragraph shall not be instituted except with the leave of a judge of the Supreme Court.

(3) No appeal shall lie from the decision of a judge of the Supreme Court granting or refusing leave to institute proceedings in accordance with the preceding paragraph.

Interpretation of provisions regarding sentences of imprisonment.

44. For the purposes of sub-paragraph (*f*) of paragraph (1) of article 17 and sub-paragraph (*e*) of paragraph (1) of article 22 of this Constitution—

(*a*) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence ; and

(*b*) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

PART III—DELIMITATION OF CONSTITUENCIES

Constituencies.

45. The Territory shall be divided, in accordance with the provisions of this Part, into as many constituencies as there are members of the House of Representatives and each of those constituencies shall return one member to the House of Representatives.

Boundaries Commission.

46.—(1) There shall be a Boundaries Commission for the Territory (in this Part referred to as the Commission).

(2) The members of the Commission shall be—

(*a*) the Speaker who shall be Chairman ;

(*b*) a judge of the Supreme Court who shall be deputy Chairman and shall be appointed by the Governor ;

(*c*) two members of the House of Representatives who shall be appointed by the Governor acting in accordance with the advice of the Premier ; and

(*d*) one member of the House of Representatives who shall be appointed by the Governor acting in accordance with the advice of the leader of the opposition.

(3) The office of a member of the Commission shall become vacant—

(*a*) if he ceases to be the Speaker, a judge of the Supreme Court or a member of the House of Representatives, as the case may be ;

(*b*) in the case of a member appointed under sub-paragraph (*b*) of paragraph (2) of this article, if his appointment is revoked by the Governor ; or

(*c*) in the case of a member appointed under sub-paragraph (*c*) or (*d*) of paragraph (2) of this article, if his appointment is revoked by the Governor acting in accordance with the advice of the Premier or the leader of the opposition, as the case may be.

(4) (*a*) If the office of a member of the Commission, appointed under sub-paragraph (*b*), (*c*) or (*d*) of paragraph (2) of this article is vacant or any such member is for any reason unable to perform the functions of his office the Governor may appoint a person qualified for appointment under that sub-paragraph to act as a member of the Commission and any person so appointed shall continue to act until his appointment is revoked.

(*b*) In making acting appointments under this paragraph to an office of member of the Commission specified in sub-paragraph (*b*), (*c*) or (*d*) of paragraph (2) of this article, the Governor shall act in accordance with the advice of the same person or authority as in making appointments under that paragraph, and in revoking any such acting appointment the Governor shall act in accordance with the advice of the same person or authority as in revoking an appointment to that office in accordance with paragraph (3) of this article.

(5) Where any matter is dependent upon the decision of the Commission any decision shall be regarded as the decision of the Commission if the majority of the members of the Commission concur therein.

Procedure for review of constituency boundaries.

47.—(1) The Commission shall, in accordance with the provisions of the next following paragraph, review the boundaries of the constituencies into which the Territory is divided and submit to the House of Representatives reports either—

(*a*) showing the constituencies into which it recommends that the Territory should be divided in order to give effect to the rules set out in the Second Schedule to this Constitution ; or

(*b*) stating that, in the opinion of the Commission, no alteration is required in the existing boundaries of constituencies in order to give effect to the said rules.

(2) Reports under the preceding paragraph shall be submitted by the Commission—

(*a*) in the case of its first report after the appointed day, not less than three nor more than seven years from that day; and

(*b*) in the case of any subsequent report, not less than three nor more than seven years from the date of the submission of its last report:

Provided that a report made under sub-paragraph (*b*) of the preceding paragraph shall not be submitted less than six years from the appointed day or from the date of the submission of the last report of the Commission.

(3) Where the Commission intends to consider reviewing the boundaries of the constituencies, it shall, by notice in writing, inform the Minister responsible for the conduct of elections (hereafter in this article called "the Minister") accordingly, and a copy of that notice shall be published in the Gazette.

(4) As soon as may be after the Commission has submitted a report to the House of Representatives under sub-paragraph (*a*) of paragraph (2) of this article, the Minister shall lay before the House of Representatives for its approval the draft of an Order by the Governor for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Minister to be incidental to or consequential upon the other provisions of the draft.

(5) Where any draft made under this article gives effect to any such recommendations with modifications, the Minister shall lay before the House of Representatives together with the draft a statement of the reasons for the modifications.

(6) If the motion for the approval of any draft made under this article is rejected by the House of Representatives, or is withdrawn by leave of that chamber, the Minister shall amend the draft and lay the amended draft before the House of Representatives.

(7) If any draft made under this article is approved by resolution of the House of Representatives, the Minister shall submit it to the Governor who shall make an Order (which shall be published in the Gazette) in terms of the draft; and that Order shall come into force on such day as may be specified therein and, until revoked by a further Order made by the Governor in accordance with the provisions of this article, shall have the force of law in the Territory:

Provided that the coming into force of any such Order shall not affect any election to the House of Representatives until a proclamation is made by the Governor appointing the date for the holding of a general election of members to the House of Representatives or affect the constitution of the House of Representatives until the dissolution of the Legislature then in being.

(8) The question of the validity of any Order by the Governor purporting to be made under this article and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any court.

PART IV—THE EXECUTIVE

Executive authority.

48.—(1) The executive authority of the Territory shall be vested in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of the Territory may be exercised on behalf of Her Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this paragraph shall operate so as to prejudice the provisions of any law for the time being in force in the Territory whereby functions are conferred on persons or authorities other than the Governor.

The Cabinet.

49.—(1) There shall be a Cabinet in and for the Territory which, subject to the provisions of this Constitution, shall have the general direction and control of the government of the Territory and shall be collectively responsible therefor to the Legislature.

(2) The Cabinet shall consist of the Premier and not more than eleven other Ministers (of whom one shall be the Attorney General).

(3) The Premier and the other Ministers shall be appointed in accordance with the provisions of the next following article.

Appointment of Ministers.

50.—(1) Whenever there shall be occasion for the appointment of a Premier, the Governor, acting in his discretion, shall appoint as Premier—

(*a*) the member of the House of Representatives who is the leader of the party which commands the support of the majority of the members of that House, or

(*b*) if it appears to him that that party does not have an undisputed leader in that House or that no party commands the support of such a majority, the member of the House of Representatives who, in his judgment, is most likely to command the support of the majority of members of that House,

and who is willing to accept the office of Premier.

(2) Subject to the next following paragraph, the Ministers other than the Premier shall be such persons as the Governor, acting in accordance with the advice of the Premier, shall appoint from among the Senators and the members of the House of Representatives.

(3) If the Attorney General is appointed from among the members of the House of Representatives not more than two Ministers shall be appointed from among the Senators, and if the Attorney General is appointed from among the Senators not more than two other Ministers shall be appointed from among the Senators.

(4) Appointments made under this article shall be made by instrument under the Public Seal.

Tenure of office of Ministers.

51.—(1) Whenever it appears to the Governor that the Premier has ceased to command the support of the majority of the members of the House of Representatives the Governor, acting after consultation with the Premier shall, unless he dissolves the Legislature, revoke the appointment of the Premier by instrument under the Public Seal.

(2) The Premier shall also vacate his office—

(*a*) when, after any dissolution of the chamber of the Legislature from among the members of which he was appointed, he is informed by the Governor, acting in his discretion, that the Governor

is about to re-appoint him as Premier or to appoint another person as Premier; or

(*b*) if for any reason, other than a dissolution of the Legislature, he ceases to be a member of the chamber from among the members of which he was appointed.

(3) A Minister other than the Premier shall vacate his office—

(*a*) whenever the office of Premier becomes vacant;

(*b*) if, for any reason other than a dissolution of the Legislature, he ceases to be a member of the chamber from among the members of which he was appointed;

(*c*) if his appointment is revoked by the Governor, acting in accordance with the advice of the Premier, by instrument under the Public Seal; or

(*d*) if he is absent from the Territory without having obtained the written permission of the Governor, acting in accordance with the advice of the Premier.

(4) For the purposes of paragraph (3) of this article a Minister shall not be regarded as absent from the Territory during his passage from one part of the Territory to another.

Performance of functions of Premier in certain events.

52.—(1) If the office of Premier falls vacant while the Legislature is dissolved or the Premier is unable, by reason of his illness or absence from Trinidad or absence from his duties on leave, to perform the functions of his office, the Governor may, by instrument under the Public Seal, authorise any other Minister who was appointed from among the members of the House of Representatives to perform the functions conferred on the Premier by this Constitution (other than the functions conferred upon him by paragraph (3) of this article).

(2) The Governor may, by instrument under the Public Seal, revoke any authority given under this article.

(3) The powers conferred upon the Governor by this article shall be exercised by him acting in his discretion if the office of Premier is vacant or if, in his judgment, it is impracticable to obtain the Premier's advice owing to his illness or absence, and in any other case shall be exercised in accordance with the advice of the Premier.

Temporary Ministers.

53.—(1) Whenever a Minister other than the Premier is unable, by reason of his illness or absence from Trinidad or absence from his duties on leave, to perform the functions of his office, the Governor may, by instrument under the Public Seal, appoint a person who is a Senator or a member of the House of Representatives to be a temporary Minister:

Provided that if occasion arises for the making of an appointment while the Legislature is dissolved, a person who, immediately before the dissolution, was a Senator or a member of the House of Representatives may be appointed as a temporary Minister as if he were still a Senator or a member of the House of Representatives, as the case may be.

(2) Subject to the provisions of article 51 of this Constitution, a temporary Minister shall hold office until he is notified by the Governor, by instrument under the Public Seal, that the Minister on account of whose inability to perform the functions of his office he was appointed is again able to perform those functions or until that Minister vacates his office.

(3) The powers conferred on the Governor by this article shall be exercised by him in accordance with the advice of the Premier.

Leave of absence for Ministers.

54. The Governor, acting in accordance with the advice of the Premier, may grant leave of absence from his duties to the Premier or to any other Minister.

Assignment of responsibilities to Ministers.

55.—(1) Subject to the provisions of this Constitution, the Governor acting in accordance with the advice of the Premier, may, by directions in writing, charge any Minister with responsibility for any matter or any department of government and designate the style by which any Minister so charged shall be known.

(2) Nothing in this article shall empower the Governor to confer on any Minister authority to exercise any power or discharge any duty that is conferred or imposed by this Constitution or any other law on the Governor or any person or authority other than that Minister.

(3) Without prejudice to the generality of the last foregoing paragraph, except for the purpose of submitting questions relating to such matters to the Cabinet and conducting Government business relating to such matters in any chamber of the Legislature, a Minister shall not be charged with responsibility for—

(*a*) the discharge by the courts of the Territory of their judicial functions;

(*b*) the initiation, conduct and discontinuance of criminal proceedings;

(*c*) the audit of the accounts of the Territory; or

(*d*) the making of appointments to offices in the public service, the dismissal or disciplinary control of persons holding or acting in such offices and the grant of any benefits in pursuance of paragraph (1) of article 89 of this Constitution.

(4) For the purposes of sub-paragraph (*d*) of the last foregoing paragraph, the office of a judge of the Supreme Court or a member of the personal staff of the Governor shall be deemed to be an office in the public service.

Oaths.

56. The Premier and every other Minister shall, before entering upon the duties of his office, make before the Governor an oath or affirmation of allegiance and an oath or affirmation for the due execution of his office in the forms set out in the First Schedule to this Constitution.

Presiding in Cabinet.

57. The Premier shall, so far as is practicable, attend and preside at all meetings of the Cabinet and in his absence such other Minister shall preside as the Premier shall appoint:

Provided that whenever the Governor is present at any meeting of the Cabinet which he has summoned under the provisions of the following article, he shall preside.

Summoning of Cabinet.

58. The Cabinet shall not be summoned except by the authority of the Premier:

Provided that the Governor, acting in his discretion, may, for the due exercise of his functions, summon a special meeting of the Cabinet.

Quorum

59.—(1) No business shall be transacted at any meeting of the Cabinet if there are less than five members present at the meeting.

(2) Subject to the last foregoing paragraph, the Cabinet shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Cabinet (including any vacancy not filled when the Cabinet is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Cabinet shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Governor entitled to information.

60. The Governor shall, for the due exercise of his functions, be entitled to all papers which are available to the Cabinet and to any other information concerning the government of the Territory which is so available.

Parliamentary Secretaries.

61.—(1) The Governor, acting in accordance with the advice of the Premier, may, by instrument under the Public Seal, appoint Parliamentary Secretaries from among the members of the two chambers of the Legislature to assist Ministers in the discharge of responsibilities assigned to them in pursuance of article 55 of this Constitution.

(2) The provisions of articles 51, 54 and 56 of this Constitution shall apply to Parliamentary Secretaries as they apply to Ministers other than the Premier.

Permanent Secretaries.

62.—(1) Subject to the provisions of this Constitution, where any Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject as aforesaid and to such direction and control, the department shall be under the supervision of a public officer.

(2) A public officer who is responsible for the supervision of any department of government, other than a department dealing with legal matters, shall be styled a Permanent Secretary.

Director of Public Prosecutions.

63.—(1) There shall be a Director of Public Prosecutions of the Territory, whose office shall be an office in the public service.

(2) The Director of Public Prosecutions shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in the Territory in respect of any offence alleged to have been committed by that person;

(*b*) to take over and continue any criminal proceedings as aforesaid that have been instituted or undertaken by any other person or authority; and

(*c*) to discontinue, at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under the preceding paragraph may be exercised by him in person or by officers subordinate to him acting under and in accordance with his general or special instructions.

(4) The powers conferred upon the Director of Public Prosecutions under sub-paragraphs (*b*) and (*c*) of paragraph (2) of this article shall be vested in him to the exclusion of any other person:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this paragraph shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this article, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court in the Territory or to the Federal Supreme Court of the West Indies or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(6) In the exercise of the powers conferred on him by this article and any other power conferred on him by any law of the Legislature in terms which authorise him to exercise that power in his individual judgment, the Director of Public Prosecutions shall not be subject to the direction or control of any other person.

(7) Nothing in this article shall be construed as affecting any power in relation to criminal proceedings vested in any person by or under the Federal Constitution or as affecting any criminal proceedings instituted or conducted by such person by virtue of any power so vested.

Director of Audit.

64.—(1) There shall be a Director of Audit of the Territory, whose office shall be an office in the public service.

(2) The public accounts of the Territory and of all officers, courts and authorities of the Territory shall be audited and reported on by the Director of Audit and for that purpose the Director of Audit or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Director of Audit shall submit his reports to the Minister responsible for finance who shall cause them to be laid before both chambers of the Legislature.

(4) In the exercise of his functions under this Constitution the Director of Audit shall not be subject to the direction or control of any other person or authority.

PART V—THE SUPREME COURT

Constitution of Supreme Court.

65.—(1) There shall be in and for the Territory a Supreme Court having such powers and jurisdiction as may be provided by any law for the time being in force in the Territory.

(2) The judges of the Supreme Court shall be a Chief Justice and such number of Puisne Judges as may be prescribed by any law of the Legislature:

Provided that the office of judge of the Supreme Court shall not, without his consent, be abolished during his continuance in office.

(3) The Chief Justice of the Supreme Court shall be a person qualified for appointment under paragraph (5) of this article and shall be appointed by the Governor, by instrument under the Public Seal, after consultation with the Premier.

(4) The Puisne Judges of the Supreme Court shall be persons qualified as aforesaid and shall be appointed by the Governor, by instrument under the Public Seal, on the recommendation of the Judicial and Legal Service Commission.

(5) The qualifications for appointment as a judge of the Supreme Court shall be such as may be prescribed by any law for the time being in force in the Territory:

Provided that a person who has been appointed as a judge of the Supreme Court may continue in office notwithstanding any subsequent variation in the qualifications so prescribed.

Tenure of office of Judges.

66.—(1) Subject to the following provisions of this article, a judge of the Supreme Court shall vacate his office when he attains the age of sixty-two years:

Provided that the Governor may permit a judge who has attained that age to continue in office for the purpose of giving judgment or otherwise in relation to any proceeding heard by him before he attained that age.

(2) A judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the next following paragraph.

(3) A judge of the Supreme Court shall be removed from office by the Governor by order under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor, made in pursuance of the next following paragraph, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833(a), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Supreme Court from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor from among persons who hold or have held high judicial office;

(*b*) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(5) The provisions of sections 6 and 8, section 9 (other than the words "not inconsistent with their commission" and "subject only to the terms of their commission"), sections 10 to 14 inclusive and section 16 of the Commissions of Enquiry Ordinance(b), as in force on the day on which this Constitution comes into force, shall apply in relation to a tribunal appointed under the last foregoing paragraph as they apply in relation to commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Constitution.

(a) 3 & 4 Will. 4. c. 41.
(b) Laws of Trinidad and Tobago, 1950, Ch. 7, No. 2.

(6) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal under paragraph (4) of this article the Governor may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(*b*) if the Judicial Committee advise Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred upon the Governor by this article shall be exercised by him in his discretion.

Acting judges.

67.—(1) If the office of Chief Justice is vacant, or if the Chief Justice is for any reason unable to perform the functions of his office, then, until some other person has been appointed to, or has been appointed to act in, and has assumed the functions of, that office, or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the Puisne Judges as the Governor may, after consultation with the Premier, appoint for that purpose.

(2) If the office of a Puisne Judge is vacant, or if any such Judge is appointed to act as Chief Justice, or is for any reason unable to perform the functions of his office the Governor, acting on the recommendation of the Judicial and Legal Service Commission, may appoint a person qualified under paragraph (5) of article 65 of this Constitution for appointment as a judge of the Supreme Court to be temporarily a Puisne Judge of the Supreme Court:

Provided that a person may be so appointed notwithstanding that he has attained the age of sixty-two years.

(3) Any person appointed under this article to be temporarily a Puisne Judge of the Supreme Court shall hold office until his appointment is revoked by the Governor, acting on the recommendation of the Judicial and Legal Service Commission.

Salaries of judges.

68.—(1) There shall be charged on the revenues of the Territory and paid thereout to the judges of the Supreme Court such salaries and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(2) The salary of a judge of the Supreme Court and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Oaths to be taken by judges.

69. Before entering upon the functions of his office, every judge of the Supreme Court shall make and subscribe before the Governor, or some other person authorised in that behalf by the Governor, oaths or affirmations of allegiance and for the due execution of his office in the form set out in the First Schedule to this Constitution.

PART VI—THE PUBLIC SERVICE

The Public Service Commission

Composition of Public Service Commission.

70.—(1) There shall be in and for the Territory a Public Service Commission which shall consist of a Chairman, a deputy Chairman, and such number of other members, not being less than two nor more than four, as the Governor, acting after consultation with the Premier, may from time to time decide.

(2) The members of the Public Service Commission shall be appointed by the Governor, acting after consultation with the Premier, by instrument under the Public Seal.

(3) No person shall be qualified to be appointed as a member of the Public Service Commission if he is a Senator or a member of the House of Representatives or if he holds or is acting in any public office, other than the office of member of the Judicial and Legal Service Commission or member of the Police Service Commission.

(4) A person shall not, while he holds or is acting in the office of a member of the Public Service Commission or within a period of five years commencing with the date on which he last held or acted in that office, be eligible for appointment to any public office, other than the office of member of the Judicial and Legal Service Commission or member of the Police Service Commission.

(5) The office of a member of the Public Service Commission shall become vacant—

(*a*) at the expiration of five years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he becomes a Senator or a member of the House of Representatives;

(*c*) if he is appointed to or to act in any public office, other than the office of member of the Judicial and Legal Service Commission or member of the Police Service Commission; or

(*d*) if the Governor, acting after consultation with the Premier, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) If the office of a member of the Public Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Premier, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting after consultation with the Premier, that the circumstances giving rise to the appointment have ceased to exist.

(7) There shall be charged on the revenues of the Territory and paid thereout to the members of the Commission such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(8) The salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Appointments etc. of public officers.

71.—(1) Subject to the provisions of this Constitution, power to make appointments to public offices shall vest in the Governor, acting in accordance with the advice of the Public Service Commission.

(2) Subject to the provisions of this Constitution, power to dismiss and to exercise disciplinary control over persons holding or acting in public offices shall vest in the Governor, acting after consultation with the Public Service Commission.

(3) The provisions of paragraphs (1) and (2) of this article shall apply in relation to the office of teacher, as defined in section 2 of the School Teachers Pensions Ordinance(a), and to any person holding or acting in that office, as they apply to public offices and to persons holding or acting in those offices.

Delegation of Governor's powers.

72.—(1) The Governor may, by instrument under the Public Seal, direct that, subject to such conditions as may be specified in that instrument, power to make appointments to such offices, being offices to which this article applies, as may be specified in that instrument and power to dismiss and power to exercise disciplinary control over persons holding or acting in those offices, or any of those powers, shall (without prejudice to the exercise of such powers by the Governor acting in accordance with the advice of or after consultation with the Public Service Commission) be exercisable by such other authority or public officer as may be so specified.

(2) The Governor shall act in accordance with the advice of the Public Service Commission in giving any direction under the preceding paragraph relating to the power to make appointments to offices to which this article applies, and after consultation with the Public Service Commission in giving any such direction relating to the power to dismiss or exercise disciplinary control over persons holding or acting in such offices.

(3) This article applies to offices with respect to which power to make appointments is vested in the Governor by the last foregoing article and the remuneration of which is calculated by reference to any period less than one month.

Appointment of Permanent Secretaries.

73.—(1) Subject to the provisions of the following paragraph, power to make appointments to the office of Permanent Secretary (other than appointments on transfer from another such office carrying the same salary) shall vest in the Governor acting on the recommendation of the Public Service Commission.

(2) *(a)* Before the Public Service Commission makes an original recommendation to the Governor in accordance with the preceding paragraph it shall consult the Premier.

(b) In relation to a recommendation of the Public Service Commission in accordance with the preceding paragraph, the provisions of paragraph (3) of article 6 of this Constitution shall have effect as if for the words "in his discretion" there were substituted the words "in accordance with the advice of the Premier".

(3) Power to make appointments to the office of Permanent Secretary on transfer from another such office carrying the same salary shall vest in the Governor acting in accordance with the advice of the Premier.

(a) Laws of Trinidad and Tobago 1950, Ch. 14, No. 5.

(4) The Governor, acting after consultation with the Premier, may by Order published in the Gazette, apply the provisions of paragraphs (1) and (2) of this article to such offices in the public service (in addition to the office of Permanent Secretary) as, subject to the provisions of this Constitution, may be prescribed in that Order.

Appointment of Director of Audit.

74.—(1) The Director of Audit of the Territory shall be appointed by the Governor acting after consultation with the Director-General of the Overseas Audit Service.

(2) If the office of Director of Audit is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall, subject to the provisions of the next following article, continue to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

(3) There shall be charged on the revenues of the Territory and paid thereout to the Director of Audit such salary as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(4) The salary of the Director of Audit and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Tenure of office of Director of Audit.

75.—(1) Subject to the provisions of paragraph (3) of this article, the Director of Audit shall vacate his office when he attains the age of sixty years.

(2) The Director of Audit may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of the next following paragraph.

(3) The Director of Audit shall be removed from office by the Governor by instrument under the Public Seal if the Governor, acting after consultation with the Director-General of the Overseas Audit Service, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

The Judicial and Legal Service Commission

Composition of Judicial and Legal Service Commission.

76.—(1) There shall be in and for the Territory a Judicial and Legal Service Commission.

(2) The members of the Commission shall be—

(*a*) the Chief Justice, who shall be Chairman of the Commission;

(*b*) the senior Puisne Judge;

(*c*) the Chairman of the Public Service Commission;

(*d*) the substantive holder of the office of Solicitor-General; and

(*e*) one other member appointed under paragraph (3) of this article (hereinafter in this article referred to as "the appointed member").

(3) (*a*) The Governor, after consultation with the Chief Justice, may, by instrument under the Public Seal, appoint to be a member of the Commission a person who holds or has held high judicial office.

(*b*) No person shall be qualified to be appointed as a member of the Judicial and Legal Service Commission under the provisions of this paragraph if he is a Senator or a member of the House of Representatives or if he holds or is acting in any public office, other than the office of member of the Public Service Commission or member of the Police Service Commission.

(4) The office of the appointed member shall become vacant—

(*a*) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he is appointed ;

(*b*) if he becomes a Senator or a member of the House of Representives ;

(*c*) if he is appointed to or to act in any public office, other than the office of member of the Public Service Commission or member of the Police Service Commission ; or

(*d*) if the Governor, acting after consultation with the Chief Justice, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) If the office of the appointed member is vacant or that member is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Chief Justice, may appoint a person who is qualified for appointment as such a member to act as the appointed member, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting after consultation with the Chief Justice, that the circumstances giving rise to his appointment have ceased to exist.

(6) There shall be charged on the revenues of the Territory and paid thereout to the appointed member of the Commission such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(7) The salary of the appointed member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(8) For the purposes of this article " the senior Puisne Judge " means the Puisne Judge present in the Territory (other than any such Judge who is for the time being acting as Chief Justice) who is senior according to the date of his substantive appointment as Puisne Judge of the Supreme Court:

Provided that where two or more persons have been so appointed their seniority shall be determined according to age.

Appointment of officers in the Judicial and Legal Service.

77.—(1) Power to make appointments to the offices to which this article applies shall vest in the Governor, acting in accordance with the advice of the Judicial and Legal Service Commission.

(2) Power to dismiss and exercise disciplinary control over persons holding or acting in offices to which this article applies shall vest in the Governor, acting after consultation with the Judicial and Legal Service Commission.

(3) This article applies to such public offices, for appointment to which persons are required to possess legal qualifications, as, subject to the provisions of this Constitution, may be prescribed by any law of the Legislature.

Solicitor General.

78.—(1) There shall be a Solicitor General of the Territory, whose office shall be an office in the public service.

(2) Power to make appointments to the office of Solicitor General and to dismiss and to exercise disciplinary control over any person holding or acting in that office shall vest in the Governor, acting in his discretion.

Appointment of Director of Public Prosecutions.

79.—(1) The Director of Public Prosecutions of the Territory shall be appointed by the Governor acting on the recommendation of the Judicial and Legal Service Commission.

(2) A person shall be qualified to be appointed Director of Public Prosecutions if he is qualified to be appointed a judge of the Supreme Court and no other person shall be qualified to be so appointed.

(3) If the office of Director of Public Prosecutions is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting on the recommendation of the Judicial and Legal Service Commission, may appoint a person qualified for appointment to that office to perform those functions, and any person so appointed shall, subject to the provisions of the next following article, continue to perform those functions until he is notified by the Governor, acting on the recommendation of the Judicial and Legal Service Commission, that the circumstances giving rise to the appointment have ceased to exist.

(4) There shall be charged on the revenues of the Territory and paid thereout to the Director of Public Prosecutions such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(5) The salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(6) If the person holding the office of Director of Public Prosecutions also holds any other public office the provisions of this article and of article 80 of this Constitution shall apply in relation to him as respects his service as Director but not as respects his service in such other public office.

Tenure of office of Director of Public Prosecutions.

80.—(1) Subject to the provisions of this article, the Director of Public Prosecutions shall vacate his office when he attains the age of sixty years.

(2) The Director of Public Prosecutions may be removed from office only for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the next following paragraph.

(3) The Director of Public Prosecutions shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under the next following paragraph and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) If the Governor considers that the question of removing the Director of Public Prosecutions from office for inability as aforesaid or for misbehaviour ought to be investigated then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not fewer than two other members, selected by the Governor from among persons who hold or have held high judicial office; and

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) The provisions of sections 6 and 8, section 9 (other than the words "not inconsistent with their commission" and "subject only to the terms of their commission"), sections 10 to 14 inclusive and section 16 of the Commissions of Enquiry Ordinance, as in force on the day on which this Constitution comes into force, shall apply in relation to a tribunal appointed under the last foregoing paragraph as they apply in relation to commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Constitution.

(6) If the question of removing the Director of Public Prosecutions from office has been referred to a tribunal appointed under paragraph (4) of this article, the Governor may suspend the Director from performing the functions of his office and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

(7) The powers conferred upon the Governor by this article shall be exercised by him in his discretion.

The Police Service Commission

Composition of the Police Service Commission.

81.—(1) There shall be in and for the Territory a Police Service Commission which shall consist of a Chairman and four other members.

(2) (*a*) The Chairman of the Commission, who shall be either the Chairman or the deputy Chairman of the Public Service Commission, shall be appointed by the Governor acting in his discretion.

(*b*) The members of the Commission other than the Chairman shall be appointed by the Governor, acting after consultation with the Premier and the Chief Justice.

(*c*) Appointments under this paragraph shall be made by instrument under the Public Seal.

(3) No person shall be qualified to be appointed as a member of the Police Service Commission under the provisions of the last foregoing paragraph if he is a Senator or a member of the House of Representatives or if he holds or is acting in any public office, other than the office of member of the Judicial and Legal Service Commission or member of the Public Service Commission.

(4) A person shall not, while he holds or is acting in the office of a member of the Police Service Commission or within a period of five years commencing with the date on which he last held or acted

in that office, be eligible for appointment to any public office, other than the office of member of the Judicial and Legal Service Commission or member of the Public Service Commission.

(5) The office of a member of the Commission shall become vacant—

(*a*) at the expiration of five years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(*b*) if he becomes a Senator or member of the House of Representatives;

(*c*) if he is appointed to or to act in any public office other than the office of member of the Judicial and Legal Service Commission or member of the Public Service Commission; or

(*d*) if the Governor, acting after consultation with the Premier and the Chief Justice, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Premier and the Chief Justice, may appoint a person who is qualified for appointment as such a member to act as a member, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until he is notified by the Governor, acting after consultation with the Premier and the Chief Justice, that the circumstances giving rise to the appointment have ceased to exist.

(7) There shall be charged on the revenues of the Territory and paid thereout to the members of the Commission such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(8) The salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Appointments of Commissioner and Deputy Commissioner.

82. Power to make appointments to the offices of Commissioner of Police and Deputy Commissioner of Police and to dismiss and to exercise disciplinary control over any person holding or acting in those offices shall vest in the Governor, acting after consultation with the Police Service Commission.

Appointments of officers in the Police Force.

83.—(1) Save as provided in the last foregoing article, power to make appointments to offices in the Police Force shall vest in the Governor, acting in accordance with the advice of the Police Service Commission:

Provided that power to make appointments to offices in the Police Force below the rank of Inspector shall, to such extent as may be prescribed by any law of the Legislature, vest in the Commissioner of Police.

(2) (*a*) There shall be in the Police Force such number of Police Promotion Boards, each consisting of officers in the Police Force above the rank of Inspector, as may be prescribed by regulations made under paragraph (3) of this article.

(*b*) In the exercise of the powers to make appointments to offices in the Police Force vested in him the Commissioner of Police may refer any question relating to the promotion to an office below the

rank of Inspector to a Police Promotions Board for their advice, but he shall not be obliged to act in accordance with the advice given him by any such Board.

(3) The Governor, acting in his discretion, may by regulation make provision for all or any of the following matters—

(*a*) the number of Police Promotion Boards which shall be established for the Police Force;

(*b*) the composition of any Police Promotion Board, and the method of appointment and tenure of office of the members thereof; and

(*c*) the manner in which a Police Promotions Board shall perform its functions.

Dismissal etc. of members of Police Force.

84.—(1) Save as provided in article 82 of this Constitution, power to dismiss and exercise disciplinary control over persons holding or acting in offices in the Police Force shall vest in the Governor, acting after consultation with the Police Service Commission:

Provided that power to dismiss and exercise disciplinary control over persons holding or acting in offices in the Police Force below the rank of Assistant Superintendent on probation shall, to such extent as may be prescribed by any law of the Legislature, vest in the Commissioner of Police.

(2) In any case where an appeal lies, in accordance with the provisions of any law of the Legislature, to the Governor from a decision of the Commissioner of Police to dismiss or exercise disciplinary control over persons holding or acting in offices in the Police Force, the Governor shall act after consultation with the Police Service Commission in determining the appeal.

Right of Commissioner to tender advice.

85.—(1) The Police Service Commission shall permit the Commissioner of Police to express his views in its presence on any matter that is before the Commission for their consideration, except when the matter for consideration is an appeal from a decision of the Commissioner of Police.

(2) Nothing in this Part of this Constitution shall affect or be construed as affecting any right of the Commissioner of Police to tender his own advice to the Governor on any question.

General

Proceedings of Commissions.

86.—(1) No business shall be transacted at any meeting of a Commission to which this article applies unless there are present at least three members of the Commission (of whom one, in the case of the Judicial and Legal Service Commission, shall be the Chairman of the Commission).

(2) Subject to the provisions of the preceding paragraph, a Commission to which this article applies may act notwithstanding a vacancy in its membership; and no proceedings of such a Commission shall be invalidated by reason only that some person not entitled thereto has taken part in them.

(3) Subject to the provisions of this Constitution, the Governor after consultation with the Premier and a Commission to which this article applies, may make regulations for giving effect to the appropriate provisions of this Part of this Constitution relating to that Commission, and in particular and without prejudice to the generality of the foregoing

power, may by such regulations provide for any of the following matters, that is to say:—

(*a*) the organisation of the work of the Commission, and the manner in which the Commission shall perform its functions;

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

(*c*) the delegation to any member of the Commission of any of the functions of the Commission;

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

(*e*) 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 and its members in case of legal proceedings;

(*f*) 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 five hundred dollars and imprisonment for a term of one year or both such a fine and such imprisonment; and

(*g*) requiring persons to attend before the Commission to answer questions relating to any inquiry held by the Commission or to any business or duties of the Commission.

(4) References in this article to a Commission to which this article applies are references to the Public Service Commission, the Judicial and Legal Service Commission, or the Police Service Commission, as the case may be, established under this Part of this Constitution.

Applicability of pensions law.

87.—(1) Subject to the provisions of article 89 of this Constitution, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this article and the two next following articles referred to as an "award") in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this article the relevant day is—

(*a*) in relation to an award granted before the date on which this Part of this Constitution comes into force, the day on which the award was granted;

(*b*) in relation to an award granted or to be granted on or after the date on which this Part of this Constitution comes into force to or in respect of a person who was a public officer before that date, the day immediately before that date;

(*c*) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the date on which this Part of this Constitution comes into force, the day on which he becomes a public officer.

(3) For the purposes of this article, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

(4) For the purposes of this article and of the two next following articles, service as a judge of the Supreme Court or a member of the personal staff of the Governor shall be deemed to be public service.

Pensions, etc. charged on revenues of the Territory

88. Awards granted under any law for the time being in force in the Territory shall be charged on and paid out of the revenues of the Territory.

Grant and withholding of pensions, etc.

89.—(1) The power to grant any award under any pensions law for the time being in force in the Territory (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law shall vest in the Governor.

(2) The power vested in the Governor by the preceding paragraph shall be exercised by him—

(*a*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date on which he ceased to hold public office, serving as—

(i) a judge of the Supreme Court;

(ii) Solicitor-General;

(iii) Director of Public Prosecutions;

(iv) Director of Audit;

(v) Commissioner of Police or Deputy Commissioner of Police; or

(vi) a member of the personal staff of the Governor (other than a person referred to in paragraph (4) of article 5 of this Constitution),

in his discretion;

(*b*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office to which article 77 of this Constitution applies at the date of the exercise of the power, in accordance with the advice of the Judicial and Legal Service Commission;

(*c*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office in the Police Force, other than the office of Commissioner of Police or Deputy Commissioner of Police, in accordance with the advice of the Police Service Commission; and

(*d*) in the case of an award payable in respect of the services of any other person, in accordance with the advice of the Public Service Commission.

(3) In this article, "pensions law" means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.

PART VII—INTERPRETATION

Interpretation.

90.—(1) In this Constitution, unless it is otherwise provided or required by the context—

"the Cabinet" means the Cabinet constituted under this Constitution;

"chamber" means either the Senate or the House of Representatives as the context may require;

"the Commonwealth" includes any dependency of a country which is a member of the Commonwealth;

"the Federal Constitution" means the Constitution of the West Indies annexed to the West Indies (Federation) Order in Council, 1957;

"the Gazette" means the Trinidad Royal Gazette;

"the Governor" means the Governor and Commander in Chief of the Territory;

"high judicial office" means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

"the House of Representatives" means the House of Representatives established by Part II of this Constitution;

"the Judicial and Legal Service Commission" means the Judicial and Legal Service Commission established by article 76 of this Constitution;

"the leader of the opposition" means the member of the House of Representatives who in the judgment of the Governor, acting in his discretion, is the leader in the House of the party which commands the support of the largest number of members of the House in opposition to the Government;

"the Legislature" means the Legislature established by Part II of this Constitution;

"Minister" means a Minister appointed under article 50 of this Constitution and includes—

(*a*) the Premier;

(*b*) the Attorney-General; and

(*c*) save for the purposes of article 49, paragraphs (1) and (2) of article 50, and articles 52 and 57, a temporary Minister appointed under article 53;

"Parliamentary Secretary" means a Parliamentary Secretary appointed under article 61 of this Constitution;

"the Police Force" means the Police Force established in and for the Territory and in respect of which provision is made under the Police Ordinance of the Territory;

"police officer" means any member of the Police Force;

"the Police Service Commission" means the Police Service Commission established by article 81 of this Constitution;

"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 service" means the service of the Crown in a civil capacity in respect of the Government of the Territory (including service as a member of the Judicial and Legal Service Commission, or as a member of the Public Service Commission or as a member of the Police Service Commission) but does not include service—

(*a*) on the personal staff of the Governor; or

(*b*) as a judge of the Supreme Court;

"the Senate" means the Senate established by Part II of this Constitution;

"session" means, in relation to a chamber of the Legislature, the sittings of that chamber commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of the Legislature at any time and terminating when the Legislature is prorogued or is dissolved without having been prorogued;

"sitting" means, in relation to a chamber of the Legislature, a period during which that chamber is sitting continuously without adjournment and includes any period during which the chamber is in committee;

"the Territory" means the Colony of Trinidad and Tobago.

(2) In this Constitution, unless it is otherwise provided or required by the context—

(*a*) any reference to the day on which the Constitution comes into force shall be construed as a reference to the appointed day referred to in subsection (2) of section 1 of the Order in Council to which this Constitution is annexed;

(*b*) any reference to a law of the Legislature shall be construed as including a reference to a law of any Legislature established for the Territory at any time before the day when this Constitution comes into force and to any instrument having the force of law made in exercise of a power conferred by a law of the Legislature;

(*c*) any reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to perform the functions of that office during any period during which it is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(*d*) any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(3) In this Constitution, unless it is otherwise provided or required by the context, references to the functions of the Governor shall be construed as references to his powers and duties in exercise of the executive authority of the Territory and to any other powers or duties conferred or imposed on him as Governor by or under this Constitution or any other law.

(4) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to perform the functions of an office if the holder thereof is unable to perform those functions the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(5) Save as otherwise provided in Part II of this Constitution, any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office (including any seat in a chamber of the Legislature) by writing under his hand addressed in accordance with this Constitution to any other person shall take effect when the writing signifying the resignation is received by that other person.

(6) Except in sub-paragraph (*c*) of paragraph (1) of article 17, article 27, paragraph (1) of article 32 and article 39 of this Constitution, references in this Constitution to a member or members of the House of Representatives do not include references to a person who, under paragraph (2) of article 20 of this Constitution, is a member of the House by virtue of holding the office of Speaker.

(7) For the purposes of this Constitution, a person shall not be considered to hold a public office by reason only—

(*a*) that he is in receipt of a pension or other like allowance in respect of public service; or

(*b*) that he is in receipt of any remuneration or allowance in respect of his tenure of the office of Minister or Parliamentary Secretary or President, Vice-President or member of the Senate or Speaker, Deputy Speaker or member of the House of Representatives; or

(*c*) that he is a member of any board, committee or other similar body (whether incorporated or not) established by any law for the time being in force in the Territory.

(8) (*a*) When the holder of any office constituted by or under this Constitution is on leave of absence pending relinquishment of that office the person or authority having power to make appointments to that office may appoint another person thereto.

(*b*) Where two or more persons are holding the same office by reason of an appointment made in pursuance of the preceding paragraph, then—

(i) for the purposes of any function conferred upon the holder of that office, and

(ii) for the purposes of any reference in this Constitution to the absence, illness or inability to perform the functions of his office of the holder of that office,

the person last appointed to the office shall be deemed to be the sole holder of the office.

(9) Where any power is conferred by this Constitution to make any proclamation, order, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, rules, regulations or directions.

(10) For the avoidance of doubts it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established by this Constitution may, if qualified, again be appointed or elected as a member of that body, or to that office, as the case may be, from time to time.

(11) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to an Act of Parliament.

(Articles 1 (3), 2 (2), 27, 56, 61, and 69)

THE FIRST SCHEDULE

Forms of Oaths and Affirmations

1. *Oath of Allegiance*

I ..... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Affirmation of Allegiance*

I ..... do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. *Oath for the due execution of the office of Governor and Commander in Chief*

I ..... do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the Office of Governor and Commander in Chief. So help me God.

4. *Affirmation for the due execution of the office of Governor and Commander in Chief.*

I ..... do solemnly and sincerly affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of Governor and Commander in Chief.

5. *Oath for the due execution of the office of Premier or other Minister or Parliamentary Secretary*

I, ..., being appointed Premier/Minister/Attorney-General/Parliamentary Secretary, do swear that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Trinidad and Tobago, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Trinidad and Tobago, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any documents communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Premier/Minister/Attorney-General/Parliamentary Secretary. So help me God.

6. *Affirmation for the due execution of the office of Premier or other Minister or Parliamentary Secretary*

I, ..., being appointed Premier/Minister/Attorney-General/Parliamentary Secretary, do solemnly and sincerely affirm and declare that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Trinidad and Tobago, and I do further solemnly and sincerely affirm and declare that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Trinidad and Tobago, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any documents communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Premier/Minister/Attorney-General/ Parliamentary Secretary.

Article 47

THE SECOND SCHEDULE

Boundaries of Constituencies

1. The electorate shall, so far as is practicable, be equal in all constituencies.

2. Special attention shall be paid to the needs of sparsely populated areas which on account of size, isolation or inadequacy of communications cannot adequately be represented by a single member of the House of Representatives.

3. Natural boundaries such as major highways and rivers shall be used wherever possible.

4. The foregoing rules shall apply in the delimitation of constituencies in Trinidad and in Tobago.

EXPLANATORY NOTE

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

The purpose of this Order is to provide a new Constitution for Trinidad and Tobago, conferring full internal self government within the framework of the Federation of the West Indies. It includes provision for the office of Governor, the Legislature, the Supreme Court and the Public Service.