STATUTORY INSTRUMENTS

1962 No. 1875

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Trinidad and Tobago (Constitution) Order in Council 1962

Made - - - - 24*th August* 1962
Laid before Parliament 25*th August* 1962
Coming into Operation
Section 3 (2) *of the Order, and sections* 66, 73 (*in part*), 78, 79 *and* 83 *of the Constitution* - 26*th August* 1962
Remainder—Immediately before the 31*st August* 1962

At the Court at Balmoral, the 24th day of August 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by subsection (1) of section 5 of the West Indies Act, 1962(a) or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation.

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

(2) Subject to the provisions of subsection (2) of section 3 of this Order, this Order shall come into operation immediately before the 31st August 1962 (in this Order referred to as " the commencement of this Order "):

Provided that where by or under this Order the Governor-General has power to make any appointment, to make any order or to do any other thing for the purposes of this Order that power may be exercised by the Governor of the Colony of Trinidad and Tobago at any time after the 25th August 1962 to such extent as may, in his opinion, be necessary or expedient to enable the Constitution established by this Order to function as from the 31st August 1962.

(3) Save where the context otherwise requires, expressions used in this Order have the same meaning as in the Constitution set out in the Second Schedule to this Order (hereinafter referred to as " the Constitution ") and the provisions of section 105 of the Constitution shall apply for the purposes of interpreting this Order as they apply for the purposes of interpreting the Constitution.

Revocations and amendments.

2.—(1) The Trinidad and Tobago (Constitution) Order in Council, 1961(b) (hereinafter referred to as " the existing Order ") is revoked.

(2) Article 2 (1) of the British Caribbean Court of Appeal Order in Council 1962(c) is amended by the deletion of sub-paragraph (*n*) of the definition of " the Territories ".

(a) 10 & 11 Eliz. 2. c. 19. (b) S.I. 1961/1192 (1961 II, p. 2276).
(c) S.I. 1962/1086 (1962 II, p. 1247).

(3) (*a*) Article 2 (1) of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962(a) is amended by the deletion of subparagraph (*k*) of the definition of " the Territories ".

(*b*) The provisions of section 4 of this Order shall apply in relation to article 15 (1), (4) and (5) of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962 but shall not apply in relation to any other provision of that Order ; but nothing in this Order shall prejudice the operation of that section in relation to any law that by virtue of the provisions of article 16 of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962 was in force as part of the law of the Colony of Trinidad and Tobago immediately before the commencement of this Order.

Establishment of Constitution.

3.—(1) Subject to the provisions of subsection (2) of this section and the other provisions of this Order, the Constitution shall come into force in Trinidad and Tobago at the commencement of this Order.

(2) This subsection and the following provisions of the Constitution—

(*a*) section 66,

(*b*) section 73 to such extent only as to enable the Judges of the Court of Appeal to be appointed before the 31st August 1962,

(*c*) sections 78 and 79, and

(*d*) section 83,

shall come into force in Trinidad and Tobago on the 26th August 1962:

Provided that in relation to any period prior to the 31st August 1962 references in these provisions of the Constitution—

(*a*) to the Governor-General and the Prime Minister shall be construed as references to the Governor and Premier respectively of the Colony of Trinidad and Tobago ;

(*b*) to Parliament and to the House of Representatives shall be construed as references to the Legislature and the House of Representatives constituted under the existing Order ;

(*c*) to a Judge of the High Court shall be construed as references to a Judge of the Supreme Court holding office under the existing Order ; and

(*d*) to the Chairman of the Public Service Commission shall be construed as references to the Chairman of the Public Service Commission established under the existing Order.

Existing laws.

4.—(1) Subject to the provisions of this section, the operation of the existing laws after the commencement of this Order shall not be affected by the revocation of the existing Order but the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Governor-General may by order made at any time before the 31st August 1963 make such amendment to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

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

(3) Where any matter that falls to be prescribed or otherwise provided for under this Order by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the commencement of this Order, by or under the existing Order, that prescription or provision shall, as from the commencement of this Order, have effect as if it had been made under this Order by Parliament or, as the case may be, by the other authority or person.

(4) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(5) For the purposes of this section, the expression "the existing laws" means all Acts, Ordinances, laws, rules, regulations, orders and other instruments having the effect of law made or having effect as if they had been made in pursuance of the existing Order and having effect as part of the law of the Colony of Trinidad and Tobago immediately before the commencement of this Order.

(6) An order made by the Governor-General under subsection (2) of this section shall have effect from such date, not earlier than the commencement of this Order, as may be specified therein.

Existing officers.

5. Subject to the provisions of this Order and of the Constitution, every person who immediately before the commencement of this Order holds or is acting in a public office shall, as from the commencement of this Order, continue to hold or act in the like office as if he had been appointed thereto in accordance with the provisions of the Constitution:

Provided that any person who under the existing Order or any existing law would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

Senate and House of Representatives.

6.—(1) Notwithstanding any other provisions of this Order the Senate and the House of Representatives established under the existing Order (in this section referred to as "the existing Senate" and "the existing House of Representatives" respectively) shall be the Senate and the House of Representatives of Trinidad and Tobago during the period beginning with the commencement of this Order and ending with the first dissolution of Parliament thereafter.

(2) The persons who immediately before the commencement of this Order are Senators, having been appointed as such under sub-paragraphs (*a*), (*b*) and (*c*) respectively of paragraph (2) of article 15 of the existing Order, shall continue to be Senators after the commencement of this Order and as from that time shall be deemed to have been appointed as such in pursuance of paragraphs (*a*), (*b*) and (*c*) respectively of subsection (2) of section 23 of the Constitution and shall hold their seats in that House in accordance with the provisions of the Constitution.

(3) Nothing in this section shall affect the rights of the Prime Minister or the Leader of the Opposition to advise the Governor-General to fill any vacancies in the Senate which exist as from the commencement of this Order.

(4) A Senator to whom the provisions of subsection (2) of this section apply shall not vacate his seat by reason only of his not being a citizen of Trinidad and Tobago if he is entitled, under the provisions of subsection (1) of section 10 or subsection (1) of section 11 of the Constitution, to be registered as such a citizen and is in fact so registered within six months of the commencement of this Order.

(5) The persons who immediately before the commencement of this Order are President and Vice-President of the existing Senate shall at the commencement of this Order be President and Vice-President respectively of the Senate established by this Order and shall, as from that time, be deemed to have been elected as such in pursuance of section 28 of the Constitution and shall hold office in accordance with the provisions of that section.

(6) The persons who immediately before the commencement of this Order are members of the existing House of Representatives shall continue to be members of that House after the commencement of this Order and shall as from that time be deemed to have been elected thereto in pursuance of the provisions of section 29 of the Constitution and shall hold their seats in that House in accordance with the provisions of the Constitution.

(7) A member of the House of Representatives to whom the provisions of subsection (6) of this section apply shall not vacate his seat by reason only of his not being a citizen of Trinidad and Tobago if he is entitled under the provisions of subsection (1) of section 10 or subsection (1) of section 11 of the Constitution to be registered as such a citizen and is in fact so registered within six months of the commencement of this Order.

(8) The persons who immediately before the commencement of this Order are Speaker and Deputy Speaker of the existing House of Representatives shall at the commencement of this Order be Speaker and Deputy Speaker respectively of the House of Representatives established by this Order and shall, as from that time, be deemed to have been elected as such in pursuance of section 33 of the Constitution and shall hold office in accordance with the provisions of that section.

(9) The Standing Orders of the existing Senate and of the existing House of Representatives as in force immediately before the commencement of this Order shall, except as may be otherwise provided in pursuance of subsection (1) of section 39 of the Constitution, be the Standing Orders of the Senate and of the House of Representatives established by the Constitution, but shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(10) Notwithstanding anything contained in subsection (2) of section 50 of the Constitution (but subject to the provisions of subsections (3) and (4) of that section), Parliament shall, unless sooner dissolved, stand dissolved on the 4th December 1966.

First Cabinet.

7.—(1) The person who immediately before the commencement of this Order holds the office of Premier under the existing Order shall, as from the commencement of this Order, hold office as Prime Minister as if he had been appointed thereto under section 58 of the Constitution.

(2) The persons (other than the Premier) who immediately before the commencement of this Order hold office as Ministers under the existing Order shall, as from the commencement of this Order, hold the like offices as if they had been appointed thereto under section 58 of the Constitution.

(3) Any person holding the office of Prime Minister or other Minister by virtue of the provisions of subsections (1) and (2) of this section who, immediately before the commencement of this Order, was charged with responsibility for any matter or any department of government under the existing Order shall, as from the commencement of this Order, be deemed to have been assigned responsibility for such matter or department under section 61 of the Constitution.

(4) The persons who immediately before the commencement of this Order hold offices of Parliamentary Secretaries under the existing Order shall, as from the commencement of this Order, hold the like offices as if they had been appointed thereto under section 65 of the Constitution.

Supreme Court and Judges.

8.—(1) The Supreme Court in existence immediately before the commencement of this Order shall, as from the commencement of this Order, be the High Court for the purposes of the Constitution and the Judges of the Supreme Court, other than the Chief Justice, holding office immediately before that time shall, as from that time, continue to hold offices as if they had been appointed thereto under the provisions of Chapter VI of the Constitution.

(2) Until other provision is made under section 89 of the Constitution, the salaries and allowances of the Judges of the High Court shall be the salaries and allowances to which, immediately before the commencement of this Order, the Judges of the Supreme Court were entitled.

Pending appeals.

9.—(1) Any proceedings pending immediately before the commencement of this Order on appeal from the Supreme Court to the British Caribbean Court of Appeal may be continued after the commencement of this Order before the Court of Appeal established by the Constitution.

(2) Any judgment of the Supreme Court of the Federation of The West Indies or of the British Caribbean Court of Appeal in an appeal from a court of the Colony of Trinidad and Tobago given, but not satisfied, before the commencement of this Order, may be enforced after the commencement of this Order as if it were a judgment of the Court of Appeal established by the Constitution.

Oaths.

10.—(1) The person first appointed to the office of Governor-General shall be deemed to have complied with the provisions of section 20 of the Constitution if he takes and subscribes, in addition to the oath of allegiance, the oath for the due execution of his office set out in the First Schedule to this Order.

(2) Any person who, under the provisions of section 5, 6, 7 or 8 of this Order, holds any office as from the commencement of this Order by virtue of having been the holder of any office before that time, shall be deemed to have complied with the requirements of the Constitution or any other law in force in Trinidad and Tobago relating to the taking of oaths.

Transitional provisions relating to existing Commissions.

11.—(1) Any power of a Commission established by the existing Order (in this section referred to as "an existing Commission") which has been validly delegated to any person or authority shall, to the extent that power could be delegated under the Constitution to such person or authority, be deemed, as from the commencement of this Order, to have been delegated to that person or authority in accordance with the provisions of the Constitution.

(2) Any matter which immediately before the commencement of this Order is pending before an existing Commission or, as the case may be, before any person or authority to whom the power to deal with such matters has been delegated under the existing Order shall, as from the commencement of this Order, be continued before the corresponding Commission established by the Constitution or, as the case may be, the said person or authority where such delegation has been continued under subsection (1) of this section:

Provided that where an existing Commission or, as the case may be, any person or authority as aforesaid has, immediately before the commencement of this Order, partly completed the hearing of a disciplinary proceeding (in this section referred to as "the original hearing") no person shall take part in the continued hearing unless he has also taken part in the original hearing; and where by virtue of this subsection the original hearing cannot be so continued the hearing of the disciplinary proceeding shall be recommenced.

(3) A person who immediately before the commencement of this Order holds the office of Chairman or other member of the Public Service Commission established by the existing Order shall, as from the commencement of this Order, continue to hold the like office as if he had been appointed thereto in accordance with the provisions of the Constitution and shall be deemed to have been qualified to be appointed to and hold such office notwithstanding the provisions of subsection (3) of section 92 of the Constitution.

(4) Subsection (5) of section 92 of the Constitution shall have effect in relation to such a person as if the date of his appointment under the existing Order were the date of his appointment under the Constitution.

(5) A person who immediately before the commencement of this Order holds the office of Chairman or other member of the Police Service Commission established by the existing Order shall, as from the commencement of this Order, continue to hold the like office as if he had been appointed thereto in accordance with the provisions of the Constitution and shall be deemed to have been qualified to be appointed to and hold such office notwithstanding the provisions of subsection (3) of section 98 of the Constitution.

(6) Subsection (5) of section 98 of the Constitution shall have effect in relation to such a person as if the date of his appointment under the existing Order were the date of his appointment under the Constitution.

Sections 86 and 87 of the Constitution.

12. Until the 1st January 1964—

(*a*) subsection (1) of section 86 of the Constitution shall have effect as if the word "in" were substituted for the words "not later than thirty days after the commencement of";

(*b*) section 87 of the Constitution shall have effect as if the words "four months" were substituted for the words "thirty days".

Special powers relating to functions of Commissions.

13. The Governor-General may by order at any time within twelve months after the commencement of this Order make provision for the definition and trial of offences connected with the functions of any Commission established by the Constitution and the imposition of penalties for such offences.

Transitional provisions for certain officers.

14.—(1) Any person who, immediately before the commencement of this Order, holds any office established by or under the existing Order and who does not, as from the date of such commencement, hold any public office shall be entitled to the leave beginning with the commencement of this Order, for which under the terms of service applicable to him immediately before the commencement of this Order, he was then eligible:

Provided that if any such person holds, or is acting in, as from the commencement of this Order, any office established by or under the Constitution, the leave to which he is entitled under this section shall begin when he relinquishes that office.

(2) When any person is on leave under the provisions of subsection (1) of this section, he shall be regarded as still in the office which he held immediately before the commencement of this Order.

Alteration of this Order.

15. Parliament may alter any of the provisions of this Order including this section in the same manner as it may alter the provisions of the Trinidad and Tobago Independence Act, 1962(a).

E. N. Landale.

FIRST SCHEDULE

OATH

Oath or Affirmation for the due execution of the office of Governor-General

Section 10.

I, ...do swear (*or* solemnly and sincerely affirm and declare) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Governor-General of Trinidad and Tobago.

So help me God. (*To be omitted in affirmation*).

SECOND SCHEDULE

THE CONSTITUTION OF TRINIDAD AND TOBAGO

ARRANGEMENT OF SECTIONS

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Section

1. Recognition and declaration of rights and freedoms.
2. Protection of rights and freedoms.

(a) 10 & 11 Eliz. 2. c. 54.

Section

3. Saving as to certain laws.
4. Acts passed during period of emergency.
5. Acts at variance with this Chapter.
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Section 3.

THE CONSTITUTION OF TRINIDAD AND TOBAGO

Whereas the People of Trinidad and Tobago—

(*a*) have affirmed that the nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with which all members of the human family are endowed by their Creator;

(*b*) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;

(*c*) have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully constituted authority;

(*d*) recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

(*e*) desire that their Constitution should enshrine the abovementioned principles and beliefs and make provision for ensuring the protection in Trinidad and Tobago of fundamental human rights and freedoms;

Now, therefore, the following provisions shall have effect as the Constitution of Trinidad and Tobago:

CHAPTER I

THE RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Recognition and declaration of rights and freedoms.

1. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(*a*) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(*b*) the right of the individual to equality before the law and the protection of the law;

(*c*) the right of the individual to respect for his private and family life;

(*d*) the right of the individual to equality of treatment from any public authority in the exercise of any functions;

(*e*) the right to join political parties and to express political views;

(*f*) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;

(*g*) freedom of movement;

(*h*) freedom of conscience and religious belief and observance;

(*i*) freedom of thought and expression;

(*j*) freedom of association and assembly; and

(*k*) freedom of the press.

Protection of rights and freedoms.

2. Subject to the provisions of sections 3, 4 and 5 of this Constitution, no law shall abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared and in particular no Act of Parliament shall—

(*a*) authorise or effect the arbitrary detention, imprisonment or exile of any person;

(*b*) impose or authorise the imposition of cruel and unusual treatment or punishment;

(*c*) deprive a person who has been arrested or detained

(i) of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;

(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;

(iii) of the right to be brought promptly before an appropriate judicial authority;

(iv) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

(*d*) authorise a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied legal representation or protection against self crimination;

(*e*) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

(*f*) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause;

(*g*) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted; or

(*h*) deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms.

Saving as to certain laws.

3.—(1) Sections 1 and 2 of this Constitution shall not apply in relation to any law that is in force in Trinidad and Tobago at the commencement of this Constitution.

(2) For the purposes of subsection (1) of this section a law in force at the commencement of this Constitution shall be deemed not to have ceased to be such a law by reason only of—

(*a*) any adaptations or modifications made thereto by or under section 4 of the Trinidad and Tobago (Constitution) Order in Council 1962 or

(*b*) its reproduction in identical form in any consolidation or revision of laws with only such adaptations or modifications as are necessary or expedient by reason of its inclusion in such consolidation or revision.

Acts passed during period of emergency.

4. An Act of Parliament that is passed during a period of public emergency and is expressly declared to have effect only during that period shall have effect notwithstanding sections 1 and 2 of this Constitution, except insofar as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists during that period.

Acts at variance with this Chapter.

5.—(1) An Act of Parliament to which this section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of this Constitution and, if any such Act does so declare, it shall have effect accordingly except insofar as its provisions may be shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

(2) An Act of Parliament to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.

(3) For the purposes of subsection (2) of this section the number of members of the Senate shall, notwithstanding the appointment of temporary members in accordance with section 27 of this Constitution, be deemed to be the number of members specified in subsection (1) of section 23 of this Constitution.

Enforcement of protective provisions.

6.—(1) For the removal of doubts it is hereby declared that if any person alleges that any of the provisions of the foregoing sections or section of this Constitution has been, is being, or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

(*a*) to hear and determine any application made by any person in pursuance of subsection (1) of this section ; and

(*b*) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) thereof,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said foregoing sections or section to the protection of which the person concerned is entitled.

(3) If in any proceedings in any court other than the High Court or the Court of Appeal any question arises as to the contravention of any of the provisions of the said foregoing sections or section the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless in his opinion the raising of the question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Court of Appeal.

(5) Nothing in this section shall limit the power of Parliament to confer on the High Court or the Court of Appeal such powers as Parliament may think fit in relation to the exercise by the High Court or the Court of Appeal, as the case may be, of its jurisdiction in respect of the matters arising under this Chapter.

Detention of persons.

7.—(1) If any person who is lawfully detained by virtue only of such an Act of Parliament as is referred to in section 4 of this Constitution so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice of Trinidad and Tobago from among the persons entitled to practise in Trinidad and Tobago as barristers or solicitors.

(2) On any review by a tribunal in pursuance of subsection (1) of this section of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered but, unless otherwise provided by law, that authority shall not be obliged to act in accordance with such recommendations.

Interpretation.

8.—(1) In this Chapter "period of public emergency" means any period during which—

(*a*) Trinidad and Tobago is engaged in any war; or

(*b*) there is in force a Proclamation by the Governor-General declaring that a state of public emergency exists; or

(*c*) there is in force a resolution of both Houses of Parliament supported by the votes of not less than two-thirds of all the members of each House declaring that democratic institutions in Trinidad and Tobago are threatened by subversion.

(2) A Proclamation made by the Governor-General shall not be effective for the purposes of subsection (1) of this section unless it is declared therein that the Governor-General is satisfied—

(*a*) that a public emergency has arisen as a result of the imminence of a state of war between Trinidad and Tobago and a foreign State or as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity whether similar to the foregoing or not; or

(*b*) that action has been taken or is immediately threatened by any person of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life.

(3) A Proclamation made by the Governor-General for the purposes of and in accordance with this section shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding six months, as the House of Representatives may determine by a resolution supported by the votes of a majority of all the members of the House:

Provided that any such Proclamation may be extended from time to time for a further period not exceeding six months by resolution passed in like manner and may be revoked at any time by resolution supported by the votes of a majority of all the members of the House of Representatives.

CHAPTER II

CITIZENSHIP

Persons who become citizens on 31st August 1962.

9.—(1) Every person who, having been born in Trinidad or in Tobago, was on the 30th August 1962 a citizen of the United Kingdom and Colonies shall become a citizen of Trinidad and Tobago on the 31st August 1962.

(2) Every person who, having been born neither in Trinidad nor in Tobago, was on the 30th August 1962 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death have become a citizen of Trinidad and Tobago in accordance with the provisions of subsection (1) of this section, become a citizen of Trinidad and Tobago on the 31st August 1962.

Persons entitled to be registered as citizens.

10.—(1) Every person who on the 1st January 1962 was a citizen of the United Kingdom and Colonies or a British protected person and was on that day ordinarily resident in Trinidad and Tobago, and is not a person who has ceased to be a citizen of Trinidad and Tobago under the provisions of section 14 of this Constitution shall be entitled, upon making application before the 1st January 1967 in such manner as may be prescribed, to be registered as a citizen of Trinidad and Tobago:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

(2) Any woman who on the 31st August 1962 is or had been married to a person—

(*a*) who becomes a citizen of Trinidad and Tobago by virtue of section 9 of this Constitution; or

(*b*) who, having died before the 31st August 1962 would, but for his death, have become a citizen of Trinidad and Tobago by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(3) Any woman who on the 31st August 1962 is or had been married to a person who becomes a citizen of Trinidad and Tobago by registration under subsection (1) of this section shall be entitled, upon making application within such time and in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(4) Any woman who before the 31st August 1962 had been married to a person who becomes, or would but for his death have become, entitled to be registered as a citizen of Trinidad and Tobago under subsection (1) of this section, but whose marriage had been terminated by death or dissolution of marriage, shall be entitled, upon making application before the 31st August 1964 in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(5) The provisions of this section shall be without prejudice to the provisions of section 9 of this Constitution.

(6) Notwithstanding anything contained in this section, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Trinidad and Tobago, be entitled to be registered as a citizen of Trinidad and Tobago under the provisions of this section unless he renounces his citizenship of that other country and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

Persons naturalised or registered before 31st August 1962.

11.—(1) Any person who on the 30th August 1962 was a citizen of the United Kingdom and Colonies—

(*a*) having become such a citizen under the British Nationality Act, 1948(a) by virtue of his having been naturalised in Trinidad or in Tobago as a British subject before that Act came into force; or

(*b*) having become such a citizen by virtue of his having been naturalised or registered in the former Colony of Trinidad and Tobago under that Act,

shall be entitled, upon making application before the 1st January 1967 in such manner as may be prescribed, to be registered as a citizen of Trinidad and Tobago:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

(2) Notwithstanding anything contained in subsection (1) of this section, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Trinidad and Tobago, be entitled to be registered as a citizen of Trinidad and Tobago under the provisions of that subsection unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

Acquisition of citizenship by birth or descent by persons born after 30th August 1962.

12.—(1) Every person born in Trinidad and Tobago after the 30th August 1962 shall become a citizen of Trinidad and Tobago at the date of his birth:

Provided that a person shall not become a citizen of Trinidad and Tobago by virtue of this subsection if at the time of his birth—

(*a*) neither of his parents was a citizen of Trinidad and Tobago and his father possessed such immunity from suit and legal process

(a) 11 & 12 Geo. 6. c. 56.

as is accorded to an envoy of a foreign sovereign power accredited to Trinidad and Tobago; or

(*b*) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

(2) A person born outside Trinidad and Tobago after the 30th August 1962 shall become a citizen of Trinidad and Tobago at the date of his birth if at that date his father is a citizen of Trinidad and Tobago otherwise than by virtue of this subsection or subsection (2) of section 9 of this Constitution.

Marriage to citizen of Trinidad and Tobago.

13.—(1) Any woman who, after the 30th August 1962, marries a person who is or becomes a citizen of Trinidad and Tobago shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(2) Notwithstanding subsection (1) of this section, a woman shall not, if she is a citizen of some country other than Trinidad and Tobago, be entited to be registered as a citizen of Trinidad and Tobago under the provisions of that subsection unless she renounces her citizenship of that other country and makes and registers such declaration of her intentions concerning residence or employment as may be prescribed:

Provided that where she cannot renounce her citizenship of the other country under the law of that country she may instead make such declaration concerning that citizenship as may be prescribed.

Dual citizenship.

14.—(1) Any person who, upon his attainment of the age of twenty-one years, was a citizen of Trinidad and Tobago and also a citizen of some country other than Trinidad and Tobago shall cease to be a citizen of Trinidad and Tobago upon his attainment of the age of twenty-two years (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Trinidad and Tobago by virtue of subsection (2) of section 9 of this Constitution, has made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(2) A person who—

(*a*) has attained the age of twenty-one years before the 31st August 1962; and

(*b*) becomes a citizen of Trinidad and Tobago on that day by virtue of the provisions of section 9 of this Constitution; and

(*c*) is immediately after that day also a citizen of some country other than Trinidad and Tobago,

shall cease to be a citizen of Trinidad and Tobago on the 31st August 1964 (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Trinidad and Tobago by virtue of subsection (2) of section 9 of this Constitution, made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(3) A citizen of Trinidad and Tobago shall cease to be such a citizen if—

(*a*) having attained the age of twenty-one years, he acquires the citizenship of some country other than Trinidad and Tobago by voluntary act (other than marriage); or

(*b*) having attained the age of twenty-one years, he otherwise acquires the citizenship of some country other than Trinidad and Tobago and has not, before the expiration of one year after the date on which he acquired the citizenship of that other country, renounced his citizenship of that other country and made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(4) For the purposes of this section, where, under the law of a country other than Trinidad and Tobago, a person cannot renounce his citizenship of that other country, he may instead make such declaration concerning that citizenship as may be prescribed.

Commonwealth citizens.

15.—(1) Every person who under this Constitution or any Act of Parliament is a citizen of Trinidad and Tobago or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act, 1948 or who continues to be a British subject under section 2 of that Act shall by virtue of that status have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, Tanganyika, Jamaica and the State of Singapore.

Criminal liability of Commonwealth citizens.

16.—(1) A Commonwealth citizen who is not a citizen of Trinidad and Tobago, or a citizen of the Republic of Ireland who is not a citizen of Trinidad and Tobago, shall not be guilty of an offence against any law in force in Trinidad and Tobago by reason of anything done or omitted in any part of the Commonwealth other than Trinidad and Tobago or in the Republic of Ireland or in any foreign country unless—

(*a*) the act or omission would be an offence if he were an alien; and

(*b*) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.

(2) In this section "foreign country" means a country (other than the Republic of Ireland) that is not part of the Commonwealth.

Powers of Parliament.

17. Parliament may make provision—

(*a*) for the acquisition of citizenship of Trinidad and Tobago by persons who do not become citizens of Trinidad and Tobago by virtue of the provisions of this Chapter;

(*b*) for depriving of his citizenship of Trinidad and Tobago any person who is a citizen of Trinidad and Tobago otherwise than by virtue of—

(i) section 9 or subsection (1) of section 12 of this Constitution ; or

(ii) subsection (2) of section 12 of this Constitution in relation to a person born outside Trinidad and Tobago whose father at the date of that person's birth is a citizen of Trinidad and Tobago by virtue of subsection (1) of section 9 or subsection (1) of section 12 of this Constitution ; or

(*c*) for the renunciation by any person of his citizenship of Trinidad and Tobago.

Interpretation.

18.—(1) In this Chapter—

" alien " means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland ;

" British protected person " means a person who is a British protected person for the purposes of the British Nationality Act, 1948 ;

" prescribed " means prescribed by or under any Act of Parliament ;

" Tobago " means the island of Tobago and the territorial waters thereof ;

" Trinidad " means the island of Trinidad and the territorial waters thereof.

(2) Any reference in this Chapter to the father of a person shall, in relation to a person born out of wedlock and not legitimated, be construed as a reference to the mother of that person.

(3) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(4) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death ; and where that death occurred before the 31st August 1962 and the birth occurred after the 30th August 1962, the national status that the father would have had if he had died on the 31st August 1962 shall be deemed to be his national status at the time of his death.

CHAPTER III

THE GOVERNOR-GENERAL

Establishment of office of Governor-General.

19. There shall be a Governor-General and Commander-in-Chief of Trinidad and Tobago, who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Trinidad and Tobago.

20. A person appointed to the office of Governor-General shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament. Oaths to be taken by Governor-General.

21. Whenever the office of Governor-General is vacant or the holder of the office is absent from Trinidad and Tobago or is for any reason unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by such person as Her Majesty may appoint. Discharge of Governor-General's functions during vacancy, &c.

CHAPTER IV

PARLIAMENT

PART 1

Composition of Parliament

22. There shall be a Parliament of Trinidad and Tobago which shall consist of Her Majesty, a Senate and a House of Representatives. Establishment of Parliament.

The Senate

23.—(1) The Senate shall consist of twenty-four members (in this Constitution referred to as "Senators") who shall be appointed by the Governor-General in accordance with this section. Composition of Senate.

(2) Of the twenty-four Senators—

(*a*) thirteen shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister;

(*b*) four shall be appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition; and

(*c*) seven shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted those religious, economic or social bodies or associations from which the Prime Minister considers that such Senators should be selected.

24. Subject to the provisions of section 25 of this Constitution, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he is a citizen of Trinidad and Tobago of the age of thirty years or upwards. Qualifications for appointment as Senator.

25.—(1) No person shall be qualified to be appointed as a Senator who— Disqualifications for appointment as Senator.

(*a*) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily or is under a declaration of allegiance to such a country;

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

(*c*) is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago ;

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

(*e*) is under sentence of death imposed on him by a court or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by a court or substituted by competent authority for some other sentence imposed on him by 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 virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections ; or

(*g*) is not qualified to be registered as an elector at a Parliamentary election under any law in force in Trinidad and Tobago.

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

(*a*) his holding or acting in any office or appointment (either individually or by reference to a class of office or appointment) ;

(*b*) his belonging to any of the armed forces of the Crown or to any class of person that is comprised in any such force ; or

(*c*) his belonging to any police force or to any class of person that is comprised in any such force.

(3) For the purposes of paragraph (*e*) of subsection (1) of this section—

(*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.

Tenure of office of Senators.

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

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

(*a*) if he is absent from the sittings of the Senate for such period and in such circumstances as may be prescribed in the rules of procedure of the Senate ;

(*b*) 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 ;

(*c*) if he ceases to be a citizen of Trinidad and Tobago ;

(*d*) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a Senator, would

cause him to be disqualified for appointment as such by virtue of subsection (1) of section 25 of this Constitution or any law enacted in pursuance of subsection (2) of that section; or

(*e*) if the Governor-General, acting in accordance with the advice of the Prime Minister in the case of a Senator appointed in accordance with that advice, or in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed in accordance with that advice, declares the seat of that Senator to be vacant.

(3) (*a*) If circumstances such as are referred to in paragraph (*d*) of subsection (2) of this section 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 provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the President of the Senate may, 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 an 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 paragraph (*a*) of this subsection and he may resume the performance of his functions as a Senator.

Appointment of temporary Senators.

27.—(1) Whenever a Senator is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago or by virtue of the provisions of subsection (3) of section 26 of this Constitution or by reason of illness, the Governor-General may appoint a person qualified for appointment as a Senator to be temporarily a member of the Senate during such absence, suspension or illness.

(2) Subsections (1) and (2) of section 26 of this Constitution shall apply in relation to a person appointed under this section as they apply in relation to a Senator (except that paragraph (*d*) of the said subsection (2) shall apply as if it were not expressed to be subject to subsection (3) of the said section 26) and an appointment made under this section shall in any case cease to have effect if the person appointed is notified by the Governor-General that the circumstances giving rise to his appointment have ceased to exist.

(3) In the exercise of the powers conferred upon him by this section the Governor-General shall act—

(*a*) in accordance with the advice of the Prime Minister in relation to a Senator appointed in pursuance of paragraph (*a*) of subsection (2) of section 23 of this Constitution;

(*b*) in accordance with the advice of the Leader of the Opposition in relation to a Senator appointed in pursuance of paragraph (*b*) of subsection (2) of the said section 23;

(*c*) in accordance with the advice of the Prime Minister after such consultation by the Prime Minister as is specified in paragraph (*c*) of subsection (2) of the said section 23, in relation to a Senator appointed in pursuance of that paragraph.

President and Vice-President.

28.—(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 Parliament, 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 Parliament, 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 Parliament 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 Trinidad and Tobago, 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 subsection (3) of section 26 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 or the Vice-President is required to cease to perform his functions as a Senator by virtue of subsection (3) of section 26 of this Constitution, 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 subsection (3) of section 26 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.

29.—(1) Subject to the provisions of this section, the House of Representatives shall consist of members who shall be elected in the manner provided by Parliament.

(2) There shall be thirty members of the House of Representatives or such other number of members as corresponds with the number of constituencies as provided for by an Order made by the Governor-General under section 54 of this Constitution.

(3) 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 or other number of members aforesaid.

Qualifications for election as member.

30. Subject to the provisions of section 31 of this Constitution, 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 citizen of Trinidad and Tobago of the age of twenty-one years or upwards, and

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

Disqualifications for election as member.

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

(*a*) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily or is under a declaration of allegiance to such a country;

(*b*) is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago;

(*c*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Trinidad and Tobago;

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

(*e*) is disqualified for membership of the House of Representatives by any law in force in Trinidad and Tobago 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;

(*f*) is disqualified for membership of the House of Representatives by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections; or

(*g*) is not qualified to be registered as an elector at a Parliamentary election under any law in force in Trinidad and Tobago.

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

(*a*) his holding or acting in any office or appointment (either individually or by reference to a class of office or appointment);

(*b*) his belonging to any of the armed forces of the Crown or to any class of person that is comprised in any such force; or

(*c*) his belonging to any police force or to any class of person that is comprised in any such force.

(3) For the purposes of paragraph (*d*) of subsection (1) of this section—

(*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.

Tenure of office of members.

32.—(1) Every member of the House of Representatives shall vacate his seat in the House at the next dissolution of Parliament 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 Trinidad and Tobago, 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 rules of procedure of the House;

(*c*) if he ceases to be a citizen of Trinidad and Tobago;

(*d*) subject to the provisions of subsection (3) of this section, 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 subsection (1) of section 31 of this Constitution or any law enacted in pursuance of subsection (2) of that section.

(3) (*a*) If circumstances such as are referred to in paragraph (*d*) of subsection (2) of this section 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 provisions

of this section, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, 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 paragraph (*a*) of this subsection and he may resume the performance of his functions as a member of the House.

Speaker and Deputy Speaker.

33.—(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 Parliament, 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 House:

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

(*a*) he is not a citizen of Trinidad and Tobago; or

(*b*) he is a person disqualified for election as a member of the House of Representatives by virtue of subsection (1) of section 31 of this Constitution or any law enacted in pursuance of subsection (2) of that section.

(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 Parliament, 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 Parliament, 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 House—

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

(ii) if he ceases to be a citizen of Trinidad and Tobago; or

(iii) if any circumstances arise that would cause him to be disqualified for election as a member of the House by virtue of subsection (1) of section 31 of this Constitution or any law enacted in pursuance of subsection (2) of that section;

(*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 Trinidad and Tobago, 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 subsection (3) of section 32 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 or the Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives by virtue of subsection (3) of section 32 of this Constitution, 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 the provisions of subsection (3) of section 32 of this Constitution, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.

Qualifications of voters.

34. Subject to such disqualifications as Parliament may prescribe, a person shall be qualified to vote at an election of members to serve in the House of Representatives if, and shall not be qualified to vote at such an election unless, he—

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

(*b*) has such other qualifications regarding residence or registration as may be prescribed by Parliament.

Determination of questions as to membership.

35.—(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 subsection (3) of section 26 or subsection (3) of section 32 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,

shall be determined by the High Court in accordance with the provisions of any law in force in Trinidad and Tobago.

(2) Proceedings for the determination of any question referred to in subsection (1) of this section shall not be instituted except with the leave of a judge of the High Court.

(3) An appeal shall lie to the Court of Appeal from—

(*a*) the decision of a judge of the High Court granting or refusing leave to institute proceedings for the determination of any question referred to in subsection (1) of this section;

(*b*) the determination by the High Court of any such question.

(4) No appeal shall lie from any decision of the Court of Appeal given in an appeal brought in accordance with subsection (3) of this section.

PART 2

Powers and Procedure of Parliament

Power to make laws.

36. Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Trinidad and Tobago.

Freedom of speech in proceedings in Parliament.

37. No civil or criminal proceedings may be instituted against any member of either House for words spoken before, or written in a report to, the House of which he is a member or a committee thereof or any joint committee of the Senate and the House of Representatives or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise.

Alteration of this Constitution.

38.—(1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act, 1962(**a**).

(2) In so far as it alters—

(*a*) sections 1 to 8 (inclusive), sections 84, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100 or 101; or

(*b*) section 105 in its application to any of the provisions specified in paragraph (*a*) of this subsection,

a bill for an Act of Parliament under this section shall not be passed by Parliament unless at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House.

(3) In so far as it alters—

(*a*) this section;

(*b*) sections 19, 22, 23, 29, 34, 37, subsection (2) of section 49, subsections (2), (3) and (4) of section 50, sections 51, 53, 54, 55, 73, 74, 75, 76, 78, 79, 80, 82, 83 or 89 or the Second Schedule;

(a) 10 & 11 Eliz. 2. c. 54.

(*c*) section 105 in its application to any of the provisions specified in paragraph (*a*) or (*b*) of this subsection ; or

(*d*) any of the provisions of the Trinidad and Tobago Independence Act, 1962,

a bill for an Act of Parliament under this section shall not be passed by Parliament unless it is supported at the final voting thereon

(i) in the House of Representatives by the votes of not less than three-fourths of all the members of the House ; and

(ii) in the Senate by the votes of not less than two-thirds of all the members of the Senate.

(4) For the purposes of subsections (2) and (3) of this section the number of members of the Senate shall, notwithstanding the appointment of temporary members in accordance with section 27 of this Constitution, be deemed to be the number of members specified in subsection (1) of section 23 of this Constitution.

(5) The provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) the Trinidad and Tobago Independence Act, 1962 shall not be altered except in accordance with the provisions of this section.

(6) In this section—

(*a*) references to any of the provisions of this Constitution or the Trinidad and Tobago Independence Act, 1962 include references to any law that amends or replaces that provision ; and

(*b*) references to the alteration of any of the provisions of this Constitution or the Trinidad and Tobago Independence Act, 1962 include references to the amendment, modification or re-enactment with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of a different provision in lieu of that provision.

Regulation of procedure in Houses of Parliament.

39.—(1) Subject to the provisions of this Constitution, each House may regulate its own procedure.

(2) Each House may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after the commencement of this Constitution or after any dissolution of Parliament) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

Oath of allegiance.

40. No member of either House shall take part in the proceedings of that House (other than proceedings necessary for the purposes of this section) until he has made and subscribed before that House the oath of allegiance :

Provided that the election of a President and Vice-President of the Senate and 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 and subscribed such oath.

Presiding in Senate and House of Representatives.

41.—(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 section 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.

42.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in either House 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 this section, 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.

Quorum.

43.—(1) If at any sitting of either House any member of the House 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 by that House, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

(2) For the purposes of this section—

(*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 House shall not be included in reckoning whether there is a quorum of that House present.

Mode of exercising legislative power.

44.—(1) Subject to the provisions of this Constitution, the power of Parliament to make laws shall be exercised by bills passed by the Senate and the House of Representatives and assented to by the Governor-General on behalf of Her Majesty.

(2) When a Bill is presented to the Governor-General for assent, he shall signify that he assents or that he withholds assent.

(3) A Bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

Introduction of Bills, &c.

45.—(1) A Bill other than a Money Bill may be introduced in either House; a Money Bill shall not be introduced in the Senate.

(2) Except on the recommendation or with the consent of the Cabinet neither House 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 Trinidad and Tobago or for altering any such charge otherwise than by reducing it; or

(iii) for compounding or remitting any debt due to Trinidad and Tobago;

(*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.

46.—(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 the Senate, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General 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-General for assent in pursuance of subsection (1) of this section, the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that subsection have been complied with.

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

47.—(1) If any Bill other than a Money Bill is passed by the House of Representatives in two successive sessions (whether or not Parliament 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-General for assent notwithstanding that the Senate has not consented to the Bill:

Provided that the foregoing provisions of this subsection shall not have effect unless at least six 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 House in the second session.

(2) For the purposes of this section 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 House 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 section 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-General for assent in pursuance of this section 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-General for assent in pursuance of this section the certificate of the Speaker signed by him that the provisions of this section have been complied with.

(6) The provisions of this section shall not apply to a Bill for an Act of Parliament which is required by section 5 or section 38 of this Constitution to be supported at the final voting thereon in the Senate by the votes of not less than three-fifths or two-thirds respectively of all the members of the Senate.

Provisions relating to sections 45, 46 and 47.

48.—(1) In sections 45, 46 and 47 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 subsection 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 section 47 of this Constitution, 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 function conferred upon him by section 46 or 47 of this Constitution or subsection (1) of this section, that function may be performed by the Deputy Speaker.

(4) A certificate of the Speaker or the Deputy Speaker under section 46 or 47 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court.

(5) Before giving any certificate under section 46 or 47 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.

PART 3

Summoning, Prorogation and Dissolution

Sessions of Parliament.

49.—(1) Each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the Governor-General may by Proclamation appoint.

(2) There shall be a session of each House once at least in every year, so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

Prorogation and dissolution of Parliament.

50.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may at any time prorogue or dissolve Parliament.

(2) Subject to the provisions of subsection (3) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(3) At any time when Trinidad and Tobago is at war, Parliament may extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) If, between a dissolution of Parliament 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 Prime Minister, it is necessary for the two Houses to be summoned before that general election can be held, the Governor-General, acting in accordance with the advice of the Prime Minister, may summon the two Houses of the preceding Parliament and that Parliament shall thereupon be deemed (except for the purposes of section 51 of this Constitution) 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.

General elections and appointment of Senators.

51.—(1) A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of Parliament as the Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint.

(2) As soon as practicable after every general election, the Governor-General shall proceed under section 23 of this Constitution to the appointment of Senators.

PART 4

Delimitation of Constituencies

Constituencies.

52.—(1) Trinidad and Tobago shall be divided into thirty constituencies or such other number as may be provided for by an Order made by the Governor-General in accordance with the provisions of this Part and each such constituency shall return one member to the House of Representatives.

(2) Not less than two such constituencies shall be in the island of Tobago.

Boundaries Commission.

53.—(1) There shall be a Boundaries Commission for Trinidad and Tobago (in this Part referred to as " the Commission ").

(2) The members of the Commission shall be a Chairman and not less than two nor more than four other members.

(3) The members of the Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(4) A person shall not be qualified to hold the office of a member of the Commission if he is a Minister, a Parliamentary Secretary, a Senator, a temporary member of the Senate, a member of the House of Representatives or a public officer.

(5) Subject to the provisions of this section, a member of the Commission shall vacate his office—

(*a*) at the expiration of five years from the date of his appointment; or

(*b*) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) A member of the Commission shall not be removed from office except in accordance with the provisions of this section.

(8) The Commission may regulate its own procedure, and, with the consent of the Prime Minister or a Minister designated by the Prime Minister for the purpose, confer powers and impose duties on any public officer or on any authority of the Government of Trinidad and Tobago for the purpose of the discharge of its functions; and at any meeting of the Commission a quorum shall be constituted if three members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(9) In the exercise of its functions under this Constitution, save as otherwise provided in subsection (8) of this section, the Commission shall not be subject to the control or direction of any other person or authority.

Procedure for review of constituency boundaries.

54.—(1) The Commission shall, in accordance with the provisions of this section, review the number and boundaries of the constituencies into which Trinidad and Tobago is divided and submit to the Speaker reports either—

(*a*) showing the constituencies into which it recommends that Trinidad and Tobago 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 to the existing number or boundaries of constituencies in order to give effect to the said rules.

(2) Reports under subsection (1) of this section shall be submitted by the Commission—

(*a*) in the case of its first report after the day on which this Constitution comes into force, not less than one nor more than five years from that day; and

(*b*) in the case of any subsequent report, not less than two nor more than five years from the date of the submission of its last report.

(3) As soon as may be after the Commission has submitted a report under paragraph (*a*) of subsection (1) of this section, the Minister designated by the Prime Minister for this purpose (in this section called "the Minister") shall lay before the House of Representatives for its approval the draft of an Order by the Governor-General 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.

(4) Where any draft made under this section 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.

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

(6) If any draft made under this section is approved by resolution of the House of Representatives, the Minister shall submit it to the Governor-General who shall make an Order 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-General in accordance with the provisions of this section, shall have the force of law.

(7) The question of the validity of any Order by the Governor-General purporting to be made under this section 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 5

Elections Commission

Elections Commission.

55.—(1) There shall be an Elections Commission for Trinidad and Tobago.

(2) The members of the Elections Commission shall be a Chairman and not less than two nor more than four other members.

(3) The members of the Elections Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(4) A person shall not be qualified to hold the office of a member of the Elections Commission if he is a Minister, a Parliamentary Secretary, a Senator, a temporary member of the Senate, a member of the House of Representatives or a public officer.

(5) Subject to the provisions of this section, a member of the Elections Commission shall vacate his office—

(*a*) at the expiration of five years from the date of his appointment; or

(*b*) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Elections Commission may be removed from office only for inability to discharge the functions thereof (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) A member of the Elections Commission shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under subsection (8) of this section and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removal of a member of the Elections Commission from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(*a*) the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, from among persons who hold or have held office as a 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; and

(*b*) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the member of the Elections Commission ought to be removed from office for inability as aforesaid or for misbehaviour.

(9) The Elections Commission may regulate its own procedure, and, with the consent of the Prime Minister or a Minister designated by the Prime Minister for the purpose, confer powers and impose duties on any public officer or on any authority of the Government of Trinidad and Tobago for the purpose of the discharge of its functions; and at any meeting of the Commission a quorum shall be constituted if three members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(10) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Elections Commission.

(11) In the exercise of its functions under subsection (9), save as otherwise therein provided, and subsection (10) of this section the Elections Commission shall not be subject to the direction or control of any other person or authority.

CHAPTER V

Executive Powers

Exercise of executive authority of Trinidad and Tobago.

56.—(1) The executive authority of Trinidad and Tobago is vested in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Trinidad and Tobago may be exercised on behalf of Her Majesty by the Governor-General, either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the Governor-General.

The Cabinet.

57.—(1) There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.

(2) The Cabinet shall consist of the Prime Minister and such number of other Ministers (of whom one shall be the Attorney-General), as may be appointed in accordance with the provisions of section 58 of this Constitution.

Appointment of Ministers.

58.—(1) Whenever there shall be occasion for the appointment of a Prime Minister, the Governor-General shall appoint as Prime Minister—

(*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 Prime Minister.

(2) Subject to the provisions of subsection (3) of this section, the Ministers other than the Prime Minister shall be such persons as the Governor-General, acting in accordance with the advice of the Prime Minister, 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) If occasion arises for making an appointment to the office of Prime Minister while Parliament is dissolved, a person who was a member of the House of Representatives immediately before the dissolution may, notwithstanding any other provision of this section, be appointed as Prime Minister.

(5) If occasion arises for making an appointment to the office of any other Minister while Parliament is dissolved, a person who, immediately before the dissolution, was a Senator or a member of the House of Representatives may, subject to the provisions of subsection (3) of this section, be appointed as a Minister.

Tenure of office of Ministers.

59.—(1) If the House of Representatives passes a resolution, supported by the votes of a majority of all the members of the House, declaring that it has no confidence in the Prime Minister and the Prime Minister does not within seven days of the passing of such a resolution either resign or advise the Governor-General to dissolve Parliament, the Governor-General shall revoke the appointment of the Prime Minister.

(2) The Prime Minister shall also vacate his office—

(*a*) when after any dissolution of Parliament he is informed by the Governor-General that the Governor-General is about to reappoint him as Prime Minister or to appoint another person as Prime Minister; or

(*b*) if for any reason other than a dissolution of Parliament he ceases to be a member of the House of Representatives.

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

(*a*) when any person is appointed or re-appointed as Prime Minister;

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

(*c*) if his appointment is revoked by the Governor-General acting in accordance with the advice of the Prime Minister.

(4) If at any time the Prime Minister is required under the provisions of subsection (3) of section 32 of this Constitution to cease to perform his functions as a member of the House of Representatives, he shall cease during such time to perform any of his functions as Prime Minister.

(5) If at any time a Minister other than the Prime Minister is required under the provisions of subsection (3) of section 26 or subsection (3) of section 32 of this Constitution to cease to perform his functions as a member of the House to which he belongs, he shall cease during such time to perform any of his functions as a Minister.

Performance of functions of Prime Minister during absence, illness or suspension.

60.—(1) Whenever the Prime Minister is absent from Trinidad and Tobago or is unable by reason of illness or of the provisions of subsection (4) of section 59 of this Constitution to perform the functions conferred upon him by this Constitution, the Governor-General may authorise some other member of the Cabinet to perform those functions (other than the functions conferred by this section) and that member may perform those functions until his authority is revoked by the Governor-General.

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:

Provided that if the Governor-General considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness, or if the Prime Minister is unable to tender advice by reason of the provisions of subsection (4) of section 59 of this Constitution, the Governor-General may exercise those powers without the advice of the Prime Minister.

Allocation of portfolios to Ministers.

61. The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the government of Trinidad and Tobago, including the administration of any department of government.

Functions of Attorney-General.

62.—(1) The Attorney-General 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 court in respect of any offence against the law of Trinidad and Tobago;

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

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

(2) The powers of the Attorney-General under subsection (1) of this section may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Attorney-General by paragraphs (*b*) and (*c*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) In the exercise of powers conferred upon him by this section the Attorney-General shall not be subject to the direction or control of any other person or authority.

(5) For the purposes of this section, 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 shall be deemed to be part of those proceedings.

Exercise of Governor-General's powers.

63.—(1) The Governor-General shall, in the exercise of his functions, act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where by this Constitution or any other law he is required to act in accordance with the advice of any person or authority other than the Cabinet:

Provided that the Governor-General shall act in accordance with his own deliberate judgment in the performance of the following functions—

(*a*) in the exercise of the power to appoint the Prime Minister conferred upon him by subsection (1) or (4) of section 58 of this Constitution;

(*b*) in the exercise of the powers conferred upon him by section 60 of this Constitution (which relates to the performance of the functions of the Prime Minister during absence, illness or suspension) in the circumstances described in the proviso to subsection (2) of that section;

(*c*) in the exercise of the power to appoint the Leader of the Opposition and to revoke any such appointment conferred upon him by section 66 of this Constitution; and

(*d*) in signifying his approval for the purposes of subsection (3) of section 93 of this Constitution of an appointment to an office on his personal staff.

(2) Where by this Constitution the Governor-General is required to act in accordance with or on the advice or recommendation of, or on the representation of, any person or authority, the question whether he has in any case received, or acted in accordance with or on, such advice, recommendation or representation shall not be enquired into in any court.

(3) The reference in subsection (1) of this section to the functions of the Governor-General shall be construed as a reference to his powers and duties in the exercise of the executive authority of Trinidad and Tobago and to any other powers and duties conferred or

imposed on him as Governor-General by or under this Constitution or any other law.

Governor-General to be informed concerning matters of government.

64. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Trinidad and Tobago and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Trinidad and Tobago.

Parliamentary Secretaries.

65.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the Senators and the members of the House of Representatives to assist Ministers in the performance of their duties :

Provided that, if occasion arises for making an appointment while Parliament is dissolved, a person who was a Senator or a member of the House of Representatives immediately before the dissolution may be appointed as a Parliamentary Secretary.

(2) The office of a Parliamentary Secretary shall become vacant—

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

(*b*) upon the appointment or re-appointment of any person as Prime Minister ; or

(*c*) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs.

Leader of the Opposition.

66.—(1) There shall be a Leader of the Opposition who shall be appointed by the Governor-General.

(2) Whenever there shall be occasion for the appointment of a Leader of the Opposition, the Governor-General shall appoint the member of the House of Representatives who, in his judgment, 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.

(3) The Leader of the Opposition shall vacate his office if—

(*a*) after any dissolution of Parliament he is informed by the Governor-General that the Governor-General is about to appoint another person as Leader of the Opposition ;

(*b*) for any reason other than a dissolution of Parliament he ceases to be a member of the House of Representatives ;

(*c*) under the provisions of subsection (3) of section 32 of this Constitution he is required to cease to perform his functions as a member of the House of Representatives ; or

(*d*) his appointment is revoked under the provisions of subsection (4) of this section.

(4) If in the judgment of the Governor-General the Leader of the Opposition is no longer the leader in the House of Representatives of the party which commands the support of the largest number of members of the House in opposition to the Government, the Governor-General shall revoke the appointment of the Leader of the Opposition.

(5) Subsection (4) of this section shall not have effect while Parliament is dissolved.

Oaths to be taken by Ministers, &c.

67. A Minister or a Parliamentary Secretary shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Permanent secretaries.

68. Where any Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a permanent secretary, whose office shall be a public office:

Provided that two or more government departments may be placed under the supervision of one permanent secretary.

Constitution of offices, &c.

69. Subject to the provisions of this Constitution and of any Act of Parliament, the Governor-General may constitute offices for Trinidad and Tobago, make appointments to any such office and terminate any such appointment.

Powers of pardon, &c.

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

(*a*) grant to any person convicted of any offence against the law of Trinidad and Tobago 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) The powers of the Governor-General under subsection (1) of this section shall be exercised by him in accordance with the advice of a Minister designated by him, acting in accordance with the advice of the Prime Minister.

Advisory Committee on Prerogative of Mercy.

71. There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of—

(*a*) the Minister referred to in subsection (2) of section 70 of this Constitution, who shall be Chairman;

(*b*) the Attorney-General; and

(*c*) not more than four other members appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

Functions of Advisory Committee.

72.—(1) Where an offender has been sentenced to death by any court for an offence against the law of Trinidad and Tobago, 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 Advisory Committee.

(2) The Minister may consult with the Advisory Committee before tendering any advice to the Governor-General under subsection (2) of section 70 of this Constitution in any case not falling within subsection (1) of this section.

(3) The Minister shall not be obliged in any case to act in accordance with the advice of the Advisory Committee.

(4) The Advisory Committee may regulate its own procedure.

(5) In this section "the Minister" means the Minister referred to in subsection (2) of section 70 of this Constitution.

CHAPTER VI

THE JUDICATURE

PART 1

The Supreme Court

Establishment of Supreme Court.

73. There shall be a Supreme Court of Judicature for Trinidad and Tobago consisting of a High Court of Justice (hereinafter referred to as "the High Court") and a Court of Appeal with such jurisdiction and powers as are conferred on those Courts respectively by this Constitution or any other law.

The High Court

Constitution of High Court.

74.—(1) (*a*) The Chief Justice of Trinidad and Tobago shall be, *ex-officio*, a Judge of the High Court.

(*b*) The other Judges of the High Court shall be such number of Puisne Judges as may be prescribed by Parliament.

(2) No office of Judge of the High Court shall be abolished while there is a substantive holder thereof.

(3) The High Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court, including all such powers as are vested in the Supreme Court of Trinidad and Tobago immediately before the commencement of this Constitution.

Appointment of Puisne Judges.

75.—(1) The Puisne Judges shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(2) A person shall not be appointed a Puisne Judge unless he has such qualifications for appointment as may be prescribed by Parliament.

(3) If the office of any Puisne Judge is vacant or if any such Judge is for any reason unable to perform the functions of his office or if the state of business in the High Court so requires, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint a person qualified for appointment as a Puisne Judge to be temporarily a Puisne Judge of the High Court:

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

(4) Any person appointed under this section to be temporarily a Puisne Judge of the High Court shall hold office until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

Tenure of office of Puisne Judges.

76.—(1) Subject to the provisions of this section a person holding the office of a Puisne Judge shall vacate that office on attaining the age of sixty-two years.

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person holding the office of a Puisne Judge may, with the permission of the Governor-General, acting in accordance with the advice of the Chief Justice, continue in office for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A Puisne Judge may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(4) A Puisne Judge shall be removed from office by the Governor-General if the question of removal of that judge has, at the request of the Governor-General, made in pursuance of subsection (5) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under any 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 for misbehaviour.

(5) If the Judicial and Legal Service Commission represents to the Governor-General that the question of removing a Puisne Judge under this section ought to be investigated, then

(*a*) the Governor-General shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Prime Minister after consultation with the Judicial and Legal Service Commission, from among persons who hold or have held office as a 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 ;

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

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

(6) If the question of removing a Puisne Judge from office has been referred to a tribunal under subsection (5) of this section, the Governor-General, acting in accordance with the advice of the Chief Justice, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Chief Justice, and shall in any case cease to have effect—

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

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

(7) The provisions of this section shall be without prejudice to the provisions of subsection (4) of section 75 of this Constitution.

Oaths to be taken by Puisne Judges.

77. A Puisne Judge shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and the oath for the due execution of his office set out in the First Schedule to this Constitution.

The Court of Appeal

Constitution of Court of Appeal.

78.—(1) The Judges of the Court of Appeal shall be the Chief Justice, who shall be President of the Court, and such number of Justices of Appeal as may be prescribed by Parliament.

(2) No office of Judge of the Court of Appeal shall be abolished while there is a substantive holder thereof.

(3) The Court of Appeal shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

Appointment of Judges of Court of Appeal.

79.—(1) The Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) The Justices of Appeal shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(3) A person shall not be appointed a Judge of the Court of Appeal unless he has such qualifications for appointment as may be prescribed by Parliament.

(4) (*a*) If the office of Chief Justice is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the Justices of Appeal as may be designated in that behalf by the Governor-General, acting in accordance with the advice of the Prime Minister.

(*b*) If the office of any Justice of Appeal 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 or the state of business in the Court of Appeal so requires, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint a person qualified for appointment as a Judge of the Court of Appeal to be temporarily a Justice of Appeal:

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

(5) Any person appointed under this section to be temporarily a Justice of Appeal shall hold office until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

Tenure of office of Judges of Court of Appeal.

80.—(1) Subject to the provisions of this section, a person holding the office of a Judge of the Court of Appeal shall vacate that office on attaining the age of sixty-five years.

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person holding the office of a Judge of the Court of Appeal may, with the permission of the Governor-General, acting in accordance with the advice of the Chief Justice, continue in office for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A Judge of the Court of Appeal may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(4) A Judge of the Court of Appeal shall be removed from office by the Governor-General if the question of removal of that Judge has, at the request of the Governor-General, made in pursuance of subsection (5) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under any 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 for misbehaviour.

(5) If the Prime Minister, in the case of the Chief Justice, or the Judicial and Legal Service Commission, in the case of a Justice of Appeal, represents to the Governor-General that the question of removing a Judge under this section ought to be investigated, then—

(*a*) the Governor-General shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Prime Minister in the case of the Chief Justice or the Prime Minister after consultation with the Judicial and Legal Service Commission in the case of a Justice of Appeal, from among persons who hold or have held office as a 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;

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

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

(6) If the question of removing a Judge from office has been referred to a tribunal under subsection (5) of this section, the Governor-General, acting in accordance with the advice of the Prime Minister in the case of the Chief Justice or the Chief Justice in the case of a Justice of Appeal, may suspend the Judge from performing the functions of his office, and any such suspension may at any time be

revoked by the Governor-General, acting in accordance with the advice of the Prime Minister in the case of the Chief Justice or the Chief Justice in the case of a Justice of Appeal, and shall in any case cease to have effect—

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

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

(7) The provisions of this section shall be without prejudice to the provisions of subsection (5) of section 79 of this Constitution.

Oaths to be taken by Judges of Court of Appeal.

81. A Judge of the Court of Appeal shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and the oath for the due execution of his office set out in the First Schedule to this Constitution.

PART 2

Appeals to Her Majesty in Council

Appeals from Court of Appeal to Her Majesty in Council.

82.—(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases—

(*a*) where the matter in dispute on the appeal to Her Majesty in Council is of the value of fifteen hundred dollars or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of fifteen hundred dollars or upwards, final decisions in any civil proceedings;

(*b*) final decisions in proceedings for dissolution or nullity of marriage;

(*c*) final decisions in any civil, criminal or other proceedings which involve a question as to the interpretation of this Constitution; and

(*d*) such other cases as may be prescribed by Parliament.

(2) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases—

(*a*) where in the opinion of the Court of Appeal the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to Her Majesty in Council, decisions in any civil proceedings; and

(*b*) such other cases as may be prescribed by Parliament.

(3) Nothing in this section shall affect any right of Her Majesty to grant special leave to appeal from decisions of the Court of Appeal to Her Majesty in Council in any civil, criminal or other matter.

(4) The foregoing provisions of this section shall be subject to the provisions of subsection (4) of section 35 of this Constitution.

PART 3

Judicial and Legal Service Commission

Judicial and Legal Service Commission.

83.—(1) There shall be a Judicial and Legal Service Commission for Trinidad and Tobago.

(2) The members of the Judicial and Legal Service Commission shall be—

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

(*b*) such other Judge of the Court of Appeal or the High Court as may be designated by the Governor-General, acting in accordance with the advice of the Prime Minister;

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

(*d*) two other members who shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) The following provisions shall apply in relation to the members of the Judicial and Legal Service Commission to be appointed under paragraph (*d*) of subsection (2) of this section—

(*a*) one such person shall not be qualified for appointment as such unless he is or has been a 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;

(*b*) before tendering any advice to the Governor-General with respect to the other such person the Prime Minister shall consult with appropriate bodies and organisations;

(*c*) a person appointed as such may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour:

Provided that if such person is a Judge of the Court of Appeal or a Judge of the High Court, he shall not be so removed unless, in accordance with the provisions of section 80 or section 76, as the case may be, of this Constitution, he is removed from his office as a Judge;

(*d*) a person appointed as such shall not be removed from office except in accordance with the provisions of this subsection; and

(*e*) subject to the provisions of this subsection, a person appointed as such shall vacate his office at the expiration of three years from the date of his appointment.

Appointments, &c., of judicial officers.

84.—(1) Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies (including power to make appointments on promotion and transfer and to confirm appointments) and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission:

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section, by directions in writing, to any of its members or to any Judge of the Court of Appeal or the High Court.

(2) This section applies to such public offices for appointment to which persons are required to possess legal qualifications as may be prescribed by Parliament.

(3) (*a*) Before the Judicial and Legal Service Commission makes any appointment to the office of Solicitor-General, Chief Legal Draftsman, Registrar-General or Crown Solicitor it shall consult with the Prime Minister.

(*b*) A person shall not be appointed to any such office if the Prime Minister signifies to the Judicial and Legal Service Commission his objection to the appointment of that person to that office.

CHAPTER VII

FINANCE

Establishment of Consolidated Fund.

85.—(1) All revenues or other moneys raised or received by Trinidad and Tobago (not being revenues or other moneys payable under this Constitution or any other law into some other public fund established for a specific purpose) shall, unless Parliament otherwise provides, be paid into and form one Consolidated Fund.

(2) No moneys shall be withdrawn from the Consolidated Fund except to meet expenditure that is charged upon the Fund by this Constitution or any Act of Parliament or where the issue of those moneys has been authorised by an Appropriation Act or an Act passed in pursuance of section 87 of this Constitution.

(3) No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys has been authorised by an Act of Parliament.

(4) No moneys shall be withdrawn from the Consolidated Fund or any other public fund except in the manner prescribed by or under any law.

Authorisation of expenditure from Consolidated Fund.

86.—(1) The Minister responsible for finance shall cause to be prepared and laid before the House of Representatives before or not later than thirty days after the commencement of each financial year estimates of the revenues and expenditure of Trinidad and Tobago for that year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament) shall be included in a bill, to be known as an appropriation bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure, and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found—

(*a*) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act; or

(*b*) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by the Act,

a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives and the heads of any such expenditure shall be included in a supplementary appropriation bill.

Authorisation of expenditure in advance of appropriation.

87. Parliament may make provision under which, if the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the Minister responsible for finance may authorise the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of thirty days from the beginning of that financial year or the coming into operation of the Act, whichever is the earlier.

Contingencies Fund.

88.—(1) Parliament may provide for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

Remuneration of Governor-General and certain other officers.

89.—(1) There shall be paid to the holders of the offices to which this section applies such salaries as may be prescribed by or under any law.

(2) The salaries and allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.

(3) The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment, and, for the purposes of this subsection, in so far as the terms of service of any person depend upon the option of that person, the terms for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted.

(4) This section applies to the offices of Governor-General, Chief Justice, a Justice of Appeal, a Puisne Judge, the members of the Judicial and Legal Service Commission appointed under paragraph (*d*) of subsection (2) of section 83 of this Constitution, a member of the Public Service Commission, a member of the Police Service Commission, a member of the Elections Commission and the Auditor-General.

Establishment of office and functions of Auditor-General.

90.—(1) There shall be an Auditor-General for Trinidad and Tobago, whose office shall be a public office.

(2) The public accounts of Trinidad and Tobago and of all officers, courts and authorities of Trinidad and Tobago shall be audited and reported on annually by the Auditor-General and for that purpose the Auditor-General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Auditor-General shall submit his reports annually to the Minister responsible for finance, who shall cause them to be laid before

the House of Representatives within thirty days of the receipt thereof by him or, if the House of Representatives is not sitting, within thirty days of the commencement of the next sitting of the House of Representatives.

(4) If the Minister fails to lay any reports before the House of Representatives in accordance with subsection (3) of this section the Auditor-General shall, forthwith on the expiration of the period for the laying thereof, transmit copies of such reports to the Speaker of the House of Representatives who shall, as soon as practicable, present them to the House of Representatives.

(5) In the exercise of his functions under this Constitution the Auditor-General shall not be subject to the direction or control of any other person or authority.

Public debt.

91.—(1) The public debt of Trinidad and Tobago shall be secured on the revenues and assets of Trinidad and Tobago.

(2) In this section references to the public debt of Trinidad and Tobago include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

CHAPTER VIII

THE PUBLIC SERVICE

The Public Service Commission

Public Service Commission.

92.—(1) There shall be a Public Service Commission for Trinidad and Tobago which shall consist of a Chairman, a Deputy Chairman and not less than two or more than four other members.

(2) The members of the Public Service Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) A person shall not be qualified to be appointed to or to hold the office of a member of the Public Service Commission if he is a Senator or a temporary member of the Senate or a member of the House of Representatives or a Minister or a Parliamentary Secretary or if he holds or is acting in or has held any public office within the period of three years immediately preceding such appointment.

(4) A person who has held office or acted as a member of the Public Service Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment to any public office.

(5) The office of a member of the Public Service Commission shall become vacant at the expiration of five years from the date of his appointment or such shorter period, not being less than three years, as may be specified at the time of his appointment.

(6) A member of the Public Service Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) A member of the Public Service Commission shall not be removed from office except in accordance with the provisions of this section.

(8) 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-General, acting in accordance with the advice of the Prime Minister, 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 subsection (3) of this section, continue to act until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

Appointments, &c., of public officers.

93.—(1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in public offices (including power to make appointments on promotion and transfer and to confirm appointments) and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission:

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section, by directions in writing, to any of its members or to any public officer.

(2) This section 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 it applies to public offices and to persons holding or acting in those offices.

(3) No appointment shall be made under this section to any office on the personal staff of the Governor-General unless the Governor-General signifies his approval of the appointment.

(4) Before the Public Service Commission appoints to any public office any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Judicial and Legal Service Commission, it shall consult with that Commission.

(5) Before the Public Service Commission appoints to any public office any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Police Service Commission, it shall consult with that Commission.

(6) The Public Service Commission shall not remove, or inflict any punishment on, a public officer on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him unless the Judicial and Legal Service Commission concurs therein.

(7) (*a*) Before the Public Service Commission makes any appointment to an office to which this subsection applies it shall consult with the Prime Minister.

(*b*) A person shall not be appointed to an office to which this subsection applies if the Prime Minister signifies to the Public Service Commission his objection to the appointment of that person to that office.

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

House of Representatives or a Minister or a Parliamentary Secretary or if he holds or is acting in or has held any public office within the period of three years immediately preceding such appointment.

(4) A person who has held office or acted as a member of the Police Service Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment to any public office.

(5) The office of a member of the Police Service Commission shall become vacant at the expiration of five years from the date of his appointment or such shorter period, not being less than three years, as may be specified at the time of his appointment.

(6) A member of the Police Service Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) A member of the Police Service Commission shall not be removed from office except in accordance with the provisions of this section.

(8) If the office of a member of the Police Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, 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 subsection (3) of this section, continue to act until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

Appointments, &c., of police officers.

99.—(1) Power to appoint persons to hold or act in offices in the Police Force (including appointments on promotion and transfer and the confirmation of appointments) and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission:

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or to the Commissioner of Police or any other officer of the Police Force.

(2) Before the Police Service Commission appoints to any office in the Police Force any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Judicial and Legal Service Commission, it shall consult with that Commission.

(3) Before the Police Service Commission appoints to any office in the Police Force any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Public Service Commission, it shall consult with that Commission.

(4) The Police Service Commission shall not remove, or inflict any punishment on, the holder of an office in the Police Force on the grounds of any act done or omitted to be done by him in the exercise of a judicial function conferred upon him unless the Judicial and Legal Service Commission concurs therein.

(5) Before the Police Service Commission makes an appointment to the office of Commissioner or Deputy Commissioner of Police it shall consult the Prime Minister, and a person shall not be appointed to such an office if the Prime Minister signifies to the Police Service Commission his objection to the appointment of that person to such an office.

Pensions

Protection of pension rights.

100.—(1) Subject to the provisions of section 101 of this Constitution, the law applicable to any benefits to which this section applies shall, in relation to any person who has been granted, or who is eligible for the grant of, such benefits, be that in force on the relevant date or any later law that is not less favourable to that person.

(2) In this section " the relevant date " means—

(*a*) in relation to any benefits granted before the 31st August 1962, the date on which those benefits were granted ;

(*b*) in relation to any benefits granted or to be granted on or after the 31st August 1962 to or in respect of any person who was a public officer before that date, the 30th August 1962 ;

(*c*) in relation to any benefits granted or to be granted to or in respect of any person who becomes a public officer on or after the 31st August 1962, the date on which he becomes a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) Any benefit to which this section applies (not being a benefit that is a charge upon some other public fund of Trinidad and Tobago) shall be a charge upon the Consolidated Fund.

(5) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law relating to the time at which and the manner in which any person may retire in order to become eligible for those benefits.

(7) For the purposes of this section and of section 101 of this Constitution, service as a Judge of the High Court or the Court of Appeal shall be deemed to be public service.

Powers of Commissions in relation to grant of pensions, etc.

101.—(1) Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any person or authority under any law those benefits shall not be so withheld, reduced in amount or suspended—

(*a*) in the case of benefits that have been granted in respect of the service in the public service of any person who at the time when he ceased to be a public officer was subject to the jurisdiction of the Judicial and Legal Service Commission or for which any person may be eligible in respect of such service, without the approval of that Commission ; or

(*b*) in the case of benefits that have been granted in respect of the service in the public service of any person who at the time when

he ceased to be a public officer was subject to the jurisdiction of the Police Service Commission or for which any person may be eligible in respect of such service, without the approval of that Commission ; or

(*c*) in any other case, without the approval of the Public Service Commission.

(2) No benefits to which this section applies that have been granted to or in respect of any person who is or has been a Judge of the High Court or a Judge of the Court of Appeal or for which any such person or his widow, children, dependants or personal representatives may be eligible shall be withheld, reduced in amount or suspended on the ground that that person has been guilty of misbehaviour unless that person has been removed from his office as judge by reason of such misbehaviour.

(3) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the widows, children, dependants or personal representatives of such persons in respect of such service.

CHAPTER IX

MISCELLANEOUS

Powers and procedure of Service Commissions, and protection from legal proceedings.

102.—(1) Subject to the provisions of subsection (3) of this section, a Commission to which this section applies may, with the consent of the Prime Minister, by regulation or otherwise regulate its own procedure, including the procedure for the consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer or on any authority of the Government of Trinidad and Tobago for the purpose of the discharge of its functions.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, a Commission to which this section applies may by regulation make provision for the review of its findings in disciplinary cases.

(3) At any meeting of a Commission to which this section applies a quorum shall be constituted if three members are present, and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(4) The question whether—

(*a*) a Commission to which this section applies has validly performed any function vested in it by or under this Constitution ;

(*b*) any member of such a Commission or any other person has validly performed any function delegated to such member or person in pursuance of the provisions of subsection (1) of section 84, or subsection (1) of section 93, or subsection (1) of section 99, as the case may be, of this Constitution ; or

(*c*) any member of such a Commission or any other person has validly performed any other function in relation to the work of

the Commission or in relation to any such function as is referred to in the preceding paragraph ;

shall not be enquired into in any court.

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

Resignations.

103.—(1) Subject to the provisions of this Constitution, any person who is appointed or elected to or otherwise selected for any office established by this Constitution (including the office of Prime Minister or other Minister, or Parliamentary Secretary) may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected.

(2) The resignation of any person from any such office as aforesaid shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

Re-appointments, etc.

104.—(1) Where any person has vacated any office established by this Constitution (including the office of Prime Minister or other Minister, or Parliamentary Secretary), he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office ; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

Interpretation.

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

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

" the Commonwealth " means Trinidad and Tobago, any country to which section 15 of this Constitution applies and any dependency of any such country ;

" court " means any court of law in Trinidad and Tobago other than a court martial and shall be construed as including Her Majesty in Council ;

" financial year " means any period of twelve months beginning on the first day of January in any year or such other date as Parliament may prescribe ;

" general election " means a general election of members to serve in the House of Representatives ;

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

" law " includes any instrument having the force of law and any unwritten rule of law and " lawful " and " lawfully " shall be construed accordingly ;

"oath" includes affirmation;

"oath of allegiance" means the oath of allegiance set out in the First Schedule to this Constitution or such other oath as may be prescribed by Parliament;

"Parliament" means the Parliament of Trinidad and Tobago;

"parliamentary election" means an election of a member or members to serve in the House of Representatives;

"the Police Force" means the Police Force established for Trinidad and Tobago and in respect of which provision is made in the Police Ordinance(a) of Trinidad and Tobago;

"public office" means an 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, subject to the provisions of subsection (4) of this section, the service of the Crown in a civil capacity in respect of the government of Trinidad and Tobago and includes the service of the Crown in a civil capacity in respect of the government of the former Colony of Trinidad and Tobago; but does not include service as a Judge of the High Court or as a Judge of the Court of Appeal;

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

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

"Trinidad and Tobago" has the meaning attributed to that expression in the Trinidad and Tobago Independence Act, 1962.

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

(*a*) a reference to an appointment to any office shall be construed as including a reference to the appointment of a person to act in or perform the functions of that office at any time when the office is vacant or the holder thereof is unable (whether by reason of absence or infirmity of mind or body or any other cause) to perform the functions of that office; and

(*b*) a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(3) 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.

(a) Laws of Trinidad and Tobago 1950, c. 11. No. 1.

(4) 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 or temporary member of the Senate or Speaker, Deputy Speaker or member of the House of Representatives; or

(*c*) that he is a member of any Commission established by this Constitution; or

(*d*) that he is a member of any board, committee or other similar body (whether incorporated or not) established by any law in force in Trinidad and Tobago.

(5) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

(*a*) nothing in this subsection shall be construed as conferring on any person or authority power to require a Judge of the High Court or a Judge of the Court of Appeal or the Auditor-General to retire from the public service; and

(*b*) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Public Service Commission.

(6) 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.

(7) The Interpretation Act, 1889(a), as in force at the commencement of this Constitution shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purposes of interpreting, and in relation to, Acts of the Parliament of the United Kingdom.

FIRST SCHEDULE

OATH OF ALLEGIANCE AND JUDICIAL OATH

Section 105 (1).

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.

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

3. *Judicial Oath*

Sections 77 and 81.

I, ... do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of..... and will do right to all manner of people after the laws and usages of Trinidad and Tobago without fear or favour, affection or ill will.

So help me God.

4. *Judicial Affirmation*

I, ... do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of ..... and will do right to all manner of people after the laws and usages of Trinidad and Tobago without fear or favour, affection or ill will.

SECOND SCHEDULE

Section 54 (1).

BOUNDARIES OF CONSTITUENCIES

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

Provided that the electorate in any constituency in Trinidad shall not exceed one hundred and ten per cent. nor be less than ninety per cent. of the total electorate of Trinidad divided by the number of constituencies therein.

2. The number of constituencies in Tobago shall not be less than two; and subject thereto the proviso to paragraph 1 of this Schedule (with the substitution therein of the word "Tobago" for the word "Trinidad" wherever the same occurs) shall apply in relation to constituencies in Tobago as it applies in relation to constituencies in Trinidad.

3. 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.

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

5. In this Schedule "Trinidad" means the island of Trinidad and the territorial waters thereof, and "Tobago" means the island of Tobago and the territorial waters thereof.

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

EXPLANATORY NOTE

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

By virtue of the Trinidad and Tobago Independence Act, 1962, Trinidad and Tobago will attain fully responsible status within the Commonwealth on the 31st August 1962. This Order makes provision for a new Constitution for Trinidad and Tobago with effect from that date including provision for the executive government, the legislature, the judicature and the public service. The Constitution also contains provisions relating to citizenship of Trinidad and Tobago and fundamental rights and freedoms of the individual.