1960 No. 1961

The Trinidad and Tobago (Electoral Provisions) Order in Council, 1960

Made - - - - *26th October*, 1960
Coming into Operation *1st November*, 1960

At the Court at Buckingham Palace, the 26th day of October 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959(a) (hereinafter referred to as "the existing Orders") there is established a Legislative Council in and for the Territory of Trinidad and Tobago:

And Whereas it is proposed that in due course, in place of the said Legislative Council, there shall be established a Legislature, one chamber of which shall be called "the House of Representatives" (hereinafter referred to as "the proposed House of Representatives") containing thirty Elected Members:

And Whereas it is expedient that the existing Legislature established by the existing Orders should be empowered to make provision for the election of Members to the proposed House of Representatives, notwithstanding that the same has not yet been established by Order of Her Majesty in Council:

And Whereas it is also expedient that a Boundaries Commission should be established for the purpose of delimiting the electoral districts for the return of Members to the proposed House of Representatives:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her by the Trinidad and Tobago Act, 1887(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Trinidad and Tobago (Electoral Provisions) Order in Council, 1960.

(2) This Order shall come into operation on the first day of November, 1960.

Interpretation

2. The provisions of section 1 of the Trinidad and Tobago (Constitution) Order in Council, 1950, as amended, shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Order.

Electoral Districts

3. For the purpose of the election of Members to the proposed House of Representatives the Territory shall be divided into thirty electoral districts.

(a) S.I. 1950/510, 1956/835, 1959/1044 (1950 II, p. 1156; 1956 II, p. 2393; 1959 I, p. 509). (b) 50 & 51 Vict. c. 44.

Boundaries Commission

4.—(1) There shall be established for the Territory a Boundaries Commission (hereinafter referred to as "the Commission") for the purpose of defining the boundaries of the thirty electoral districts for the return of Members to the proposed House of Representatives.

(2) The members of the Commission shall be—

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

(*b*) a Judge of the Supreme Court of the Territory who shall be Vice Chairman and shall be appointed by the Governor;

(*c*) two Elected Members who shall be appointed by the Governor on the advice of the Premier; and

(*d*) one Elected Member who shall be appointed by the Governor on the advice of the leader in the Legislative Council of the party which commands the support of the largest number of Elected Members in opposition to the Government.

(3) (*a*) If a member of the Commission, other than the Speaker, is ill or is for any reason unable to perform the functions of his office a person may be appointed to act as a temporary member of the Commission, and any person so appointed shall continue to act until he is notified by the Governor that the circumstances which gave rise to his appointment have ceased to exist.

(*b*) A person shall be appointed to be a temporary member of the Commission in the same manner as the member of the Commission in whose place the temporary member is required to act, was appointed, that is to say, under paragraph (*b*), (*c*) or (*d*), as the case may be, of subsection (2) of this section.

(*c*) If the Speaker is unable by reason of illness or any other cause to perform the functions of his office of Chairman of the Commission, the Vice Chairman shall act in the place of the Speaker.

(4) (*a*) The Governor may make regulations providing for allowances to be paid to members of the Commission.

(*b*) The allowances of the members of the Commission shall be a charge on the revenues of the Territory and shall be paid out therefrom upon warrant under the hand of the Governor.

(*c*) The office of a member of the Commission shall not be an office of emolument under the Crown for any of the purposes of the existing Orders.

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

(*a*) if he resigns his office by writing under his hand addressed to the Governor; or

(*b*) if he ceases to be the Speaker, or a Judge of the Supreme Court, or an Elected Member, as the case may be.

(6) In the event of a difference of opinion arising among the members of the Commission the opinion of the majority of the members shall prevail.

(7) The provisions of sections 11 and 12 of the Commissions of Enquiry Ordinance(a) as in force on the date of the commencement of this Order shall apply in relation to members of the Commission as they apply in relation to commissioners appointed under that Ordinance.

(a) Laws of Trinidad and Tobago, 1950, Ch. 7, No. 2 (Vol. I, p. 883).

Report of Boundaries Commission

5. The Commission shall, within ten weeks of the commencement of this Order, submit to the Legislative Council a report showing the boundaries of the thirty electoral districts of the Territory created for the purpose of the election of Members to the proposed House of Representatives.

Boundaries Commission to be guided by certain general principles

6.—(1) In the discharge of its duties the Commission shall be guided by the following general principles:—

(*a*) that each Member of the proposed House of Representatives should represent approximately 12,000 voters;

(*b*) that special attention should 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 proposed House of Representatives;

(*c*) that natural boundaries such as major highways and rivers should be used wherever possible.

(2) The principles set out in subsection (1) of this section shall apply in the delimitation by the Commission of the electoral districts in Trinidad and in Tobago.

Procedure on report of Boundaries Commission

7.—(1) As soon as may be after the Commission has submitted its report to the Legislative Council under section 5 of this Order the Minister charged with responsibility for the conduct of elections (hereinafter in this section called "the Minister") shall lay before the Legislative Council for its approval the draft of an Order by the Governor for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Minister to be incidental to or consequential upon the other provisions of the draft.

(2) Where any draft made under this section gives effect to any such recommendations with modifications, the Minister shall lay before the Legislative Council, together with the draft, a statement of the reasons for the modifications.

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

(4) If any draft made under this section is approved by resolution of the Legislative Council, the Minister shall submit it to the Governor who shall make an Order (which shall be published in the Gazette) in terms of the draft; and that Order shall come into force on such day as may be specified therein and shall have the force of law in the Territory:

Provided that the coming into force of any such Order shall not affect any election to the proposed House of Representatives until a proclamation is made by the Governor appointing the date for the holding of a general election of Members to the proposed House of Representatives or affect the constitution of the existing Legislative Council until the dissolution of that Council.

(5) The question of the validity of any Order by the Governor purporting to be made under this section and reciting that a draft thereof has been approved by resolution of the Legislative Council shall not be inquired into in any court.

Provision for election of Members to proposed House of Representatives

8.—(1) Provision may be made by or in pursuance of any law enacted under the existing Orders for the election of thirty Members to the proposed House of Representatives, including (without prejudice to the generality of the foregoing power) the following matters, that is to say:—

(*a*) the qualifications and disqualifications of voters;

(*b*) the registration of voters;

(*c*) the ascertainment of the qualifications of candidates for election and of voters;

(*d*) the division of electoral districts for any purpose connected with elections;

(*e*) the holding of elections;

(*f*) the determination of any question which may arise as to whether any person has become a Member of the proposed House of Representatives or as to whether the seat of a Member of the proposed House of Representatives has become vacant;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed House of Representatives, or for registration as a voter, or for voting at elections, of any person concerned in any such offence;

(*h*) the disqualification for election as a Member of the proposed House of Representatives of any person holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register; and

(*i*) the disqualification for election as a Member, or for being a Member, of the proposed House of Representatives of any person holding or acting in any specified office of emolument under the Crown.

(2) No election of Members to the proposed House of Representatives shall be held under any law enacted in pursuance of subsection (1) of this section until provisions shall have been made by Order of Her Majesty in Council for the establishment of the proposed House of Representatives and those provisions shall have come into operation; but the registration of voters in pursuance of any such law may take place at any time after the commencement of this Order.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order enables the existing Legislature of the Territory of Trinidad and Tobago to make provision for the election of Members to a new House of Representatives which it is proposed should be established for the Territory. The Order also establishes a Boundaries Commission for the purpose of delimiting the electoral districts for the return of Members to the proposed House of Representatives.