EXPLANATORY NOTE

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

This Order provides for conferring on the Federal Supreme Court of the Federation established by the West Indies (Federation) Order in Council, 1957, jurisdiction to hear and determine appeals from superior courts of the Virgin Islands, provides that any such jurisdiction shall be in substitution for jurisdiction conferred by the West Indian Court of Appeal Act, 1919, on the court established thereby to hear and determine appeals from those courts, and makes provision for certain incidental, consequential and transitional matters.

WEST INDIES (FEDERATION)

1957 No. 1364

The West Indies (Federation) Order in Council, 1957

Made - - - - 31*st July,* 1957

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At the Court at Goodwood House, the 31st day of July, 1957

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 1 of the British Caribbean Federation Act, 1956(a), 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:—

ESTABLISHMENT OF FEDERATION

Establishment of Federation

1.—(1) Subject to the provisions of this Order, there shall be established a Federation constituted in accordance with the provisions of the Constitution set out in the Annex to this Order (in this Order referred to as "the Constitution").

(2) The following provisions of the Constitution, that is to say—

(*a*) Chapter I;

(*b*) article 45;

(*c*) articles 55, 56, 57 and 58;

(*d*) Chapter V except article 88;

(*e*) articles 97, 98, 99 and 100;

(*f*) Chapters VII, VIII and IX,

shall come into force on such date as Her Majesty may by Order in Council appoint(b):

Provided that at any time after the making of this Order—

(i) Her Majesty may appoint a person to be Governor-General of the Federation;

(ii) the powers conferred on the Governor of a Territory by article 107 of the Constitution to make regulations may be exercised by him in accordance with the provisions of that article; and

(iii) the registration of electors for elections to the House of Representatives may take place in any Territory in accordance with the laws which, under article 107 of the Constitution, govern that matter as respects that Territory and any regulations made under that article by the Governor of that Territory.

(3) Subject to the next following section, the remaining provisions of the Constitution shall not come into force until such date as the Governor-General may by proclamation appoint, and for the purposes of this subsection the Governor-General may appoint different dates with respect to different provisions:

Provided that article 88 of the Constitution shall not come into force in relation to any Territory until such date as the Governor-General may appoint for that Territory, being a date not earlier than the commencement of a law made in pursuance of article 83 of the Constitution and conferring jurisdiction on the Federal Supreme Court to hear and determine appeals in civil matters from any superior court of that Territory.

Exercise by Governor-General of certain powers during initial period

2.—(1) During the period commencing with the date appointed under subsection (2) of the last foregoing section and ending when the House

(a) 4 & 5 Eliz. 2. c. 63. (b) 3.1.58, *see* p. 3074 of this volume.

of Representatives first meets, the Governor-General may by regulations exercise any of the legislative powers conferred upon the Federal Legislature by the Constitution (other than the powers conferred by subparagraph (*c*) of paragraph (1) of article 17, article 18 and paragraph (*h*) of article 21 and the power to make laws with respect to customs and excise duties) to such extent as he may consider necessary or expedient.

(2) Any such regulations shall be published in the Gazette and shall not come into force until they have been so published.

(3) Any regulations made under this section shall be deemed to be laws enacted by the Federal Legislature and, if subsisting at the date when the House of Representatives first meets, shall continue to have effect thereafter as if so enacted except in so far as they are amended or revoked by a subsequent law of the Federal Legislature.

(4) Notwithstanding anything contained in the Constitution, during the period aforesaid the Governor-General may, subject to subsection (6) of this section and to any instructions that Her Majesty may see fit to give him, exercise or perform any of the powers or duties conferred on him by the Constitution without having consulted, or obtained the advice of, any other person or authority.

(5) During the period aforesaid, any sums received on account of the Federation may be appropriated by the Governor-General to such purposes of the Federal Government as he sees fit.

(6) (*a*) Until the Public Service Commission for which provision is made by article 102 of the Constitution (in this subsection referred to as "the permanent Commission") is ready to assume its functions, there shall be a temporary Public Service Commission to advise the Governor-General on the exercise of the powers vested in him by paragraph (1) of article 103 of the Constitution and the provisions of articles 103 and 104 of the Constitution shall apply in relation to the temporary Public Service Commission as they apply in relation to the permanent Commission.

(*b*) The temporary Public Service Commission shall consist of such persons as the Governor-General may, by writing under his hand, appoint.

(*c*) A member of the temporary Public Service Commission shall hold office for such term as may be specified in the instrument by which he is appointed, and he shall in any case vacate his office if the Governor-General revokes his appointment thereto or if he resigns his office by writing under his hand addressed to the Governor-General.

(*d*) When the permanent Commission is ready to assume its functions the Governor-General shall, by writing under his hand, give notice to that effect to the temporary Public Service Commission and, on the date of that notice, or on such later date as may be specified in that notice, the temporary Public Service Commission shall cease to exist.

GENERAL

Jurisdiction of Federal Supreme Court to be in substitution for jurisdiction of West Indian Court of Appeal

3. No appeal shall lie from a Superior Court of any Territory to the Court established by the West Indian Court of Appeal Act, 1919(**a**), in any case in which, by virtue of a law enacted under article 83 of the Constitution, an appeal lies to the Federal Supreme Court.

(**a**) 9 & 10 Geo. 5. c. 47.

Adaptation of enactments, etc.

4.—(1) The following enactments(**a**) shall have effect as if references therein to a possession of Her Majesty or to a colony included a reference to the Federation as a whole as well as to each of the Territories individually, that is to say—

(*a*) Section 20 of the Judicial Committee Act, 1833;

(*b*) Sections 15 and 17 of the Statutory Declarations Act, 1835;

(*c*) the (Colonies) Evidence Act, 1843;

(*d*) the Slave Trade Act, 1843;

(*e*) the Judicial Committee Act, 1844;

(*f*) the Admiralty Offences (Colonial) Act, 1849;

(*g*) the Evidence Act, 1851;

(*h*) the Evidence by Commission Act, 1859;

(*i*) the Colonial Affidavits Act, 1859;

(*j*) the Admiralty Offences (Colonial) Act, 1860;

(*k*) the Colonial Letters Patent Act, 1863;

(*l*) the Colonial Laws Validity Act, 1865;

(*m*) the Colonial Marriages Act, 1865;

(*n*) the Documentary Evidence Act, 1868;

(*o*) the Pensions (Colonial Service) Act, 1887.

(2) Unless the Federal Legislature by law otherwise provides, the Extradition Acts, 1870 to 1935(**a**), shall have effect as if there were no Federal Legislature.

(3) The following enactments(**a**) shall have effect as if there were no Federal Legislature, that is to say—

(*a*) the Colonial Prisoners Removal Act, 1869;

(*b*) the Fugitive Offenders Acts, 1881 and 1915;

(*c*) the Colonial Prisoners Removal Act, 1884.

(4) Notwithstanding section 18 of the Interpretation Act, 1889(**a**), the territories comprised in the Federation shall not, unless the Federal Legislature by law otherwise provides, be deemed to be one colony for the purposes of the British Nationality Act, 1948(**a**);

Provided that the definition of "Crown service under Her Majesty's Government in the United Kingdom" in subsection (1) of section 32 of that Act shall have effect as if the reference to the service of the Crown under the Government of any colony included both a reference to such service under the Federal Government and a reference to such service under the Government of any Territory.

(5) Notwithstanding section 18 of the Interpretation Act, 1889(**a**), the following enactments(**a**) shall have effect as if the expressions "British possession", "colony" and "colonial territory" therein included a reference to each of the Territories individually as well as to the Federation as a whole, that is to say—

(*a*) the Colonial Courts of Admiralty Act, 1890;

(*b*) the Colonial Officers (Leave of Absence) Act, 1894;

(*c*) sections 735 and 736 of the Merchant Shipping Act, 1894;

(**a**) For session and chapter of Acts referred to in this section see Table at end of Order (at p. 263).

(*d*) the Colonial Boundaries Act, 1895 ;

(*e*) section 91A of the Patents and Designs Act, 1907 ;

(*f*) the Colonial Development and Welfare Acts, 1940 to 1955 ;

(*g*) the Overseas Resources Development Acts, 1948 to 1956 ;

(*h*) subsection (2) of section 68 of the Patents Act, 1949 ;

(*i*) subsection (2) of section 13 of the Registered Designs Act, 1949 ;

(*j*) subsection (1) of section 31 of the Copyright Act, 1956.

(6) The Colonial Leave of Absence Act, 1782(**a**), shall not apply in relation to the office of a judge of any Federal Court or any office in the public service of the Federation.

(7) Any corporation or company incorporated under a law of the Federal Legislature shall be deemed to be a colonial corporation or company within the meaning of section 4 of the Finance Act, 1899(**a**).

(8) The provisions of article 48 of the Constitution annexed to this Order shall apply in relation to a law made for any Territory by virtue of an Order in Council under subsection (1) of section 3 of the Leeward Islands Act, 1956(**a**), as they apply in relation to territorial emergency laws as defined in that article ; and that subsection shall be construed accordingly.

(9) The provisions of article 48 of the Constitution annexed to this Order shall apply in relation to regulations made by the Governor of a Territory under the Emergency Powers Order in Council, 1939(**b**), as amended(**c**), as they apply in relation to territorial emergency laws as defined in that article ; and that Order shall be construed accordingly.

(10) Her Majesty may by Order in Council—

(*a*) make such adaptations and modifications of any further enactment or of any Order in Council, order, regulations or other instrument, being an enactment or instrument relating or referring to any of the Territories and passed or made before the date of the making of this Order, as appear to Her Majesty to be necessary or expedient by reason of the provisions of this Order ; or

(*b*) amend or revoke any previous Order in Council made under this subsection,

and any Order in Council made under this subsection that adapts or modifies an Act of Parliament shall be deemed for the purposes of the Statutory Instruments Act, 1946(**a**), to be made in pursuance of a power conferred by an Act of Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament.

(11) Nothing in the last foregoing subsection shall prejudice any other power to amend any Order in Council, order, regulation or other instrument.

Power to make provision in connection with accession of colonies to Federation

5.—(1) Subject to article 117 of the Constitution (which relates to amendment of the Constitution), Her Majesty may by Order in Council, in connection with the accession to the Federation established by this Order of any other colony (with its dependencies, if any), make provision for anything for which, by virtue of subsection (1) of section 1 of the British Caribbean Federation Act, 1956(**d**), Her Majesty might

(**a**) For session and chapter of Acts referred to in this section see Table at end of Order (at p.263). (**b**) See S.I. 1952 I, at p. 621. (**c**) S.I. 1956/731 (1956 I, p. 512).
(**d**) 4 & 5 Eliz. 2. c. 63.

make provision if the occasion of the accession were that of the establishment of the Federation and the acceding colony were included amongst the colonies specified in the Schedule to that Act.

(2) Any Order in Council made by virtue of this section that makes, or provides for the making of, adaptations or modifications of any Act of Parliament shall be deemed for the purposes of the Statutory Instruments Act, 1946(a), to be made in pursuance of a power conferred by an Act of Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament.

Amendment of Territorial Constitutions

6.—(1) From the date when the Constitution annexed to this Order comes into force the constitutions of the Territories shall have effect subject to the provisions of this Order.

(2) Any power subsisting at the date referred to in subsection (1) of this section to alter the constitution of any of the Territories shall continue after that date, but any such alteration made on or after that date in pursuance of such a power shall, if inconsistent with the provisions of this Order, be void to the extent of that inconsistency.

(3) For the avoidance of doubts it is hereby declared that, except as is provided in subsection (2) of this section, nothing in this Order shall affect any power vested in Her Majesty in Council otherwise than by this Order to make laws for any Territory.

(4) In this section references to this Order include references to the Constitution annexed to this Order.

Power to amend or revoke provisions of Order

7. Her Majesty may by Order in Council amend or revoke any of the provisions of this Order including this section:

Provided that any Order in Council that amends any provision of section 4 or section 5 of this Order or of this section shall be deemed for the purposes of the Statutory Instruments Act, 1946(a), to be made in pursuance of a power conferred by an Act of Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

8. The provisions of article 116 of the Constitution annexed to this Order shall apply for the purpose of interpreting this Order as they apply for interpreting the Constitution.

Citation

9. This Order may be cited as the West Indies (Federation) Order in Council, 1957, and the Annex to this Order may be cited separately as the Constitution of the West Indies.

W. G. Agnew.

ANNEX

THE CONSTITUTION OF THE WEST INDIES

Whereas the peoples of The West Indies consider it essential to their future well-being that the Colonies of Antigua, Barbados, Dominica, Grenada, Jamaica, Montserrat, Saint Christopher Nevis and Anguilla, Saint Lucia, Saint Vincent, and Trinidad and Tobago should be associated in a Federation;

(a) 9 & 10 Geo. 6. c. 36.

And Whereas all inhabitants of these Colonies should continue, under such a Federation, to enjoy the free exercise of their respective modes of religious worship;

And Whereas there should be the greatest possible freedom of movement for persons and goods within such a Federation;

And Whereas it is essential for the economic strength of the area that there should be an integrated trade policy for the Federation and that there should be introduced in the Federation, as far and as quickly as practicable, a customs union, including internal free trade;

Now, therefore, the said Colonies shall be associated in a Federation in accordance with the following provisions:—

CHAPTER I

The Federation

The Federation

1.—(1) The Federation shall be known as The West Indies and shall consist of the Colonies of Antigua, Barbados, Dominica, Grenada, Jamaica, Montserrat, Saint Christopher Nevis and Anguilla, Saint Lucia, Saint Vincent, and Trinidad and Tobago.

(2) A reference in paragraph (1) of this article to any Colony shall be construed as including a reference to the dependencies, if any, of that Colony.

The Governor-General

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

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

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

(3) Before entering on the functions of his office, the Governor-General shall make oaths or affirmations of allegiance and for the due execution of the office of Governor-General and Commander-in-Chief in the forms set out in the First Schedule to this Constitution.

(4) There shall be charged on the revenues of the Federation and paid thereout to the Governor-General the salary and allowance specified in the Second Schedule to this Constitution or such salary and

allowance as the Federal Legislature may by law prescribe in substitution therefor:

Provided that the salary of a Governor-General shall not be reduced during his continuance in office.

Acting Governor-General

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

(*a*) such person as Her Majesty may appoint in that behalf by Commission under Her Sign Manual and Signet; or

(*b*) if there is no person in the Federation so appointed and able to perform those functions, such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

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

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

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

(*a*) by reason only that he is in passage from one part of the Federation to another, or

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

Deputy to Governor-General

4.—(1) Whenever the Governor-General—

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

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

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

he may, in his discretion, by instrument under the public seal, appoint any person in the Federation to be his deputy during such absence or illness, and in that capacity to perform on his behalf such of the functions of the office of Governor-General as may be specified in that instrument.

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

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

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

Constitution of offices for Federation

5.—(1) The Governor-General may, in the name and on behalf of Her Majesty, constitute such offices for the Federation as may be lawfully constituted by Her Majesty and may abolish such offices, and, subject to article 103 of this Constitution, may make appointments to any office so constituted, and any person so appointed shall, unless it is otherwise provided by law, hold office during Her Majesty's pleasure.

(2) The Governor-General shall, in exercise of the power conferred upon him by this article, constitute the following offices, being offices required for the purposes of, or referred to in, this Constitution, that is to say the offices of Attorney-General of the Federation, Clerk of the Senate, Clerk of the House of Representatives, and Secretary to the Governor-General.

Seat of Federal Government

6.—(1) The seat of the Federal Government shall be in the island of Trinidad.

(2) The Governor-General may, by order, declare that any land in the island of Trinidad is an area used or to be used as, or in conjunction with, the seat of the Federal Government:

Provided that the Governor-General shall not, without the consent of the Governor of the Colony of Trinidad and Tobago, make any such declaration with respect to land that is not vested in Her Majesty for the purposes of the Federation or in any person or authority on behalf of the Federation.

(3) The Federal Legislature may make laws for any such area with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List, and the Legislature of the Colony of Trinidad and Tobago may make laws for any such area with respect to any matter that is not included in the Exclusive Legislative List.

CHAPTER II

THE FEDERAL LEGISLATURE

General

Legislative power of Federation

7. The legislative power of the Federation shall be vested in a Federal Legislature consisting of Her Majesty, a Senate and a House of Representatives.

The Senate

Composition of Senate

8.—(1) Subject to article 13 of this Constitution, the Senate shall consist of nineteen members (in this Constitution referred to as "Senators") who shall be appointed by the Governor-General by instrument under the public seal in accordance with this article.

(2) Two Senators shall be appointed for each Territory except Montserrat and one Senator shall be appointed for Montserrat.

(3) In the exercise of the power conferred upon him by this article to appoint a person as a Senator for any Territory the Governor-General shall, subject to the two next following articles, act in his discretion after consultation with the Governor of that Territory.

Qualifications for appointment as Senator

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

(*a*) is a British subject ;

(*b*) has, since attaining the age of twenty-one years, resided in the territory comprised in the Federation for a period of, or periods amounting in the aggregate to, not less than three years ; and

(*c*) is, at the date of his appointment, resident in the Territory for which he is appointed.

Disqualifications for appointment as Senator

10. No person shall be qualified to be appointed as a Senator who—

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

(*b*) holds or is acting in any paid office in the service or appointment of the Crown ;

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

(*d*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Federal Government for or on account of the public service and has not disclosed to the Governor-General the nature of such contract, and his interest, or the interest of such firm or company, therein ;

(*e*) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions and has not been discharged ;

(*f*) being a person possessed of professional qualifications, is disqualified from practising his profession by the order of any competent authority on account of any act involving dishonesty ;

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

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

(*j*) is a person disqualified for membership of the House of Representatives by virtue of any law of the Federal Legislature enacted in pursuance of paragraph (*d*) of article 18 of this Constitution.

Effect on Senator of membership of Legislature or Executive Council of a Territory

11. If at the time of his appointment as a Senator a person is a member of the Legislature or of the Executive Council of any Territory—

(*a*) he shall not take part in the proceedings of the Senate until he has ceased to be a member of that Legislature or Executive Council ; and

(*b*) if he has not ceased to be such a member at the expiration of a period of twenty-one days after the date of his appointment as a Senator he shall thereupon vacate his seat in the Senate.

Tenure of office of Senators

12.—(1) At the end of the period of five years beginning with the date when the Senate first meets after this Constitution comes into force and at the end of each succeeding period of five years thereafter all Senators shall vacate their seats in the Senate, and the term of office of a Senator shall not be affected, and the seat of a Senator shall not become vacant, by reason of a dissolution of the Federal Legislature.

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

(*a*) if he resigns it by writing under his hand addressed to the President of the Senate :

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

(*c*) if, with his consent, he is nominated as a candidate for election to the House of Representatives or to the Legislature of any Territory, or if he is elected to the House of Representatives or to such a Legislature, or if he becomes a member of such a Legislature otherwise than by election ;

(*d*) if he becomes a member of the Executive Council of any Territory ;

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

(*f*) if he becomes a party to any contract with the Federal Government for or on account of the public service or if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that, if in the circumstances it appears to him to be just so to do, the Governor-General, acting in his discretion, may exempt any Senator from vacating his seat under the provisions of this sub-paragraph, if such a Senator, before becoming a party to such contract as aforesaid, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company), discloses to the Governor-General the nature of such contract and his interest, or the interest of such firm or company, therein ;

(*g*) if he is sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding twelve months ; or

(*h*) if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such under paragraph (*a*), (*b*), (*e*), (*f*), (*g*) or (*j*) of article 10 of this Constitution.

(3) (*a*) If the Governor-General is satisfied that a Senator has ceased to be resident in the Territory for which he was appointed he may cause a declaration to that effect to be published in the Gazette, and upon publication of any such declaration the Senator to whom it relates shall vacate his seat in the Senate.

(*b*) The Governor-General shall not regard a Senator as having ceased to be resident in the Territory for which he was appointed by reason only of his residing at the seat of the Federal Government for such periods as may be necessary to enable him to perform his functions as a Senator or the functions of any office held by him in connection with the government of the Federation.

(*c*) In the exercise of the powers conferred upon him by this paragraph the Governor-General shall act in his discretion.

Inability of a Senator and appointment of member of Senate during such inability

13.—(1) If, in his individual judgment, the Governor-General considers that a Senator appointed for any Territory is, by reason of his illness or his absence from the Federation or for any other reason, unable to perform his functions as a Senator, the Governor-General may by instrument under the public seal—

(*a*) declare that that Senator is so unable; and

(*b*) appoint as a member of the Senate for the period of that Senator's inability to perform his functions a person who is qualified to be appointed as a Senator for that Territory.

(2) A Senator who has been declared as aforesaid to be unable to perform his functions as a Senator shall not take part in the proceedings of the Senate until he is declared by the Governor-General by instrument under the public seal again to be able to perform those functions.

(3) In the exercise of the powers conferred upon him by this article the Governor-General shall act in his discretion, but before appointing a person to be a member of the Senate on account of the inability of a Senator appointed for any Territory to perform his functions as a Senator the Governor-General shall consult with the Governor of that Territory.

(4) Articles 11 and 12 of this Constitution shall apply in relation to a member of the Senate appointed under this article as they apply in relation to a Senator, and such a member shall in any case vacate his seat in the Senate when the Senator on account of whose inability to perform his functions he was appointed is declared under paragraph (2) of this article again to be able to perform his functions or when that Senator vacates his seat in the Senate.

President and Vice-President of Senate

14.—(1) When the Senate first meets after this Constitution comes into force or after the occurrence of a vacancy, other than a casual vacancy, in the office of President, the Senate shall, before it proceeds to the despatch of any other business, elect a Senator to be President of the Senate; and if a casual vacancy occurs in the office of President the Senate shall, as soon as practicable, elect another Senator to that office.

(2) When the Senate first meets after this Constitution comes into force or after the occurrence of a vacancy, other than a casual vacancy, in the office of Vice-President, the Senate shall, before it proceeds to the despatch of any other business except the election of the President, elect a Senator to be Vice-President of the Senate; and if a casual vacancy occurs in the office of Vice-President the Senate shall, as soon as convenient, elect another Senator to that office.

(3) The Senate shall not elect a Senator who is a member of the Council of State 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 announces the resignation of his office to the Senate or if, by writing under his hand addressed to the Clerk of the Senate, he resigns that office;

(*b*) if he ceases to be a Senator;

(*c*) if he is appointed to be a member of the Council of State; or

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

(5) References in this article to a casual vacancy in the office of President or Vice-President of the Senate are references to a vacancy in that office occurring for any reason other than the fact that the former holder of that office has vacated his seat in the Senate under paragraph (1) of article 12 of this Constitution.

The House of Representatives

Composition of House of Representatives

15.—(1) Subject to paragraph (2) of this article and to the next following article, the House of Representatives shall consist of forty-five members of whom five shall be elected in Barbados, seventeen in Jamaica, ten in Trinidad and Tobago, one in Montserrat and two in each of the other Territories.

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

Alternate member for Montserrat

16.—(1) In addition to the member to be elected in Montserrat under the last foregoing article (in this Constitution referred to as "the member for Montserrat") there shall be elected in Montserrat a further member of the House of Representatives (in this Constitution referred to as "the alternate member for Montserrat").

(2) The alternate member for Montserrat shall not take part in the proceedings of the House of Representatives except when—

(*a*) the seat of the member for Montserrat is vacant;

(*b*) the member for Montserrat is absent from any sitting of the House with the leave of the House; or

(*c*) the member for Montserrat is absent from any sitting of the House without such leave and the Speaker or other member presiding at the sitting is satisfied that he is absent because he is ill.

(3) No person shall, while he is the alternate member for Montserrat, be nominated as a candidate for election as the member for Montserrat.

(4) Subject to the provisions of paragraphs (2) and (3) of this article, the provisions of this Constitution shall apply in relation to the alternate member for Montserrat as they apply in relation to other members of the House of Representatives.

Qualifications and disqualifications for electors

17.—(1) Subject to the provisions of paragraph (2) of this article a person shall be qualified to be registered as an elector for elections to the House of Representatives in an electoral district if, and shall not be so qualified unless, he—

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

(*b*) has resided in the Territory in which that district is situated for a period of not less than six months immediately before the date of registration; and

(*c*) has such connection (if any) with that district by virtue of residence therein as may be required by any law of the Federal Legislature.

(2) No person shall be qualified to be registered as an elector for elections to the House of Representatives in any electoral district who—

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

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

(*c*) is disqualified for such registration by virtue of any law of the Federal Legislature enacted in pursuance of paragraph (*d*) of article 18 of this Constitution.

(3) No person shall vote at an election to the House of Representatives in any electoral district unless he is registered as an elector for such elections in that district.

Laws as to elections

18. Subject to the provisions of this Constitution, the Federal Legislature may, except as respects the matters referred to in the next succeeding article, make provision by law for the election of members of the House of Representatives and in particular for—

(*a*) the registration of electors;

(*b*) the ascertainment of the qualification of electors and of persons who submit themselves for election;

(*c*) the holding of elections;

(*d*) the definition and trial of offences relating to elections and the imposition of penalties therefor including the disqualification for membership of the House of Representatives or for registration as an elector or for voting at elections of any person concerned in any such offence.

Electoral areas

19.—(1) Montserrat shall form a single electoral area which shall return the member for Montserrat and the alternate member for Montserrat.

(2) Each of the other Territories shall be divided into such electoral areas for the purpose of returning the members of the House of Representatives who are to be elected in that Territory as may be established by or under any law of the Legislature of that Territory, and

each of those electoral areas shall, unless it is provided by or under any such law that that area shall return two or more of those members, return one of those members:

Provided that if in the case of any Territory no provision is made by a law of the Legislature of that Territory for the division of that Territory into electoral areas as aforesaid, that Territory shall form a single electoral area which shall return both or all of the members of the House of Representatives who are to be elected in that Territory.

Qualifications for election as member

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

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

(*b*) has resided in the territory comprised in the Federation for a period of, or periods amounting in the aggregate to, not less than three years before the date of his nomination for election; and

(*c*) has resided in the territory comprised in the Federation for a period of not less than six months immediately before the date of his nomination for election.

Disqualifications for election as member

21. No person shall be qualified to be elected as a member of the House of Representatives who—

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

(*b*) holds or is acting in any paid office in the service or appointment of the Crown;

(*c*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Federal Government for or on account of the public service and has not within one month before the date of election published in the official Gazette of the Territory in which he seeks election and in a newspaper circulating in the electoral district for which he seeks election a notice setting out the nature of such contract and his interest, or the interest of such firm or company, therein;

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

(*e*) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions and has not been discharged;

(*f*) being a person possessed of professional qualifications, is disqualified from practising his profession by the order of any competent authority on account of any act involving dishonesty;

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

(*h*) is disqualified for membership of the House of Representatives by any law of the Federal Legislature by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any electoral register; or

(*j*) is disqualified for membership of the House of Representatives by virtue of any law of the Federal Legislature enacted in pursuance of paragraph (*d*) of article 18 of this Constitution.

Effect on member of membership of Legislature or Executive Council of a Territory

22. If at the time of his election as a member of the House of Representatives a person is a member of the Legislature or of the Executive Council of any Territory—

(*a*) he shall not take part in the proceedings of the House until he has ceased to be a member of that Legislature or Executive Council; and

(*b*) if he has not ceased to be such a member at the expiration of a period of twenty-one days after the date of his election as a member of the House he shall thereupon vacate his seat in the House.

Tenure of office of members

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

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

(*a*) if he resigns it by writing under his hand addressed to the Speaker;

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

(*c*) if, with his consent, he is nominated as a candidate for election to the Legislature of any Territory, or if he is elected to such a Legislature, or if he becomes a member of such a Legislature otherwise than by election;

(*d*) if he becomes a member of the Executive Council of any Territory;

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

(*f*) if he becomes a party to any contract with the Federal Government for or on account of the public service or if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that, if in the circumstances it appears to the House of Representatives to be just so to do, the House may exempt any member from vacating his seat under the provisions of this sub-paragraph, if such member, before becoming a party to such contract as aforesaid, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a

firm or as a director or manager of a company), discloses to the House the nature of such contract and his interest, or the interest of such firm or company, therein ;

(*g*) if he is sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding twelve months ;

(*h*) if he ceases to be resident in the territory comprised in the Federation ; or

(*j*) 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 paragraph (*a*), (*b*), (*e*), (*f*), (*g*), (*h*) or (*j*) of article 21 of this Constitution.

The Speaker and Deputy Speaker

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

(2) The Speaker may be elected either from among the members of the House of Representatives who are not members of the Council of State or from among persons who are not members of the House:

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

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

(*b*) he is a person disqualified for election as a member of the House of Representatives by virtue of paragraph (*a*), (*b*), (*d*), (*e*), (*f*), (*g*), (*h*) or (*j*) of Article 21 of this Constitution.

(3) If a person elected as Speaker of the House of Representatives is a member of the Senate, or a member of the Legislature or the Executive Council of a Territory he shall not enter on the duties of the office of Speaker until he has ceased to be a member of the Senate or of that Legislature or Executive Council, and, if he has not ceased to be such a member at the expiration of seven days after the date of his election as Speaker, he shall thereupon vacate the office of Speaker.

(4) 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 member of the Council of State, to be Deputy Speaker of the House ; and if the office of Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Federal Legislature, the House shall, as soon as convenient, elect another such member to that office.

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

(*a*) on a dissolution of the Federal Legislature ;

(*b*) in the case of a Speaker elected from among the members of the House or in the case of the Deputy Speaker, if he ceases to be a member of the House otherwise than by reason of a dissolution of the Federal Legislature or if he is appointed to be a member of the Council of State ;

(*c*) in the case of a Speaker elected from among persons who are not members of the House of Representatives, if any circumstances arise that would cause him to be disqualified for election to the House of Representatives by virtue of paragraph (*a*), (*b*), (*e*), (*f*), (*g*), (*h*) or (*j*) of article 21 or that, if he were a member of the House of Representatives, would cause him to vacate his seat in that House by virtue of sub-paragraph (*c*), (*d*), (*e*), (*f*) or (*g*) of paragraph (2) of article 23 of this Constitution ;

(*d*) if he announces the resignation of his office to the House of Representatives or if by writing under his hand addressed to the Clerk of the House of Representatives he resigns his office ; or

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

Procedure in Legislature

Oath of allegiance

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

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

Standing Orders

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

Language

27. All proceedings of each chamber of the Federal Legislature shall be conducted in the English language.

Presiding in the Senate and House of Representatives

28.—(1) The President, or in his absence the Vice-President, or if they are both absent such member of the Senate (not being a member of the Council of State) as the Senate may decide, shall preside at any sitting of the Senate.

(2) The Speaker, or in his absence the Deputy Speaker, or if they are both absent such member of the House of Representatives (not being a member of the Council of State) as the House may decide, shall preside at any sitting of the House.

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

Voting

29. Save as otherwise provided in this Constitution, all questions proposed for decision in either chamber of the Federal Legislature

shall be determined by a majority of the votes of the members thereof present and voting:

Provided that 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 he shall have and exercise a casting vote.

Chambers may transact business notwithstanding vacancies etc.

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

Quorum in each chamber

31.—(1) If at any sitting of either chamber of the Federal Legislature a quorum of the chamber is not present and any member of the chamber who is present objects to the transaction of business by that chamber on that account and, after such interval as may be prescribed in the Standing Orders of the chamber, the person presiding at the sitting ascertains that a quorum of the chamber is still not present, he shall adjourn the chamber.

(2) For the purposes of this article—

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

(*b*) a quorum of the House of Representatives shall consist of seventeen members of that House whose number includes four members who have been elected respectively in four different Territories;

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

Introduction of Bills, etc.

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

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

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

(*a*) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the chamber, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Federation or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Federation;

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

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

Restriction of the powers of the Senate as to Money Bills

33.—(1) If a Money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is rejected by the Senate within one month after it is so sent to that chamber, the Bill, with any amendments which are certified by the Speaker to have been made by the Senate and agreed to by the House of Representatives, 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 paragraph (1) of this article the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that paragraph have been complied with.

Restriction of the powers of the Senate as to Bills other than Money Bills

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

Provided that the foregoing provisions of this paragraph shall not have effect unless one year has 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 article a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former Bill, or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The House of Representatives may, if it thinks fit, on the passage through the 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 suggested amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the

exercise of this power by the House of Representatives shall not affect the operation of this article in the event of the rejection of the Bill by the Senate.

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

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

Provisions relating to articles 32, 33 *and* 34

35.—(1) In articles 32, 33 and 34 of this Constitution, "Money Bill" means a Public Bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to any of the matters aforesaid.

(2) For the purposes of articles 33 and 34 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 paragraph (1) of this article or by article 33 or article 34 of this Constitution, that function may be performed by the Deputy Speaker.

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

(5) Before giving any such certificate the Speaker or Deputy Speaker, as the case may be, shall consult the Attorney-General of the Federation or, if the Attorney-General is absent from the seat of the Federal Government, such member of the Attorney-General's staff as the Attorney-General may designate for the purpose.

Assent to Bills

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

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

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

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

(3) When a Bill is presented to the Governor-General for assent he shall, acting in his discretion, declare that he assents or refuses to assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure.

Words of enactment

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

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

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

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

(3) Any alteration of the words of enactment of a Bill made in consequence of the provisions of paragraph (2) of this article shall not be deemed to be an amendment of the Bill.

Miscellaneous

Prorogation and dissolution

38.—(1) The Governor-General may at any time, by proclamation published in the Gazette, prorogue or dissolve the Federal Legislature.

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

General elections

39. A general election of members to the House of Representatives shall be held at such time within three months after every dissolution of the Federal Legislature as the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint by proclamation published in the Gazette.

Sessions of the Senate and House of Representatives

40.—(1) Subject to the provisions of this Constitution the sessions of each chamber of the Federal Legislature shall be held in such place and shall begin at such time as the Governor-General may appoint by proclamation.

(2) The first session of each chamber shall begin within twelve months after the date when this Constitution comes into force; and

thereafter a session of each chamber shall be held from time to time so that a period of twelve months shall not intervene between the date when the chamber last sat in one session and the date appointed for its first sitting in the next session.

Privileges, etc. of chambers

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

Determination of questions as to membership

42. The Federal Supreme Court shall, to the exclusion of any other court, have jurisdiction to determine any question whether—

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

(*b*) any member of the Senate or the House of Representatives has vacated his seat therein ;

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

(*d*) any person who has been elected as Speaker of the House of Representatives from among the members of that House has vacated the office of Speaker by virtue of paragraph (3) of article 24 of this Constitution.

CHAPTER III

LEGISLATIVE POWERS WITHIN THE FEDERATION

Powers of Legislatures of the Federation and the Territories

General provisions regarding powers of Legislatures

43.—(1) Subject to the provisions of this Constitution, the Federal Legislature shall have power to make laws for the peace, order and good government of the Federation with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List and with respect to any matter incidental to any matter so included or incidental to any power conferred by or under this Constitution on the Governor-General, the Federal Judicature or any department, officer or other authority of the Federal Government.

(2) Subject to the provisions of this Constitution, the Legislature of a Territory shall not have power to make laws with respect to any matter that is included in the Exclusive Legislative List :

Provided that, where immediately before the coming into force of this article the Legislature of any Territory had power to make laws with respect to any matter included in the Exclusive Legislative List, that power shall not cease with respect to that matter until such date as the Governor-General may, by proclamation published in the Gazette, appoint, and until that date that matter shall in relation to that Territory be deemed to be included in the Concurrent Legislative List.

(3) Subject to the provisions of this Constitution and of the constitution of the Territory, the Legislature of any Territory (as well as

the Federal Legislature) shall have power to make laws for that Territory with respect to any matter included in the Concurrent Legislative List.

(4) Save as otherwise provided by or under this Constitution the legislative powers of the Legislature of each Territory shall continue in accordance with the constitution of that Territory.

(5) No law of the Federal Legislature shall apply to the Turks and Caicos Islands or the Cayman Islands unless it is in express terms made applicable thereto.

Power to make and revoke additions to Concurrent Legislative List

44.—(1) The Federal Legislature may by law confer on the Legislature of a Territory authority to make laws for that Territory with respect to any matter included in the Exclusive Legislative List.

(2) The Legislature of a Territory may by law confer upon the Federal Legislature authority to make laws for that Territory with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List and is within the legislative competence of the Legislature of that Territory.

(3) Any authority conferred upon the Federal Legislature or the Legislature of a Territory under this article may be general or may be granted for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and while such authority remains in force the matter to which it extends shall, in relation to the Territory concerned and to the extent of the authority conferred, be deemed to be included in the Concurrent Legislative List.

(4) Any such authority, whether granted generally or for a specified period, may be revoked at any time by a subsequent law of the Legislature by which it was conferred:

Provided that no such law shall come into force earlier than the expiration of six months from the date of the making thereof.

Effect of Federal and Territorial laws on one another

45.—(1) If any law of the Legislature of a Territory is inconsistent with any law of the Federal Legislature which the Federal Legislature was competent to enact, whether the Federal law was made before or after the Territorial law, then the Federal law shall, to the extent of the inconsistency, prevail over the Territorial law; and a law of the Federal Legislature with respect to any matter for the time being within the legislative competence of that Legislature may amend or repeal, or provide for the amendment or repeal of, any law of the Legislature of a Territory with respect to that matter.

(2) Where the Legislature of a Territory has under the last foregoing article conferred on the Federal Legislature authority to make laws with respect to any matter and that authority is subsequently revoked, the law by which the authority is revoked, or any subsequent law of the Legislature of that Territory coming into force after the revocation becomes effective, may amend or repeal, or provide for the amendment or repeal of, any law of the Federal Legislature made in pursuance of that authority; but save as aforesaid, and except as may be further expressly provided by any law of the Federal Legislature, the Legislature of a Territory shall not have power to amend or repeal any law of the Federal Legislature.

(3) Where authority to make laws with respect to any matter has been conferred under the last foregoing article and has subsequently been revoked, any law made in pursuance of that authority shall, subject to paragraph (1) of this article, continue to have effect after the revocation has become effective except in so far as it is amended or repealed by a law of the Legislature by which the authority was conferred and revoked.

(4) Where the power of the Legislature of a Territory to make laws with respect to a matter included in the Exclusive Legislative List has ceased under paragraph (2) of article 43 of this Constitution, any law of that Legislature with respect to that matter in force immediately before the date when that power ceased shall, subject to paragraph (1) of this article, continue to have effect except in so far as it is amended or repealed by a subsequent law of the Federal Legislature.

Legislature may appropriate public funds for any purpose

46. Nothing in this Constitution shall be construed as precluding the Federal Legislature or the Legislature of a Territory from making provision by law for the appropriation of the public funds of the Federation or of that Territory, as the case may be, for a purpose for which that Legislature has no other power to make laws.

Implementation of international obligations

47.—(1) A law of the Federal Legislature may make provision for the implementation in relation to the Federation or any one or more of the Territories of agreements with and other obligations towards or arrangements relating to countries outside the Federation or international organisations with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) A law of the Legislature of a Territory may make provision for the implementation in relation to that Territory of agreements with and other obligations towards or arrangements relating to countries outside the Federation or international organisations with respect to any matter that is not included in the Exclusive Legislative List.

Power of Federal Legislature to make laws on territorial matters and of a Territorial Legislature to make laws on federal matters for emergencies

48.—(1) A federal emergency law may make provision with respect to matters not included in the Exclusive Legislative List or the Concurrent Legislative List and a territorial emergency law may make provision with respect to matters included in the Exclusive Legislative List.

(2) A federal emergency law to the extent that it makes provision for any matter not included in the Exclusive Legislative List or the Concurrent Legislative List, and a territorial emergency law to the extent that it makes provision for any matter included in the Exclusive Legislative List, shall have effect only during a period of emergency:

Provided that the termination of a period of emergency shall not affect the operation of such a law during that emergency, or the validity of any action taken thereunder during that emergency, or any penalty or punishment incurred in respect of any contravention thereof or any failure to comply therewith during that emergency, or any proceeding or remedy in respect of any such punishment or penalty.

(3) Notwithstanding the provisions of paragraph (1) of article 45 of this Constitution, if a territorial emergency law is inconsistent with any law of the Federal Legislature other than a federal emergency law then, save as the Governor-General by proclamation otherwise directs, the territorial emergency law shall, to the extent of the inconsistency, prevail over the federal law.

(4) In this article—

"federal emergency law" and "territorial emergency law" mean respectively a law of the Federal Legislature or a law of the Legislature of a Territory that makes special provision in relation to periods of emergency; and "period of emergency" means, in relation to a federal emergency law or a territorial emergency law, a period during which a state of emergency exists for the purposes of that law having been declared to exist by any authority empowered to make such a declaration.

Special provisions regarding Territorial laws that provide for controlling the movement of persons

Interpretation and application of articles 50 *and* 51

49.—(1) Articles 50 and 51 of this Constitution apply to any law of the Legislature of a Territory that makes provision for controlling the movement of persons between that Territory and any other Territory:

Provided that those articles shall not apply to a law that makes provision for controlling the movement of persons between one Territory and another only for a reason that is specified in the law, or in some other law amended by the law, and is connected with the maintenance of public health or the maintenance of public security.

(2) In reckoning any such period of ninety days as is referred to in article 50 of this Constitution no account shall be taken of any time during which the Federal Legislature is dissolved; and in reckoning any such period of sixty days as is referred to in article 51 of this Constitution no account shall be taken of any time during which that Legislature is dissolved or prorogued.

Laws enacted before end of first five years

50.—(1) As soon as is practicable after the end of a period of five years beginning with the date when this Constitution comes into force the Governor of each Territory shall cause to be laid before each chamber of the Federal Legislature a copy of every law enacted by the Legislature of that Territory (whether before or after the date aforesaid) which is in force at the end of the aforesaid period of five years and is a law to which this article applies; and it shall be the duty of each of those chambers to review any law of which a copy is so laid before it.

(2) If each chamber of the Federal Legislature has not within ninety days after the end of the aforesaid period of five years resolved that it does not object to a law of the Legislature of a Territory of which a copy is required to be laid before it under paragraph (1) of this article, then (unless the law sooner expires or is repealed and whether or not copies thereof have been laid as aforesaid) the law shall be deemed to be repealed at the end of the said ninety days to the extent that it makes provision for controlling the movement of persons between that Territory

and any other Territory for any reason other than a reason that is specified in the law, or in some other law amended by the law, and is connected with the maintenance of public health or the maintenance of public security.

Laws enacted after first five years

51.—(1) If at any time after the end of a period of five years beginning with the date when this Constitution comes into force the Legislature of a Territory enacts any law to which this article applies, the Governor of that Territory shall, as soon as is practicable after the enactment of such law, cause a copy thereof to be laid before each chamber of the Federal Legislature; and it shall be the duty of each of those chambers to review any law of which a copy is so laid before it.

(2) A law of the Legislature of a Territory of which a copy is required to be laid before each chamber of the Federal Legislature under paragraph (1) of this article shall not come into operation before the end of a period of sixty days after the date of its enactment; and if each of those chambers has not within that period resolved that it does not object to the law, then (whether or not copies of the law have been laid as aforesaid) the law shall be deemed to be repealed at the end of the said sixty days to the extent that it makes provision for controlling the movement of persons between that Territory and any other Territory for any reason other than a reason that is specified in the law, or in some other law amended by the law, and is connected with the maintenance of public health or the maintenance of public security.

Powers of Her Majesty

Power of disallowance in respect of laws relating to Federal Government stock

52.—(1) Any law of the Federal Legislature which has been assented to by the Governor-General and which appears to Her Majesty's Government in the United Kingdom—

(*a*) to alter, to the injury of the stockholders, provisions relating to any Federal stock, being securities in which a trustee may invest by virtue of section 2 of the Colonial Stock Act, 1900(**a**), or

(*b*) to involve a departure from the original contract in respect of any such stock,

may be disallowed by Her Majesty through a Secretary of State.

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

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

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

(4) In this article "Federal stock" means stock which forms the whole or part of the public debt of the Federation and shall be deemed to include stock which forms the whole or part of the public debt of a Territory and with respect to which the Federal Legislature has enacted such a law as aforesaid by virtue of authority conferred under paragraph (2) of article 44 of this Constitution.

Power of Her Majesty in Council to make laws

53.—(1) Her Majesty in Council may by Order make for the Federation such laws as appear to Her to be necessary for any of the following purposes—

(*a*) the defence of the Federation or any other part of Her Majesty's dominions;

(*b*) the regulation of relations between the Federation and any country outside the Federation or any international organisation, including the discharge of the obligations of the Federation under any agreement with such a country or organisation;

(*c*) securing or maintaining the financial stability of the Federation in order to avoid the need for the provision of financial assistance to the Federation by Her Majesty's Government in the United Kingdom or in order to prevent the credit of the Federation from being adversely affected.

(2) Except for the purpose of giving effect to any agreement to which the Federal Government is a party—

(*a*) no law made in pursuance of paragraph (1) of this article shall make provision for regulating the import of goods into or the export of goods from the Federation; and

(*b*) no such law, other than a law made for a purpose referred to in sub-paragraph (*c*) of the said paragraph (1), shall impose any charge on the revenues or assets of the Federation.

(3) If any law of the Federal Legislature or of the Legislature of any Territory is inconsistent with any Order in Council made in pursuance of this article, whether that law was made before or after the Order in Council, then the Order in Council shall, to the extent of the inconsistency, prevail over the law of the Federal Legislature or of the Legislature of the Territory, as the case may be.

(4) Her Majesty in Council may by Order amend or revoke any law made in pursuance of this article.

(5) Upon the revocation or expiry of a law made in pursuance of this article subsection (2) of section 38 of the Interpretation Act, 1889, shall apply as if that law were an Act of Parliament which had then been repealed by another such Act.

Extra-Territorial Legislation

Powers to make laws regulating certain matters outside the Federation

54.—(1) Without prejudice to any other power vested in Her Majesty in Council or any legislature to make for the Federation or any Territory laws having extra-territorial operation, a law made by Her Majesty in Council under article 53 of this Constitution, a law of the Federal Legislature or a law of the Legislature of any Territory may—

(*a*) authorise the custody on any ship or aircraft to which this sub-paragraph applies, while such ship or aircraft is outside the

Federation of any person who is being moved from any place in the Federation to another place therein in pursuance of that law or any other law;

(*b*) regulate fishing outside the territorial waters of the Federation by vessels registered or licensed in the Federation; or

(*c*) regulate navigation and provide for the safety of shipping in such areas as may be specified in any such law, being areas surrounding installations erected on or attached to the continental shelf of any Territory in connection with the exploration or exploitation of the natural resources of that shelf.

(2) The ships and aircraft to which sub-paragraph (*a*) of paragraph (1) of this article applies are ships and aircraft registered in the Federation and Her Majesty's ships and aircraft belonging to the naval or air forces of the United Kingdom or the Federation.

CHAPTER IV

THE FEDERAL EXECUTIVE

Executive authority within the Federation

Exercise of executive authority of the Federation

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

(2) Subject to the provisions of this Constitution, the executive authority of the Federation may be exercised on behalf of Her Majesty by the Governor-General, either directly or through officers subordinate to him, but nothing in this paragraph shall prevent the Federal Legislature from conferring functions on persons or authorities other than the Governor-General.

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

Extent of executive authority of the Federation

56.—(1) The executive authority of the Federation shall extend to the execution and maintenance of this Constitution, to all matters with respect to which the Federal Legislature has for the time being power to make laws, and to such external relations as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom.

(2) Subject to the provisions of this Constitution, the executive authority of each of the Territories shall continue in accordance with the constitution of that Territory.

Delegation of executive authority of Federation

57.—(1) The Governor-General may, with the consent of the Governor of a Territory, entrust either conditionally or unconditionally to that Governor or to any officer or authority of that Territory functions in relation to any matter to which the executive authority of the Federation extends falling to be performed within that Territory.

(2) A law of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which the Legislature of a Territory has not power to make laws, include provision conferring powers or imposing duties, or authorising the conferring of powers or imposition of duties, upon the Governor of a Territory or any officer or authority of a Territory:

Provided that no such provision shall have effect in relation to any Territory unless the Governor of that Territory has declared by notice in the official Gazette of that Territory that he consents to its having effect.

Delegation of executive authority of a Territory

58.—(1) The Governor of a Territory may, with the consent of the Governor-General, entrust either conditionally or unconditionally to the Governor-General or to any officer or authority of the Federation functions in relation to any matter to which the executive authority of that Territory extends.

(2) A law of the Legislature of a Territory may, notwithstanding that it relates to a matter with respect to which the Federal Legislature has not power to make laws, include provision conferring powers or imposing duties, or authorising the conferring of powers or imposition of duties, upon the Governor-General or any officer or authority of the Federation:

Provided that no such provision shall have effect unless the Governor-General has declared by notice in the Gazette that he consents to its having effect.

The Council of State

Establishment of Council of State

59.—(1) There shall be a Council of State which shall be the principal instrument of policy for the Federation and, subject to the provisions of this Constitution, shall advise the Governor-General in the exercise of his functions.

(2) Subject to article 66 of this Constitution, the Council of State shall consist of a Prime Minister appointed in accordance with article 62, and ten other Ministers appointed in accordance with article 63, of this Constitution.

Exercise of Governor-General's functions

60.—(1) In the exercise of his functions the Governor-General shall, subject to the following paragraphs of this article, act in accordance with the advice of the Council of State.

(2) The Governor-General shall not be required to obtain the advice of the Council of State in any case in which, in his individual judgment, the public interest requires that he should consult the Prime Minister instead of the Council; but in any such case he shall, subject to paragraph (4) of this article, act in accordance with the advice of the Prime Minister.

(3) The Governor-General shall not be required to obtain the advice of the Council of State in any case in which, in his individual judgment, the urgency of the matter requires him to act before the Council can be consulted or the question for decision is too unimportant to require

their advice; but in any such case of urgency he shall, as soon as practicable, communicate to the Council the measures that he has adopted and the reasons therefor.

(4) When the Governor-General has, in pursuance of this article, obtained the advice of the Council of State or of the Prime Minister in relation to any matter referred to in sub-paragraph (*a*), (*b*) or (*c*) of paragraph (1) of article 53 of this Constitution, he may act otherwise than in accordance with that advice if, in his individual judgment, he considers it necessary or expedient so to do:

Provided that he shall not so act without first obtaining the approval of a Secretary of State unless, in his individual judgment, the urgency of the matter requires him to act before such approval could be obtained.

(5) This article shall not apply to the exercise by the Governor-General of—

(*a*) any function conferred on him by any law other than this Constitution in terms which authorise him to exercise that function otherwise than in accordance with the advice of the Council of State;

(*b*) any function conferred on him by this Constitution that he is empowered or required to exercise in his discretion or in accordance with the advice or recommendation of any person or authority other than the Council of State; or

(*c*) the powers conferred upon him by paragraph (1) of article 38 and paragraph (1) of article 64 of this Constitution.

(6) Nothing in this article shall be construed as preventing the Governor-General from exercising his individual judgment in any case where he is expressly authorised so to do by this Constitution.

Allocation of portfolios

61.—(1) The Governor-General may assign to any Minister responsibility for dealing with any business on behalf of the Federal Government:

Provided that—

(*a*) nothing in this article shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred or imposed by this Constitution or by any other law on the Governor-General or on any person or authority other than that Minister; and

(*b*) responsibility for the initiation, conduct and discontinuance of criminal proceedings shall not be assigned to a Minister but shall vest in the Attorney-General of the Federation.

(2) The power conferred upon the Governor-General by this article shall be exercised in accordance with the advice of the Prime Minister:

Provided that the Governor-General shall not be obliged to assign to any Minister responsibility for any business relating to—

(*a*) defence;

(*b*) the audit of the accounts of the Federation;

(*c*) the making of appointments (including appointments on promotion or transfer) to offices in the public service of the Federation; or

(*d*) the dismissal or disciplinary control of officers in that public service.

Appointment of Prime Minister

62.—(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business after the election of the Speaker and Deputy Speaker and the taking of the oath or affirmation of allegiance by the members of the House, the House shall elect from among its own members a person for appointment as the Prime Minister of the Federation; and if the office of Prime Minister falls vacant at any time before the Federal Legislature is next dissolved the House shall as soon as practicable again elect from among its own members a person for appointment to that office:

Provided that a person who is a member of the Executive Council or of the Legislature of any Territory shall not be qualified for election under this paragraph.

(2) The Governor-General shall, by instrument under the public seal, appoint as Prime Minister of the Federation any person whom the House of Representatives elects for appointment under this article.

Appointment of other Ministers

63. The Ministers other than the Prime Minister shall be such persons as the Governor-General may, in accordance with the advice of the Prime Minister, appoint by instrument under the public seal:

Provided that—

(*a*) not less than three of the Ministers shall be persons who are members of the Senate and the remainder shall be persons who are members of the House of Representatives; and

(*b*) a person who is a member of the Executive Council or of the Legislature of any Territory shall not be qualified for appointment as a Minister.

Tenure of office of Ministers

64.—(1) Subject to the following paragraphs of this article, every Minister shall hold office during the pleasure of the Governor-General.

(2) When, under article 62 of this Constitution, the House of Representatives elects any person for appointment as Prime Minister, every office of Minister (including the office of Prime Minister) which is not then vacant shall thereupon become vacant.

(3) A Minister shall vacate his office—

(*a*) if he resigns his office by writing under his hand addressed to the Governor-General:

(*b*) in the case of a Minister who is a member of the Senate at the date of his appointment as a Minister, if he ceases to be a member of the Senate; or

(*c*) in the case of a Minister who is a member of the House of Representatives at the date of his appointment as a Minister, if he ceases to be a member of the House for any reason other than a dissolution of the Federal Legislature.

Performance of functions of Prime Minister in certain events

65.—(1) Whenever the office of Prime Minister is vacant or the Prime Minister is ill or is absent from the Federation, the Governor-General may, by instrument under the public seal, appoint one of the other Ministers (not being a member of the Senate) to perform the functions

conferred on the Prime Minister by this Constitution (other than the function conferred by paragraph (3) of this article); and any Minister so appointed may, during the subsistence of his appointment, perform those functions.

(2) The Governor-General may, by instrument under the public seal, revoke any appointment made under this article.

(3) The powers conferred upon the Governor-General by this article shall be exercised by the Governor-General acting in his discretion—

(*a*) if the office of Prime Minister is vacant; or

(*b*) if, in the Governor-General's individual judgment, it is impracticable to obtain the advice of the Prime Minister owing to his illness or absence,

and in any other case shall be exercised by the Governor-General in accordance with the advice of the Prime Minister.

Temporary members of Council of State

66.—(1) Whenever a Minister is, by reason of his illness or his absence from the Federation, unable to perform the functions of his office, the Governor-General may, by instrument under the public seal, appoint a person to be temporarily a member of the Council of State:

Provided that the person so appointed shall be a member of the same chamber of the Federal Legislature as the Minister on account of whose inability to perform his functions he is appointed.

(2) Articles 61 and 64 of this Constitution shall apply in relation to a person appointed under this article to be temporarily a member of the Council of State as they apply in relation to a Minister.

(3) Subject to paragraph (2) of this article, a person appointed under this article to be temporarily a member of the Council of State shall hold office until he is notified by the Governor-General that the Minister on account of whose inability to perform his functions he was appointed is again able to perform his functions or the office of that Minister becomes vacant.

(4) The powers conferred on the Governor-General by this article shall be exercised by him in accordance with the advice of the Prime Minister.

Official oath of members of Council

67. Before entering upon the functions of his office, every member of the Council of State shall make and subscribe before the Governor-General, or some other person authorised in that behalf by the Governor-General, an oath or affirmation for the due execution of that office in the form set out in the First Schedule to this Constitution.

Summoning of Council of State

68. The Council of State shall not be summoned except by the authority of the Governor-General, acting in his discretion:

Provided that the Governor-General shall summon the Council if the Prime Minister so recommends.

Certain Officers may attend meetings of Council

69.—(1) The Governor-General shall, by writing under his hand, nominate for the purposes of this article three persons who hold office in the public service of the Federation, and the persons so

nominated shall have the right to attend any meeting of the Council of State and to take part in the discussions at that meeting.

(2) Any of the said persons may be nominated either by name or by reference to the office in the public service held by him; and the Governor-General may, by writing under his hand, from time to time revoke the nomination of any person under this article and nominate another person in his place.

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

Proceedings in Council of State

70.—(1) The Governor-General shall, so far as is practicable, attend and preside at meetings of the Council of State.

(2) In the absence of the Governor-General there shall preside at any meeting of the Council of State either the Prime Minister or, in the absence of the Prime Minister, such Minister as the Governor-General, in accordance with the advice of the Prime Minister, may appoint.

(3) No business shall be transacted at any meeting of the Council of State if there are less than four members of the Council present at the meeting and the Governor-General or any member of the Council present at the meeting has objected to the transaction of business on that account.

(4) Subject to paragraph (3) of this article, the Council of State shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Council shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Advice of Council or Prime Minister not to be enquired into by courts

71. Where the Governor-General is required to exercise any function in accordance with the advice of the Council of State or of the Prime Minister, the question whether any, and if so what, advice has been tendered to the Governor-General by the Council of State or the Prime Minister, as the case may be, shall not be enquired into in any court.

CHAPTER V

JUDICIAL POWERS

Jurisdiction in Federal matters

Enforcement of Federal laws by courts of Territories

72. Subject to the provisions of articles 80 and 81 of this Constitution with respect to the jurisdiction of the Federal Supreme Court, jurisdiction in civil and criminal proceedings arising under this Constitution or any law of the Federal Legislature shall, except as may be otherwise provided by a law of that Legislature, vest in and be exercisable by the courts of any Territory as if this Constitution or such law were a law of the Legislature of that Territory.

The Federal Supreme Court

Establishment of Federal Supreme Court

73.—(1) There shall be a Federal Supreme Court for the Federation and, subject to article 77 of this Constitution, the judges of the Federal Supreme Court shall be a Chief Justice and three Federal Justices or such greater number as may be prescribed by any law of the Federal Legislature.

(2) The Federal Supreme Court shall be a superior court of record, and when exercising jurisdiction conferred on it by or under this Constitution shall sit in such places in the Federation as the Chief Justice of the Federation may, with the approval of the Governor-General, appoint.

(3) The Chief Justice of the Federation shall be President of the Federal Supreme Court and shall take precedence of all other judges of that court, and the seniority of the other judges of that court shall be determined in accordance with such directions as may be given by the Governor-General, acting in his discretion.

(4) The Federal Supreme Court shall be deemed to be duly constituted notwithstanding any vacancy in the office of any judge of that Court (including any vacancy not filled when this Constitution or any law such as is referred to in paragraph (1) of this article comes into force).

Appointment of judges

74.—(1) The Chief Justice of the Federation and the Federal Justices shall be appointed by the Governor-General, acting in his discretion after consultation with the Prime Minister, by instrument under the public seal:

Provided that the first Chief Justice of the Federation shall be appointed by the Governor-General in accordance with such instructions as may be given to him by Her Majesty through a Secretary of State.

(2) A person shall not be qualified to be appointed as the Chief Justice of the Federation or as a Federal Justice unless—

(*a*) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or

(*b*) he has been in practice as an advocate for a period of, or periods amounting in the aggregate to, not less than fifteen years in such a court or courts.

(3) For the purposes of paragraph (2) of this article, a person shall be deemed to be in practice as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions during any period when he is serving in—

(*a*) the office of Attorney-General or Solicitor-General of that part of Her Majesty's dominions, or

(*b*) any other office under the Government of that part of Her Majesty's dominions the functions of which include the conducting, as an advocate, of proceedings in such a court on behalf of that Government.

Tenure of office of judges

75.—(1) Subject to the provisions of paragraphs (2) and (3) of this article, the Chief Justice of the Federation and each Federal Justice shall hold office until he attains the age of sixty-five years:

Provided that the Governor-General, acting in his discretion, may permit a judge who has attained that age to continue in office for a further period not exceeding two years.

(2) The Chief Justice of the Federation or a Federal Justice may at any time resign his office by writing under his hand addressed to the Governor-General.

(3) The Chief Justice of the Federation or a Federal Justice may be removed from office by the Governor-General by order under the public seal but shall not be so removed except for inability or misbehaviour and unless—

(*a*) the question of his removal from office has, at the request of the Governor-General, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833(a); and

(*b*) the Governor-General has been notified that the Judicial Committee has advised Her Majesty that he ought to be removed from office.

(4) If the Governor-General has requested that the question of removing any judge of the Federal Supreme Court from office be referred to the Judicial Committee, he may suspend that judge from performing the functions of his office.

(5) The Governor-General may at any time revoke the suspension of a judge of the Federal Supreme Court, and any such suspension shall in any case cease to have effect—

(*a*) if the Governor-General withdraws the request for reference to the Judicial Committee of the question of removing the judge from office; or

(*b*) if the Judicial Committee has advised Her Majesty that the judge ought not to be removed from office and the Governor-General has been notified accordingly.

(6) The powers conferred upon the Governor-General by paragraphs (3), (4) and (5) of this article shall be exercised in his discretion after consultation with the Prime Minister.

Acting Chief Justice

76. If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason unable to perform the functions of his office, then, until some other person has been appointed to and has assumed the functions of that office or, as the case may be, until the Chief Justice has resumed those functions, those functions shall be performed by such one of the other judges of the Federal Supreme Court as the Governor-General, acting in his discretion after consultation with the Prime Minister, may appoint for that purpose.

Acting Federal Justice

77.—(1) If the office of any Federal Justice is vacant or if any Federal Justice is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion after consultation with the Prime Minister, may appoint a person qualified for appointment as a Federal Justice to be temporarily a judge of the Federal Supreme Court:

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

(a) 3 & 4 Will. 4. c. 41.

(2) Any person appointed under this article to be temporarily a judge of the Federal Supreme Court shall hold office until his appointment is revoked by the Governor-General, acting in his discretion after consultation with the Chief Justice of the Federation:

Provided that he may at any time resign his office by writing under his hand addressed to the Governor-General.

Oaths to be taken by judges

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

Salaries of judges

79. There shall be charged on the revenues of the Federation and paid thereout to the Chief Justice of the Federation, to any Federal Justice and to any person appointed to be temporarily a judge of the Federal Supreme Court such salaries and allowances as may be respectively prescribed by any law of the Federal Legislature:

Provided that the salary of the Chief Justice or of any other judge shall not be reduced during his continuance in office.

Jurisdiction of the Federal Supreme Court

Exclusive jurisdiction in certain matters

80.—(1) The Federal Supreme Court shall, to the exclusion of any other court, have original jurisdiction—

(*a*) in proceedings between the Federation and a Territory or between one Territory and another Territory;

(*b*) in any proceedings in which a writ or order of mandamus or prohibition or an injunction is sought by the Federation against an officer or authority of a Territory or by a Territory against an officer or authority of the Federation; and

(*c*) in any suit for a penalty under article 113 of this Constitution.

(2) In this article references to the Federation or a Territory include references to a person suing or being sued on behalf of the Federation or a Territory, as the case may be.

Exclusive jurisdiction to decide questions as to interpretation of Constitution referred to court

81.—(1) The Federal Supreme Court shall, to the exclusion of any other court, have original jurisdiction to determine any question as to the interpretation of this Constitution which is referred to it under the following paragraphs of this article.

(2) If any question as to the interpretation of this Constitution arises in any proceedings in a superior court of a Territory, that court may, if it sees fit, refer that question to the Federal Supreme Court.

(3) If any question as to the interpretation of this Constitution arises in any proceedings in any other court of a Territory, the person presiding in that court may apply to a superior court of that Territory

for an order of that court referring that question to the Federal Supreme Court, and the superior court may, as it sees fit, either make the order or refuse it.

(4) If any party to the proceedings referred to in paragraph (3) of this article requests that the person presiding in the court shall make such an application as is so referred to, then, unless in his opinion the request is frivolous or vexatious, that person shall do so.

Power for Federation or Territory to confer additional original jurisdiction

82. Provision conferring upon the Federal Supreme Court jurisdiction other than appellate jurisdiction, in addition to that conferred by articles 80 and 81 of this Constitution, may be made by a law of the Federal Legislature or of the Legislature of a Territory with respect to any matter within the legislative competence, whether exclusive or concurrent, of the Legislature by which the law is made:

Provided that the Federal Supreme Court shall not exercise any jurisdiction conferred upon it by a law of the Legislature of a Territory unless the Governor-General has, by Proclamation, given notice that both chambers of the Federal Legislature have, by resolution, approved the conferment of that jurisdiction.

Power for Federation to confer appellate jurisdiction

83.—(1) Subject to paragraph (2) of this article, the Federal Supreme Court shall have such jurisdiction to hear and determine appeals (including reserved questions of law and cases stated) from any superior court of a Territory, and, in connection with such appeals, such powers and authorities, as may be conferred upon it by any law of the Federal Legislature, and any such law may provide that any jurisdiction so conferred shall, to such extent as may be specified in the law, be to the exclusion of the jurisdiction of any other court in the Federation:

Provided that as respects any matter not included in the Exclusive Legislative List or the Concurrent Legislative List the Federal Supreme Court shall not have jurisdiction in any case in which it is provided by a law of the Legislature of a Territory that the decision of a superior court of that Territory is to be final.

(2) Where a superior court of a Territory has jurisdiction to hear and determine appeals in criminal matters from another superior court of that Territory, then any law of the Federal Legislature that confers on the Federal Supreme Court jurisdiction to hear and determine appeals in criminal matters from that other superior court shall, to the extent that it confers that jurisdiction, not have effect unless and until the Governor of that Territory has given notice that the legislative chamber of that Territory has, or in the case of a Territory having two legislative chambers, that both of those chambers have, by resolution, approved the conferment of that jurisdiction.

(3) The Federal Supreme Court shall have such jurisdiction to hear and determine appeals from a single judge of the Federal Supreme Court exercising the original jurisdiction of that Court and from any other Federal court, and, in connection with such appeals, such powers and authorities, as may be conferred upon it by any law of the Federal Legislature.

Enforcement of orders of Federal Supreme Court

84.—(1) All authorities throughout the Federation shall act in aid of the Federal Supreme Court, and any judgment, decree, order or sentence of the Federal Supreme Court given in exercise of jurisdiction conferred on it by or under this Constitution shall be enforced by all courts and authorities in any of the Territories as if it were a judgment, decree, order or sentence of a superior court of that Territory.

(2) Subject to any law of the Federal Legislature, the Federal Supreme Court shall, in connection with any jurisdiction conferred on it by or under this Constitution, have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of court that any superior court of a Territory has power to make as respects the area within its jurisdiction.

Practice and procedure of Federal Supreme Court

85.—(1) (*a*) Subject to the provisions of this article, the Chief Justice of the Federation and any two other judges of the Federal Supreme Court selected by him may make rules of court for regulating the practice and procedure of the Federal Supreme Court in exercise of jurisdiction conferred upon it by or under this Constitution and, in relation to appeals brought or questions of law referred to the Federal Supreme Court by virtue of this Constitution, the practice and procedure of any court from which such appeals are brought or by which such references are made.

(*b*) Without prejudice to the generality of sub-paragraph (*a*) of this paragraph rules of court may be made for the following purposes:—

(i) for regulating the sittings of the Federal Supreme Court and the selection of judges for any purpose;

(ii) for regulating the right of practising in the Federal Supreme Court and the representation of persons concerned in any proceedings in the Court;

(iii) for prescribing cases in which, and conditions upon which, an appellant in a criminal appeal to the Federal Supreme Court shall be entitled to be present at the hearing of the appeal;

(iv) for providing for the summary determination of any appeal which appears to the Federal Supreme Court to be frivolous or vexatious or to be brought for the purpose of delay;

(v) for prescribing forms and fees in respect of proceedings in the Federal Supreme Court and regulating the costs of and incidental to any such proceedings;

(vi) for prescribing and regulating the powers and duties of officers of the Federal Supreme Court;

(vii) for prescribing, in the case of any Territory where there is more than one superior court, the superior court to which any application under paragraph (3) of article 81 of this Constitution shall be made from any particular court; and

(viii) for prescribing the time within which any requirement of the rules is to be complied with.

(2) Rules of court made under this article may provide that such determinations of the Supreme Court of the Windward Islands and Leeward Islands as may be specified in the rules shall or shall not be

deemed for the purposes of paragraph (2) of article 83 of this Constitution to have been made by that Court in exercise of its jurisdiction in any Territory within the Windward Islands or the Leeward Islands so specified.

(3) Rules of court made under this article may fix the number of judges of the Federal Supreme Court who are to sit for any purpose, so, however, that in exercise of the appellate jurisdiction of the Court or of the jurisdiction conferred on the Court by article 81 of this Constitution, no matter shall be finally determined by less than three judges.

(4) (*a*) The Federal Legislature may by law make provision for any matters in respect of which rules of court may be made under this article.

(*b*) If any rule of court made under this article is inconsistent with a law made under this paragraph, the law shall, to the extent of the inconsistency, prevail over the rule of court.

(5) Unless it is otherwise provided by any law of the Federal Legislature, any final determination of the Federal Supreme Court made in exercise of jurisdiction conferred on it by or under this Constitution shall be delivered in open court and, when more than one judge is sitting, shall require the concurrence of a majority of the judges present at the hearing of the matter.

Federal Legislature may confer additional powers

86. The Federal Legislature may by law confer upon the Federal Supreme Court such additional or supplemental powers as may appear to that Legislature necessary or desirable and be consistent with this Constitution for enabling the Court more effectively to exercise any jurisdiction conferred upon it by this Constitution or by any other law.

Appeals to Her Majesty in Council from the Federal Supreme Court and superior courts of Territories

Appeals to Her Majesty in Council from Federal Supreme Court

87. The Federal Legislature may by law confer a right of appeal to Her Majesty in Council from determinations of the Federal Supreme Court made in exercise of jurisdiction conferred on it by or under this Constitution in such cases and subject to such conditions as may be prescribed by or under any such law, but save as provided by any such law there shall be no right of appeal to Her Majesty in Council from any such determination of the Federal Supreme Court.

Appeals to Her Majesty in Council from superior court of Territory

88.—(1) There shall be no right of appeal direct to Her Majesty in Council from a determination of a superior court of a Territory except with the leave of the Federal Supreme Court, which shall be granted only in such circumstances as the Federal Legislature may by law prescribe.

(2) The provisions of this article shall not affect any appeal from a superior court of a Territory to Her Majesty in Council for which leave, either conditional or final, has been granted by that superior court before the date on which this article comes into force.

Appeals to Her Majesty in Council with special leave

89. For the avoidance of doubt it is hereby declared that nothing in the two last foregoing articles shall be construed as purporting to impair any right which Her Majesty in Council may be pleased to exercise to grant special leave to appeal to Her Majesty in Council from the Federal Supreme Court or from a superior court of any Territory.

Federal Courts other than the Federal Supreme Court

Power for Federation to establish courts other than the Federal Supreme Court

90. Subject to the provisions of articles 80 and 81 of this Constitution with respect to the jurisdiction of the Federal Supreme Court, the Federal Legislature may by law establish courts other than the Federal Supreme Court and may provide for the constitution, jurisdiction and powers of any such courts:

Provided that any court so established shall not, as respects any Territory, exercise any jurisdiction conferred upon it with respect to any matter within the exclusive legislative competence of that Territory unless the Governor of that Territory has declared by notice in the official Gazette of the Territory that he consents to the exercise of that jurisdiction by that court.

CHAPTER VI

FINANCE

Interpretation

91.—(1) In this Chapter—

"the first five financial years" means the five consecutive periods of twelve months immediately following the thirty-first day of December, 1957;

"scheduled commodity" means a commodity specified in the first column of the Fourth Schedule to this Constitution; and

"scheduled rate" means, in relation to a scheduled commodity, the rate specified in the second column of the Fourth Schedule to this Constitution opposite the name of that commodity.

(2) For the purposes of this Chapter the proceeds of a duty for any financial year shall be the amount remaining from the receipts from that duty that are collected in that year after the cost of collecting those receipts has been deducted and after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for.

Authorisation of expenditure

92.—(1) Save as expressly provided by this Constitution no moneys shall be withdrawn from the public funds of the Federation except under appropriation by a law of the Federal Legislature:

Provided that the Federal Legislature may by law make provision for making moneys available in advance of appropriation by that Legislature for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following year.

(2) Unless a law of the Federal Legislature otherwise provides, the financial year of the Federation shall be a year beginning on the first day of January and ending on the thirty-first day of December.

Payments by Territories to the Federation during first five financial years

93.—(1) The Governments of the Territories shall, in respect of each of the first five financial years, together pay to the Federal Government for the purposes of that Government such sum or sums as the Governor-General may demand from the Territories in respect of that year:

Provided that—

(i) the total amount demanded from the Territories in respect of any year shall not exceed nine million one hundred and twenty thousand dollars; and

(ii) the Government of each Territory shall pay the proportion of that amount that is specified opposite the name of that Territory in the Fifth Schedule to this Constitution.

(2) Any sum that is required by virtue of this article to be paid by the Governments of the Territories to the Federal Government shall be paid on or before such date as the Governor-General may direct:

Provided that the Governments of the Territories shall not be required to make any such payment before the beginning of the year in respect of which the payment is made.

Repayment by the Federation to Territories in certain events.

94.—(1) If, in respect of any of the first five financial years, any revenues (in this article referred to as "customs and excise revenues") accrue to the Federal Government from customs and excise duties levied under any law of the Federal Legislature on scheduled commodities and the amount of those customs and excise revenues, taken together with the amount (if any) paid to the Federal Government in respect of that year under the last foregoing article, exceeds the sum of nine million one hundred and twenty thousand dollars, then the Federal Government shall pay to the Governments of the Territories a sum equal to the amount of that excess so that the Government of each Territory shall receive a share of the said sum proportionate to the amount of those customs and excise revenues that was derived from that Territory.

(2) For the purposes of this article the revenues accruing to the Federal Government in respect of any year from customs and excise duties levied under any law of the Federal Legislature on scheduled commodities shall be the aggregate amount of the proceeds for that year of all such duties reduced by the amount of any sum or sums required to be paid by the Federal Government to the Governments of the Territories in respect of those proceeds under paragraph (1) of the next following article.

Payments by the Federation to Territories if certain duties are levied by the Federation

95.—(1) If in any of the first five financial years any customs or excise duty is levied under any law of the Federal Legislature on any scheduled commodity at a rate higher than the scheduled rate, the Federal Government shall pay to the Governments of the Territories a sum equal to the amount of the proceeds of the duty for that year that is attributable to the fact that the duty was levied at a rate higher than the scheduled rate so that the Government of each Territory shall receive a share of the said sum proportionate to the amount of the proceeds of the duty for that year that was derived from that Territory.

(2) If in any financial year any customs or excise duty is levied under any law of the Federal Legislature on any commodity other than a scheduled commodity, the Federal Government shall pay to the Governments of the Territories a sum equal to the amount of the proceeds of the duty for that year so that the Government of each Territory shall receive a share of the said sum equal to the amount of the proceeds of the duty for that year that was derived from that Territory.

Payments to Territories in certain events from revenues raised under a law made under article 53

96.—(1) If, under any law made in pursuance of paragraph (1) of article 53 of this Constitution, any revenues (in this article referred to as "special revenues") are raised in respect of any of the first five financial years for a purpose referred to in sub-paragraph (*c*) of that paragraph and the amount of those special revenues, taken together with the amount of the federal revenues for that year, exceeds the sum of nine million one hundred and twenty thousand dollars, then there shall be paid to the Governments of the Territories from the proceeds of those special revenues a sum equal to the amount of that excess so that the Government of each Territory shall receive a share of the said sum proportionate to the amount of those special revenues that was derived from that Territory.

(2) In this article the expression "federal revenues" means in relation to any year the aggregate of—

(*a*) the amount paid to the Federal Government in respect of that year under article 93 of this Constitution; and

(*b*) the proceeds for that year of any custom or excise duties levied under any law of the Federal Legislature reduced by the amount of any sums required to be paid by the Federal Government to the Government of the Territories in respect of that year under the last two foregoing articles.

Postal revenues

97. If, by virtue of any law of the Federal Legislature, the Federal Government becomes entitled for the first time to the revenues arising in any Territory from postal services then, during a period of five years beginning with the date when the Federal Government becomes entitled to those revenues, the Federal Government shall (so long as it continues to be so entitled) pay in each year to the Government of that Territory, if that Government so requires, a sum equal in amount to the average annual profits that accrued to that Government from postal services during the period of five years immediately preceding the date aforesaid.

Payments relating to currency funds and accounts

98.—(1) In respect of each financial year beginning after the thirty-first day of December, 1957—

(*a*) the Government of Jamaica shall pay to the Federal Government a sum equal to the sum (if any) that is transferred in that year to the general revenue of Jamaica from the Government Currency Note Income Account or the Note Security Fund under sub-paragraph (iii) of paragraph (4) of section 7 of the Currency Notes Law of Jamaica; and

(*b*) the Government of every other Territory shall pay to the Federal Government a sum equal to the sum (if any) that is paid in

that year to that Government from the British Caribbean Territories (Eastern Group) (Currency Surplus) Account under paragraph (4) of article 5 of the Agreement contained in the First Schedule to the Currency Act or Ordinance of that Territory or that would be so paid to that Government if that Government demanded payment under that paragraph.

(2) In respect of each financial year as aforesaid, the Federal Government shall pay—

(*a*) to the Government of Jamaica, a sum equal to the sum (if any) that is paid in that year from the general revenue of Jamaica to meet any deficiency in the Government Currency Note Income Account under sub-paragraph (iii) of paragraph (4) of section 7 of the Currency Notes Law of Jamaica ; and

(*b*) to the Government of every other Territory, a sum equal to the sum (if any) that is paid in that year from the revenue of that Government to meet any deficiency in the Currency Fund Income Account or in the Currency Fund under paragraph (3) of article 4 or under article 6 of the Agreement contained in the First Schedule to the Currency Act or Ordinance of that Territory.

(3) Nothing in this article shall prejudice the power of the Federal Legislature or of the Legislature of any Territory to make laws with respect to currency:

Provided that no law of the Legislature of a Territory with respect to currency that is enacted after the date on which this Constitution comes into force shall have effect unless the Governor-General has declared by notice in the Gazette that he consents to its having effect.

(4) In this article "financial year" means, in relation to any payment that is to be made by or to the Government of a Territory, a financial year of that Territory.

Sums charged on revenues

99. Any payments that are required by virtue of this Chapter to be made by the Federal Government to the Government of a Territory or by the Government of a Territory to the Federal Government are hereby charged on the revenues of the Federation or of that Territory, as the case may be.

Time for payment of certain sums by or to Federal Government

100. Any sum that is required by virtue of this Chapter to be paid by the Federal Government to the Government of a Territory, or that is required by virtue of paragraph (1) of article 98 of this Constitution to be paid by the Government of a Territory to the Federal Government, in respect of any year shall be paid before the end of the first quarter of the next succeeding year unless either—

(*a*) the Governor-General and the Governor of that Territory agree that the sum shall be paid on or before some later date, in which case it shall be paid on or before that date ; or

(*b*) the amount of the sum is not ascertained in time to permit the payment thereof to be made before the end of that quarter, in which case the sum shall be paid on or before such later date as may be agreed between the Governor-General and the Governor of that Territory.

Regulations

101. The Governor-General may by regulations make provision for—

(*a*) determining, for the purposes of article 94 of this Constitution, what amount of any customs and excise revenues accruing to the Federal Government in respect of any financial year was derived from any Territory;

(*b*) determining, for the purposes of paragraphs (1) and (2) of article 95 of this Constitution, what amount of the proceeds for any financial year of any duty was derived from any Territory;

(*c*) determining, for the purposes of paragraph (1) of article 95 of this Constitution, what amount of the proceeds for any financial year of any duty levied on a scheduled commodity was attributable to the fact that that duty was levied at a rate higher than the scheduled rate; and

(*d*) determining, for the purposes of article 96 of this Constitution, what amount of any special revenues raised in respect of any financial year was derived from any Territory.

CHAPTER VII

THE FEDERAL PUBLIC SERVICE

Public Service Commission

102.—(1) There shall be for the Federation a Public Service Commission (in this Chapter referred to as "the Commission"), which shall consist of a Chairman and such number of other members, not being less than two nor more than four, as the Governor-General acting in his discretion may from time to time decide.

(2) The members of the Commission shall be appointed by the Governor-General acting in his discretion by writing under his hand.

(3) No person shall be appointed as a member of the Commission if he is a member of the Senate, the House of Representatives or the Legislature of any Territory.

(4) A member of the Commission shall hold office for a term of three years, but he shall vacate his office before the end of that term if—

(*a*) the Governor-General, acting in his discretion, revokes his appointment thereto by writing under his hand;

(*b*) he resigns his office by writing under his hand addressed to the Governor-General; or

(*c*) he becomes a member of the Senate, the House of Representatives or the Legislature of any Territory.

(5) There shall be charged on the revenues of the Federation and paid thereout to the members of the Commission such salaries and allowances as may be prescribed by any law of the Federal Legislature:

Provided that the salary of any member of the Commission shall not be reduced during his continuance in office.

(6) The Governor-General, acting in his discretion, may grant leave from his duties to any member of the Commission, and may appoint a person to be a temporary member of the Commission for the period of such leave; and, subject to the foregoing provisions of this paragraph, the provisions of paragraphs (3), (4) and (5) of this article shall apply in relation to such a temporary member as they apply in relation to any other member of the Commission.

Appointment etc. of Federal public officers

103.—(1) Power to make appointments to offices in the public service of the Federation (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall vest in the Governor-General.

(2) In the exercise of the powers vested in him by paragraph (1) of this article the Governor-General shall act in his discretion but after consultation with the Commission:

Provided that—

(*a*) the Governor-General shall not be obliged to consult the Commission in the exercise of those powers in relation to the offices referred to in paragraph (2) of article 5 of this Constitution, or, if there shall be established an office of Federal Secretary or of Auditor-General for the Federation, that office; and

(*b*) the Governor-General shall consult the Prime Minister instead of the Commission in the exercise of those powers in relation to any office the holder of which is a representative of the Federation in any country outside the Federation.

(3) The Governor-General, acting in his discretion, may by regulations delegate to the Commission or to any public officer of the Federation any of the powers vested in the Governor-General by paragraph (1) of this article other than powers in the exercise of which he is not obliged to consult the Commission.

(4) Regulations made under paragraph (3) of this article may impose conditions on the exercise of any power delegated by such regulations and, in the case of any power delegated to a public officer of the Federation, may require that officer to consult the Commission in the exercise of that power or permit him to exercise that power without consulting the Commission.

Regulations regarding Commission

104. The Governor-General, acting in his discretion after consultation with the Commission, may make regulations for all or any of the following matters—

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

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

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

(*d*) the delegation to any member of the Commission of any of the functions of the Commission.

Interpretation

105. In this Chapter references to offices in the public service of the Federation do not include references to the office of a judge of any Federal Court and references to public officers of the Federation do not include references to such a judge.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Provision regarding certain disqualifications for membership of House of Representatives

106. Until the Federal Legislature by law otherwise provides, paragraphs (*h*) and (*j*) of article 21 of this Constitution shall have effect in relation to the election in any Territory of a member of the House of Representatives as if the references in those paragraphs to the House of Representatives and to any law of the Federal Legislature were references, respectively, to the legislative chamber of that Territory (or, in the case of a Territory having two legislative chambers, to either of those chambers) and to any law of or relating to the Legislature of that Territory.

First elections to the House of Representatives.

107.—(1) Notwithstanding articles 17 and 18 of this Constitution, for the purposes of the first general election of members to the House of Representatives and, until the Federal Legislature by law otherwise provides, for the purposes of any subsequent election of members to that House—

(*a*) the qualifications and disqualifications of persons for registration as electors and for voting at elections, and

(*b*) the matters for which the Federal Legislature is empowered to make provision by article 18 of this Constitution,

shall be governed as respects any Territory by the laws which, immediately before the date when this Constitution comes into force, govern such matters in relation to the election of members to the Legislature of that Territory ; and any such laws shall apply in relation to the election of members to the House of Representatives with such modifications and adaptations as the Governor of the Territory concerned may by regulation make therein for that purpose.

(2) Notwithstanding paragraph (2) of article 19 of this Constitution, for the purposes of the first general election of members to the House of Representatives and, until the Legislature of the Territory by law otherwise provides, for the purposes of any subsequent election of members to that House, each Territory other than Montserrat shall be divided into such electoral areas, and each of those electoral areas shall return such number of the members of the House of Representatives who are to be elected in that Territory, as may be prescribed by regulations made by the Governor of that Territory:

Provided that any Territory which has not been so divided into electoral areas before the first day of December, 1957, shall, for the purposes of the first general election of members to the House of Representatives and, until the Legislature of that Territory by law otherwise provides, for the purposes of any subsequent election of members to that House, form a single electoral area which shall return both or all of the members of the House of Representatives who are to be elected in that Territory.

(3) (*a*) Any regulations made under this article shall be published in the official Gazette of the Territory to which they relate and shall not come into force until they have been so published.

(*b*) No regulations shall be made under paragraph (2) of this article unless a draft thereof has been laid for a period of thirty days before the legislative chamber or, in the case of a Territory having two legislative chambers, before each legislative chamber, of the Territory to which the draft regulations relate; and if within that period the chamber or, where there are two chambers, either chamber, resolves that the regulations be not made no further proceedings shall be taken thereon, but without prejudice to the laying as aforesaid of a new draft.

(*c*) No regulations shall be made under paragraph (1) of this article after the House of Representatives first meets following the date when this Constitution comes into force, and no regulations shall be made under paragraph (2) of this article after the thirtieth day of November, 1957.

(*d*) In reckoning for the purposes of sub-paragraph (*b*) of this paragraph any period of thirty days, no account shall be taken of any time during which the legislative chamber concerned is dissolved or prorogued.

First Standing Orders

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

Payments by Territories to Federation during initial period

109. If this Constitution comes into force before the first day of January, 1958, article 93 of this Constitution shall apply in relation to the period beginning on the date when this Constitution comes into force and ending on the thirty-first day of December, 1957, as it applies in relation to any of the first five financial years:

Provided that for the purposes of the application of that article in relation to that period that article shall have effect as if the reference to nine million one hundred and twenty thousand dollars were a reference to such proportion of that sum as that period is of a complete year.

Chief Justice alone may make rules of court

110. Until such time as two judges of the Federal Supreme Court in addition to the Chief Justice of the Federation have been appointed and have assumed the functions of their office rules of court may be made under article 85 of this Constitution by the Chief Justice of the Federation alone.

Stamp to be used as public seal

111. Until such time as a public seal has been provided for the Federation and the Governor-General has directed that that seal shall be used, any reference in this Constitution to the public seal shall be construed as a reference to such stamp or other mark as may be approved by the Governor-General for use as the public seal of the Federation.

CHAPTER IX

MISCELLANEOUS

Governor-General's power of pardon, etc.

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

(*a*) grant to any person concerned in or convicted of an offence against any law of the Federal Legislature a pardon, either free or subject to lawful conditions;

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such 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 of any penalty or forfeiture otherwise due under any such law to Her Majesty.

(2) Any power of the Governor of a Territory to grant any pardon, respite, reprieve, commutation or remission shall not extend to any offence or alleged offence against a law of the Federal Legislature.

(3) In the exercise of the powers conferred upon him by paragraph (1) of this article the Governor-General shall act in his discretion after consultation with such Minister as he may determine.

Penalty for sitting or voting in Legislature when unqualified

113.—(1) Any person who sits or votes in either chamber of the Federal Legislature knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding ninety-six dollars for each day on which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Federal Supreme Court at the suit of the Attorney-General of the Federation.

Salary of Auditor-General

114. If there shall be established an office of Auditor-General for the Federation, there shall be charged on the revenues of the Federation and paid thereout to any holder of that office such salary and allowances as the Federal Legislature may by law prescribe:

Provided that the salary of any holder of that office shall not be reduced during his continuance in office.

Attorney-General and certain other officers to have right of audience in courts

115. The Attorney-General of the Federation, the Solicitor-General of the Federation and any member of the Department of the Attorney-General of the Federation who is a barrister and has a right of audience in the Federal Supreme Court, shall have a right of audience in all courts within the Federation.

Interpretation

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

"Concurrent Legislative List" means the list of matters contained in Part II of the Third Schedule to this Constitution;

"Exclusive Legislative List" means the list of matters contained in Part I of the Third Schedule to this Constitution;

"Executive Council" means, in relation to any Territory, the Governor's principal executive advisory body, by whatever name called, and in relation to Jamaica includes the Privy Council;

"the Gazette" means the official Gazette of the Federation;

"the Governor-General" means the Governor-General and Commander-in-Chief of the Federation;

"law" in relation to any legislature includes any instrument having the force of law made in exercise of a power conferred by a law of that legislature;

"public officer of the Federation" means the holder of any office in the public service of the Federation, including any person appointed to act in any such office;

"the public seal" means the public seal of the Federation;

"the public service of the Federation" means the service of the Crown in a civil capacity in respect of the government of the Federation but does not include service as a member of the Council of State or as a member of any board, panel, committee or other similar body (whether incorporated or not) established by a law of the Federal Legislature;

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

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

"Territory" means any of the following territories, that is to say—

(*a*) the Colony of Jamaica, including its dependencies but not including the Cayman Islands and the Turks and Caicos Islands;

(*b*) each of the other Colonies referred to in paragraph (1) of article 1 of this Constitution, including its dependencies, if any;

(*c*) the Cayman Islands; and

(*d*) the Turks and Caicos Islands:

Provided that—

(i) any reference in Chapter II and in article 93 and article 98 of this Constitution to a Territory (not being a reference to the Legislature or Executive Council of a Territory) does not include a reference to the Cayman Islands or the Turks and Caicos Islands; and

(ii) any reference to the Legislature of a Territory includes, in relation to the Cayman Islands or the Turks and Caicos Islands, as the case may be, a reference to the Legislature of Jamaica as well as to the Legislature of those Islands; and

(iii) for the purposes of paragraph 16 of the Exclusive Legislative List the Cayman Islands and the Turks and Caicos Islands shall be regarded as part of the Colony of Jamaica.

(2) (*a*) References in this Constitution to a superior court of a Territory are references to any court that is or forms part of a superior court of record (other than the court established by the West Indian Court of Appeal Act, 1919(a)) established for a Territory and include in relation to the Cayman Islands and the Turks and Caicos Islands references, respectively, to the Grand Court of the Cayman Islands and the Supreme Court of the Turks and Caicos Islands.

(*b*) Each of the following courts, that is to say the Supreme Court of the Windward Islands and Leeward Islands and the Court of Appeal for the Windward Islands and Leeward Islands, shall in respect of its jurisdiction in any Territory within the Windward Islands or the Leeward Islands be deemed for the purposes of this Constitution to be a superior court of that Territory.

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

(*a*) any reference to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction;

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

(4) In this Constitution references to dollars and cents are references to currency of those respective denominations issued under any law in force in the Federation.

(5) For the purposes of this Constitution, the resignation of a member of any body or holder of any office established by this Constitution that is required to be addressed to any person shall be deemed to have effect from the time at which it is received by that person:

Provided that in the case of a resignation that is required to be addressed to the President of the Senate or Speaker of the House of Representatives the resignation shall, if the office of President or Speaker is vacant or the President or Speaker is absent from the seat of the Federal Government, be deemed to have effect from the time at which it is received by the Vice-President or Deputy Speaker, as the case may be, on behalf of the President or Speaker.

(6) For the purposes of Chapter II of this Constitution, a person shall not be deemed to hold a paid office in the service or appointment of the Crown by reason of—

(*a*) being in receipt of any remuneration or allowances as a Minister of the Federal Government, as a Minister or Parliamentary Secretary of the Government of any Territory or as a member of the Federal Legislature or of the Legislature or Executive Council of any Territory;

(*b*) being in receipt of a pension or other like allowance from the Crown;

(*c*) being an officer of Her Majesty's armed forces on retired or half pay;

(*d*) being an officer or member of any of the defence forces of the Federation whose services as such are not wholly employed by the Federation or any Territory;

(*e*) holding any office in the service or appointment of the Crown or performing any functions on behalf of the Crown, being an office

(a) 9 & 10 Geo. 5. c. 47.

or functions in respect of which he receives payment by way only of travelling or subsistence allowances or a refund of out-of-pocket expenses ; or

(*f*) holding any other office that is declared by any law of the Federal Legislature to be deemed not to be a paid office in the service or appointment of the Crown for the purposes of Chapter II of this Constitution.

(7) (*a*) Where the holder of the office of Governor-General, Chief Justice of the Federation or Federal Justice or of any office in the public service of the Federation constituted by or under this Constitution is on leave of absence pending relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person to that office.

(*b*) Where two or more persons are holding the same office by reason of an appointment made pursuant to sub-paragraph (*a*) of this paragraph, then—

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

(ii) in the case of the offices of Governor-General, Chief Justice of the Federation and Federal Justice, for the purposes of articles 3, 76 and 77 of this Constitution,

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

(8) The offices referred to in paragraph (2) of article 5 of this Constitution shall, for the purposes of this Constitution, be paid offices in the public service of the Federation.

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

(10) Any function that is conferred by this Constitution on the Governor of a Territory shall be performed by him as if it were a function in the performance of which he was required by the Constitution of that Territory to consult the Executive Council of that Territory.

(11) Except in paragraph (*c*) of article 10, article 25, paragraph (1) of article 32, article 41 and sub-paragraph (*a*) of paragraph (6) of this article, references in this Constitution to a member or members of the House of Representatives do not include references to a person who, under paragraph (2) of article 15 of this Constitution, is a member of that House by virtue of holding the office of Speaker.

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

(13) Any reference in this Constitution to the date on which this Constitution comes into force shall be construed as a reference to the date appointed under subsection (2) of section 1 of the Order in Council to which this Constitution is annexed.

(14) Subject to the provisions of this article and save where the context otherwise requires, the Interpretation Act, 1889, shall apply for the purpose of interpreting this Constitution as it applies for the purpose of interpreting an Act of Parliament.

Amendment of Constitution

117.—(1) Her Majesty in Council may by Order amend or revoke any of the provisions of this Constitution including this article and may by such an Order amend this Constitution for the purpose of including within the Federation other colonies (with their dependencies, if any).

(2) No draft of an Order proposed to be made under paragraph (1) of this article that—

(*a*) reduces the number of seats in the House of Representatives to be held by members of the House of Representatives elected in any Territory, or

(*b*) reduces the proportion of the total number of seats in the Senate or the House of Representatives to be held by Senators appointed for, or members of the House of Representatives elected in, any Territory,

shall be submitted to Her Majesty in Council unless the legislative chamber of that Territory, or, in the case of a Territory having two legislative chambers, each of those chambers, has by resolution signified that such reduction is acceptable to that chamber:

Provided that the foregoing provisions of this paragraph shall not apply in relation to any provision made under paragraph (1) of this article for creating, in connection with the accession to the Federation of the Colony of British Guiana or the Colony of British Honduras, additional seats in the Senate or the House of Representatives to be held by Senators appointed for, or members of the House of Representatives elected in, the Colony of British Guiana or the Colony of British Honduras, as the case may be.

(3) For the purposes of paragraph (2) of this article the alternate member for Montserrat shall not be regarded as holding a seat in the House of Representatives, but no draft of an Order proposed to be made under paragraph (1) of this article that revokes or amends the provisions of article 16 of this Constitution shall be submitted to Her Majesty in Council unless the legislative chamber of Montserrat has by resolution signified that such revocation or amendment is acceptable to that chamber.

(4) No draft of an Order proposed to be made under paragraph (1) of this article that amends any of the provisions of this article shall be submitted to Her Majesty in Council unless the legislative chamber of each Territory or, in the case of a Territory having two legislative chambers, each of those chambers, has by resolution signified that the alteration effected by the amendment is acceptable to it.

Review of Constitution

118. Not later than the fifth anniversary of the date on which this Constitution comes into force there shall be convened a conference consisting of delegates from the Federation, from each of the Colonies referred to in paragraph (1) of article 1 of this Constitution and from the United Kingdom, chosen by their respective Governments, for the purpose of reviewing this Constitution; and that conference shall, among other things, review, in the light of progress made towards establishing a customs union within the Federation and other relevant factors, the powers conferred by this Constitution on the Federal Legislature to make provision for the levying of taxes on income and profits.

THE FIRST SCHEDULE

(*Articles* 2 (3), 25, 67 and 78)

FORMS OF OATHS AND AFFIRMATIONS

1. *Oath of Allegiance*

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

2. *Affirmation of Allegiance*

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

3. *Oath for due execution of office*

I.....do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*). So help me God.

4. *Affirmation for due execution of office*

I.....do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*).

THE SECOND SCHEDULE

(*Article* 2 (4))

SALARY AND ALLOWANCE OF THE GOVERNOR-GENERAL

1. Salary	28,800 dollars per annum
2. Duty allowance	12,000 dollars per annum

THE THIRD SCHEDULE

(*Article* 116 (1))

PART I. THE EXCLUSIVE LEGISLATIVE LIST

1. Audit of accounts of the Federal Government.

2. Borrowing of monies for the purposes of the Federal Government.

3. Defence.

4. The provision by the Federation of financial, advisory or other assistance to any Government, person or authority in relation to any matter.

5. The establishment, maintenance and regulation of Federal agencies and institutions for research, investigation or the promotion of special studies in relation to any matter.

6. Exchange control.

7. Federal libraries, museums and similar institutions, that is to say:—

(*a*) any libraries, museums and similar institutions established by the Federal Government; and

(*b*) any other libraries, museums and similar institutions in any Territory which the Governor of that Territory, with the consent of the Governor-General, designates as Federal libraries, museums and institutions by order published in the official Gazette of that Territory.

8. Immigration into, and emigration and deportation from, the Federation.

9. Income tax on emoluments and allowances (including pensions, gratuities and other like allowances) paid from the public funds of the Federation to the President, Vice-President or a member of the Senate, or the Speaker, Deputy Speaker or a member of the House of Representatives or to persons who are or have been in the service of the Crown in respect of the government of the Federation, which service, for the purposes of this paragraph, shall be deemed to include service as a judge of any Federal court or as a member of the Council of State.

10. Legal proceedings between the Federation and a Territory or between Territories (subject to article 80 of this Constitution).

11. Legal proceedings by or against the Federation other than proceedings against or by a Territory.

12. Public relations of the Federation.

13. The public service of the Federation (subject to Chapter VII of this Constitution and any regulations made under that Chapter).

14. Pensions and gratuities payable out of the public funds of the Federation.

15. The reference to and determination by the Federal Supreme Court of any such question as is mentioned in article 42 of this Constitution.

16. The service and execution in any Territory of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of any other Territory and the attendance of persons from any Territory at the courts of any other Territory.

17. The University College of the West Indies.

18. The matters with respect to which the Federal Legislature is empowered to make laws by any of the following provisions of this Constitution, that is to say sub-paragraph (*c*) of paragraph (1) of article 17, article 18, paragraph (*h*) of article 21, articles 41, 83, 85, 86, 87, 88 and 90, and sub-paragraph (*f*) of paragraph (6) of article 116.

Part II. The Concurrent Legislative List

1. The acquisition of property of any Territory, person or authority for any purpose of the Federal Government.

2. Civil aviation and ancillary services including ancillary transport services and safety of aircraft.

3. Aliens.

4. Arbitration.

5. Astronomy and Meteorology.

6. Audit of public accounts other than accounts of the Federal Government.

7. Banks (including savings banks) and banking.

8. Bankruptcy and insolvency.

9. Bills of exchange and promissory notes.

10. Borrowing of monies for the purposes of the Government of any Territory.

11. Census.

12. Companies, that is to say general provision as to the incorporation, regulation and winding-up of bodies corporate, other than bodies incorporated directly by a law of the Federal Legislature or of the Legislature of any Territory.

13. Conciliation and arbitration in relation to industrial disputes.

14. Control of the movement of persons between Territories (subject to articles 49, 50 and 51 of this Constitution).

15. Copyright, patents, trade marks, designs and merchandise marks.

16. Criminal law and procedure.

17. Currency, coinage and legal tender.

18. Customs and excise duties (subject to articles 94 and 95 of this Constitution).

19. Development of industries.

20. Evidence and the recognition of laws, of public acts and records, and of judicial proceedings.

21. Fishing beyond the territorial waters of the Federation by vessels registered or licensed in the Federation.

22. Insurance other than insurance undertaken by the Government of any Territory but including insurance undertaken by the Government of any Territory that extends beyond the limits of that Territory.

23. Marriage and divorce, and custody and guardianship of infants:

Provided that no provision of any law of the Federal Legislature with respect to these matters shall have effect in any Territory unless and until the legislative chamber or, in the case of a Territory having two legislative chambers, each of the legislative chambers of that Territory has resolved that the law shall so have effect.

24. Matters ancillary to the naturalization or registration of persons as citizens of the United Kingdom and Colonies.

25. Atomic Energy.

26. Oaths, affirmations and statutory declarations.

27. Postal services (subject to article 97 of this Constitution).

28. Prisons and other institutions for the treatment of, and methods of treating, offenders against any law, whether or not that law is within the legislative competence of the Federal Legislature or, as the case may be, of the Legislature of the Territory.

29. Quarantine.

30. Shipping and navigation, including lighthouses, lightships, beacons, buoys and other provisions for the safety of shipping.

31. Statistics.

32. Students services, that is to say the provision of financial and other assistance for persons receiving university education or such education or training as is referred to in paragraph 33 of this List.

33. Subject to paragraph 17 of the Exclusive Legislative List, professional, technological and agricultural education, training and studies.

34. Surveys, investigations and research (except by a Federal agency or institution) in relation to any matter connected with the economic and social development of the Federation.

35. Taxes on income and profits other than such taxes as are referred to in paragraph 9 of the Exclusive Legislative List:

Provided that no law of the Federal Legislature enacted by virtue of this paragraph shall make provision for the levying during the period of five years beginning with the date when this Constitution comes into force of any such tax.

36. Telegraph and telephone communications between the Federation and countries outside the Federation and between Territories; wireless, television and similar forms of communication.

37. Trade and commerce with countries outside the Federation and between Territories.

38. Trade unions.

39. Weights and measures.

THE FOURTH SCHEDULE (*Article* 91 (1))

SCHEDULED COMMODITIES AND RATES OF DUTY FOR THE PURPOSES OF CHAPTER VI

Column I	*Column II*
Motor Spirit (gasolene and other light oils for similar uses) including gasolene blending agents, but excluding aviation spirit imported or taken out of bond for the sole use of aircraft.	7 cents per imperial gallon.
Cigarettes or tobacco for the manufacture of cigarettes ...	80 cents per pound.
Beer (including ale, stout and porter) and other fermented cereal beverages.	32 cents per imperial gallon.
Rum	80 cents per proof imperial gallon.
Distilled alcoholic beverages other than rum	1 dollar per proof imperial gallon.

THE FIFTH SCHEDULE (*Article* 93)

PROPORTION OF AMOUNT DEMANDED UNDER ARTICLE 93 TO BE PAID BY THE GOVERNMENT OF EACH TERRITORY

Territory	*Proportion*
Antigua	1·3374 per cent
Barbados	8·5562 per cent
Dominica	1·6250 per cent
Grenada	1·6969 per cent
Jamaica	43·1119 per cent
Montserrat	0·2732 per cent
Saint Christopher, Nevis and Anguilla...	1·7256 per cent
Saint Lucia	1·7400 per cent
Saint Vincent	1·3086 per cent
Trinidad and Tobago	38·6252 per cent

Table showing session and chapter of Acts referred to in section 4 of the Order

Short Title	Session and Chapter
The Colonial Leave of Absence Act, 1782 ...	22 Geo. 3. c. 75
The Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41
The Statutory Declarations Act, 1835	5 & 6 Will. 4. c. 62
The (Colonies) Evidence Act, 1843	6 & 7 Vict. c. 22
The Slave Trade Act, 1843	6 & 7 Vict. c. 98
The Judicial Committee Act, 1844	7 & 8 Vict. c. 69
The Admiralty Offences (Colonial) Act, 1849 ...	12 & 13 Vict. c. 96
The Evidence Act, 1851	14 & 15 Vict. c. 99
The Evidence by Commission Act, 1859	22 Vict. c. 20
The Colonial Affidavits Act, 1859	22 & 23 Vict. c. 12
The Admiralty Offences (Colonial) Act, 1860 ...	23 & 24 Vict. c. 122
The Colonial Letters Patent Act, 1863	26 & 27 Vict. c. 76
The Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63
The Colonial Marriages Act, 1865	28 & 29 Vict. c. 64
The Documentary Evidence Act, 1868	31 & 32 Vict. c. 37
The Colonial Prisoners Removal Act, 1869 ...	32 & 33 Vict. c. 10
The Extradition Acts, 1870 to 1935	33 & 34 Vict. c. 52 36 & 37 Vict. c. 60 58 & 59 Vict. c. 33 6 Edw. 7. c. 15 22 & 23 Geo. 5. c. 39 25 & 26 Geo. 5. c. 25, ss. 4, 6
The Fugitive Offenders Acts, 1881 and 1915 ...	44 & 45 Vict. c. 69 5 & 6 Geo. 5. c. 39
The Colonial Prisoners Removal Act, 1884 ...	47 & 48 Vict. c. 31
The Pensions (Colonial Service) Act, 1887 ...	50 & 51 Vict. c. 13
The Interpretation Act, 1889	52 & 53 Vict. c. 63
The Colonial Courts of Admiralty Act, 1890 ...	53 & 54 Vict. c. 27
The Colonial Officers (Leave of Absence) Act, 1894	57 & 58 Vict. c. 17
The Merchant Shipping Act, 1894	57 & 58 Vict. c. 60
The Colonial Boundaries Act, 1895	58 & 59 Vict. c. 34
The Finance Act, 1899	62 & 63 Vict. c. 9
The Patents and Designs Act, 1907	7 Edw. 7. c. 29
The Colonial Development and Welfare Acts, 1940 to 1955	3 & 4 Geo. 6. c. 40 8 & 9 Geo. 6. c. 20 3 & 4 Eliz. 2. c. 6
The Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36
The British Nationality Act, 1948	11 & 12 Geo. 6. c. 56
The Overseas Resources Development Acts, 1948 to 1956	11 & 12 Geo. 6. c. 15 12, 13 & 14 Geo. 6. c. 65 14 & 15 Geo. 6. c. 20 2 & 3 Eliz. 2. c. 71 4 & 5 Eliz. 2. c. 71
The Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87
The Registered Designs Act, 1949	12, 13 & 14 Geo. 6. c. 88
The Leeward Islands Act, 1956	4 & 5 Eliz. 2. c. 23
The Copyright Act, 1956	4 & 5 Eliz. 2. c. 74