Grenada 1973 (enint. 1991, enr. 2012)

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PREAMBLE
Whereas the people of Grenada

a. have affirmed that their custom is based on principles that acknowledge the fatherhood of God and the supremacy of human dignity and brotherhood;

b. recognize that, however, in spiritual development is of supreme importance to human endeavour, and the highest manifestation of human dignity is the quest by each individual for the spiritual and moral values by which he shapes his destiny;

c. firmly believe in the dignity of human values and that all men are endowed by the Creator with equal and inalienable rights, reason, and conscience; their rights and duties are cumulative in every social and political activity of their and that while rights such individual freedoms, duties are necessary for the good of all;

d. recognize that respect for the law and obedience to constitutional authority are the cornerstones of freedom and that without such respect, regard, or the duty of every man always to hold it in high esteem;

e. believe that the ideal of the ever-emerging freedom from fear and want can be fulfilled only if conditions are created in which everyone can enjoy his economic, social and cultural rights as well as civil and political rights;

f. believe that respect for the law and obedience to constitutional authority are the cornerstones. Meaning of their culture and their ground of freedom, regard, or the duty of every man always to hold it in high esteem;

g. believe that the ideal of the ever-emerging freedom from fear and want can be fulfilled only if conditions are created in which everyone can enjoy his economic, social and cultural rights as well as civil and political rights;

h. declare that their constitution should reflect the above mentioned principles and beliefs which have been the guiding principles of their forefathers and which have been instrumental in shaping the present Grenada of fundamental rights and freedoms;

Now, therefore, the following provisions shall have effect as the Constitution of Grenada:

CHAPTER 1. PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

1. Fundamental rights and freedoms

Whereas every person in Grenada is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to the enjoyment of the fundamental rights and freedoms, that is to wit, namely,

a. the liberty, security of the person and the protection of the law;

b. freedom of conscience, of expression and of assembly and association;

c. protection for the privacy of his home and other property and from deprivation of property without compensation; and

d. the right to work.

the provisions of the Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being such provisions as are designed to secure the protection of the rights and freedoms of others or the public interest.

2. Protection of rights to life

(1) Subject to the provisions of this Constitution, no person shall be deprived of his life intentionally or shall be deemed to have contravened the provisions of this Constitution or of any other law if he dies as the result of the use of such force as is not more than is reasonably justifiable in the circumstances of the case for any of the purposes mentioned in subsection (2).

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of an act, not being an act the doing or omission of which is an offence under the law, such as is reasonably justifiable

a. for the defence of any person from violence or for the defence of any property;

b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

c. for the purpose of suppressing a riot, insurrection or mutiny; or

d. in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

3. Protection of rights to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to wit,

a. in consequence of the sentence or order of a court, whether established for Grenada or some country in respect of a criminal offence of which he has been convicted;

b. in consequence of the order of the High Court or the Court of Appeal providing for the contempt of that court or another court or tribunal;

c. in consequence of the order of a court made to secure the fulfilment of any obligation imposed by law;

d. for the purpose of bringing him before a court in execution of the order of a court;

e. upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law of Grenada;

f. under the order of a court with the consent of the parent or guardian, for his education or welfare during an unbroken period not exceeding one year from the date when the order was made;

g. for the purpose of preventing the spread of an infectious or contagious disease;

h. in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;

i. for the purpose of preventing the unlawful entry of that person into Grenada, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Grenada or his detention for the purpose of preventing that person within the territorial waters of Grenada in the course of his retaliation or removal as a convicted prisoner from one country to another in pursuance of the law of extradition;

(2) a court convicts a person of an offence in the exercise of a lawful power of the court, or a person is convicted in a summary jurisdiction of an offence, punishable by imprisonment or by a fine, or a person is convicted of an offence under the law of Grenada, the period of his imprisonment or the period during which he may be required to remain in custody in pursuance of the sentence of the court or of any other lawful authority for not exceeding that period during which it is lawful for a person of his age to be detained in custody in pursuance of a lawful order of a court made in respect of that offence.

4. Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include

a. any labour required in consequence of the sentence or order of a court;

b. any labour required of a person who is lawfully detained for any purpose mentioned in subsection (1) of section 3 of this Chapter and is required to do any work or service which is ordinarily required of persons who are so detained in pursuance of such a lawful order;

c. any labour required in consequence of the imposition or extension to any person of any duty which is, in the view of a person who has the power to impose or extend the duty in question, reasonable in the circumstances of the case for the purpose of dealing with a state of emergency or other emergency or calamity threatening the life and well-being of the community;

d. any labour required of a person as a member of a disciplined force.

5. Protection from deprivation of property

1. No person shall be subjected to torture or inhuman or degrading punishment or other treatment.

2. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it shall be lawful for the infliction of any description of punishment that was held to be inconsistently before the coming into operation of this Constitution.

3. Protection from deprivation of property

1. No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied for the purpose of securing such possession or acquisition of property.

2. Every person having an interest or right over property which is compulsorily taken possession of or whose interest in or right over property is compulsorily acquired shall have a right of direct access to the High Court for the protection of his interest or right.

3. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision for the payment of adequate compensation for the benefit of the collectivity of persons for whom a trust shall be established for the benefit of persons entitled to the beneficial interest in the property.

4. Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision for the payment of adequate compensation for the benefit of persons who are entitled to the beneficial interest in the property compulsorily taken possession of or in which an interest or right over property of any description is compulsorily acquired.

5. Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it shall be lawful for the State to enter upon any land and take possession of or acquire any interest in or right over property of any description where the property is being used in such a manner as to cause or to be likely to cause a nuisance to persons who are in the vicinity of the property.

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Tribunal may make recommendations concerning the necessity or expediency of continuing the suspension of the member or officer, or of any other suspension from office or employment, and the authority shall act in accordance with such recommendations.

3. Nothing contained in subsection (1) or subsection (2) of this section shall be construed as restricting a person from being appointed to another office.

15. Enforcement of prescribed provisions.

1. If any person alleges that the provisions of section 3 to 10 (inclusive) of the Constitution (hereinafter in this Schedule referred to as the Constitution) or section 14 of this Schedule or any prescribed provisions of this Schedule or of any regulations made under section 14 of this Schedule or any other provision made by or under section 14 of this Schedule or any other provision made by the Parliament of Tuvalu for the purpose of giving effect to section 3 to 10 (inclusive) of the Constitution or any of the provisions of this Schedule, or any regulations made under section 14 of this Schedule, or any other provision made by or under section 14 of this Schedule has been or is being or is likely to be contravened in relation to him, in the case of a person who is or is alleged to be a member of the Parliament of Tuvalu or a public officer or a person who is or is alleged to be a candidate for a public office, he (or a person acting on his behalf) may apply to the High Court for redress.

2. Subject to the provisions of section 16 of this Schedule, the High Court shall have jurisdiction to hear and determine any such application and to make such declarations or orders, issue writs and make such other orders as it considers appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of section 3 to 10 (inclusive) of the Constitution.

Provided that the High Court may decline to exercise its power under this subsection if it is satisfied that adequate means of redress are or have been available to the person concerned under any other provision of this Constitution or any other law.

3. If in any proceedings in any court (other than the Court of Appeal, the High Court or a court martial) any question arises as to the contravention of any of the provisions of section 3 to 10 (inclusive) of the Constitution, the person presiding in that court may, and shall if any party to the proceedings requests him to do so, refer the question to the High Court unless he is satisfied that the question is merely frivolous or vexatious.

4. Where any question is referred to the High Court in pursuance of subsection (3) of this section, the High Court shall give its decision on the question and the person presiding in the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or to the Privy Council, in accordance with the decision of the Court of Appeal or the Privy Council as the case may be.

5. Parliament may confer upon the High Court such powers in addition to those conferred by this section as appear to Parliament to be necessary or desirable for the purpose of enabling it effectively to exercise the jurisdiction conferred on it by this section.

6. The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the exercise of its jurisdiction under this section (including rules as to the persons who may exercise rights of action in relation to which applications may be brought and references shall be made to the High Court).

17. Declaration of emergency.

1. The Governor-General may by Proclamation which shall be published in the Gazette, declare that a state of emergency exists or is imminent or has been proclaimed.

2. In this Schedule "state of emergency" means—

(a) the case of a declaration made when Parliament is sitting, a Proclamation of a period of seven days beginning with the date of publication of the declaration;

(b) in any other case, a Proclamation of a period of twenty-one days beginning with the date of publication of the declaration, unless Parliament has previously revoked the declaration or extended such Proclamation of Parliament.

3. A declaration of emergency has ceased to be in force revoked by the Governor-General by Proclamation which shall be published in the Gazette.

4. A declaration of emergency that has been approved by a resolution of the House of Parliament in accordance with section 18 of this Schedule shall, unless Parliament has previously revoked it, or, as the case may be, extension is in force by a resolution of both Houses shall continue in force for a further period of seven days.

5. A resolution of a House of Parliament passed for the purposes of this section shall remain in force for six months or such shorter period as may be specified therein.

6. Subject to section 18 of this Schedule, a Proclamation of emergency, or any extension of such Proclamation, shall cease to have effect on the date of the revocation of the Proclamation or, if any such resolution is in force, on the date of the revocation of that resolution.

7. A resolution of a House of Parliament for the purposes of subsection (4) of this section and a revocation of a House extending any such resolution shall not be passed unless it is supported by the votes of a majority of the members of that House.

8. The provisions of this section shall be construed as conferring on the Parliament of Tuvalu power to make any particular law or to authorize or provide for the making of a further such declaration whether before or after that time.

9. The Governor-General may summon the Houses of Parliament to meet for the purposes of considering any resolution that may be passed under this section and may prorogue the Houses of Parliament for such period as the House of Representatives immediately before the commencement of any such period of prorogue shall not have resolved should not exceed the period of the prorogue of sections 28(2) and 34(4) of the Constitution (which relates to the election of the Speaker and the Speaker's Deputy) and, if the House of Representatives so resolves, may dissolve the House and shall, when dissolved, exercise all of the discretionary powers and functions that it may lawfully exercise, but shall not, during such period, exercise any of the powers of subsection (2) of this section.

18. Interpretation and savings.

In this Chapter, unless the context otherwise requires—

"constitutional" in relation to any requirements includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"constitutional instrument" means a constitutional instrument, or any other instrument established by a constitutional law, and includes the Tuvalu Independence Order 1978 and the Tuvalu Constitution a court established by a constitutional law;

"Disciplinary law" means a law regulating the discipline of any disciplined force;

"Disciplined Forces" means—

(a) the Tuvalu Police Force;

(b) the Police Force; or

(c) a prison service;

"legal representative" means a person entitled to be or to enter Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in any court in Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in a court in Tuvalu;

"member" in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force is subject to that discipline;

A. In this Chapter "current" of public emergency" means any period during which—

(a) the Proclamation of emergency is in force;

(b) a declaration of emergency is in force under section 17 of the Constitution

B. In relation to any person who is detained, or restricted, or subjected to other restrictions under any Parliament to Tuvalu law lawfully established for Grenada, nothing contained in or done under any law shall be held to be inconsistent with or in contravention of any of the provisions of section 1 of the Constitution of Tuvalu of the provisions of section 3 to 10 (inclusive) of the Constitution.

C. Nothing in any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully quartered in Tuvalu, nothing contained or done under the authority of any law shall be deemed to be of the force of law to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER V. GOVERNOR GENERAL

PART I. Establishment of the Office of Governor-General

There shall be a Governor-General of Grenada who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure subject to the provisions of this Constitution.

PART II. Duties to be taken by Governor-General

A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe an oath of allegiance and an oath of office.

PART III. Acting Governor-General

1. Whenever the office of Governor-General is vacant or the Her Majesty of the office of Governor-General is absent from Grenada or is unable to perform the functions of his office, the Chief Justice shall perform such functions as are vested in the Governor-General.

2. Before assuming the functions of the office of Governor-General, a person shall take and subscribe before the Chief Justice the oath of the Constitution to be made by the Governor-General.

3. Subject to section 4 of this Schedule, a person shall cease to perform the functions of the office of Governor-General when other persons shall arrive in Grenada to perform those functions and shall be deemed to be absent on a reason that he shall be absent on reasons those functions.

4. The Chief Justice of the Governor-General shall not for the purposes of this section, be regarded as absent from Grenada or unable to perform the functions of his office—

a. by reason that he is in passage through or over Grenada; or

b. at any time when there is a subsisting appointment of a deputy under section 12 of this Schedule to perform those functions.

12. Reasons to Governor-General.

1. Whenever the Governor-General—

a. has occasion to be absent from the seat of Government but not from Grenada;

b. has occasion to be absent from Grenada for a period which he considers, acting his own deliberate judgment, will be of short duration;

c. is suffering from a illness which he considers, acting in his own deliberate judgment, will be of short duration;

he may, acting in accordance with the advice of the Prime Minister, appoint any person in Grenada to be his deputy for the purpose of any such absence, illness or suspension from duty. Provided that the functions of the office of Governor-General as may be specified in the instrument by which he is appointed.

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 section, and subject to the provisions of the Constitution, a deputy shall conform to and observe all instructions that the Governor-General, acting his own deliberate judgment, may from time to time address to him.

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

A person appointed as a deputy under this section shall, unless his appointment is revoked, or, as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by the Governor-General acting in accordance with the advice of the Prime Minister.

CHAPTER VI. PARLIAMENT

PART I. Composition of Parliament

1. Establishment of Parliament.

There shall be a Parliament of Grenada which shall consist of the Queen, Her Majesty, a House of Representatives.

2. The Speaker.

PART II. Composition of Senate

3. The Senate shall consist of three members to this constitution referred to as "Senators" who shall be appointed by the Governor-General in accordance with this section.

4. Of the Senators—

a. one shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister;

b. three shall be appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition; and

c. three shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Ministers, acting in his own deliberate judgment, after consultation with the Prime Ministers consider the Senators should be representing the interests of Grenada.

5. Qualifications for appointment as Senator.

Subject to the provisions of section 6 of this Constitution, a person shall qualified for appointed as a Senator if, and shall not be qualified unless, he—

a. is a Commonwealth citizen who has attained the age of eighteen years;

b. has either resided in Grenada for a period of twelve months immediately before the date of his appointment or has been ordinarily resident in Grenada for three years;

c. is able to speak and write fluently in the English language sufficiently to participate in Senate English language with sufficient proficiency to participate in the Senate and in the proceedings of the Senate.

6. Disqualifications for appointment as Senator.

1. No person shall be qualified to be appointed as a Senator if he—

a. is by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence, a citizen of a foreign country;

b. is a public officer or a member of a disciplined force or holds a public office in reference to which a special provision is made by section 15 of this Constitution;

c. is a person who has been convicted of a crime or has any crime or person that is comprised in any such crime; or

d. is a person who has been adjudged to be by law of person that is comprised in any such force.

2. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

3. Parliament may provide that a person who is convicted by any court of any offence in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

5. No person shall be qualified to be appointed as a Senator who is a member of the House of Representatives.

6. Parliament may provide, subject to such modifications and exceptions as it may prescribed, that any person who, in accordance with the provisions of this section, shall be qualified to be appointed as a Senator, is—

a. by virtue of a law having effect in Grenada, disqualified for being a member of, or for being elected or appointed to, any such House of Parliament; or

b. by reason of any law of the House of Parliament or to any class of person that is comprised in any such force; or

c. by reason of any law of the House of Parliament or to any class of person that is comprised in any such force.

7. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

8. Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is committed in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

9. Parliament may provide, subject to such modifications and exceptions if it shall prescribed, that any person who, in accordance with the provisions of this section, shall be qualified to be appointed as a member of the House of Representatives, is—

a. by virtue of a law having effect in Grenada or any agreement (either individually or by reference to a class of persons) or agreement;

b. by reason of any law of the House of the Crown or to any class of person that is comprised in any such force or

c. by reason of any law of the House of the Crown or to any class of person that is comprised in any such force.

10. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

11. Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is committed in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

12. Vacation of seat of Senators.

1. A Senator shall vacate his seat in the Senate at the next dissolution of Parliament after his appointment.

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

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

b. if he ceases to be a Commonwealth citizen;

c. if, with the consent of the Governor-General, he resigns his office by notice in writing addressed to the Governor-General;

d. subject to the provisions of subsection (3) of this section, if any other circumstances arise that, if he were a member of the House of Representatives, would cause him to vacate his seat in that House;

e. if he ceases to be a Commonwealth citizen or ceases to be ordinarily resident in Grenada or ceases to be a person who is qualified to be appointed as a Senator under section 5 of this Constitution or if any law enacted for purposes of section 6 of this Constitution shall so provide.

3. If the Governor-General, acting in his own deliberate judgment, shall be satisfied that any member of a Senator appointed under paragraph (a) of subsection (1) of section 3 of this Constitution, declares the seat of that Senator to be vacant.

4. If any circumstances such as are referred to in paragraph (d) of subsection (2) of this section shall arise in relation to any Senator, the President of the Senate shall forthwith cause the matter to be referred to a tribunal consisting of three persons who are or have been judges of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court, and if the tribunal shall recommend to the President of the Senate that a Senator should be removed from his office, he shall forthwith cause the question of the removal of that Senator to be decided upon a motion of which notice has been given in the Senate.

5. If, on the reference of any matter to a tribunal in pursuance of this section, the tribunal shall recommend to the President of the Senate that a Senator should not be removed from his office, the President of the Senate shall forthwith cause the Senate to be informed of the recommendation of the tribunal.

6. The tribunal shall be constituted in such manner as may be prescribed by Parliament.

7. Notwithstanding anything contained in subsection (2) of this section shall be construed as restricting a person from being appointed to another office.

13. Enforcement of prescribed provisions.

1. If any person alleges that the provisions of section 3 to 10 (inclusive) of the Constitution (hereinafter in this Schedule referred to as the Constitution) or section 14 of this Schedule or any prescribed provisions of this Schedule or of any regulations made under section 14 of this Schedule or any other provision made by or under section 14 of this Schedule or any other provision made by the Parliament of Tuvalu for the purpose of giving effect to section 3 to 10 (inclusive) of the Constitution or any of the provisions of this Schedule, or any regulations made under section 14 of this Schedule, or any other provision made by or under section 14 of this Schedule has been or is being or is likely to be contravened in relation to him, in the case of a person who is or is alleged to be a member of the Parliament of Tuvalu or a public officer or a person who is or is alleged to be a candidate for a public office, he (or a person acting on his behalf) may apply to the High Court for redress.

2. Subject to the provisions of section 16 of this Schedule, the High Court shall have jurisdiction to hear and determine any such application and to make such declarations or orders, issue writs and make such other orders as it considers appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of section 3 to 10 (inclusive) of the Constitution.

Provided that the High Court may decline to exercise its power under this subsection if it is satisfied that adequate means of redress are or have been available to the person concerned under any other provision of this Constitution or any other law.

3. If in any proceedings in any court (other than the Court of Appeal, the High Court or a court martial) any question arises as to the contravention of any of the provisions of section 3 to 10 (inclusive) of the Constitution, the person presiding in that court may, and shall if any party to the proceedings requests him to do so, refer the question to the High Court unless he is satisfied that the question is merely frivolous or vexatious.

4. Where any question is referred to the High Court in pursuance of subsection (3) of this section, the High Court shall give its decision on the question and the person presiding in the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or to the Privy Council, in accordance with the decision of the Court of Appeal or the Privy Council as the case may be.

5. Parliament may confer upon the High Court such powers in addition to those conferred by this section as appear to Parliament to be necessary or desirable for the purpose of enabling it effectively to exercise the jurisdiction conferred on it by this section.

6. The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the exercise of its jurisdiction under this section (including rules as to the persons who may exercise rights of action in relation to which applications may be brought and references shall be made to the High Court).

17. Declaration of emergency.

1. The Governor-General may by Proclamation which shall be published in the Gazette, declare that a state of emergency exists or is imminent or has been proclaimed.

2. In this Schedule "state of emergency" means—

a. the case of a declaration made when Parliament is sitting, a Proclamation of a period of seven days beginning with the date of publication of the declaration;

b. in any other case, a Proclamation of a period of twenty-one days beginning with the date of publication of the declaration, unless Parliament has previously revoked the declaration or extended such Proclamation of Parliament.

3. A declaration of emergency has ceased to be in force revoked by the Governor-General by Proclamation which shall be published in the Gazette.

4. A declaration of emergency that has been approved by a resolution of the House of Parliament in accordance with section 18 of this Schedule shall, unless Parliament has previously revoked it, or, as the case may be, extension, resolution is in force by a resolution of both Houses shall continue in force for a further period of seven days.

5. A resolution of a House of Parliament passed for the purposes of this section shall remain in force for six months or such shorter period as may be specified therein.

6. Subject to section 18 of this Schedule, a Proclamation of emergency, or any extension of such Proclamation, shall cease to have effect on the date of the revocation of the Proclamation or, if any such resolution is in force, on the date of the revocation of that resolution.

7. A resolution of a House of Parliament for the purposes of subsection (4) of this section and a revocation of a House extending any such resolution shall not be passed unless it is supported by the votes of a majority of the members of that House.

8. The provisions of this section shall be construed as conferring on the Parliament of Tuvalu power to make any particular law or authorize or provide for the making of a further such declaration whether before or after that time.

9. The Governor-General may summon the Houses of Parliament to meet for the purposes of considering any resolution that may be passed under this section and may prorogue the Houses of Parliament for such period as the House of Representatives immediately before the commencement of any such period of prorogue shall not have resolved should not exceed the period of the prorogue of sections 28(2) and 34(4) of the Constitution (which relates to the election of the Speaker and the Speaker's Deputy) and, if the House of Representatives so resolves, may dissolve the House and shall, when dissolved, exercise all of the discretionary powers and functions that it may lawfully exercise, but shall not, during such period, exercise any of the powers of subsection (2) of this section.

18. Interpretation and savings.

In this Chapter, unless the context otherwise requires—

"constitutional" in relation to any requirements includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"constitutional instrument" means a constitutional instrument, or any other instrument established by a constitutional law, and includes the Tuvalu Independence Order 1978 and the Tuvalu Constitution a court established by a constitutional law;

"Disciplinary law" means a law regulating the discipline of any disciplined force;

"Disciplined Forces" means—

(a) the Tuvalu Police Force;

(b) the Police Force; or

(c) a prison service;

"legal representative" means a person entitled to be or to enter Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in any court in Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in a court in Tuvalu;

"member" in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force is subject to that discipline;

A. In this Chapter "current" of public emergency" means any period during which—

(a) the Proclamation of emergency is in force;

(b) a declaration of emergency is in force under section 17 of the Constitution

B. In relation to any person who is detained, or restricted, or subjected to other restrictions under any Parliament to Tuvalu law lawfully established for Grenada, nothing contained in or done under any law shall be held to be inconsistent with or in contravention of any of the provisions of section 1 of the Constitution of Tuvalu of the provisions of section 3 to 10 (inclusive) of the Constitution.

C. Nothing in any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully quartered in Tuvalu, nothing contained or done under the authority of any law shall be deemed to be of the force of law to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER V. GOVERNOR GENERAL

PART I. Establishment of the Office of Governor-General

There shall be a Governor-General of Grenada who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure subject to the provisions of this Constitution.

PART II. Duties to be taken by Governor-General

A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe an oath of allegiance and an oath of office.

PART III. Acting Governor-General

1. Whenever the office of Governor-General is vacant or the Her Majesty of the office of Governor-General is absent from Grenada or is unable to perform the functions of his office, the Chief Justice shall perform such functions as are vested in the Governor-General.

2. Before assuming the functions of the office of Governor-General, a person shall take and subscribe before the Chief Justice the oath of the Constitution to be made by the Governor-General.

3. Subject to section 4 of this Schedule, a person shall cease to perform the functions of the office of Governor-General when other persons shall arrive in Grenada to perform those functions and shall be deemed to be absent on reason those functions.

4. The Chief Justice of the Governor-General shall not for the purposes of this section, be regarded as absent from Grenada or unable to perform the functions of his office—

a. by reason that he is in passage through or over Grenada; or

b. at any time when there is a subsisting appointment of a deputy under section 12 of this Schedule to perform those functions.

12. Reasons to Governor-General.

1. Whenever the Governor-General—

a. has occasion to be absent from the seat of Government but not from Grenada;

b. has occasion to be absent from Grenada for a period which he considers, acting his own deliberate judgment, will be of short duration;

c. is suffering from a illness which he considers, acting in his own deliberate judgment, will be of short duration;

he may, acting in accordance with the advice of the Prime Minister, appoint any person in Grenada to be his deputy for the purpose of any such absence, illness or suspension from duty. Provided that the functions of the office of Governor-General as may be specified in the instrument by which he is appointed.

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 section, and subject to the provisions of the Constitution, a deputy shall conform to and observe all instructions that the Governor-General, acting his own deliberate judgment, may from time to time address to him.

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

A person appointed as a deputy under this section shall, unless his appointment is revoked, or, as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by the Governor-General acting in accordance with the advice of the Prime Minister.

CHAPTER VI. PARLIAMENT

PART I. Composition of Parliament

1. Establishment of Parliament.

There shall be a Parliament of Grenada which shall consist of the Queen, Her Majesty, a House of Representatives.

2. The Speaker.

PART II. Composition of Senate

3. The Senate shall consist of three members to this constitution referred to as "Senators" who shall be appointed by the Governor-General in accordance with this section.

4. Of the Senators—

a. one shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister;

b. three shall be appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition; and

c. three shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Ministers, acting in his own deliberate judgment, after consultation with the Prime Ministers consider the Senators should be representing the interests of Grenada.

5. Qualifications for appointment as Senator.

Subject to the provisions of section 6 of this Constitution, a person shall qualified for appointed as a Senator if, and shall not be qualified unless, he—

a. is a Commonwealth citizen who has attained the age of eighteen years;

b. has either resided in Grenada for a period of twelve months immediately before the date of his appointment or has been ordinarily resident in Grenada for three years;

c. is able to speak and write fluently in the English language sufficiently to participate in Senate English language with sufficient proficiency to participate in the Senate and in the proceedings of the Senate.

6. Disqualifications for appointment as Senator.

1. No person shall be qualified to be appointed as a Senator if he—

a. is by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence, a citizen of a foreign country;

b. is a public officer or a member of a disciplined force or holds a public office in reference to which a special provision is made by section 15 of this Constitution;

c. is a person who has been convicted of a crime or has any crime or person that is comprised in any such crime; or

d. is a person who has been adjudged to be by law of person that is comprised in any such force.

2. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

3. Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is committed in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

5. No person shall be qualified to be appointed as a Senator who is a member of the House of Representatives.

6. Parliament may provide, subject to such modifications and exceptions if it shall prescribed, that any person who, in accordance with the provisions of this section, shall be qualified to be appointed as a Senator, is—

a. by virtue of a law having effect in Grenada, disqualified for being a member of, or for being elected or appointed to, any such House of Parliament; or

b. by reason of any law of the House of Parliament or to any class of person that is comprised in any such force; or

c. by reason of any law of the House of Parliament or to any class of person that is comprised in any such force.

7. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

8. Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is committed in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

9. Parliament may provide, subject to such modifications and exceptions if it shall prescribed, that any person who, in accordance with the provisions of this section, shall be qualified to be appointed as a member of the House of Representatives, is—

a. by virtue of a law having effect in Grenada or any agreement (either individually or by reference to a class of persons) or agreement;

b. by reason of any law of the House of the Crown or to any class of person that is comprised in any such force or

c. by reason of any law of the House of the Crown or to any class of person that is comprised in any such force.

10. For the purposes of paragraph (a) of subsection (1) of this section—

a. no one is more acknowledgement of allegiance, obedience or adherence to a foreign country or part thereof, or acquires the status of a citizen of a foreign country or part thereof, by reason only that he is entitled to be registered as a citizen of that country or part thereof, or to acquire such a status or nationality if he fulfils such conditions as may be prescribed by the law of that country or part thereof;

b. subject to such exceptions and limitations as may be prescribed by Parliament, he has such interests in any such government or country as aforesaid as Parliament may prescribe.

11. Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is committed in Grenada or any other country or part thereof, and who is sentenced to imprisonment or other deprivation of liberty for a period of not less than six months, or to a fine of not less than such amount as may be specified, but not exceeding five years following his conviction, or, as the case may be, following the expiry of that period, shall be disqualified for a period of five years.

12. Vacation of seat of Senators.

1. A Senator shall vacate his seat in the Senate at the next dissolution of Parliament after his appointment.

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

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

b. if he ceases to be a Commonwealth citizen;

c. if, with the consent of the Governor-General, he resigns his office by notice in writing addressed to the Governor-General;

d. subject to the provisions of subsection (3) of this section, if any other circumstances arise that, if he were a member of the House of Representatives, would cause him to vacate his seat in that House;

e. if he ceases to be a Commonwealth citizen or ceases to be ordinarily resident in Grenada or ceases to be a person who is qualified to be appointed as a Senator under section 5 of this Constitution or if any law enacted for purposes of section 6 of this Constitution shall so provide.

3. If the Governor-General, acting in his own deliberate judgment, shall be satisfied that any member of a Senator appointed under paragraph (a) of subsection (1) of section 3 of this Constitution, declares the seat of that Senator to be vacant.

4. If any circumstances such as are referred to in paragraph (d) of subsection (2) of this section shall arise in relation to any Senator, the President of the Senate shall forthwith cause the matter to be referred to a tribunal consisting of three persons who are or have been judges of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court, and if the tribunal shall recommend to the President of the Senate that a Senator should be removed from his office, he shall forthwith cause the question of the removal of that Senator to be decided upon a motion of which notice has been given in the Senate.

5. If, on the reference of any matter to a tribunal in pursuance of this section, the tribunal shall recommend to the President of the Senate that a Senator should not be removed from his office, the President of the Senate shall forthwith cause the Senate to be informed of the recommendation of the tribunal.

6. The tribunal shall be constituted in such manner as may be prescribed by Parliament.

7. Notwithstanding anything contained in subsection (2) of this section shall be construed as restricting a person from being appointed to another office.

13. Enforcement of prescribed provisions.

1. If any person alleges that the provisions of section 3 to 10 (inclusive) of the Constitution (hereinafter in this Schedule referred to as the Constitution) or section 14 of this Schedule or any prescribed provisions of this Schedule or of any regulations made under section 14 of this Schedule or any other provision made by or under section 14 of this Schedule or any other provision made by the Parliament of Tuvalu for the purpose of giving effect to section 3 to 10 (inclusive) of the Constitution or any of the provisions of this Schedule, or any regulations made under section 14 of this Schedule, or any other provision made by or under section 14 of this Schedule has been or is being or is likely to be contravened in relation to him, in the case of a person who is or is alleged to be a member of the Parliament of Tuvalu or a public officer or a person who is or is alleged to be a candidate for a public office, he (or a person acting on his behalf) may apply to the High Court for redress.

2. Subject to the provisions of section 16 of this Schedule, the High Court shall have jurisdiction to hear and determine any such application and to make such declarations or orders, issue writs and make such other orders as it considers appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of section 3 to 10 (inclusive) of the Constitution.

Provided that the High Court may decline to exercise its power under this subsection if it is satisfied that adequate means of redress are or have been available to the person concerned under any other provision of this Constitution or any other law.

3. If in any proceedings in any court (other than the Court of Appeal, the High Court or a court martial) any question arises as to the contravention of any of the provisions of section 3 to 10 (inclusive) of the Constitution, the person presiding in that court may, and shall if any party to the proceedings requests him to do so, refer the question to the High Court unless he is satisfied that the question is merely frivolous or vexatious.

4. Where any question is referred to the High Court in pursuance of subsection (3) of this section, the High Court shall give its decision on the question and the person presiding in the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or to the Privy Council, in accordance with the decision of the Court of Appeal or the Privy Council as the case may be.

5. Parliament may confer upon the High Court such powers in addition to those conferred by this section as appear to Parliament to be necessary or desirable for the purpose of enabling it effectively to exercise the jurisdiction conferred on it by this section.

6. The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the exercise of its jurisdiction under this section (including rules as to the persons who may exercise rights of action in relation to which applications may be brought and references shall be made to the High Court).

17. Declaration of emergency.

1. The Governor-General may by Proclamation which shall be published in the Gazette, declare that a state of emergency exists or is imminent or has been proclaimed.

2. In this Schedule "state of emergency" means—

a. the case of a declaration made when Parliament is sitting, a Proclamation of a period of seven days beginning with the date of publication of the declaration;

b. in any other case, a Proclamation of a period of twenty-one days beginning with the date of publication of the declaration, unless Parliament has previously revoked the declaration or extended such Proclamation of Parliament.

3. A declaration of emergency has ceased to be in force revoked by the Governor-General by Proclamation which shall be published in the Gazette.

4. A declaration of emergency that has been approved by a resolution of the House of Parliament in accordance with section 18 of this Schedule shall, unless Parliament has previously revoked it, or, as the case may be, extension, resolution is in force by a resolution of both Houses shall continue in force for a further period of seven days.

5. A resolution of a House of Parliament passed for the purposes of this section shall remain in force for six months or such shorter period as may be specified therein.

6. Subject to section 18 of this Schedule, a Proclamation of emergency, or any extension of such Proclamation, shall cease to have effect on the date of the revocation of the Proclamation or, if any such resolution is in force, on the date of the revocation of that resolution.

7. A resolution of a House of Parliament for the purposes of subsection (4) of this section and a revocation of a House extending any such resolution shall not be passed unless it is supported by the votes of a majority of the members of that House.

8. The provisions of this section shall be construed as conferring on the Parliament of Tuvalu power to make any particular law or authorize or provide for the making of a further such declaration whether before or after that time.

9. The Governor-General may summon the Houses of Parliament to meet for the purposes of considering any resolution that may be passed under this section and may prorogue the Houses of Parliament for such period as the House of Representatives immediately before the commencement of any such period of prorogue shall not have resolved should not exceed the period of the prorogue of sections 28(2) and 34(4) of the Constitution (which relates to the election of the Speaker and the Speaker's Deputy) and, if the House of Representatives so resolves, may dissolve the House and shall, when dissolved, exercise all of the discretionary powers and functions that it may lawfully exercise, but shall not, during such period, exercise any of the powers of subsection (2) of this section.

18. Interpretation and savings.

In this Chapter, unless the context otherwise requires—

"constitutional" in relation to any requirements includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"constitutional instrument" means a constitutional instrument, or any other instrument established by a constitutional law, and includes the Tuvalu Independence Order 1978 and the Tuvalu Constitution a court established by a constitutional law;

"Disciplinary law" means a law regulating the discipline of any disciplined force;

"Disciplined Forces" means—

(a) the Tuvalu Police Force;

(b) the Police Force; or

(c) a prison service;

"legal representative" means a person entitled to be or to enter Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in any court in Grenada and entitled to practice as a barrister or solicitor or as a legal practitioner in a court in Tuvalu;

"member" in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force is subject to that discipline;

A. In this Chapter "current" of public emergency" means any period during which—

(a) the Proclamation of emergency is in force;

(b) a declaration of emergency is in force under section 17 of the Constitution

B. In relation to any person who is detained, or restricted, or subjected to other restrictions under any Parliament to Tuvalu law lawfully established for Grenada, nothing contained in or done under any law shall be held to be inconsistent with or in contravention of any of the provisions of section 1 of the Constitution of Tuvalu of the provisions of section 3 to 10 (inclusive) of the Constitution.

C. Nothing in any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully quartered in Tuvalu, nothing contained or done under the authority of any law shall be deemed to be of the force of law to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER V. GOVERNOR GENERAL

PART I. Establishment of the Office of Governor-General

There shall be a Governor-General of Grenada who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure subject to the provisions of this Constitution.

PART II. Duties to be taken by Governor-General

A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe an oath of allegiance and an oath of office.

PART III. Acting Governor-General

1. Whenever the office of Governor-General is vacant or the Her Majesty of the office of Governor-General is absent from Grenada or is unable to perform the functions of his office, the Chief Justice shall perform such functions as are vested in the Governor-General.

2. Before assuming the functions of the office of Governor-General, a person shall take and subsc

any law enacted by Parliament.

General Provisions

36. Clerks to Houses of Parliament and their staff

1. There shall be a Clerk to the Senate and a Clerk to the House of Representatives:

Provided that the offices of Clerk to the Senate and Clerk to the House of Representatives may be held by the same person.

2. Subject to the provisions of any enacted by Parliament, the office of Clerk of each House of Parliament and the members of his staff shall be offices in the public service.

37. Determination of questions as to membership of Parliament

1. The High Court shall have jurisdiction to hear and determine any question whether-

- **a.** any person has been validly appointed as a Senator;
- **b.** any person has been validly elected as a member of the House of Representatives;
- **c.** any person who has been elected as Speaker of the House of Representatives from among persons who were not members thereof was qualified to be so elected or has vacated the office of Speaker;
- **d.** any Senator or member of the House of Representatives has vacated his seat or is required, under the provisions of section 27(3) or 33(3) of this Constitution, to cease to perform any of his functions as a Senator or member of the House or Representatives.

2. An application to the High Court for the determination of any question under subsection (1) (a) of this section may be made by any person registered in a constituency as a voter in elections of members of the House of Representatives or by the Attorney-General, and an application to the High Court for the determination of any question under subsection (1) (b) of this section may be made by any person entitled to vote in the election to which the application relates or by any person who was a candidate in that election or by the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

3. An application to the High Court for the determination of any question under subsection (1) (c) of this section may be made by any member of the House of Representatives or by the Attorney-General and if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

4. An application to the High Court for the determination of any question under subsection (1) (d) of this section may be made-

- **a.** in the case of a Senator, by a member of the senate, by any person registered in a constituency as a voter in elections of members of the House of Representatives or by the Attorney-General;
- **b.** in the case of a member of the House of Representatives, by a member of that House or by any person registered in a constituency as a voter in elections of members of that House or by the Attorney-General,

and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

5. Parliament may make provision with respect to-

- **a.** the circumstances and manner in which and the imposition of conditions upon which any application may be made to the High Court for the determination of any question under this section; and
- **b.** the powers, practice and procedure of the High Court in relation to any such application.

6. An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1) of this section.

7. No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) of this section and no appeal shall lie from any decision determining such a question as is referred to in subsection (1) of this section.

8. In the exercise of his functions under this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

Part II. Legislation and Procedure of Parliament

38. Power to make laws

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

39. Alteration of this Constitution and certain other laws

1. Parliament may alter any of the provisions of this Constitution or of the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967(a) in the manner specified in the following provisions of this section.

2. A bill to alter this constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967 shall not be regarded as being passed by the House of Representatives unless on its final reading in that House the bill is supported by the votes of not less than two-thirds of all the members of the House.

3. An amendment made by the Senate to such a bill that has been passed by the House of Representatives shall not be regarded as being agreed to by the House of Representatives for the purpose of section 48 of this Constitution unless such agreement is signified by resolution supported by the votes of not less than two-thirds of all the members of the House Representatives.

4. For the purposes of section 49(4) of this constitution, an amendment of a bill to alter this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967 shall not be suggested to the Senate by the House of Representatives unless a resolution so to suggest the amendment has been supported by the votes of not less than two-thirds of all the members of the House of Representatives.

5. A bill to alter this section, Schedule 1 to this Constitution or any of the provisions of this Constitution specified in Part I of that Schedule or any of the provisions of the Courts Order specified in Part II of that Schedule or section 3 of the West Indies Associated States (appeals to Privy Council) Order 1967 shall not be submitted to the Governor for his assent unless-

- **a.** there has been an interval of not less than ninety days between the introduction of the bill in the House of Representatives and the beginning of the proceedings in the House on the section reading of the bill in that House;
- **b.** after it has been passed by both Houses of Parliament or, in the case of a bill to which section 48 of this Constitution applies, after its rejection by the Senate for the second time; and
- **c.** the bill has been approved on a referendum, held in accordance with such provision as may be made in that behalf by Parliament, by not less than two-thirds of all the votes validly cast on that referendum.

6. Every person who, at the time when the referendum is held, world be entitled to vote in elections of members of the House of Representatives shall be entitled to vote on a referendum held for the purposes of this section in accordance with such procedures as may be prescribed by Parliament for the purposes of the referendum and no other person shall be entitled so to vote.

7. The conduct of any referendum for the purposes of subsection (5) of this section shall be under the general supervision of the Supervisor of Elections and the provisions of subsections (4), (5) and (6) of section 35 of this Constitution shall apply in relation to the exercise by the Supervisor of Elections or by any other officer of his functions with respect to a referendum as they apply in relation to the exercise of his functions with respect to elections of members of the House of Representatives.

8

- **a.** A bill to alter this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967 shall not be submitted to the Governor-General for his assent unless it is accompanied by a certificate under the hand of the Speaker of the House of Representatives (or, if the Speaker is for any reason unable to exercise the functions of his office, the Deputy Speaker) that the provisions of subsection (2),(3) or (4), as the case may be, of this section have been complied with and, where a referendum has been held, by a certificate of the supervisor of Elections stating the results of the referendum.
- **b.** The certificate of the Speaker or, as the case may be, the Deputy Speaker under this subsection shall be conclusive that the provisions of subsection (2), (3) or (4) of this section have been complied with and shall not be enquired into in any court of law.

9. In this section-

- **a.** references to this Constitution include references to any law that alters this Constitution;
- **b.** references to the Courts Order are reference to the West Indies Associated States Supreme Court Order 1967(a) in so far as it has effect as part of the law of Grenada and include references to any law that alters that Order in so far as it has such effect;
- **c.** references to section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967 are references to that section in so far as it has effect as part of the law of Grenada and include reference to any law that alters that section in so far as it has such effect;
- **d.** references to altering this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967, as case may be, or to altering any provision include references-
  - **i.** to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
  - **ii.** to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise; and
  - **iii.** to suspending its operation for any period or terminating any such suspension.

40. Oath by members of Parliament

1. Every member of a House of Parliament shall, before taking his seat in the House, take and subscribe before the House the oath of allegiance but a member may before taking that oath take part in the election of the President or Speaker of the House.

41. Presiding in Houses of Parliament

1. There shall preside at any sitting of the Senate-

- **a.** the President; or
- **b.** in the absence of the President, the Deputy President; or
- **c.** in the absence of the President and the Deputy President, such member of the Senate (not being a Minister or a Parliamentary Secretary) as the Senate may elect for the purpose.

2. There shall preside at any sitting of the House of Representatives-

- **a.** the Speaker; or
- **b.** in the absence of the Speaker, the Deputy Speaker; or
- **c.** in the absence of the Speaker and the Deputy Speaker, such member of the House (not being a Minister or a Parliamentary Secretary) as the House may elect for that purpose.

42. Quorum

1. If at any sitting of either House of Parliament any member of the House who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding at the sitting ascertains that a quorum of the House is not present, the House shall be adjourned.

2. For the purposes of this section-

- **a.** a quorum of the House of Representatives shall consist of five members and the Senate shall consist of four members;
- **b.** a person presiding at the sitting of either House shall not be included in reckoning whether there is a quorum of the House present.

43. Voting

1. Save as otherwise provided in this Constitution, any question proposed for decision in a House of Parliament shall be determined by a majority of the votes of the members present and voting.

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

Provided that in the case of the question of the final reading of a bill such as is referred to in section 39(2) of this Constitution a Speaker or other member presiding in the House of Representatives who is an elected member of the House shall have an original vote but no casting vote.

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

44. Unqualified persons sitting or voting

1. Any person who sits or votes in either House of Parliament knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of an offence and liable to a fine not exceeding one hundred dollars, or such other sum as may be prescribed by Parliament, for each day on which he so sits or votes in the House.

2. Any prosecution for an offence under this section shall be instituted in the High Court and shall not be so instituted except by the Director of Public Prosecutions.

45. Mode of exercise of legislative power

1. The power of Parliament to make laws shall be exercised by bills passed by the Senate and the House of Representatives (or in the cases mentioned in sections 47 and 48 of this Constitution by the House of Representatives) and assented to by the Governor-General on behalf of Her Majesty.

2. When a bill is submitted to the Governor-General for assent in accordance with the provisions of this Constitution he shall signify that he assents or that he withholds assent.

3. When the Governor-General assents to a bill that has been submitted to him in accordance with the provisions of this constitution the bill shall become law and the Governor-General shall thereupon cause it to be published in the Gazette as law.

4. No law made by Parliament shall come into operation until it has been published in the Gazette but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

46. Restrictions with regard to certain financial measures

1. A bill other than a money bill may be introduced in either House of Parliament; a money bill shall not be introduced in the Senate.

2. Except on the recommendation of the Governor-General signified by a Minister, neither House of Parliament shall-

- **a.** proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes:-
  - **i.** for the imposition of taxation or the alteration of taxation otherwise than by reduction;
  - **ii.** for the imposition of any charge upon the Consolidated Fund or any other public fund of Grenada or the alteration of any such charge otherwise than by reduction;
  - **iii.** for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Grenada of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal; or
- **b.** proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

47. Restricting on powers of Senate as to money bills

1. If a money bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to the Senate, the bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General for his 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 submitted to the Governor-General for assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him that it is a money bill and the provisions of that subsection have been complied with.

48. Restriction on powers of Senate as to bills other than money bills

1. This section applies to any bill other than a money bill that is passed by the House of Representatives in two successive sessions (whether or not Parliament is dissolved between those session) 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.

2. A bill to which this section applies shall, on its rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be submitted to the Governor-General for assent notwithstanding that the Senate has not consented to the bill:

Provided that-

- **a.** the foregoing provisions of this subsection shall not have effect unless at least six months have elapsed between the date on which the bill is passed by the House of Representatives in the first session and the date on which it is passed by the House of Representatives in the second session;
- **b.** a bill such as is referred to in subsection (5) of section 39 of this Constitution shall not be submitted to the Governor-General for his assent unless the provisions of that subsection have been complied with and the power conferred on the House of Representatives by this subsection to resolve that a bill shall not be presented to the Governor-General for assent shall not be exercised in respect of such a bill.

3. For the purposes of this section a bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same bill as a former bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former bill or contains only such alterations as are certified by the Speaker of the House of Representatives 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.

4. 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 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; but the exercise of this power by the House shall not affect the operation of this section in the event of the rejection of the bill in the Senate.

5. There shall be inserted in any bill that is submitted to the Governor-General for assent in pursuance of this section any amendments that are certified by the Speaker to have been made in the bill by the Senate in the second session and agreed to by the House.

6. There shall be endorsed on any bill that is presented to the Governor-General for assent in pursuance of this section the certificate of the Speaker signed by him that the provisions of this section have been complied with.

49. Provisions relating to sections 46, 47 and 48

1. In sections 46, 47 and 48 of this Constitution, “money bill” means a public bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this subsection the expressions “taxation”, “debt”, “public money” and “loan” do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

2. For the purposes of section 48 of this Constitution, a bill shall be deemed to be rejected by the Senate if-

- **a.** it is 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 on him by section 47 or 48 of this Constitution or subsection (1) of this section, that function may be performed by the Deputy Speaker.

4. Any certificate of the Speaker or Deputy Speaker given under section 48 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court of law.

5. Before giving any certificate under section 47 or 48 of this Constitution the Speaker or deputy Speaker, as the case may be, shall consult the Attorney-General.

50. Regulating of Procedure in Houses of Parliament

1. Subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure and may in particular make rules for the orderly conduct of its own proceedings.

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

3. Parliament may, for the purpose of the orderly and effective discharge of the business of the Senate and the House of Representatives, make provision for the powers, privileges and immunities of those House and the committees and the members thereof.

Part III. Summoning, Prorogation and Dissolution

51. Sessions of Parliament

1. Each session of Parliament shall be held at such place within Grenada and shall commence at such time as the Governor-General may by Proclamation appoint.

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

52. Prorogation and dissolution of Parliament

1. The Governor-General may at any time prorogue or dissolve Parliament.

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

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

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

4. In the exercise of his powers to dissolve Parliament, the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that-

- **a.** if the majority of all the members of the House of Representatives pass a resolution that they have not confidence in the Government of Grenada and the Prime Minister does not within three days either resign or advise a dissolution, the Governor-General, acting in his own deliberate judgment, may dissolve Parliament;

53. General elections

1. A general election of members of the House of Representatives shall be held at such time within three months after any dissolution of Parliament as the Governor-General may appoint.

2. As soon as practicable after every general election the Governor-General shall proceed under section 24 of this Constitution to the appointment of Senators.

Part IV. Delimitation of Constituencies

54. Constituencies

For the purpose of the election of members of the House of Representatives, Grenada shall be divided into such number of constituencies having such boundaries as may be provided for by an Order made by the Governor-General in accordance with the provisions of section 56 of this Constitution.

55. Constituency Boundaries Commission

1. There shall be a Constituency Boundaries Commission for Grenada which shall consist of-

- **a.** the Speaker, as Chairman;
- **b.** two members appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; and
- **c.** two members appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition.

2. A person shall not be qualified to be appointed as a member of the Commission, other than the Chairman, if he is a Senator, a member of the House of Representatives or a public officer.

3. Subject to the provisions of this section, a member of the Commission, other than the Chairman, shall vacate his office-

- **a.** at the next dissolution of Parliament after his appointment; or
- **b.** if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

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

5. A member of the Commission shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under subsection (6) of this section and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

6. If the Prime Minister, in the case of a member appointed in accordance with paragraph (b) of subsection (1) of this section, or the Leader of the Opposition, in the case of a member appointed in accordance with paragraph (c) of that subsection, represents to the Governor-General that the question of removal of a member of the Commission from office for inability as aforesaid or for misbehaviour ought to be investigated, then-

- **a.** the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Chief Justice, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court; and
- **b.** the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the member of the Commission ought to be removed from office for inability as aforesaid or for misbehaviour.

7. The Commission may regulate its own procedure, and, with the consent of the Prime Minister, confer powers and impose duties on any public office or on any authority of the Government of Grenada for the purpose of the discharge of its functions.

8. The Commission may, subject to its rules of procedure, act notwithstanding any vacancy in its membership and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings:

Provided that any decision of the Commission shall require the concurrence of a majority of all its members.

9. In the exercise of its functions under this Constitution, the Commission shall not be subject to the control or direction of any other person or authority.

56. Review of Constituency boundaries

1. The Constituency Boundaries Commission shall, in accordance with the provisions of this section, review the number and boundaries of the constituencies into which Grenada is divided and submit to the Governor-General reports either-

- **a.** showing the constituencies into which it recommends that Grenada should be divided in order to give effect to the rules set out in Schedule 2 to this Constitution; or
- **b.** stating that, in the opinion of the Commission, no alteration if required to the existing number or boundaries of constituencies in order to give effect to the said rules.

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

- **a.** in the case of its first report after the day upon which this Constitution comes into operation, not more than five years from 25th August 1971; and
- **b.** in the case of any subsequent report, not less than two nor more than five years from the date of the submission of its last report.

3. As soon as may be after the Commission has submitted a report under subsection (1) (a) of this section, the Prime Minister shall lay before the House of Representatives for its approval the draft of an Order by the Governor-General for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft Order may make provision for any matters which appear to the Prime Minister to be incidental to or consequential upon the other provisions of the draft.

4. Where any draft Order submitted to the House of Representatives under this section gives effect to any such recommendations with modifications, the Prime Minister shall lay before the House together with the draft Order a statement of the reasons for the modifications.

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

6. If any draft Order laid before the House of Representatives under this section is approved by resolution of the House, the Prime Minister shall submit it to the Governor-General who shall make an Order in terms of the draft; and that Order shall come into force upon the next dissolution of Parliament after it is made.

7. The question of the validity of any Order by the Governor-General purporting to be made under this section and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any court of law.

CHAPTER IV. THE EXECUTIVE

57. Exercise of executive authority of Grenada

1. The executive authority of Grenada is vested in Her Majesty.

2. Subject to the provision so this Constitution, the executive authority of Grenada may be exercise on behalf of Her Majesty by the Governor-General either directly or through officers subordinate to him.

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

58. Ministers

1. There shall be a Prime Minister of Grenada, who shall be appointed by the Governor-General.

2. Whenever the Governor-General has occasion to appoint a Prime Minister he shall appoint a member of the House of Representatives who appears to him likely to command the support of the majority of the members of the House.

3. There shall be, in addition to the office of Prime Minister, such other offices of Minister as may be established by Parliament, by the Governor-General, acting in accordance with the advice of the Prime Minister.

4. Appointments to the office of Minister, other than the office of Prime Minister, shall be made by the Governor-General, acting in accordance with the advice of the Prime Minister, from among the Senators and the members of the House of Representatives.

5. If occasion arises for making an appointment to the office of Prime Minister of any other Minster while Parliament is dissolved, then, notwithstanding any other provision of this section, a person who was a member of the House of Representatives immediately before the dissolution may be appointed as Prime Minister or any other Minster and a person who was a Senator immediately before the dissolution may be appointed as any Minister other than Prime Minister.

6. The Governor-General may remove the Prime Minister from office-

- **a.** if a resolution of no confidence in the Government of Grenada is passed by the majority of all the members of the House of Representatives and the Prime Minister does not within three days either resign from his office or advise a dissolution of Parliament; or
- **b.** if, at any time between the holding of a general election of the members of the House of Representatives and the date on which the House first meets thereafter, the Governor-General considers that in consequence of changes in the membership of the House resulting from that election the Prime Minister will not be able to command the support of the majority of the members of the House.

7. The office of any Minister shall become vacant-

- **a.** if the holder of the office ceases to be a member of either House of Parliament otherwise than by reason of the dissolution of Parliament;
- **b.** in the case of the Prime Minister, if, when the House of Representatives first meets after the dissolution of Parliament, he is not then a member thereof;
- **c.** in the case of any other Minister, if, when the House of Representatives first meets after the dissolution of Parliament, he is not then a member of either House of Parliament; or
- **d.** if, by virtue of section 27(3) of 33(3) of this Constitution, he is required to cease to perform his functions as a member of a House of Parliament.

8. The office of a Minister other than the Prime Minister shall become vacant-

- **a.** if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
- **b.** if the Prime Minister resigns from office within three days after the passage by the majority of all the members of the House of Representatives of a resolution of no confidence in the Government of Grenada or is removed from office under subsection (6) of this section; or
- **c.** on the appointment of any person to the office of Prime Minister.

9. In the exercise of the powers conferred upon him by subsections (2), (5) and (6) of this section the Governor-General shall act in his own deliberate judgment.

59. Cabinet of Ministers

1. There shall be a Cabinet of Minister for Grenada which shall consist of the Prime Minister and the other Ministers.

2. At any time when the office of Attorney-General is a public office, the Attorney-General shall be an ex-officio member of the Cabinet in addition to the Minister.

3. The functions of the Cabinet shall be to advise the Governor-General in the government of Grenada and the Cabinet shall be collectively responsible to Parliament for any advice given to the Governor-General by or under the general authority of the cabinet for all things done by or under the authority of any Minister in the execution of his office.

4. The provisions of subsection (3) of this section shall not apply in relation to-

- **a.** the appointment and removal from office of Ministers or Parliamentary Secretaries, the assignment of responsibility to any Minister under section 60 of this Constitution, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness;
- **b.** the dissolution of Parliament; or
- **c.** the matters referred to in section 72 of this Constitution (which relate to the prerogative of mercy).

60. Allocation of portfolios to Ministers

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

61. Performance of functions of Prime Minister during absence or illness

1. Whenever the Prime Minister is absent from Grenada or is by reason of illness unable to perform the functions conferred upon him by this Constitution the Governor-General may authorise some other Minister may perform those functions until his authority is revoked by the Governor-General.

62. Exercise of Governor-General’s functions

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

Subject to the provisions of Constitution and other laws, the Governor General may appoint such number of Ministers as he considers necessary for the purpose of assisting him in the exercise of his functions.

Subject to the provisions of Constitution and other laws, the Governor General may appoint such number of Parliamentary Secretaries as he considers necessary for the purpose of assisting Ministers in the exercise of their functions.

27. Ministers and Parliamentary Secretaries

A Minister or a Parliamentary Secretary shall hold office during the pleasure of the Governor General.

28. Leader of the Opposition

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

(2) Whenever there is another person who commands support in the opinion of the Governor General, acting in his own deliberate judgment, that appoint the Minister of Finance and Economic Development, the Leader of the Opposition shall be the person who commands the House in opposition to the Government.

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

(a) if he ceases to be a member of the House of Representatives;

(b) if the House of Representatives resolves that the person who was the Leader of the Opposition is no longer the person who commands the support of the majority of the members of the House in opposition to the Government;

(c) if he resigns his office by notice in writing addressed to the Speaker.

29. Commission of office, etc.

Subject to the provisions of this Constitution and any other law, the Governor General may, in his discretion, grant to any person appointed to any office a commission or other instrument of appointment.

30. Attorney General

(1) There shall be an Attorney General who shall be the principal legal adviser to the Government of Grenada.

(2) The office of Attorney General shall be a public office, subject to the provisions of this Constitution.

(3) At any time when the office of Attorney General is vacant, or when the same person may, if qualified to perform the functions of Attorney General, the Governor General may, in his discretion, appoint a person to be Attorney General or to be the acting Attorney General.

(4) Where the office of Attorney General and the Director of Public Prosecutions are held by the same person, the following provisions of this Constitution shall have effect, in relation to the exercise of the reference therein to the Director of Public Prosecutions exclusive reference to the Attorney General—

(a) section 31 (2) and (3) of this Constitution, section 32 (1) of this Constitution and section 33 (1) of this Constitution and section 34 (1) of this Constitution and section 35 (1) of this Constitution and section 36 (1) of this Constitution and section

(4) If the Prime Minister or the Chairman of the Public Service Commission represents to the Commission that any person holding or exercising a function or office specified in the representation is not fit to hold or exercise the function or office,

a. the Governor-General shall appoint a tribunal which shall consist of a Chairman and not less than two other members who are or have been judges of a court of unlimited jurisdiction in civil matters (who after as a judge of a court having unlimited jurisdiction in civil and criminal matters in Grenada or in any other country shall be referred to as members of the tribunal) and

b. the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the person should be removed from office.

(5) If the question of removing the Director of Public Service referred to in this section arises, the Governor-General, acting in accordance with the advice of the Public Service Commission, shall request the Minister of Health the exercise of the functions of his office and any such appointee shall be a person who is a medical practitioner, a barrister-at-law or a solicitor of not less than ten years' standing, and who is a person who in the opinion of the Governor-General is qualified by reason of his knowledge and experience to be appointed to perform those functions.

(6) The provisions (apart from the provisions of subsection (4) of this section in the case of only one or such other person) shall apply to the appointee, mutatis mutandis:

Provided that any one tribunal by Parliament, to the extent to which it alters the prescribed age after which a person may be appointed to the office of Judge of Appeal, shall not have effect in relation to any person who is a member of the tribunal.

PART VIII. Appointment, etc., of magistrates, registrars and legal officers

1. The constitutions, the power to appoint magistrates, registrars of the High Court and any public office in the department of the Attorney-General (including the public office of Attorney- General or the public office of Director of Public Prosecutions) and to remove persons from such offices and to exercise disciplinary control over persons for the time being holding such offices, is vested in the Governor-General.

2. The power to appoint persons to hold or act in such offices in which this section applies (including the power to confirm appointments) and, subject to the provisions of section 70 (6) of the Constitution, the power to remove persons from such offices and to exercise disciplinary control over persons for the time being holding such offices is vested in the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

PART IX. Public Service Commission

1. There shall be a Public Service Board of Appeal for Grenada which shall consist of

a. one member appointed by the Governor-General, acting in his own deliberate judgment, who shall be Chairman;

b. one member appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; and

c. one member appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition.

2. A person shall not be qualified for appointment as a member of the Board if he is a Member or a Minister of the House of Representatives.

3. Subject to the provisions of this section, the office-holder in a member of the Board shall serve as such for a period of not more than three years of appointment.

4. Any circumstances arise that if the seat not a member of the Board would cause him to be disqualified for appointment as such a member, then he shall cease to be a member.

5. The provisions of section 70 (6) of the Constitution, the power to appoint persons to hold or act in the offices of Chief Elders and the power to remove the Chief of Police from office shall be exercisable by the Governor-General, acting in accordance with the advice of the Public Service Commission.

Provided that before the Public Service Commission tenders advice to the Governor-General with respect to the appointment of any person to hold the office of Chief of Police shall first consult with the Prime Minister and the Prime Minister signifies his objection to the appointment of the person, the Public Service Commission shall not tender advice to the Governor-General.

6. Subject to the provisions of section 70 (6) of the Constitution, the power to appoint persons to hold or act in the offices of Deputy Chief of Police and Assistant Commissioner of Police (including the power to confirm appointments), the power to remove such persons from such offices and to exercise disciplinary control over persons for the time being holding such offices is vested in the Public Service Commission.

7. Subject to the provisions of section 70 (6) of the Constitution, the power to appoint persons to hold or act in the offices of Superintendent of Prisons and Deputy Superintendent of Prisons (including the power to confirm appointments), the power to remove such persons from such offices and to exercise disciplinary control over persons for the time being holding such offices is vested in the Public Service Commission.

8. Subject to the provisions of section 70 (6) of the Constitution, the power to appoint persons to hold or act in the offices of Fire Officer and Deputy Fire Officer (including the power to confirm appointments), the power to remove such persons from such offices and to exercise disciplinary control over persons for the time being holding such offices is vested in the Public Service Commission.

9. Subject to the provisions of section 70 (6) of the Constitution, the power to appoint persons to hold or act in the offices of Clerk of the Peace and Deputy Clerk of the Peace (including the power to confirm appointments), the power to remove such persons from such offices and to exercise disciplinary control over persons for the time being holding such offices is vested in the Public Service Commission.

10. A member of the Board shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal in pursuance of this section and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability to perform the functions of his office or any other cause.

11. If the Governor-General, acting in his own deliberate judgment, considers that question of removing a member of the Board ought to be referred to a tribunal, he shall so refer it.

12. If the Governor-General, acting in his own deliberate judgment, shall suspend a tribunal which shall consist of a Chairman and not less than two other members, who shall be Chairman and members of the Board of Appeal for Grenada who are or have been judges of a court of unlimited jurisdiction in civil and criminal matters in Grenada or in any other country and shall be referred to as members of the tribunal.

13. If the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the member should be removed from office.

14. If the tribunal so recommends to the Governor-General that the member ought to be removed from office, the Governor-General, acting in his own deliberate judgment, may suspend that member from his office and may at any time revoke the suspension but unless the suspension is revoked the Governor-General shall so request and shall in any case cause the matter to be referred to the tribunal which shall recommend to the Governor-General that that member should not be removed.

15. If at any time any member of the Board for any reason is unable to exercise the functions of his office or any other cause, the Governor-General, acting in his own deliberate judgment, may remove the member of the Board or any member, who any person is appointed under section 2 of this section, the provisions of subsection (4) of this section, continue to act until the office in which he is acting ceases to be vacant, or until the person who is appointed under section 2 of this section ceases to be appointed to be a member of the Board, whichever shall first occur.

16. If the Governor-General, acting in his own deliberate judgment, considers that question of removing a member of the Board ought to be referred to a tribunal, he shall so refer it.

17. If the Governor-General, acting in his own deliberate judgment, shall suspend a tribunal which shall consist of a Chairman and not less than two other members, who shall be Chairman and members of the Board of Appeal for Grenada who are or have been judges of a court of unlimited jurisdiction in civil and criminal matters in Grenada or in any other country and shall be referred to as members of the tribunal.

18. If the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the member should be removed from office.

19. If the tribunal so recommends to the Governor-General that the member ought to be removed from office, the Governor-General, acting in his own deliberate judgment, may suspend that member from his office and may at any time revoke the suspension but unless the suspension is revoked the Governor-General shall so request and shall in any case cause the matter to be referred to the tribunal which shall recommend to the Governor-General that that member should not be removed.

20. If at any time any member of the Board for any reason unable to exercise the functions of his office or any other cause, the Governor-General, acting in his own deliberate judgment, may remove the member of the Board or any member, who any person is appointed under section 2 of this section, the provisions of subsection (4) of this section, continue to act until the office in which he is acting ceases to be vacant, or until the person who is appointed under section 2 of this section ceases to be appointed to be a member of the Board, whichever shall first occur.

21. In the exercise of the powers conferred by this section the Governor-General shall act in his own deliberate judgment, but in exercise of the powers conferred by section 2 of this section he shall act in accordance with the advice of the Public Service Commission.

22. The Board shall, in the exercise of its functions under this Constitution, not be subject to direction or control of any other person or authority.

23. In this section "the appropriate commission" means the Commission for the time being in section 87(1) of this Constitution.

PTS. Appeals to disciplinary cases

1. Subject to the provisions of this section, an appeal shall lie to the Public Service Board of Appeal from any of the following decisions of the relevant person in respect of whom the decision is made:

a. any decision of the Governor-General, acting in accordance with the advice of the Public Service Commission, or of any other person or authority exercising disciplinary control over a public office in relation to disciplinary control over a public office (including a decision to impose or to confirm or to consider on or confirming a sentence of an person in whom powers are delegated under section 2 of this section) to remove a person from public office;

b. any decision of the Governor-General, acting in accordance with the advice of the Public Service Commission to remove a public officer from his office for reasons other than disciplinary control over a public officer;

c. any decision of the Public Service Commission to give such concurrence as is required to enable a person who is a member of the Commission to be appointed to a public office in the Public Service Commission;

d. any decision of the Public Service Commission to give such concurrence as is required to enable a person who is a member of the Commission to be appointed to a public office in the Public Service Commission or to exercise his disciplinary control, other than in relation to a public office in the Public Service Commission.

2. Regulations made under this section may, with the consent of the Prime Minister, confer powers on persons defined in section 4 of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, or the Governor-General, or the Public Service Commission, or any other Minister or Commission, or any other person or authority, in respect of any matter which is the subject of a decision of a person in respect of whom a decision is made in respect of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, under section 12 of the Grenada Order.

3. Reference to the section in the section shall be deemed to be a reference to the section under section 12 of the Grenada Order.

4. Subject to the provisions of section 12 of the Grenada Order, the Governor-General, acting in his own deliberate judgment, may, by regulations, confer powers on persons defined in section 4 of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, or the Governor-General, or the Public Service Commission, or any other Minister or Commission, or any other person or authority, in respect of any matter which is the subject of a decision of a person in respect of whom a decision is made in respect of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, under section 12 of the Grenada Order.

5. Regulations made under this section may, with the consent of the Prime Minister, confer powers on persons defined in section 4 of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, or the Governor-General, or the Public Service Commission, or any other Minister or Commission, or any other person or authority, in respect of any matter which is the subject of a decision of a person in respect of whom a decision is made in respect of a public office in the Commonwealth of Grenada, with the consent of the Prime Minister, under section 12 of the Grenada Order.

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reference to any person for the time being authorised to exercise the functions of that office.

7. Except in the case where this Constitution provides for the holder of any office thereunder to be such person holding or acting in any other office as may for the time being be designated in that behalf by some specified person or authority, no person may, without his consent, be nominated for election to any office or be appointed to or to act therein.

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

Provided that-

a. nothing in this subsection shall be construed as conferring on any person or authority the power to require the Director of Public Prosecutions or the Director of Audit to retire from the public service; and

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

9. Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified by or under that law.

10. Where this Constitution vests in any person or authority the power to appoint any person to act in or to exercise the functions of any office if the holder thereof is himself unable to exercise those functions no such appointment shall be called in question on the grounds that the holder of the office was not unable to exercise those functions.

11. No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has exercised those functions in accordance with this Constitution or any other law.

12. Without prejudice to the provisions of section 32(3) of the Interpretation Act 1889(a) (as applied by subsection (15) of this section), where any power is conferred by this Constitution to make any order regulation or rule or give any direction or make any designation, the power shall be construed as including the power, exercisable in like manner and subject to the like conditions, if any, to amend or revoke any such order, regulation, rule, direction, or designation.

13. Any reference in this Constitution to a law made before the coming into operation of this Constitution shall, unless the context otherwise requires, be construed as a reference to that law as it had effect immediately before the coming into operation of this Constitution.

14. Any reference in this Constitution to a law that amends or replaces any other law or any provision of any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, suspends, repeals, adds new provisions to or makes different provision in lieu of that other law or that provision.

15. The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the United Kingdom Parliament.

SCHEDULE 1 TO THE CONSTITUTION

Part I. Provisions of the Constitution Referred to in Section 39(5)

i. Chapter I;

ii. sections 19, 21 and 57;

iii. sections 23, 24, 29, 32, 35, 37, 38, 45, 47, 48, 49, 51, 52, 53, 54, 55 and 56;

iv. section 71 and Chapter V;

v. Chapter VI (except sections 90 and 91);

vi. Chapter VII (except section 104);

vii. section 111 in its application to any of the provisions mentioned in the foregoing items of this Schedule; or

viii. Schedule 2.

Part II. Provisions of the Courts Order Referred to in Section 39(5)

ix. sections 4, 5, 6, 8, 11, 18 or 19.

SCHEDULE 2 TO THE CONSTITUTION. RULES RELATING TO CONSTITUENCIES

All constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable, but the Commission may depart from this rule to such extent as it considers expedient to take account of the following factors, that is to say:-

a. the density of population, and in particular the need to ensure the adequate representation of sparsely-populated rural areas;

b. the means of communication;

c. geographical features;

d. the boundaries of administrative areas.

Oaths to abide by constitution

SCHEDULE 3 TO THE CONSTITUTION. FORMS OF OATH

Oath of Allegiance

I, ……, do swear [or solemnly affirm] that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

So help me God. [To be omitted in affirmation.]

Oath of Office

I, ……, do swear [or solemnly affirm] that I will faithfully execute the office of …… Without fear or favour, affection or ill-will and that in the execution of the functions of that office I will honour, uphold and preserve the Constitution of Grenada.

So help me God. [To be omitted in affirmation.]