

**A CONSTITUTION**  
**for the**  
**REPUBLIC OF TRINIDAD AND TOBAGO**

**Presented**  
**by**  
**Principles of Fairness, Inc.**

**Third Edition**  
**October, 2006**

NOTE:

The preparation of this Constitution was commissioned by Principles of Fairness, Inc., the Directors of which are:

Marjorie Thorpe, PhD  
(Chairman)  
Archbishop Edward Gilbert  
Ken Gordon  
Bhoendradatt Tewarie, PhD  
Tajmool Hosein, TC, QC  
Arthur Lok Jack  
Hamid Ghany, PhD  
Patricia Mohammed, PhD  
Satnarine Maharaj  
Noble Khan

The Constitution was prepared by a Sub-Committee comprising:

Tajmool Hosein, TC, QC  
Hamid Ghany, PhD

assisted by:

Rajiv Persad  
Attorney-at-Law

**THE CONSTITUTION OF THE  
REPUBLIC OF TRINIDAD AND TOBAGO**

**ARRANGEMENT OF SECTIONS**

SECTION

PRELIMINARY

1. The State.
2. The Supreme Law.
3. Interpretation.

CHAPTER 1

THE RECOGNITION AND PROTECTION OF  
FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

PART I

GUARANTEES OF RIGHTS AND FREEDOMS

4. Guarantee of rights and freedoms.
5. Fundamental freedoms.
6. Democratic rights.
7. Mobility rights.
8. Right to life, liberty and security of the person.
9. Right to be secure against unreasonable search and seizure.
10. Rights on arrest and detention.
11. Rights on being charged with an offence.
12. Equality rights.
13. No one to be held in slavery or servitude.
14. No one to be required to perform forced or compulsory labour.
15. No one to be subjected to torture, or to cruel, degrading or disproportionately severe treatment or punishment.
16. No one to be subjected to medical or scientific experimentation without consent.
17. Right to refuse medical treatment.
18. No punishment without law.
19. Right to respect for private and family life.
20. Right to marry.
21. Right to peaceful enjoyment of possessions and not to be deprived thereof.
22. Right of the State to control property use in public interest.
23. Right to appropriate and adequate education.
24. Political rights.
25. No citizen to be deprived of citizenship.

26. Right to choose trade, occupation and profession.
27. Right to participate in cultural and religious life of choice.
28. Witness protection.
29. Rights of the child.
30. Right to fair public hearing before court or other independent and impartial tribunal.
31. Protection of rights and freedoms.
32. Existing right or freedom not to be held abrogated or restricted by reason only that such right or freedom not included in Bill of Rights, or included only in part.
33. Provisions of Bill of Rights to apply for benefit of all natural and legal persons.

PART II  
EXISTING LAWS

34. Savings for existing laws.

PART III  
EXCEPTIONS FOR EMERGENCIES

35. Emergency powers.
36. Period of public emergency.
37. Grounds for, and initial duration of, Proclamation.
38. Extension of Proclamation.
39. Detention of persons.
40. Publication.

PART IV  
EXCEPTIONS FOR CERTAIN LEGISLATION

41. Acts inconsistent with sections 4 to 31.

PART V  
ENFORCEMENT OF THE PROTECTIVE PROVISIONS

42. Enforcement of the protective provisions.

PART VI  
THE HUMAN RIGHTS COMMISSION

43. Establishment of the Human Rights Commission.
44. Functions of the Human Rights Commission.
45. Rights of persons to make an application to Court, or the Human Rights Tribunal not prejudiced by section 44.

46. Human Rights Tribunal established.

CHAPTER 2  
CITIZENSHIP

47. Continuation of citizenship of citizens under section 15 of former Constitution.
48. Continuation of citizenship by registration, naturalisation, etc.
49. Acquisition of citizenship by birth or descent. Continuation of citizenship. Retrospective citizenship.
50. Commonwealth Citizens.
51. Criminal liability of Commonwealth Citizens.
52. Powers of Parliament.
53. Interpretation of Chapter 2.

CHAPTER 3  
THE PRESIDENT AND THE VICE PRESIDENT

54. Establishment of office of President. Executive authority to be vested in President.
55. Qualifications and disqualifications for office of President.
56. Establishment of office of Vice-President.
57. Qualifications and disqualifications for office of Vice-President.
58. Transitional provisions.
59. Holding of elections for President and Vice-President.
60. Nomination of candidates, mode of election of President and Vice-President, rights of electors, procedure for balloting.
61. Declaration of results by Chairman of Elections and Boundaries Commission. In case of tie, further election to be held.
62. Where office of President is vacant, or President incapable of performing his functions.
63. Terms of office of President and Vice-President.
64. Grounds for removal of President and Vice-President from office.
65. Procedure for removal of President and Vice-President from office.
66. Immunities of President and Vice-President.
67. Salaries, allowances, pension benefits and gratuities of President and Vice-President.

CHAPTER 4  
PARLIAMENT

PART I  
COMPOSITION OF PARLIAMENT

*Establishment*

68. Establishment of Parliament

*The Senate*

69. Composition of Senate.  
70. Qualifications for election as a Senator.  
71. Disqualifications for election as a Senator.  
72. Tenure of office of Senators.  
73. President and Vice-President of the Senate.

*The House of Representatives*

74. Composition of the House of Representatives.  
75. Qualifications for election as Member.  
76. Disqualifications for election as Member.  
77. Tenure of office of Members and vacation of seat where Member resigns or is expelled.  
78. Speaker and Deputy Speaker.  
79. Majority Leader and Minority Leader.  
80. Mode of election of Majority Leader and Minority Leader.  
81. Vacation of office of Majority Leader and Minority Leader.  
82. Qualifications of voters.  
83. Political parties to be registered.

*General*

84. Determination of questions as to membership.

PART II  
POWERS, PRIVILEGES AND PROCEDURES OF  
PARLIAMENT

85. Power to make laws.  
86. Alteration of this Constitution.  
87. Privileges and immunities of Parliament.  
88. Regulation of procedures in Parliament.  
89. Oath of allegiance.

90. Presiding in the Senate and the House of Representatives.
91. Voting and quorum.
92. Entitlement of Ministers to attend either House.
93. Mode of exercising legislative power.
94. Introduction of Bills.
95. Provisions relating to section 94, definition of “Money Bill” etc.
96. Appointment of certain Select or Joint Committees.
97. Report of Service Commissions.

PART III  
SUMMONING, DURATION AND TERMINATION

98. Sessions of Parliament.
99. General elections.
100. By-elections.

PART IV  
ELECTIONS AND BOUNDARIES COMMISSION

101. Constituencies.
102. Elections and Boundaries Commission.
103. Procedure for the review of constituency boundaries.

PART V  
SYSTEM OF BALLOTING

104. System of balloting for the House of Representatives and the Senate.

CHAPTER 5  
THE EXECUTIVE

105. The Cabinet.
106. Appointment of Ministers.
107. Exercise of President’s functions.
108. Allocation of portfolios to Ministers.
109. President to inform Parliament concerning matters of government.
110. Constitution of offices, etc.
111. President may appoint Commissions.
112. Powers of pardon, etc.
113. Advisory Committee on the Power of Pardon.
114. Functions of Advisory Committee on the Power of Pardon.

---

CHAPTER 6  
THE DIRECTOR OF PUBLIC PROSECUTIONS AND  
THE OMBUDSMAN

PART I  
DIRECTOR OF PUBLIC PROSECUTIONS

115. Appointment, tenure and functions.

PART II  
OMBUDSMAN

116. Appointment, conditions of office, and oath of office for Ombudsman and Deputy Ombudsmen.  
117. Appointment of staff of Ombudsman.  
118. Provision of adequate budget.  
119. Functions of Ombudsman.  
120. Restrictions on matters for investigation.  
121. Discretion of Ombudsman.  
122. Report on investigation.  
123. Power to request reasons.  
124. Power to obtain evidence.  
125. Prescribed matters concerning Ombudsman.

CHAPTER 7  
FINANCE

126. Establishment of Consolidated Fund.  
127. Authorisation of expenditure from Consolidated Fund.  
128. Authorisation of expenditure in advance of appropriation.  
129. Contingencies fund.  
130. Establishment of office and functions of Auditor General.  
131. Appointment of Auditor General and Staff.  
132. Public debt.  
133. Public Accounts Committee.  
134. Public Accounts (Enterprises Committee).  
135. Parliament may enact legislation to provide for expeditious discharge of accounting functions.



CHAPTER 8  
JUDICATURE

PART I  
THE SUPREME COURT

- 136. Establishment and constitution of Supreme Court, and constitution of High Court.
- 137. Parliament may confer on any court any part of jurisdiction of any powers conferred on the High Court.
- 138. Puisne judges and Justices of Appeal to be able to sit by designation in the Court of Appeal and the High Court respectively.
- 139. Constitution of the Court of Appeal.
- 140. Appointment of Chief Justice.
- 141. Acting appointments as Chief Justice.
- 142. Seniority.
- 143. Appointment of Judges.
- 144. Qualifications of Judges.
- 145. Tenure of office.
- 146. Oaths to be taken by Judges.
- 147. Appeals on Constitutional questions and fundamental rights, etc.

PART II  
APPEALS TO THE CARIBBEAN COURT OF JUSTICE

- 148. Interpretation of this Part.
- 149. Jurisdiction of the Caribbean Court of Justice.
- 150. Appeals from the Court of Appeal to the Caribbean Court of Justice.
- 151. Constitution, tenure, appointment etc.

PART III  
ARRANGEMENT OF BUSINESS OF COURT

- 152. Arrangement of business of Court.
- 153. Judiciary to be provided with adequate resources.

PART IV  
JUDICIAL AND LEGAL SERVICE COMMISSION

- 154. Judicial and Legal Service Commission established.
- 155. Appointment of judicial officers, etc.
- 156. Judicial and Legal Service Disciplinary Committee established.

157. The Judicial and Legal Service Disciplinary Committee to promulgate a Code of Judicial Conduct.
158. Removal of office of Judge, including Chief Justice.
159. Procedure for the exercise of the jurisdiction vested in the Judicial and Legal Service Disciplinary Committee by section 156(1)(b) to (f).

CHAPTER 9  
APPOINTMENTS TO, AND TENURE OF, OFFICES

PART I  
SERVICE COMMISSIONS, Etc.

*Public Service Commission*

160. Public Service Commission established.
161. Appointments, etc., of public officers.

*Police Service Commission*

162. Police Service Commission established.
163. Appointments, etc., of Police Officers.
164. Power of the Commissioner of Police to manage the Police Service.

*Teaching Service Commission*

165. Teaching Service Commission established.
166. Appointments, etc., of teachers.

*General Provisions on Service Commissions*

167. Qualifications, tenure of office, etc.
168. President to ensure membership of Commissions fairly reflect racial and ethnic diversity and reasonable gender balance. Commissions to ensure that appointments fairly reflect racial and ethnic diversity and reasonable gender balance. Commissions to be provided with adequate budgetary allocations.
169. Secretariat.
170. Delegation of functions.
171. Consultation between Service Commissions.
172. Powers and procedure of Service Commissions.



SECOND SCHEDULE: Boundaries of Constituencies.

THIRD SCHEDULE: Matters not subject to investigation.

**THE CONSTITUTION OF  
THE REPUBLIC OF TRINIDAD AND TOBAGO**

Preamble

Whereas the People of Trinidad and Tobago-

- a. have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, commitment to fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;
- b. respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;
- c. have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully constituted authority;
- d. recognise that people and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;
- e. desire that their Constitution should enshrine the above-mentioned principles and beliefs and make provision for ensuring the protection in Trinidad and Tobago of fundamental human rights and freedoms.

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

**PRELIMINARY**

The State

1. (1) The Republic of Trinidad and Tobago shall be a sovereign democratic State.
- (2) The archipelagic state of the Republic of Trinidad and Tobago shall comprise the Island of Trinidad, the Island of Tobago and any territories that immediately before the 31<sup>st</sup> day of August 1962 were dependencies of Trinidad and Tobago, including the seabed and subsoil situated beneath the territorial sea and the continental shelf of Trinidad and Tobago (“territorial sea” and “continental shelf” here having the same meaning as in the Territorial Sea Act and the Continental Shelf Act, respectively), together with such other areas as may be declared by Act to form part of the territory of Trinidad and Tobago.

The Supreme Law

2. This Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency.

Interpretation

3. (1) In this Constitution—
  - “the Cabinet” means the Cabinet constituted under this Constitution;
  - “the Commonwealth” means Trinidad and Tobago, any country to which section 50, as from time to time amended, applies and any dependency of any such country;
  - “Caribbean Court of Justice” means the Caribbean Court of Justice established by the Caribbean Court of Justice Act, as from time to time amended by any Act of Parliament;
  - “Court” means any court of law in Trinidad and Tobago other than a court martial and shall be construed as including the Caribbean Court of Justice;
  - “the Commonwealth” means Trinidad and Tobago, and any country to which section 18

applies and any dependency of any such country;

“existing law” has the meaning assigned to it in section 34;

“financial year” means any period of twelve months beginning on the first day of October in any year or such other date as may be prescribed;

“general election” means a general election of members to serve in the House of Representatives and the Senate, and for the purpose of electing the President and Vice President;

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

“Judge” includes the Chief Justice, a Judge of Appeal and a Puisne Judge and a Judge of the Caribbean Court of Justice where appropriate;

“law” includes any enactment, and any Act or statutory instrument of the United Kingdom that before the commencement of this Constitution had effect as part of the law of Trinidad and Tobago, having the force of law and any unwritten rule of law;

“Majority Leader” bears the meaning assigned to it in sections 79 and 80;

“Majority Party” means the political party with the largest number of members in the House of Representatives and the Senate;

“Minority Leader” bears the meaning assigned to it in section 79 and 80;

“Minority Party” means the political party with the second greatest number of members in the House of Representatives and the Senate;

“oath” includes affirmation;

“oath of allegiance” means the oath of allegiance set out in the First Schedule or such other oath as may be prescribed;

“Parliament” means the Parliament of Trinidad and Tobago, which comprises the President, the House of Representatives and the Senate;

“Parliamentary election” means an election of a member or members to serve in the House of Representatives and the Senate;

“prescribed” means prescribed by or under an Act of Parliament;

“public office” means an office of emolument in the public service;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“Public service” means, subject to the provisions of subsections (4) and (5), the service of the Government of Trinidad and Tobago, or of the Tobago House of Assembly established by section 3 of the Tobago House of Assembly Act, in a civil capacity;

“Service Commission” means the Judicial and Legal Service Commission, the Public Service Commission, the Police Service Commission or the Teaching Service Commission;

“session” has the meaning assigned to it by subsections (5),(6),(7) and (8) of section 98;

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



“Trinidad and Tobago” has the meaning attributed to that expression in the Trinidad and Tobago Independence Act 1962;

“the former Constitution” means the Constitution of the Republic of Trinidad and Tobago, Act No. 4 of 1976, as amended from time to time.

- (2) In this Constitution—
  - (a) a reference to an appointment to any office shall be construed as including a reference to the appointment of a person to act in or perform the functions of that office at any time when the office is vacant or the holder thereof is unable (whether by reason of absence or infirmity of mind or body or any other cause) to perform the functions of that office; and
  - (b) a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.
- (3) Where by this Constitution any person is directed, or power is conferred on any person or authority, to appoint a person to perform the functions of an office, if the holder thereof is unable to perform those functions, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.
- (4) For the purposes of this Constitution a person shall not be considered to hold an

office in the public service by reason only that—

- (a) he is in receipt of a pension or other like allowance in respect of public service;
- (b) he holds the office of—
  - (i) President or Vice-President;
  - (ii) Speaker or Deputy Speaker of the House Representatives, President or Vice-President of the Senate, Minister, Deputy Minister, member of the House of Representatives or the Senate;
  - (iii) Ombudsman or member of any Commission established by this Constitution;
  - (iv) Judge or member of a Superior Court of Record or any special judicial tribunal established by Act of Parliament or member of the Public Service Appeal Board;
  - (v) member of any board, commission, committee or similar body, whether incorporated or not, established by any enactment;
  - (vi) member of the personal staff of the President;
- (c) he is—
  - (i) a consultant or adviser appointed for specific purposes; or
  - (ii) a person appointed on contract for a period not exceeding five years.

- (5) Where the Parliament so provides, a person shall not be considered for the purposes of this Constitution or any part of this Constitution to hold office in the public service by reason only that he is the holder of a special office established by or under an Act.
- (6) 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.
- (7) 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.
- (8) Nothing in subsection (6) shall be construed as conferring on any person or authority power to require a Judge or the Auditor General to retire from the public service.
- (9) Where any power is conferred by this Constitution to make any proclamation, order, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, rules, regulations or directions.

**CHAPTER 1**  
**THE RECOGNITION AND PROTECTION OF**  
**FUNDAMENTAL**  
**HUMAN RIGHTS AND FREEDOMS**

**PART I**

**Guarantee of Rights and Freedoms**

Guarantee of  
rights and  
freedoms

- 4. This Constitution guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be

demonstrably justified in a free and democratic society.

**Fundamental Freedoms**

Fundamental  
Freedoms

5. Everyone has the following fundamental freedoms—
- (a) freedom of conscience and religion;
  - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
  - (c) freedom of peaceful assembly; and
  - (d) freedom of association.

**Democratic Rights**

Democratic Rights

6. Every person who is qualified according to this Constitution or any other law—
- (1) has the right to vote at an election of members of the House of Representatives and the Senate, or any governmental institution which is elected by the people, and to be a candidate for election as a member thereof;
  - (2) has the right to vote at an election of the President and Vice-President, and to be a candidate for election to either office.

**Mobility Rights**

Mobility Rights

7. (1) Every citizen of Trinidad and Tobago has the right to enter, remain in and leave the country.
- (2) Every citizen of Trinidad and Tobago and every person who has the status of permanent resident of the country has the right—
- (a) to move and take up residence in any part of the country;

- (b) to pursue the gaining of a livelihood in any part of the country.

**Legal Rights**

Right to life, liberty and security of the person

- 8. Every person has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Right to be secure against unreasonable search and seizure

- 9. Every person has the right to be secure against unreasonable search or seizure.

Rights on arrest or detention

- 10. Every person has the right on arrest or detention—
  - (a) to be informed promptly of the reasons therefor;
  - (b) to retain and instruct an attorney-at-law without delay and to be informed of that right; and
  - (c) to have the validity of the detention determined by way of habeas corpus or otherwise and to be released if the detention is not lawful.

Rights on being charged with an offence

- 11. Any person charged with an offence has the right—
  - (a) to be informed without unreasonable delay of the specific offence;
  - (b) to be tried within a reasonable time;
  - (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
  - (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
  - (e) not to be denied reasonable bail without just cause;
  - (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of a trial by jury where the

maximum punishment for the offence is imprisonment for five years or a more severe punishment;

- (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under the law of Trinidad and Tobago;
- (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again.

**Equality Rights**

Equality Rights

12. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, belief, culture, language or birth.
- (2) Subsection (1) does not preclude any law, programme or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.
- (3) Every person has the right to equality of treatment from any public authority in the exercise of any of its functions, including particularly functions in the fields of employment, education, health, the provision of goods and services, the provision of land and housing accommodation, the grant of concessions and licences, poverty alleviation, and the award of contracts.
- (4) The State may not unfairly discriminate directly or indirectly against anyone on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour,

sexual orientation, age, disability, religion, belief, culture, language or birth. Discrimination on one or more of such grounds is unfair unless it is established that the discrimination is fair.

**Prohibition of slavery, servitude and torture**

No slavery or servitude

13. No one shall be held in slavery or servitude.

No forced or compulsory labour

14. No one shall be required to perform forced or compulsory labour.

No torture, cruel, degrading or disproportionately severe treatment or punishment

15. No one shall be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.

**Prohibition of medical or scientific experimentation**

No medical or scientific experimentation without consent

16. Every person has the right not to be subjected to medical or scientific experimentation without the consent of such person.

**Right to refuse medical treatment**

Right to refuse medical treatment

17. Every person has the right to refuse to undergo any medical treatment or surgical procedure, provided, however, that a child, may, under an Order of the High Court, be given medical treatment that is reasonably required to save the child from death or serious illness, notwithstanding that the child's parent or guardian withholds his consent.

**No punishment without law**

No punishment without law

18. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under law of Trinidad and Tobago at the time when it was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

**Right to respect for private and family life**

Right to respect for private and family life

19. (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

**Right to marry**

Right to marry

20. Every person of marriageable age has the right to marry a person of the opposite sex, and to found a family, according to the law governing the exercise of this right.

**Protection of property**

Right to peaceful enjoyment of possessions

21. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the payment of fair compensation, and to the conditions provided by law.

Right of State to enforce property laws in general interest

22. The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in the general interest or to secure the payment of taxes or other contributions or penalties.

**Right to education**

Right to appropriate and adequate education

23. Subject to subsection (5)–
- (1) A parent or guardian has the right to provide a school of his own choice for the education of his child or ward.
- (2) Everyone has the right to–



- (a) a basic education, including adult basic education; and
  - (b) further education, which the State through reasonable measures shall make progressively available and accessible.
- (3) Everyone has the right to receive education in a public or private institution where that education is reasonably practicable.
- (4) In order to ensure the effective access to, and implementation of this right, the State shall consider all reasonable education alternatives, taking into account various types of education to meet different levels of competencies.
- (5) The State shall take reasonable measures, within its available resources, to achieve the progressive realization of these rights, by setting out clearly the criteria for eligibility.

**Political Rights**

Right to make political choices

24. (1) Every citizen is free to make political choices, which includes the right–
- (a) to form a political party;
  - (b) to participate in the activities of, or recruit members for, a political party; and
  - (c) to campaign for a political party or cause.

Right to free, fair and regular elections

- (2) Every citizen has the right to free, fair and regular elections for any legislative body, President and Vice-President established in terms of the constitution.
- (3) Every citizen has the right, subject to this Constitution and any other law–

Right to vote

- (a) to vote in elections for any legislative body or the President and Vice-

President established in terms of this Constitution, and to do so in secret; and

Right to stand for and hold public office

- (b) to stand for public office, and, if elected, to hold office.

**Citizenship**

No deprivation of citizenship, however acquired

25. Subject to section 52, no citizen may be deprived of his citizenship, however acquired.

**Freedom of trade, occupation and profession**

Right to choose trade, occupation or profession

26. Every person has the right to choose his trade, occupation or profession freely. The practice of a trade, occupation or profession may, however, be regulated by law.

**Culture**

Right to participate in cultural and religious life of choice

27. Everyone has the right to participate in the cultural and religious life of his choice, but no one exercising this right may do so in a manner inconsistent with any provision of this Constitution.

**Witness protection**

Witness protection

28. (1) The State shall ensure that necessary and reasonable action is taken to protect the safety and welfare of a witness in any proceedings before a court.

- (2) In this section–

“witness” includes a person who has made or given a statement in any form or who has given or agreed to give evidence in any proceedings in relation to the commission of an offence;

“proceedings” include any procedure in relation to an alleged or proven offence, including an enquiry or investigation or preliminary or final determination of such enquiry or investigation.

**Rights of the child**

Rights of the child

29. (1) Subject to subsection (3), every child, being a person under the age of eighteen years, has the right—
- (a) to a name and nationality from birth;
  - (b) to parental care or family care, or, when removed by the State from that environment, to appropriate alternative care;
  - (c) to basic nutrition, shelter, basic health care services and social services;
  - (d) to be protected from maltreatment, neglect, sexual abuse or any other form of abuse or degradation;
  - (e) to be protected from exploitative labour practices;
  - (f) not to be required or permitted to perform work or provide services that—
    - (i) are inappropriate for a person of that child's age; or
    - (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
  - (g) not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys in relation to freedom and security of the person and in relation to a person being accused, arrested, or detained, the child may be detained only for the shortest appropriate period of time, and has the right to be—

- (i) kept separately from detained persons who are over the age of eighteen years; and
- (ii) treated in a manner, and kept in conditions, that take account of the child’s age;
- (h) to have an attorney-at-law assigned to the child by the State, and at the expense of the State, in civil proceedings affecting the child, if substantial injustice would otherwise result;
- (i) not to be used directly or indirectly in any form of armed conflict, and to be protected in time of such conflict; and
- (j) to be protected from any form of sexual trade for the purpose of pornography or any other dehumanising or illicit purpose.
- (2) A child’s best interests are of paramount importance in every matter concerning the child.
- (3) The State shall take reasonable measures, within its available resources, to achieve the progressive realization of these rights, by setting out clearly the criteria for eligibility.

**Access to Courts**

Right to fair hearing before Court, or other independent and impartial tribunal

- 30. Everyone has the right to have any dispute that can be resolved by the application of law, decided in a fair hearing before a court, or where appropriate, another independent and impartial tribunal.

**Protection of rights and freedoms**

Protection of rights and freedoms

- 31. (1) Except as is otherwise expressly provided in this Chapter and in section 86, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinabove recognised and declared.

- 
- (2) Without prejudice to subsection (1), but subject to this Chapter and section 86, Parliament may not—
- (a) authorise or effect the arbitrary detention, imprisonment or exile of any person;
  - (b) impose or authorise the imposition of cruel and unusual treatment or punishment;
  - (c) deprive a person who has been arrested or detained—
    - (i) of the right to be informed promptly and with sufficient particularity, of the reason for his arrest or detention;
    - (ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;
    - (iii) of the right to be brought promptly before an appropriate judicial authority;
    - (iv) of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful.
  - (d) authorise a court, tribunal, commission, board, or other authority to compel a person to give evidence unless he is afforded protection against self incrimination and, where necessary, to ensure such protection, the right to legal representation;
  - (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for

the determination of his rights and obligations;

- (f) deprive a person charged with a criminal offence of the right—
  - (i) to be presumed innocent until proved guilty according to the law, but this shall not invalidate a law by reason only that the law imposes on any such person the burden of proving particular facts;
  - (ii) to a fair and public hearing by an independent and impartial tribunal; or
  - (iii) to reasonable bail without just cause;
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak English;
- (h)
  - (i) impose any restriction on any person against his will in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief, and freedom either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief by way of worship, teaching, practice and observance;
  - (ii) prevent any religious community from establishing and maintaining places of education and to manage any place of education, which it

maintains, without any financial contribution by the State;

(iii) prevent any religious community from establishing reasonable facilities for giving religious instruction to members of its religious community attending any school in Trinidad and Tobago, whether or not the State makes any financial contribution towards the maintenance of that school;

(iv) require any person attending any place of education against his will (or if he has not attained the age of majority, against the will of his guardian) to receive religious instruction or to take part in or to attend any religious ceremony or observance, or to take any oath that is contrary to his religion or belief, or to take any oath in a manner that is contrary to his religion or belief.

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

**Miscellaneous provisions**

Saving for existing rights and freedoms

32. An existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Chapter or is included only in part.

Chapter to apply for benefit of legal and natural persons

33. Except where this Chapter otherwise provides, the provisions of this Chapter apply, so far as practicable, for the benefit of all legal persons.

**PART II**  
**Saving for Existing Laws**

Saving for existing laws

34. (1) Subject to the provisions of this Constitution, the existing laws shall continue to be in force on or after the appointed day as if they had been made in pursuance of this Constitution, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.
- (2) Parliament shall within the period of three years next after the commencement of this Constitution, make such modifications to any existing law as may appear to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution, or otherwise for giving effect, or enabling effect to those provisions.
- (3) Anything done under any existing law before its modification by or under this section which would but for this subsection cease by virtue of that modification to have effect, shall continue to have effect as if done under the law as so modified.
- (4) Nothing in this Chapter shall invalidate an enactment that alters an existing law but does not derogate from any right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right.
- (5) (a) Where an enactment repeals and re-enacts with modifications an existing law and is held to derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right, then, subject to sections 41 and 86, the provisions of the existing law shall be substituted for such of the provisions of the enactment as are held to derogate from the fundamental right in a manner in



which or to an extent to which the existing law did not previously derogate from that right;

(b) where such substitution is for any reason impractical or impossible, such enactment shall be held to be void.

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

(7) In this section—

“alters” in relation to an existing law, includes repealing that law and re-enacting it with modifications or making different provisions in place of it or modifying it;

“existing law” means a law that had effect as part of the law of Trinidad and Tobago immediately before the commencement of this Constitution, and includes any enactment referred to in subsection (1);

“modification” includes amendment, adaptation or other alteration authorized by subsections (1) and (2);

“right” includes freedom.

**PART III**

**Exceptions for Emergencies**

**Emergency Powers**

Emergency powers

35. (1) Without prejudice to the power of Parliament to make provision in the premise, but subject to this section, where any period of public emergency exists, the President may, due regard being had to the circumstances of any situation likely to arise or exist during such period, make regulations for the purpose of dealing with that situation and issue orders and instructions for the purpose of the exercise of any powers conferred on him or

any other person by any Act referred to in subsection (3) or instrument made under this section or any such Act.

- (2) Without prejudice to the generality of subsection (1), regulations made under that subsection may, subject to section 39, make provision for the detention of persons.
- (3) An Act that is passed during a period of public emergency and is expressly declared to have effect only during that period or any regulations made under subsection (1) shall have effect even though inconsistent with sections 4 to 31 except in so far as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists during that period.

**Period of public emergency**

Period of public emergency

- 36. (1) Subject to this section, for the purposes of this Chapter, the President may from time to time make a Proclamation declaring that a state of public emergency exists.
- (2) A Proclamation made by the President under subsection (1) shall not be effective unless it contains a declaration that the President is satisfied—
  - (a) that a public emergency has arisen as a result of the imminence of a state of war between Trinidad and Tobago and a foreign State; or
  - (b) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or
  - (c) that action has been taken, or is immediately threatened by any person, of such a nature and on so extensive a scale, as to be likely to

endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life.

**Grounds for, and initial duration of Proclamation**

Grounds for, and initial duration of Proclamation

37. (1) Within three days of the making of the Proclamation, the President shall deliver to the Speaker of the House of Representatives and the President of the Senate for presentation to the House of Representatives and the Senate, a statement setting out the specific grounds on which the decision to declare the existence of a state of public emergency was based, and a date shall be fixed for a debate on this statement in both Houses as soon as practicable but in any event not later than fifteen days from the date of the Proclamation.
- (2) A Proclamation made by the President for the purposes of and in accordance with section 36 shall, unless previously revoked, remain in force for fifteen days.

**Extension of Proclamation**

Extension of Proclamation

38. (1) Before its expiration the Proclamation may be extended from time to time by resolution supported by a simple majority vote of the House of Representatives and the Senate, so however that no extension exceeds three months and the extensions do not in the aggregate exceed six months.
- (2) The Proclamation may be further extended from time to time for not more than three months at any one time, by a resolution passed by the House of Representatives and the Senate and supported by the votes of not less than three-fifths of the members of each House.
- (3) (a) The Proclamation may be revoked at any time by a resolution supported by a simple majority vote of the House of Representatives and the Senate.

- (b) Where there is disagreement between the House of Representatives and the Senate, the President may, if satisfied that the circumstances call for the revocation of the Proclamation, terminate the State of Emergency by Proclamation.
- (4) In this Chapter, “period of public emergency” means any period during which—
  - (a) Trinidad and Tobago is engaged in any war; or
  - (b) there is in force a Proclamation by the President declaring that a state of public emergency exists; or
  - (c) there is in force a resolution of the House of Representatives and the Senate supported by the votes of not less than three fifths of all the members of each House declaring that democratic institutions in Trinidad and Tobago are threatened by subversion.

**Detention of Persons**

Detention of persons

- 39. (1) Where any person who is lawfully detained by virtue only of such an Act or regulations as are referred to in section 35 so requests at any time during the period of that detention, and thereafter not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among attorneys at law of not less than ten years standing entitled to practise in Trinidad and Tobago.
- (2) On any review by a tribunal in pursuance of subsection (1) of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the

authority by whom it was ordered but, unless otherwise provided by law, that authority shall not be obliged to act in accordance with such recommendations.

**Publication**

Publication

40. (1) Where at any time it is impracticable or inexpedient to publish in the *Gazette* any Proclamation, Notice, Regulation or Order in pursuance of this Part, the President may cause the same to be published by notices thereof in the print or electronic media, or affixed to public buildings, or distributed amongst the public, or by oral public announcements.
- (2) Upon the publication of any Proclamation under this Part, all such detention orders, curfew orders or other instruments, directions or instructions as are authorised to be made, issued or given by any regulations referred to in section 31, may be made, issued or given and executed upon any person or authority, even if such regulations have not yet been published pursuant to subsection (1).

**PART IV**

**Exceptions for Certain Legislation**

**Acts inconsistent with sections 4 to 31**

Act inconsistent with sections 4 to 31

41. (1) An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 to 33, and if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.
- (2) An Act to which this section applies is one the Bill for which has been passed by the House of Representatives and the Senate and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of each House.

**PART V**  
**Enforcement of the protective provisions**

Enforcement of  
the protective  
provisions

42. (1) An application may be made by any person or body mentioned in subsection (8) of this section (hereinafter called “the applicant”), to the High Court for redress where any of the provisions of this Chapter has been, is being or is likely to be contravened—
- (a) in relation to the applicant; or
  - (b) in relation to any other person or body on whose behalf the applicant is entitled to apply by virtue of the provisions of subsection (8),
- without prejudice to any other remedy with respect to the same matter which is lawfully available.
- (2) The High Court shall have jurisdiction—
- (a) to hear and determine any application made to it in pursuance of subsection (1); and
  - (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (4) of this section,
- and may, subject to subsection (3) make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of this Chapter to the protection of which the person or body concerned is entitled.
- (3) The State Liability and Proceedings Act Ch:8:02 shall have effect for the purpose of any proceedings under this section.
- (4) Where in any proceedings in any court any question arises as to the contravention of any of the provisions of this Chapter, the person presiding in that court, may, and shall if any

party to the proceedings so requests, refer the question to the High Court unless in his opinion the raising of the question is merely frivolous or vexatious.

- (5) Any person aggrieved by a determination of the High Court under this section may appeal therefrom to the Court of Appeal and shall be entitled as of right to a stay of execution of the order and may, in the discretion of the Court, be granted bail.
- (6) The authority empowered by law to make rules of court for the Supreme Court shall make rules of court to regulate the practice and procedure—
  - (a) of the High Court in relation to the jurisdiction and powers conferred upon it by this section;
  - (b) of other courts in relation to references to the High Court under subsection (4) hereof.
- (7) Notwithstanding the failure of an applicant to establish his claim in any proceedings for the enforcement of a right guaranteed by this Chapter, if the High Court is satisfied that—
  - (a) the point of law raised in the proceedings is one of public importance; or
  - (b) it was reasonable to institute proceedings in the particular circumstances of the case,the High Court may order costs in the proceedings to be paid by the State.
- (8) The persons or bodies hereinafter mentioned shall be entitled to apply to the High Court for redress under subsection (1) hereof, namely—
  - (a) any person acting in his own interest;

- (b) any person acting on behalf of another person who cannot act in his own name;
  - (c) any person acting as a member of, or in the interest of, a group or class of persons;
  - (d) any person acting in the public interest;
  - (e) any unincorporated association or corporate body acting in the interest of its members.
- (9) The High Court shall have and may exercise all those powers that appear to it to be necessary for the purpose of enabling it to exercise effectively the jurisdiction conferred upon it by this section.
- (10) When interpreting the provisions of this Chapter, the High Court must promote the values that underlie an open and democratic society based on human dignity, equality and freedom.
- (11) Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Chapter, that meaning shall be preferred to any other meaning.

**PART VI**

**The Human Rights Commission**

Establishment of a  
Human Rights  
Commission

43. There is hereby established a Human Rights Commission.
- (1) The Human Rights Commission shall promote the observance and respect for, and protect and investigate violations of, the rights recognized by this Constitution and any other law relating to equality of opportunity and treatment (hereinafter referred to as “the rights”).



- 
- (2)
    - (a) The Human Rights Commission shall consist of a full time Chairman and Deputy Chairman and such other members to be appointed in accordance with this section, and, subject to this section, shall hold office for a term of five years and be eligible for re-appointment for a further term of five years.
    - (b) The Chairman and Deputy Chairman of the Commission shall be 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 such court, who are qualified to be appointed as any such judge, or any other fit and proper persons with expertise and experience in human rights matters.
  - (3)
    - (a) In addition to the Chairman and Deputy Chairman, there shall be seven other members of the Commission, with experience in the disciplines of law, public law, public administration, finance and management.
    - (b) A quorum of the Commission for the transaction of business shall be the Chairman or Deputy Chairman and four other members.
  - (4) The members of the Commission are to be nominated for appointment by the President after consultation with the Majority and Minority Leaders of the House of Representatives and the Senate, and shall be appointed by him, upon confirmation by an affirmative resolution of the members of the Senate.
  - (5) If the office of Chairman of the Commission becomes vacant, or the holder thereof is for

any reason unable to perform the functions of the office, then the Deputy Chairman, or if that office is vacant or the holder thereof is for any reason unable to perform the functions of the office of Chairman, one of the other members may be elected to act in the office of Chairman.

- (6) The President may, subject to the approval of a majority vote of all the members of the Senate, remove the Chairman or any other member of the Commission from office.

**Functions of the Human Rights Commission**

Functions of the  
Human Rights  
Commission

- 44. (1) The primary functions of the Human Rights Commission are—
  - (a) to advocate and promote respect for, and an understanding of, human rights in Trinidad and Tobago society; and
  - (b) to encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in Trinidad and Tobago society.
- (2) The Human Rights Commission has, in order to carry out its primary functions under subsection (1), the following powers and duties—
  - (a) to monitor the observance of the international instruments to which the Government accedes from time to time, including those already acceded to as at the date of the commencement of this Constitution;
  - (b) to monitor and assess compliance with the rights and report the need for any amendment of the law relating thereto to Parliament;
  - (c) to educate the public regarding the nature and content of the rights;

- (d) to make recommendations to any person or entity, including a Ministry or Government Department, relating to matters affecting compliance with and adoption of measures for the promotion of the rights;
- (e) to carry out or cause to be carried out research and studies concerning the observance of the rights and report the findings and recommendations thereon to Parliament;
- (f) to monitor and review all existing and proposed legislation, policies and measures for compliance with the rights and report the need for any amendment to any legislation to Parliament;
- (g) to investigate complaints or initiate investigations into violation of the rights, and, if it thinks fit, refer such complaints or violations to the Human Rights Tribunal;
- (h) to resolve disputes or rectify acts or omissions by mediation, conciliation or negotiation;
- (i) to liaise with governmental and non-governmental organizations and other relevant bodies to address the complaints and concerns of persons regarding matters under their purview;
- (j) to take appropriate action on behalf of persons whose rights have been, are being or are likely to be violated;
- (k) to enlist the aid of such persons as may be necessary to give expert advice in order to facilitate the performance of its functions;
- (l) to prepare and submit reports to Parliament pertaining to any

convention, covenant or charter relating to the objects of the Commission;

- (m) to institute proceedings as it thinks fit in the High Court, or before the Human Rights Tribunal established by section 46, on behalf of any person who alleges that any of the rights has been, is being, or is likely to be contravened in relation to him;
- (n) to do all other acts and things as may be necessary for the efficient discharge of the functions of the Commission.

Individual's right to apply to Court or Human Rights Tribunal preserved

45. Nothing contained in section 44 shall prejudice the right of any person whose rights have been, are being or are likely to be infringed, from making an application to the Court or the Human Rights Tribunal for redress.

Human Rights Tribunal established

46. (1) There is hereby established a Human Rights Tribunal which shall consist of a Chairman and a Deputy Chairman, and five other persons, who shall have knowledge and experience in constitutional law and human rights matters, and current economic, employment and social issues. The Chairman and Deputy Chairman shall be attorneys at law of not less than ten years standing.
- (2) The members of the Tribunal shall be nominated for appointment by the President after consultation with the Majority and Minority Leaders in the House of Representatives and the Senate, and shall be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (3) Every member of the Tribunal shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

- (4) Any person mentioned in subsection (8) of section 42 of this Constitution may make an application to the Tribunal (as an alternative to the High Court) in respect of any breach or apprehended breach of his constitutional rights, and seek appropriate redress.
- (5) The Human Rights Commission may either institute proceedings on behalf of complainants before, or refer complaints made to it by aggrieved persons, to the Tribunal.
- (6) The functions of the Tribunal shall be—
  - (a) to adjudicate in all proceedings brought before it, or in all matters that are referred to it by the Human Rights Commission;
  - (b) to exercise and perform such other functions, powers and duties as are conferred or imposed on it by or under this Constitution or any other enactment.
- (7) An appeal shall lie from decisions of the Tribunal on questions of law to the High Court.
- (8) Parliament may enact legislation within one year of the commencements of this Constitution, defining the jurisdiction of the Tribunal and its powers and duties and providing for all other necessary or incidental matters, including its practice and procedure, to enable the Tribunal to perform its functions and duties, and to provide for appeals.

**CHAPTER 2  
CITIZENSHIP**

**Continuation of citizenship of citizens under  
section 15 of former Constitution**

Continuation of  
citizenship of  
citizen under  
section 15 of the  
former  
Constitution

- 47. Any person who is a citizen by birth or a citizen by descent by virtue of section 15 of the former

Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.

**Continuation of citizenship of citizens by registration, naturalisation, etc.**

Continuation of citizenship of citizen under section 16 of the former Constitution or by naturalisation, etc

48. Any person who is a citizen of Trinidad and Tobago by virtue of registration as provided for in section 16 of the former Constitution or by virtue of an acquisition of citizenship under Part II of the Trinidad and Tobago Citizenship Act, and who has not ceased to be a citizen under any law in force in Trinidad and Tobago, shall continue to be a citizen under this Constitution.

**Acquisition of citizenship by birth or descent  
Continuation of citizenship  
Retrospective citizenship**

Acquisition of citizenship by birth or descent, continuation of citizenship, retrospective citizenship

49. (1) Subject to subsection (2), every person born in Trinidad and Tobago after the commencement of this Constitution shall become a citizen of Trinidad and Tobago at the date of his birth.
- (2) A person shall not become a citizen of Trinidad and Tobago by virtue of subsection (1), if, at the time of his birth—
- (a) neither of his parents is a citizen of Trinidad and Tobago and either of them possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Trinidad and Tobago; or
  - (b) either of his parents is an enemy alien and the birth occurred in a place then under occupation by the enemy.
- (3) A person born outside Trinidad and Tobago after the commencement of this Constitution shall become a citizen of Trinidad and Tobago at the date of his birth if at that date either of his parents is, or was, but for his parent's death, a citizen of Trinidad and Tobago otherwise than by descent, so

however that, in the case of a person employed in service under the Government or under an authority of the Government that requires him to reside outside Trinidad and Tobago for the proper discharge of his functions, this subsection shall be read as if the words “otherwise than by descent” were deleted.

- (4) Any person who is a citizen by birth or a citizen by descent by virtue of section 17(4) of the former Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.
- (5) A person born outside Trinidad and Tobago after 30<sup>th</sup> August 1962 whose mother was a citizen of Trinidad and Tobago otherwise than by descent at the date of his birth but who did not become a citizen at that date shall be deemed to have become a citizen at that date and shall continue to be a citizen of Trinidad and Tobago under this Constitution.

**Commonwealth citizens**

Commonwealth  
citizens

- 50. (1) Every person who under this Constitution or any Act of Parliament is a citizen of Trinidad and Tobago or, under any law for the time being in force in any country to which this section applies, is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.
- (2) Every person who is a British subject without citizenship under the British Nationality Act 1948 of the United Kingdom or who continues to be a British subject under section 2 of that Act or who is a British subject under the British Nationality Act 1965, or any other relevant legislation of the United Kingdom in force at the commencement of this Constitution shall, by virtue of that status, have the status of a Commonwealth citizen.

- (3) The countries to which this section applies are Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Dominica, Fiji Islands, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tonga, Tuvalu, Uganda, United Kingdom, United Republic of Tanzania, Vanuatu, and Zambia.
- (4) The President may from time to time, by Order subject to affirmative resolution of the Senate amend subsection (3) by adding any Commonwealth country thereto or by deleting any Commonwealth country therefrom.

**Criminal liability of Commonwealth citizens**

Criminal liability of  
Commonwealth  
citizens

- 51. (1) A Commonwealth citizen who is not a citizen of Trinidad and Tobago, or a citizen of the Republic of Ireland who is not a citizen of Trinidad and Tobago, shall not be guilty of any offence against any law in force in Trinidad and Tobago by reason of anything done or omitted in any part of the Commonwealth other than Trinidad and Tobago or in the Republic of Ireland or in any foreign country unless—
  - (a) the act or omission would be an offence if he were an alien; and
  - (b) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.



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

**Powers of Parliament**

Powers of Parliament

- 52. Parliament may make provisions relating to citizenship including provision—
  - (a) for the acquisition of citizenship of Trinidad and Tobago by persons who are not or do not become citizens of Trinidad and Tobago by virtue of the provisions of this Chapter;
  - (b) for depriving of his citizenship of Trinidad and Tobago any citizen of Trinidad and Tobago but only on the acquisition of citizenship of some other country in the case of a citizen by birth or descent;
  - (c) for the renunciation by any person of his citizenship of Trinidad and Tobago; or
  - (d) for the re-acquisition by any person of his citizenship of Trinidad and Tobago.

**Interpretation of Chapter 2**

Interpretation of Chapter 2

- 53. (1) In this Chapter—
  - “alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;
  - “British protected person” means a person who is a British protected person for the purposes of the British Nationality Act 1948 of the United Kingdom and any other relevant legislation in force at the commencement of this Constitution;
  - “citizen by birth” means a person—
    - (a) who is a citizen of Trinidad and Tobago under section 49(1); or
    - (b) who is a citizen of Trinidad and Tobago by virtue of section 15 or

section 17(4) of the former Constitution;

“citizen by descent” means a person—

- (a) who is a citizen of Trinidad and Tobago under section 49(3) or any enactment; or
- (b) who is a citizen of Trinidad and Tobago by virtue of section 15 or 17(4) of the former Constitution.

- (2) For the purposes of this Chapter, a person born outside Trinidad and Tobago aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall assume the citizenship of the mother.

**CHAPTER 3  
THE PRESIDENT AND THE VICE-PRESIDENT**

**Establishment of office and election of President**

Establishment of office and election of President

- 54. (1) (a) There shall be a President of Trinidad and Tobago elected in accordance with the provisions of this Chapter.
- (b) The President shall be Head of State, Head of the Executive and Commander-in-Chief of the armed forces.

Executive authority to be vested in President

- (2) The executive authority of Trinidad and Tobago shall be vested in the President and subject to the provisions of this Constitution, may be exercised by him directly or through officers subordinate to him.

Qualifications and disqualifications for office of President

- 55. (1) A person is qualified to be nominated for election as President if, and is not so qualified unless, he is a citizen of Trinidad and Tobago of the age of thirty-five years or upwards who, at the date of his nomination, has been ordinarily resident in Trinidad and Tobago for ten years immediately preceding his nomination.

- (2) For the purposes of subsection (1), a person shall be deemed to reside in Trinidad and Tobago if he holds an office in the service of the Government of Trinidad and Tobago and lives outside of Trinidad and Tobago because he is required to do so for the proper discharge of his functions.
- (3) A person is not qualified to be nominated for election as President who is disqualified for election as a member of the House of Representatives or the Senate by virtue of sections 71(1) and 76(1) or any law made under sections 71(2) and 76(2).
- (4) (a) A person is not qualified to be nominated for election as President, or to act in, or to hold, the office of President, if he has held the office of President for two terms whether those terms were consecutive or not.  
  
(b) Subject to subsection (6), the duration of a term of office is five years from the date of the President's assumption of office.
- (5) Any person who is a member of the House of Representatives or the Senate or of the Judiciary shall not, while he is a member, be eligible to be nominated for election as President.
- (6) A term of office shall not include the service of any person as President, for any unexpired portion, not exceeding two years, of the term of office of some other person as President.

**Establishment of office of Vice-President**

Establishment of office and election of Vice President

56. There shall be a Vice-President of Trinidad and Tobago elected in accordance with the provisions of this Chapter.

Qualifications and disqualifications for office of Vice President

57. (1) A person is qualified to be nominated for election as Vice-President if, and is not so qualified unless, he is a citizen of Trinidad

and Tobago of the age of thirty-five years or upwards who, at the date of his nomination, has been ordinarily resident in Trinidad and Tobago for ten years immediately preceding his nomination.

- (2) For the purposes of subsection (1), a person shall be deemed to reside in Trinidad and Tobago if he holds an office in the service of the Government of Trinidad and Tobago and lives outside of Trinidad and Tobago because he is required to do so for the proper discharge of his functions.
- (3) A person is not qualified to be nominated for election as Vice-President who is disqualified for election as a member of the House of Representatives or the Senate by virtue of sections 71(1) and 76(1) or any law made under sections 71(2) and 76(2).
- (4) Any person who is a member of the House of Representatives or the Senate or of the Judiciary shall not, while he is a member, be eligible to be nominated for election as Vice-President.
- (5) A term of office shall not include the service of any person as Vice-President, for any unexpired portion not exceeding two years of the term of office of some other person as Vice-President.

**Transitional provisions**

Transitional provision

- 58. (1) The person holding the office of Prime Minister of Trinidad and Tobago at the commencement of this Constitution shall assume and hold the office of President under this Constitution until a President is elected under the provisions of this Chapter and takes and subscribes the oath of office as specified in the First Schedule.
- (2) The person holding the office of President of the Senate of Trinidad and Tobago at the commencement of this Constitution shall assume and hold office as the Vice-President

under this Constitution until a Vice-President is elected under the provisions of this Chapter, and takes and subscribes the oath of office as specified in the First Schedule.

(3) The Cabinet as constituted at the commencement of this Constitution shall continue to hold office until the President appoints a new Cabinet, and the new Cabinet assumes office under the provisions of this Constitution.

Holding of elections for the offices of President and Vice President

59. (1) An election for President and Vice-President shall be held not more than one hundred and twenty days after the commencement of this Constitution.

(2) Thereafter, an election for President and Vice-President shall be held every five years on the first Monday of the month in which this Constitution came into effect.

(3) The President and the Vice-President shall assume office by taking and subscribing their oaths of office before the Chief Justice, or such other Judge as may be designated by the Chief Justice, at twelve noon on the thirtieth day after the day on which the election was held.

(4) Where the date for the assumption of office of the President and the Vice-President falls on a Sunday or public holiday, the President and Vice-President shall assume office on the next following day that is not a Sunday or public holiday.

**Election of President and Vice President**

Nomination of candidates, mode of election of President and Vice President, rights of electors, procedure for balloting

60. (1) (a) Every political party intending to participate in the election of persons to the offices of President and Vice-President shall nominate no more than one candidate for each of these offices, and such candidates (hereinafter referred to as “a party ticket”) shall not be eligible for

nomination by any other political party.

(b) No person shall be eligible for election as President or Vice-President unless he is nominated by a political party.

(2) (a) The election of the President and the Vice-President shall be by secret ballot and in accordance with the first-past-the-post system.

(b) Each elector shall be entitled to one vote, and shall cast that vote in favour of any one of the party tickets.

(3) For the purposes of subsection (2), the votes shall be cast in ballot boxes of a design calculated to ensure their efficiency and reliability.

Declaration of results by Chairman of Elections and Boundaries Commission, in case of tie, further election

61. (1) The Chairman of the Elections and Boundaries Commission shall declare the persons to be duly elected as President and Vice-President—

(a) if they are the only candidates for President and Vice-President at the election; or

(b) where, there being two or more party tickets, the party ticket that has secured the highest number of votes.

(2) (a) Where no person is declared elected as President and Vice-President under subsection (1) (a) and (b) and where the votes cast in favour of any two or more party tickets are equal in number, a fresh election for the offices of President and Vice- President shall be held within forty two days after such declaration. This provision shall apply in the event that there are further ties.

(b) The President and Vice-President at the date of the election shall continue

in office until the fresh election, or elections is or are held and the results are declared and the new President and Vice-President assume office.

- (c) The provisions of section 59(3) shall apply where a fresh election, or fresh elections is or are held.
  - (d) Notwithstanding section 55(4), the term of office of the President and the Vice-President elected after a new election, or further elections shall end as if the President and the Vice-President had been elected and assumed office in accordance with section 60(2) and (3).
- (3) The Court of Appeal shall have exclusive jurisdiction to hear and determine any question as to the validity of the election of a candidate as President and Vice- President, in so far as that question depends upon the qualification of any person for election or the interpretation of this Constitution and any decision of the Court shall be final.
- (4) Subject to the provisions of this Constitution, Parliament may enact legislation for giving effect to the provisions of this section, and section 62, and without prejudice to the generality thereof may make provision—
- (a) for the conduct of elections to the office of President and Vice-President; and
  - (b) with respect to the persons by whom, the manner in which and the conditions upon which proceedings for the determination of any question such as is mentioned in the preceding sub-section may be instituted in the Court of Appeal,

and subject to any such provision so made under paragraph (b), provision may be made

with respect to the matters referred to therein by Rules of Court;

(c) until such provision as is referred to in paragraph (b) is made, any application to the Court of Appeal under this section shall be made by way of a representation petition.

(5) Subject to the provisions of subsection (3) an instrument which—

(a) is executed under the hand of the Chairman of the Elections and Boundaries Commission; and

(b) states that the persons named in the instrument were declared elected as President and Vice-President at an election held pursuant to the provisions of this section,

shall be conclusive evidence that the persons so named were so elected, and no question as to the validity of the election as the President and Vice President of the persons so named shall be enquired into in any Court.

**Vacation of office**

Vice President to act temporarily as President where office of President vacant, or President incapable of performing his functions

62. (1) Where the office of President is vacant, or the President is incapable of performing his functions as President by reason of his absence from Trinidad and Tobago, by reason of illness or for any other reason, the Vice-President shall act temporarily as President.

(2) Where the Vice-President is for any reason unable to act as President under subsection (1), subsection (4) or section 65(2)(a), the functions of President shall be performed by the Minister with responsibility for Foreign Affairs.

(3) Where the Minister with responsibility for Foreign Affairs is for any reason unable to act as President, the Minister with



responsibility for National Security shall act as President.

- (4) Where the office of President becomes vacant before the expiration of his term of office, the Vice-President shall assume the office of President upon taking and subscribing the oath of office as specified in the First Schedule.
- (5) Where the office of the Vice-President becomes vacant before the expiration of his term of office, the President shall nominate some other qualified person to hold the office of Vice-President for the unexpired portion of the term of office of his predecessor and, upon confirmation of such nomination by a majority vote of all the members of the Senate, such person shall assume office upon taking and subscribing the oath of office as specified in the First Schedule.

**Term of office**

Term of office of President and Vice-President

- 63. (1) Subject to sections 55(6) and 58, the President and the Vice-President shall hold office for a term of five years. No person may hold the office of President or Vice-President for more than two terms whether successive or not.
- (2) The office of President shall become vacant before the expiration of the term of his office where—
  - (a) the person holding that office dies or resigns the office by writing signed by him addressed to the Chairman of the Elections and Boundaries Commission; or
  - (b) he is removed from office under section 65.
- (3) Where the office of President becomes vacant under this section before the expiration of the term of that office prescribed by subsection (1), the Vice-President shall

assume the office of the President for the unexpired portion of the President's term of office.

**Removal from office**

Grounds for removal from office of President and Vice-President

64. The President or the Vice-President may be removed from office under section 65 where—
- (a) he wilfully violates any provisions of the Constitution;
  - (b) he behaves in such a way as to bring his office into hatred, ridicule or contempt;
  - (c) he behaves in a way that endangers the security of the State;
  - (d) because of physical or mental incapacity, he is unable to perform the functions of his office; or
  - (e) his performance of his duties is so unsatisfactory as to justify his removal from office.

Procedure for the removal of the President and Vice-President from office

65. (1) The President or the Vice-President may be removed from office in accordance with the following procedure—
- (a) where removal is sought upon any of the grounds at paragraphs (a) to (e) of section 64, a motion that his removal from office should be investigated by a tribunal is proposed in the House of Representatives and the Senate;
  - (b) the motion states, with full particulars, the grounds on which his removal from office is proposed, and is signed by not less than one-third of the full membership of the House of Representatives and of the Senate;
  - (c) the motion is adopted by the votes of not less than two-thirds of the full membership of the House of

Representatives and of the Senate sitting separately;

- (d) the Vice President of the Senate shall preside at any meeting of the Senate at which the Motion referred to in paragraph (c) is to be considered for adoption by the Senate;
  - (e) a tribunal consisting of the Chief Justice and four other judges appointed by him, being as far as practicable the most senior Judges, investigate the complaint and report on the facts to the House of Representatives and the Senate;
  - (f) the Senate and the House of Representatives, assembled together, on the summons of the Speaker of the House of Representatives, consider the report and by resolution supported by the votes of not less than two-thirds of the full membership of the Senate and the House of Representatives assembled together, declare that he shall be removed from office.
- (2) (a) Where the motion is adopted under subsection (1)(c), the President or the Vice-President, as the case may be, shall cease to perform any of his functions as President or Vice-President. In the case of the President, the Vice-President shall act temporarily as President, and, where the Vice-President is unable to act, the provisions of paragraph (b) shall apply.
- (b) In the case of the Vice-President, the Minister of Foreign Affairs shall act temporarily as Vice President, and where the Minister of Foreign Affairs is, for any reason, unable to act, the Minister with responsibility for

National Security shall act as Vice-President.

- (3) Upon the adoption of the resolution under subsection 1(f), the office shall become vacant.
- (4) The tribunal may regulate its own procedure.

Immunities of  
President and Vice  
President

66. (1) Subject to section 65, the President and the Vice-President shall not be answerable to any court for the performance of the functions of their offices, or for any act done by them in the performance of their functions.
- (2) Without the fiat of the Director of Public Prosecutions, no criminal proceedings shall be instituted or continued against the President or the Vice-President in any court, during their term of office and no process for the arrest or imprisonment of the President or the Vice-President shall be issued from any court or shall be executed during his term of office.
- (3) No civil proceedings in which relief is claimed against the President or the Vice-President shall be instituted during his term of office in any court in respect of any act done by him in his personal capacity, whether before or after he entered the office of President, or Vice-President except on the condition specified in subsection (4).
- (4) The condition referred to in subsection (3) is that two months must elapse after a notice in writing has been served on him, either by registered post or by being left at his office, stating the nature of the proceedings, the cause of action, the name, description and address of the party instituting the proceedings and the relief claimed.
- (5) A period of limitation prescribed by law shall not run in favour of the President or the Vice-President in respect of a civil action during the period of two months after a

notice in respect of that action has been served on him under subsection (4).

Salaries, allowances, pension benefits and gratuities of President and Vice President

67. (1) The President and the Vice-President shall receive such salary and allowances as may be prescribed by Parliament.
- (2) A person who has held the office of President, or Vice-President shall receive such pension or, upon expiration of his term of office, such gratuity as may be prescribed by Parliament.
- (3) Any pension or gratuity referred to in subsection (2) shall be a charge on the Consolidated Fund.
- (4) The President, the Vice-President and a member of the Cabinet shall not hold any other office of emolument or profit whether in the public service or otherwise, nor engage in any occupation for reward other than the duties of their office.
- (5) The salary and allowances of a President, Vice-President or a Minister shall not be altered to his disadvantage after he has assumed office.

**CHAPTER 4  
PARLIAMENT**

**PART I  
Composition of Parliament**

Establishment of Parliament

68. There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.

**The Senate  
Mode of election of Senators**

Composition of Senate and mode of election of Senators

69. (1) The Senate shall consist of forty one members (in this Constitution referred to as “Senators”) or such other number of members as are prescribed from time to time.
- (2) The Senators shall be elected and assigned seats as follows—

- 
- (a) three shall be elected as hereinafter provided as Senators for Tobago;
  - (b) the remaining thirty-eight Senators shall be elected as hereinafter provided.
- (3) Political parties participating in a general election of members of the Senate shall each submit a list to the Election and Boundaries Commission containing forty one names of candidates, and shall indicate thereon the three names of persons who are permanently resident in Tobago as the candidates proposed for election as Senators for Tobago.
- (4) The parties shall ensure that the lists submitted under subsection (3) –
- (a) contain not less than fourteen women;
  - (b) fairly reflect the racial and ethnic diversity of the people of Trinidad and Tobago; and
  - (c) contain the names of some outstanding persons from economic or social or community organisations and other major fields of endeavour.
- (5) The Senators mentioned in subsection (2)(a) and (b) shall be elected and assigned seats in accordance with the following provisions–
- (a) The votes cast by electors eligible to vote in a general election of the House of Representatives shall be the basis on which the Senators shall be elected and assigned seats.
  - (b) Each elector shall be entitled to one vote in the general election.
  - (c) A quota of votes per seat (“the quota”) shall be determined by dividing the total number of votes cast in the general election by the number of

seats in the Senate to the nearest odd number.

- (d) The number of seats to be allocated to each party submitting a list shall be determined by dividing the total number of votes received by each party in the general election by the quota.
  - (e) Where the results of the computation under paragraph (d) yields surpluses of votes not utilised by the number of seats allocated to the parties under paragraph (d), any seat or seats that remain unallocated shall be allocated as follows—
    - (i) the party with the highest surplus is first allocated one of the remaining seats;
    - (ii) the party with the next highest surplus is then allocated one of the remaining seats (if any);
    - (iii) the process of allocation shall continue on the same basis by further allocations to the other parties until all the unallocated seats are allocated to the parties with surpluses.
- (6) (a) After the allocation process is completed, the Election and Boundaries Commission shall make a public declaration of the number of seats allocated to the parties.
- (b) The parties to which seats have been allocated shall, within three days of the completion of the allocation, submit to the Election and Boundaries Commission a list of the names of candidates extracted from their respective lists submitted under subsection (2) whom they have selected to be members of the Senate

under categories (a) and (b) mentioned in subsection (2).

- (c) The party securing the highest number of votes shall be entitled to be assigned two seats, and the party securing the second highest number of votes shall be entitled to be assigned one seat, for Tobago.
- (d) Upon receipt of the lists mentioned in paragraph (b) the Election and Boundaries Commission shall certify the list of each party and forward such lists to the Clerk of the Senate not later than three days of receipt of each list.
- (e) Within three days of forwarding the lists to the Clerk of the Senate, the Election and Boundaries Commission shall make a public declaration of the names of the persons assigned seats as Senators and the political parties they represent.

(7) Parliament may enact legislation to give further effect to this section.

Qualifications to be elected a Senator

70. Subject to section 71, a person shall be qualified to be elected as a Senator if, and shall not be qualified to be so elected unless, he is a citizen of Trinidad and Tobago of the age of twenty-five years or upwards.

Disqualifications to be elected a Senator

71. (1) No person shall be qualified to be elected as a Senator who—
- (a) is a citizen of a country other than Trinidad and Tobago, having become such a citizen voluntarily or is under a declaration of allegiance to such a country;
  - (b) is a member of the House of Representatives;



- 
- (c) is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago;
  - (d) is mentally ill, within the meaning of the Mental Health Act Ch 28:02;
  - (e) is under sentence of death imposed on him by a court or is serving a sentence of imprisonment, by whatever name called, exceeding twelve months imposed on him by a court or substituted by competent authority for some other sentence imposed on him by a court or is under such a sentence of imprisonment the execution of which has been suspended;
  - (f) is disqualified for membership of the Senate by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections; or
  - (g) is not qualified to be registered as an elector at a presidential or parliamentary election under any law in force in Trinidad and Tobago.
- (2) Parliament may provide that, subject to such exceptions and limitations, if any, as may be prescribed, a person shall be disqualified for membership of the Senate by virtue of—
- (a) his holding or acting in any office or appointment, either individually or by reference to a class of office or appointment;
  - (b) his belonging to any of the armed forces of the State or to any class of person that is comprised in any such force; or

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

(3) For the purposes of paragraph 1(e)–

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

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

Tenure of office of  
Senators

72. (1) Every Senator shall vacate his seat in the Senate at the expiration of the term of the Parliament.

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

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

(c) subject to the provisions of subsection (3) any circumstances arise that, if he were not a Senator, would cause him to be disqualified for election as such by virtue of subsection (1) of section 71 or any law enacted in pursuance of subsection (2) of that section;

(d) a political party replaces a Senator elected from its list with another Senator chosen by that party from the undepleted portion of that list.

- (3) Where circumstances such as are referred to in subsection 2(c) arise because a Senator is under sentence of death or imprisonment, is mentally ill, declared a bankrupt or convicted of an offence relating to elections, and where it is open to the Senator to appeal against the decision, either with the leave of the court or other authority or without such leave, he shall forthwith cease to perform his functions as a Senator, so however that, subject to the provisions of this section, he shall not vacate his seat until the expiration of a period of thirty days thereafter.
- (4) The President of the Senate may, from time to time, extend the period of thirty days mentioned in the preceding subsection for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be granted without the approval, signified by resolution, of the Senate.
- (5) Where at any time before the Senator vacates his seat, such circumstances as are mentioned in this section cease to exist, his seat shall not become vacant on the expiration of the period referred to in subsection (3) and he may resume the performance of his functions.

President and Vice  
President of the  
Senate

- 73. (1) When the Senate first meets after any general election, the Vice-President of the Republic who shall preside over the Senate as its President, shall conduct an election among Senators for the appointment of a Vice-President of the Senate; and if the office of Vice-President of the Senate falls vacant at any time before the expiration of the term of the Parliament, the Senate shall, as soon as convenient and in like manner, elect another Senator to that office.
- (2) A person shall vacate the office of Vice-President of the Senate where—

- (a) he ceases to be a Senator; or
  - (b) he announces the resignation of his office to the Senate or where, by writing under his hand addressed to the President of the Senate, or (where the office of President of the Senate is vacant or the President of the Senate is absent from Trinidad and Tobago) to the Clerk of the Senate, he resigns that office.
- (3) Where, by virtue of section 72(3), the Vice-President of the Senate is required to cease to perform his functions as a Senator, he shall also cease to perform his functions as Vice-President of the Senate and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed by such Senator as the Senate may elect for the purpose.
- (4) Where the Vice-President of the Senate resumes the performance of his functions as a Senator in accordance with the provisions of section 72(4), he shall also resume the performance of his functions as Vice-President of the Senate.

**The House of Representatives**

Composition of the House of Representatives

74. (1) There shall be forty-one members of the House of Representatives or such other number of members as corresponds with the number of constituencies as provided for in an Order made by the Elections and Boundaries Commission under section 101(1).
- (2) Subject to the provisions of this Constitution, Parliament shall make provision for the manner in which members of the House of Representatives may be elected. Until Parliament so provides, the relevant provisions of the Representation of the People Act, Ch 2:01 shall apply so far as they

are not inconsistent with the provisions of this Constitution.

Qualifications to  
be elected a  
Member

75. Subject to the provisions of section 76, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he—

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

Disqualifications  
to be elected a  
Member

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

- (a) is a citizen of a country other than Trinidad and Tobago, having become such a citizen voluntarily, or is under a declaration of allegiance to such a country;
- (b) is a Senator;
- (c) is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago;
- (d) is mentally ill, within the meaning of the Mental Health Act Ch 28:02;
- (e) is under sentence of death imposed on him by a court or is serving a sentence of imprisonment, by whatever name called, exceeding twelve months imposed on him by a court or substituted by competent authority for some other sentence imposed on him by a court or is under such a sentence of imprisonment the execution of which has been suspended;

- (f) is disqualified for membership of the House of Representatives by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections; or
  - (g) is not qualified to be registered as an elector at a presidential or parliamentary election under any law in force in Trinidad and Tobago.
- (2) Parliament may provide that, subject to such exceptions and limitations, if any, as may be prescribed, a person shall be disqualified for membership of the House of Representatives by virtue of—
- (a) his holding or acting in any office or appointment, either individually or by reference to a class of office or appointment;
  - (b) his belonging to any of the armed forces of the State or to any class of person that is comprised in any such force; or
  - (c) his belonging to any police force or to any class of person that is comprised in any such force.
- (3) For the purposes of subsection 1(e)—
- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
  - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

Tenure of office of  
Members and  
vacation of seat  
where Member  
resigns or is  
expelled

77. (1) Every member of the House of Representatives shall vacate his seat in the House at the expiration of the term of the Parliament.
- (2) A member of the House of Representatives shall also vacate his seat in the House where—
- (a) he resigns it by writing under his hand addressed to the Speaker or, where the office of Speaker is absent from Trinidad and Tobago, to the Deputy Speaker;
  - (b) he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the rules of procedure of the House;
  - (c) he ceases to be a citizen of Trinidad and Tobago;
  - (d) subject to the provisions of subsection (3), any circumstances arise that, if he were not a member of the House of Representatives, would cause him to be disqualified for election as such by virtue of subsection (1) of section 76 or any law enacted in pursuance of subsection (2) of that section.
- (3) Where circumstances such as are referred to in subsection 2(d) arise because any member of the House of Representatives is under sentence of death or imprisonment, is mentally ill, declared a bankrupt or convicted of an offence relating to elections, and where it is open to the member to appeal against the decision, either with the leave of the court or other authority or without such leave, he shall forthwith cease to perform his functions as a member of the House, so however that, subject to the provisions of this section, he shall not vacate his seat until the expiration of a period of thirty days thereafter.

- (4) The Speaker may, from time to time, extend the period of thirty days mentioned in the preceding subsection for further periods of thirty days to enable the member to pursue an appeal against the decision, so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be granted without the approval, signified by resolution, of the House.
- (5) Where, on the determination of any such appeal, such circumstances continue to exist and no further appeal is open to the member, or where by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal, or for any other reason it ceases to be open to the member to appeal, he shall forthwith vacate his office.
- (6) Where at any time before the member of the House vacates his seat, such circumstances as are mentioned in this section cease to exist, his seat shall not become vacant on the expiration of the period referred to in subsection (3) and he may resume the performance of his functions as a member of the House.

### **The Speaker and Deputy Speaker**

Speaker and  
Deputy Speaker

78. (1) When the House of Representatives first meets after any general election and before it proceeds to the dispatch of any other business, it shall elect a member of the House to be Speaker of the House; and if the office of Speaker falls vacant at any time before the expiration of the term of the Parliament, the House shall, as soon as practicable, elect another member to that office.
- (2) When the House of Representatives first meets after any general election and before it proceeds to the dispatch of any other business except the election of the Speaker, it shall elect a member of the House of Representatives to be Deputy Speaker of the



House; and if the office of Deputy Speaker falls vacant at any time before the expiration of the term of the Parliament, the House shall, as soon as practicable, elect another member to that office.

- (3) A person shall vacate the office of Speaker, or Deputy Speaker—
  - (a) where he ceases to be a member of the House;
  - (b) where he ceases to be a citizen of Trinidad and Tobago;
  - (c) where he announces the resignation of his office to the House of Representatives or if by writing under his hand addressed, in the case of the Speaker, to the Clerk of the House and, in the case of the Deputy Speaker, to the Speaker or, if the office of Speaker is vacant or the Speaker is absent from Trinidad and Tobago, to the Clerk of the House, he resigns that office;
  - (d) where the House of Representatives passes a resolution, supported by the votes of a majority of all the members of the House, declaring that it has no confidence in the Speaker or the Deputy Speaker, as the case may be;
  - (e) in the case of the Deputy Speaker, where he is elected to be Speaker; or
  - (f) where any circumstances arise that would cause him to be disqualified for election as a member of the House of Representatives.
- (7) If for any reason the Speaker is required to cease to perform his functions as a member of the House of Representatives or where he has temporarily vacated his office, he shall also cease to perform his functions as Speaker and those functions shall, until he

vacates his seat in the House or resumes the performance of the functions of his office, be performed by the Deputy Speaker.

- (8) If for any reason the Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives or where he has temporarily vacated his office, he shall also cease to perform his functions as Deputy Speaker and those functions shall, until he vacates his seat in the House or resumes the performance of the functions of his office, be performed by such member of the House as the House may elect for the purpose.
- (9) Where the Speaker or Deputy Speaker resumes the performance of his functions as a member of the House, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.
- (10) Upon delivery by the Clerk of the House to the Speaker of a resolution signed by a majority of the members of the House that the Speaker be removed from office, the Speaker shall vacate his office and cease to perform his functions as Speaker.

Office of Majority  
and Minority  
Leader

79. There shall be an office of Majority Leader and an office of Minority Leader in the House of Representatives and the Senate.

Mode of election of  
Majority Leader  
and Minority  
Leader

80. (1) The Majority Party shall, from among its members in each House, elect a member to fill the office of Majority Leader in each House and shall inform the Speaker and the President of the Senate of the persons so elected.
- (2) The Minority Party shall, from among its members in each House, elect a member to fill the office of Minority Leader in each House and shall inform the Speaker and the President of the Senate of the persons so elected.

Vacation of office  
of Majority Leader  
and Minority  
Leader

(3) The Majority and Minority Leaders elected as aforesaid, shall hold office for the duration of the term of Parliament, subject however to section 81.

81. (1) The office of Majority Leader or Minority Leader shall become vacant where the holder thereof—

- (a) resigns his office;
- (b) ceases to be a member of the House of Representatives or the Senate for any cause;
- (c) is required by virtue of section 72(3) or 77(3), as the case may be, to cease to exercise his functions as a Member of the House of Representatives or the Senate; or
- (d) by virtue of subsection (2), his appointment is revoked.

(2) (a) The Majority Party and the Minority Party may, at any time, revoke the appointment of the Majority Leader or Minority Leader in either House and shall inform the Speaker and the President of the Senate of such revocation. Upon receipt of such information, the Speaker and the President of the Senate shall declare the offices vacant.

(b) Simultaneously with such revocation, the Majority Party and the Minority Party shall proceed to elect other members of both Houses to fill the vacancies arising under paragraph (a) and inform the Speaker and the President of the Senate accordingly.

(3) Where the office of Majority Leader or Minority Leader is vacant because there is no member of the House of Representatives or Senate so qualified for appointment or because no one qualified for appointment is

willing to be appointed, or because either has resigned his office or for any other reasons, any provision in this Constitution requiring consultation with the Majority and Minority Leaders shall be of no effect.

Qualifications of voters

82. Subject to such disqualifications as Parliament may prescribe, a person shall be qualified to vote at an election of members to serve in the House of Representatives if, and shall not be qualified to vote at such an election unless, he—
- (a) is a Commonwealth citizen (within the meaning of section 50) of the age of eighteen years or upwards; and
  - (b) has such other qualifications regarding residence or registration as may be prescribed.

**Political parties**

Political parties, political parties to be registered, etc

83. (1) Every political party shall be registered with the Election and Boundaries Commission, and shall file an application for registration with that Commission containing such information as may be prescribed by law.
- (2) Every registered political party intending to participate in the election of the President, the Vice-President, the House of Representatives and the Senate or any other governmental institution shall file a statement in the form prescribed by law with the Election and Boundaries Commission not later than six months prior to the date of the election.
- (3) The Election and Boundaries Commission may provide registered political parties with such funding as may be prescribed by law.
- (4) Parliament may enact legislation to give effect to this section.

**General**

Determination of questions as to membership

84. (1) Any question whether—
- (a) any person has been validly elected as a Senator or member of the House of Representatives;
  - (b) any Senator or member of the House of Representatives has vacated his seat or is required to cease to exercise any of his functions as a Senator or as a member of the House of Representatives,
- shall be determined by the High Court.
- (2) Proceedings for the determination of any question referred to in subsection (1) shall not be instituted except with the leave of a Judge of the High Court.
  - (3) An appeal shall lie to the Court of Appeal from—
    - (a) the decision of a Judge of the High Court granting or refusing leave to institute proceedings for the determination of any question referred to in subsection (1);
    - (b) the determination by the High Court of any such question.
  - (4) No appeal shall lie from any decision of the Court of Appeal given in an appeal brought in accordance with subsection (3).

**PART II**

**Powers, Privileges and Procedures of Parliament**

Power to make laws

85. Parliament may make laws for the peace, order and good government of Trinidad and Tobago, so, however, that the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) the Trinidad and Tobago Independence Act 1962 of the United Kingdom may not be altered

except in accordance with the provisions of section 86.

Alteration of this  
Constitution

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

(2) In so far as it alters—

(a) sections 4 to 46, 52(b), 53, 72(1), 79 to 81, 85, 90, 98(2), 101, 127, 130 to 134, 139, 140, 141, 143 to 147, 154, 156 to 163, 165, 166, 176 to 179;

(b) section 3 in its application to any of the provisions of this Constitution specified in paragraph (a),

a Bill for an Act under this section shall not be passed by Parliament unless a period of thirty days has elapsed between the first and second readings of such a Bill in each House and at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House.

(3) In so far as it alters—

(a) this section;

(b) sections 54 to 67, 68 to 71, 73 to 78, 82 to 84, 87, 88, 91 to 97, 99, 100, 102 to 107, 115 to 119, 126 to 129, 130, 133, 135, 148 to 151, 180, 181 or the Second and Third Schedules;

(c) section 3 in its application to any of the provisions specified in paragraph (a) or (b); or

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

a Bill for an Act under this section shall not be passed by Parliament unless a period of

thirty days has elapsed between the first and second readings of such a Bill in each House and it is supported at the final vote thereon in the House of Representatives and the Senate, by the votes of not less than three-fourths of all the members of each House.

- (4) No Act, other than an Act making provision for any particular case or class of case, inconsistent with the provisions of this Constitution, not being those referred to in subsections (2) and (3), shall be construed as altering any of the provisions of this Constitution, or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act 1962, unless it is stated in the Act that it is an Act for that purpose.
- (5) In this section, references to the alteration of any of the provisions of this Constitution or the Trinidad and Tobago Independence Act 1962 include references to repealing it, with or without re-enactment thereof, or the making of different provisions in place thereof, or the making of provision for any particular case or class of case inconsistent therewith, to modifying it and to suspending its operation for any period.

Privileges and  
immunities of  
Parliament

87. (1) Subject to the provisions of this Constitution and to the rules and Standing Orders regulating the procedure of the Senate and the House of Representatives, there shall be freedom of speech in the Senate and the House of Representatives.
- (2) No civil or criminal proceedings may be instituted against any member of either House, or the President, the Vice-President, or any Minister for words spoken by any of them before, or written in a report to, either House, or a committee thereof, or any joint committee or meeting of the Senate and the House of Representatives, or by reason of any matter or thing brought by any of them therein by petition, bill, resolution, motion or howsoever otherwise; or for the publication

by or under the authority of either House of any matter, report, paper, votes or proceedings.

- (3) A person called to give any evidence before either House or any committee shall enjoy the same privileges and immunities as a member of either House.

Regulation of procedures in Parliament

- 88. (1) Subject to the provisions of this Constitution, each House may regulate its own procedures.
- (2) Each House may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after the commencement of this Constitution or after any 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.

Oath of allegiance

- 89. No member of either House shall take part in the proceedings of that House (other than proceedings necessary for the purposes of this section) until he has made and subscribed before that House the oath of allegiance, so however that the election of a Speaker and Deputy Speaker of the House of Representatives and the election of a Vice-President of the Senate may take place before the members of the House of Representatives, or the members of the Senate, as the case may be, have made and subscribed such oath.

Presiding in the Senate and the House of Representatives

- 90. (1) The President of the Senate or, in his absence, the Vice-President of the Senate or, where they are both absent, a Senator elected by the Senate for that sitting shall preside at each sitting of the Senate.
- (2) The Speaker or, in his absence, the Deputy Speaker or, where they are both absent, a member of the House of Representatives elected by the House for that sitting, shall preside at each sitting of the House.
- (3) References in this section to circumstances in which the President of the Senate or Vice-



President of the Senate, the Speaker or Deputy Speaker is absent include references to circumstances in which the office of President of the Senate or Vice-President of the Senate, or the Speaker or Deputy Speaker is vacant.

Voting and  
quorum

91. (1) Save as otherwise provided in this Constitution, all questions proposed for decision in either House shall be determined by a majority of the votes of the members thereof present and voting.
- (2) The President of the Senate, the Vice-President of the Senate or any other Senator presiding in the Senate shall not vote unless, on any question, the votes are equally divided, in which case he shall have and exercise a casting vote.
- (3) The Speaker or any other member presiding in the House of Representatives shall not vote unless, on any question, the votes are equally divided, in which case he shall have and exercise a casting vote.
- (4) A majority of the members of the House of Representatives and the Senate must be present before a vote may be taken on a Bill or an amendment of a Bill, so however, that the Vice-President of the Republic in his capacity as President of the Senate, or the Speaker of the House of Representatives shall not be included in reckoning whether a majority is present in either House.
- (5) Subject to subsection (4), at least one third of the members must be present before a vote may be taken on any question before either House.
- (6) Where at any sitting of either House any member of the House who is present draws the attention of the person presiding at the sitting of the absence of a quorum and, after such interval as may be prescribed by that House, the person presiding at the sitting

ascertains that a quorum of the House is still not present, the House shall be adjourned.

Entitlement of Ministers to attend either House

92. (1) Ministers are entitled to attend any sitting of the Senate or the House of Representatives, as the case may be, and participate in their proceedings as they think fit but shall not be entitled to vote.
- (2) A Minister may be required at the instance of the President of the Senate or the Speaker to attend any sitting of the Senate or the House of Representatives respectively.

Mode of exercising legislative power

93. (1) Subject to the provisions of the Constitution, the power of Parliament to make laws shall, except where otherwise authorized by statute, be exercised by Bills passed by the House of Representatives and by the Senate and assented to by the President.
- (2) Subject to subsection (4), where a Bill is presented to the President for his assent, he shall signify that he assents or that he withholds his assent.
- (3) Where the President withholds his assent to a Bill, he shall return it to the Speaker and the President of the Senate within fourteen days of the date when it was presented to him for his assent, stating the reasons for the withholding of his assent, and suggesting what amendments, if any, he requires to be made to the Bill.
- (4) (1) Where a Bill is returned by the President to the Speaker and the President of the Senate as aforesaid, the House of Representatives and the Senate shall reconsider the Bill, and the Bill may be resubmitted to the President for his assent if-
- (a) the amendments suggested by the President are accepted and the House of Representatives and the Senate pass the Bill as

amended a second time by the prescribed majority; or

(b) the House of Representatives and the Senate reject the proposed amendments and pass the Bill a second time in its original form by the prescribed majority.

(2) Upon resubmission of the Bill to the President as aforesaid, the President shall assent thereto within seven days of the receipt of the Bill.

(5) A Bill shall not become law unless it has been duly passed and assented to by the President under subsection (2) or it has been enacted in accordance with subsection (4).

(6) A Bill may be assented to during the period occurring between the end of one session of Parliament and the beginning of the next or at any subsequent time during the life of that Parliament.

Introduction of Bills

94. (1) A Bill may be introduced in either the House of Representatives or the Senate by any Minister, or in the House of Representatives by a member of that House, or in the Senate by a Senator.

(2) There shall be endorsed on every Money Bill when it is sent to the House of Representatives, or the Senate, as the case may be, the certificate of the Speaker or the President of the Senate, as the case may be, signed by him, that it is a Money Bill.

(3) Where a Bill is—

(a) passed by the House of Representatives and sent to the Senate, and the Senate passes the Bill with amendments which are rejected by the House of Representatives; or

- (b) passed by the Senate and sent to the House of Representatives, and the House of Representatives passes the Bill with amendments which are rejected by the Senate,

the Speaker and the President of the Senate may, upon the request of either House, appoint a Committee comprising four members of each House, one of whom shall be appointed Chairman, to consider the amendment in dispute and formulate an amendment which is acceptable to both Houses.

- (4) Where the amendment formulated by the Committee is accepted by both Houses, the Bill shall be passed with the amendment by both Houses and shall thereafter be presented to the President for his assent.
- (5) Where, however, the amendment formulated by the Committee is not accepted by both Houses, the Bill, subject to subsection 6, shall lapse.
- (6) Where the Bill is a Money Bill, the Bill in its original form shall, notwithstanding its rejection by the House of Representatives or the Senate as the case may be, be presented to the President for his assent.
- (7) There shall be endorsed on any Money Bill presented to the President for his assent under subsection (6), the certificate of the Speaker or the President of the Senate, as the case may be, signed by him, that it is a Money Bill and that the provisions of subsections 3 to 6 have been complied with.
- (8) For the purposes of this section, a Bill passed by the House of Representatives shall be deemed to have been rejected by the Senate where—
  - (a) it is not passed by the Senate without amendments; or

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

(8) For the purposes of this section, a Bill passed by the Senate shall be deemed to have been rejected by the House of Representatives where—

(a) it is not passed by the House of Representatives without amendments; or

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

Provisions relating to section 94, definition of "Money Bill" etc

95. (1) In section 94, "Money Bill" means a public Bill which, in the opinion of the Speaker, or the President of the Senate as the case may be, contains only provisions dealing with all or any of the following matters, namely—

(a) the imposition, repeal, remission, alteration or regulation of taxation;

(b) 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;

(c) the grant of money to the State or to any authority or person, or the variation or revocation of any such grant;

(d) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;

(e) 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

- (f) subordinate matters incidental to any of the matters referred to in this subsection.
- (2) In subsection (1) 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.
- (3) (a) Where the office of Speaker is vacant, or the Speaker is for any reason unable to perform any function conferred upon him by section 96 or subsection (1), that function may be performed by the Deputy Speaker.  
  
(b) Where the office of President of the Senate is vacant or the President of the Senate is for any reason unable to perform any function conferred upon him by section 94 or subsection (1), that function may be performed by the Vice President of the Senate.
- (4) A certificate of the Speaker or the Deputy Speaker, or the President or Vice President of the Senate under section 94 shall be conclusive for all purposes and shall not be questioned in any court.
- (5) Before giving any certificate under section 94, the Speaker or the Deputy Speaker, the President or Vice President of the Senate, as the case may be, shall consult the Attorney General or, if the Attorney General is absent from the seat of government, such legal officer in the Ministry of Legal Affairs as the Attorney General may designate for that purpose.

**Appointment of joint or select committees**

Appointment of certain Select or Joint Committees

- 96. (1) In addition to any other Joint Select Committee which Parliament is empowered to appoint under the Standing Orders of the House of Representatives and the Senate, Parliament shall appoint Joint Standing

Committees to inquire into and report to both Houses of Parliament in respect of—

- (a) Government Ministries;
- (b) Municipal Corporations;
- (c) Statutory Authorities;
- (d) the Tobago House of Assembly;
- (e) Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than one half of its total income in any one year;
- (f) Service Commissions, in relation to their administration, the manner of the exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions; and
- (g) in relation to such other bodies or subjects as it may from time to time determine.

(2) For the purpose of this section, an enterprise shall be taken to be controlled by the State if the Government or any body controlled by the Government—

- (i) exercises or is entitled to exercise control directly or indirectly over the affairs of the enterprise;
- (ii) is entitled to appoint a majority of the directors of the Board of Directors of the enterprise; or
- (iii) holds at least fifty percent of the ordinary share capital of the enterprise,

as the case may be.

- 
- (3) Parliament shall also appoint a Joint Standing Committee for Constitutional Reform for the purpose of continually reviewing the effectiveness of the working of this Constitution and making periodic reports thereon to Parliament with proposals for reform as may be necessary.
- (4) (a) A joint standing committee appointed for the purposes set out in subsection (1) may—
- (i) appoint sub-committees from among its members and delegate any of its powers to such sub-committees;
  - (ii) adjourn from place to place;
  - (iii) appoint specialist advisers to assist them in their deliberations.
- (b) (i) Subject to any resolution of any such joint standing committee, the sitting of such a standing committee shall be held in public;
- (ii) such standing committee shall make a report of its opinion and observations which shall be laid in both Houses of Parliament at least once in every session.
- (5) A Joint Standing Committee, in exercising its powers under subsection (1), shall not inquire into the validity of the exercise of the functions of a body referred to in subsection (1) nor modify, alter, rescind or in any way interfere with the decisions of any such body.
- (6) Subject to this section, the Standing Orders of the House of Representatives and the Senate shall



apply to a Committee appointed under this section.

- (7) Subject to the Standing Orders of the House of Representatives and the Senate, a Joint Standing Committee may regulate its own procedure.

Report of Service Commissions

- 97. (1) Each Service Commission shall submit to the President of the Senate and to the Speaker of the House of Representatives, before the end of the financial year in each year, a report on its administration, the manner of the exercise of its powers, its method of functioning, and any criteria adopted by it in the exercise of its powers and functions in the previous year and, as soon as practicable, the President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid in the Senate and in the House of Representatives, as the case may be.
- (2) A body listed in section 96(1)(a) to (e), shall submit to the President of the Senate and to the Speaker of the House of the Representatives, before the end of the financial year in each year, a report on the exercise of its functions and powers in the previous year, describing the procedures followed and any criteria adopted by it in connection therewith and, as soon as practicable, the President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid in the Senate and in the House of Representatives, as the case may be.
- (3) A body listed at (a) to (f) in section 96 (1) above shall submit to the President before 1<sup>st</sup> July in each year a report of its functions in the previous year, describing the procedures followed and any criteria adopted by it in connection therewith, and the President shall cause the report to be laid within sixty days thereafter in each House.

**PART III**  
**Summoning, Duration and Termination**

Sessions of  
Parliament

98. (1) Each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as Parliament may by resolution determine.
- (2) There shall be a session of each House once at least in every year, so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.
- (3) Subject to subsection (4) Parliament shall continue for five years from the date of its first sitting after any election, and shall then terminate.
- (4) In times of real or apprehended war, invasion, insurrection or other emergency, a Parliament may continue beyond five years if such continuation is not opposed by the votes of a majority of the members of both the House of Representatives and the Senate present and voting.
- (5) The first session of Parliament shall last for no more than one calendar year from the date of the first sitting of Parliament after a general election.
- (6) Thereafter, each session of Parliament shall last for no more than one calendar year from the date of its first sitting in a new session.
- (7) The session of Parliament immediately preceding the date for a general election shall end thirty days before such general election.
- (8) Subject to subsections (3), (4) and (5), the House of Representatives and the Senate shall, by joint resolution, determine the duration of each session.

General Elections

99. (1) A general election shall be held not more than one hundred and twenty days after the

commencement of this Constitution and on the same day as the election for the President as required in section 59(1).

- (2) Thereafter, a general election shall be held every five years on the first Monday of the month in which this Constitution came into effect.
- (3) The first sitting of Parliament after a general election shall be held at twelve noon on the twenty-first day after the day on which the general election was held.
- (4) Where between a general election of members to the House of Representatives and to the Senate and the date of the first sitting of Parliament, an emergency arises of such a nature that in the opinion of both the preceding President of the Senate and of the Speaker of the House of Representatives it is necessary for the two Houses to be summoned before the first sitting of Parliament, the preceding President of the Senate and the Speaker of the House of Representatives may summon the members of the preceding Parliament to address the emergency until the members of the new Parliament hold their first sitting in accordance with subsection (3).

By-Elections

- 100.
- (1) Where a vacancy occurs in the House of Representatives prior to one year before the end of the life of the Parliament, a by-election shall be held to fill such vacancy not later than sixty days from the date of the announcement by the Speaker of the vacancy.
  - (2) A vacancy arising under subsection (1) may be announced by the Speaker either during a sitting of the House of Representatives or by publication in the Gazette given under his hand, whichever is earlier.
  - (3) Where a vacancy occurs in the Senate before the end of the life of the Parliament, such

vacancy may be filled in accordance with the provisions of section 72(2)(d).

**PART IV  
Constituencies**

Constituencies

101. (1) Trinidad and Tobago shall be divided into forty-one constituencies or such other number as may be provided for by an Order made by the Elections and Boundaries Commission in accordance with the provisions of this Part and each such constituency shall return one member to the House of Representatives.
- (2) Not less than two such constituencies shall be in Tobago.

**The Elections and Boundaries Commission**

Elections and  
Boundaries  
Commission

102. (1) There shall be an Elections and Boundaries Commission for Trinidad and Tobago (hereinafter referred to as the Commission in this Part).
- (2) The Commission shall comprise nine members, one of whom shall be Chairman.
- (3) The Chairman and other members of the Commission shall be nominated for appointment by the President after consultation with the Majority and Minority Leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (4) The President, Vice-President, Ministers, Deputy Ministers, members of the House of Representatives and the Senate, and public officers shall not be qualified to hold office as a member of the Commission.
- (5) Subject to the provisions of this section, a member of the Commission shall vacate his office—

- 
- (a) at the expiration of five years from the date of his appointment, but is eligible for re-appointment for not more than one term thereafter; or
  - (b) where any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.
- (6) Seven members of the Commission shall constitute a quorum.
  - (7) Where there is a quorum, the Commission shall not be disqualified for the transaction of any business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid even though some person who was not entitled to do so took part therein.
  - (8) The Commission may regulate its own procedure.
  - (9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.
  - (10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.
  - (11) The registration of voters, the conduct of elections for the President and the Vice-President and for the House of Representatives and the Senate, and the monitoring of lists submitted by political parties at a general election for the designation of Senators, shall be subject to the direction and supervision of the Commission.
  - (12) In the exercise of its functions under this Constitution and the law relating to elections, the Commission shall not be subject to the direction or control of any other person or authority.

103. (1) The Commission shall, in accordance with the provisions of this section, review the number and boundaries of the constituencies into which Trinidad and Tobago is divided and submit to the Speaker for presentation to the House of Representatives in accordance with this section reports either—
- (a) showing the constituencies into which it recommends that Trinidad and Tobago should be divided in order to give effect to the rules set out in the Second Schedule; or
  - (b) stating that, in the opinion of the Commission, no alteration is required to the existing number or boundaries of constituencies in order to give effect to the said rules.
- (2) Reports under subsection (1) shall be submitted by the Commission not less than two nor more than three 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), such report shall be debated by the House of Representatives.
- (4) Where a motion for the adoption of the report by the House is approved by a majority of all the members of the House of Representatives, the Commission shall submit to the Speaker the draft of an Order made by it for presentation to the House of Representatives.
- (5) Where the motion for the approval of any draft made under subsection (4) is approved by a majority of all the members of the House, that Order shall come into force on such day as may be specified therein and shall be published in the Gazette and, until revoked by a further Order made in accordance with the provisions of this section, shall have the force of law.

- (6) Where the motion for the approval of any draft made under subsection (4) is rejected by the House or is withdrawn by leave of the House, the Commission shall amend the draft and resubmit it to the Speaker for presentation to the House of Representatives for its approval and, once approved, that Order shall come into force on such day as may be specified therein and shall be published in the Gazette and, until revoked by a further Order made in accordance with the provisions of this section, shall have the force of law.
- (7) The question of the validity of any Order by the Commission purporting to be made under this section and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any court.

**PART V**  
**System of Balloting**

System of balloting for the House of Representatives and the Senate

- 104. (1) The election of members of the House of Representatives shall be by secret ballot and in accordance with the first-past-the-post system.
- (2) The election of Senators shall be conducted in accordance with the provisions contained in section 65.
- (3) For purposes of subsection (1), the votes shall be cast in ballot boxes of a design calculated to ensure their efficiency and reliability.

**CHAPTER 5**  
**THE EXECUTIVE**

The Cabinet

- 105. (1) There shall be a Cabinet for Trinidad and Tobago, which shall aid and advise the President in the general direction and control of the government of Trinidad and Tobago.
- (2) Subject to section 108(3), the Cabinet shall consist of the President, the Vice-President, and such other number of Ministers, not

exceeding twenty five, one of whom shall be the Attorney General, as the President may consider appropriate.

- (3) (i) The Attorney General shall, subject to section 108, be responsible for the administration of legal affairs in Trinidad and Tobago, and legal proceedings for and against the State shall be taken—
  - (a) in the case of civil proceedings, in the name of the Attorney General;
  - (b) in the case of criminal proceedings, in the name of the State.
- (ii) Nothing contained in paragraph (i) shall be construed as conferring any power or authority on the Attorney General in relation to any of the matters mentioned in section 115 (3) of this Constitution, which are the subject of the exclusive authority of the Director of Public Prosecutions.
- (4) When an election for the offices of President and Vice-President is held, the President, Vice-President and the members of the Cabinet shall continue to hold office until the persons elected President and Vice President assume office.
- (5) Cabinet meetings shall be presided over by—
  - (a) the President; or
  - (b) in his absence, any Minister elected by the members of the Cabinet.
- (6) (a) There shall be a Secretary to the Cabinet whose office shall be a public office.
- (b) The Secretary shall have charge of the Cabinet Office and shall be



responsible in accordance with such instructions as may be given by the President for arranging the business for, and keeping the Minutes of, the Cabinet, and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the President may assign.

- (7) Cabinet may establish sub-committees of itself for the purpose of discharging any of its responsibilities.
- (8) Ministers shall be entitled to sit in the House of Representatives or the Senate and to take part in their proceedings but shall not be entitled to vote.

Appointment of Ministers

106. (1) The Ministers shall be such persons as the President shall appoint from among persons who are qualified to be elected as members of the House of Representatives or the Senate. No person elected as a Member of the House of Representatives or the Senate shall be appointed a Minister, or be eligible for election as Vice-President.
- (2) Subject to subsections (2), (3) and (4) of section 108, the President shall, by directions in writing, assign to any Minister responsibility for any business of the government of Trinidad and Tobago, including the administration of any department of government.

Exercise of President's functions

107. (1) In the exercise of his functions under this Constitution or any other law, the President shall act in his own deliberate judgment, except in cases where, by any other provision of this Constitution, or by any other law, he is required to act—
- (a) after consultation with any person or authority; or
  - (b) in accordance with the advice of any person or authority.

- (2) Where the President is required to act in accordance with the advice of any person or authority under subsection 1(b), he shall refer the matter back to the person or authority tendering the advice for their reconsideration if he disagrees with such advice.
- (3) After such reconsideration as is specified in subsection (2), the President shall act in accordance with the original advice or the substituted advice as the person or authority tendering such advice may direct.

Allocation of portfolios to Ministers

108. (1) Where any Minister has been assigned responsibility for any department of government, he shall exercise general direction and control over that department.
- (2) In assigning responsibility for any department of government, the President shall assign the following responsibilities on an individual basis to different Ministers—
- (a) Legal Affairs;
  - (b) Finance;
  - (c) National Security;
  - (d) Foreign Affairs;
  - (e) Education;
  - (f) Health;
  - (g) Housing;
  - (h) Public Works;
  - (i) Energy;
  - (j) Agriculture;
  - (k) Trade.
  - (l) Local Government.

- (3) The President may appoint Deputy Ministers, from among persons who are not members of the House of Representatives or the Senate, to assist Ministers in the performance of their duties.
- (4) A Minister or Deputy Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath for the due execution of his office.
- (5) Subject to subsection (3) and section 76(2), the number of Deputy Ministers shall not exceed twenty five with no Minister having more than one Deputy Minister.
- (6) Deputy Ministers shall not be members of the Cabinet and shall attend meetings of the Cabinet only on the invitation of the President.
- (7) In exercising his powers to appoint Ministers and Deputy Ministers under this Constitution, the President shall—
  - (a) appoint at least nine persons who are women;
  - (b) appoint no more than two persons permanently resident in Tobago; and
  - (c) ensure that the Cabinet fairly reflects the racial and ethnic diversity of the people of Trinidad and Tobago.

President to inform Parliament concerning matters of government

- 109. (1) The President shall keep the Parliament fully informed concerning the general conduct of the government of Trinidad and Tobago by addressing a joint sitting of the House of Representatives and the Senate not less than twice in a calendar year and a period of six months shall not elapse between one address and the other in any calendar year.
- (2) All Ministers shall report to the House of Representatives or the Senate, as the case may be, on the performance of their duties as

the House of Representatives or the Senate may require.

- (3) The Speaker of the House of Representatives or the President of the Senate may, at any time, require a Minister to appear in either House and report on the performance of their respective duties.
- (4) The method of reporting by Ministers to the House of Representatives or the Senate, as the case may be, may assume the following forms—
  - (a) oral evidence before the appropriate committee of the House of Representatives or the Senate, as the case may be;
  - (b) written answers to questions asked by members of the House of Representatives or the Senate, as the case may be, which must be delivered to the House of Representatives or the Senate within twenty-one days of the receipt of the question by the relevant Minister.
  - (c) where a Minister fails to provide such written answer to the House of Representatives or the Senate, as the case may be, within the specified period, the Minister shall provide an oral answer in accordance with paragraph (a).

Constitution of  
offices etc

110. Subject to the provisions of this Constitution and of any enactment, the President may constitute offices for Trinidad and Tobago, make appointments to any such office and terminate any such appointment.

President may  
appoint  
Commissions

111. The President may, and shall where both Houses of Parliament so request, appoint such Commissions as may be considered necessary for the purpose of reviewing, or examining, any aspect of national life and to make recommendations or report thereon to the Government or to Parliament.

Powers of pardon  
etc

112. (1) The President may grant to any person a pardon, either free or subject to lawful conditions, respecting any offences that he may have committed. The power of the President under this subsection may be exercised by him either before or after the person is charged with any offence or before he is convicted thereof.
- (2) The President may grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence.
- (3) The President may substitute a less severe form of punishment for that imposed by any sentence for such an offence.
- (4) The President may remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to the State on account of such an offence.
- (5) In the exercise of his powers under this section, the President shall act after consultation with the Advisory Committee on the Power of Pardon.

Advisory  
Committee on the  
Power of Pardon

113. There shall be an Advisory Committee on the Power of Pardon which shall consist of—
- (a) the Attorney General who shall be Chairman;
- (b) the Director of Public Prosecutions;
- (c) one Minister designated by the President;
- (d) four other members appointed by the President from among persons who are not Ministers, Senators or members of the House of Representatives.

Functions of the  
Advisory  
Committee

114. (1) Where an offender has been sentenced to death by any court for an offence against the law of Trinidad and Tobago, the Attorney General shall obtain a written report of the

case from the trial judge, and shall submit the same, together with such other information derived from the record of the case or elsewhere as the Attorney General may require, to the Advisory Committee for its consideration.

- (2) The President shall consult with the Advisory Committee before making a decision in any case falling within subsection (1).
- (3) The President shall not be obliged in any case to act in accordance with the advice of the Advisory Committee.
- (4) The Advisory Committee may regulate its own procedure.

**CHAPTER 6  
THE DIRECTOR OF PUBLIC  
PROSECUTIONS AND THE OMBUDSMAN**

**PART I  
Director of Public Prosecutions**

**Appointment, tenure and functions**

Appointment,  
tenure and  
functions of the  
Director of Public  
Prosecutions

115. (1) The provisions of this section shall have effect with respect to the conduct of prosecutions.
- (2) There shall be a Director of Public Prosecutions and two Deputy Directors of Public Prosecutions for Trinidad and Tobago whose offices shall be public offices.
  - (3) The Director of Public Prosecutions shall have the power, to the exclusion of all other persons or authorities, in any case in which he considers it proper to do so—
    - (a) to institute and undertake criminal proceedings against any person before any court in respect of any offence against the law of Trinidad and Tobago;

- (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority;
  - (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.
- (4) The powers conferred upon the Director of Public Prosecutions by subsection (3)(b) and (c) shall be vested in him to the exclusion of the person or authority who instituted or undertook the criminal proceedings, except that a person or authority that has instituted criminal proceedings may withdraw them at any stage before the person against whom the proceedings have been instituted has been charged before the Court.
- (5) For the purposes of this section a reference to criminal proceedings includes an appeal from the determination of any court in criminal proceedings or a case stated or a question of law reserved in respect of those proceedings.
- (6) The functions of the Director of Public Prosecutions under subsection (3) may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.
- (7) The Director of Public Prosecutions must in the discharge of his functions under subsection (3), act impartially and independently, and he shall not be subject to the direction or control of any other person.
- (8) The Director of Public Prosecutions must be provided with adequate staff and resources to ensure that all his functions are efficiently and expeditiously carried out.

**PART II  
Ombudsman**

**Appointment and conditions  
of office of Ombudsman and Deputy Ombudsman**

Appointment,  
conditions of office  
and oath of office  
of Ombudsman  
and Deputy  
Ombudsmen

116. (1) There shall be an Ombudsman and two Deputy Ombudsmen, who shall assist the Ombudsman in the discharge of his duties, for Trinidad and Tobago and they shall be officers of Parliament, and shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of their office.
- (2) The Ombudsman and the Deputy Ombudsmen shall be nominated for appointment by the President after consultation with the Majority and Minority leaders of the House of Representatives and the Senate and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (3) The Ombudsman and Deputy Ombudsmen shall hold office for a term not exceeding five years and are eligible for re-appointment.
- (4) Subject to subsection (3), the Ombudsman and Deputy Ombudsmen shall hold office in accordance with section 179.
- (5) Before entering upon the duties of his office, the Ombudsman and Deputy Ombudsmen shall take and subscribe the oath of office prescribed in the First Schedule before the Speaker.

**Appointment of staff of Ombudsman**

Appointment of  
staff of  
Ombudsman

117. (1) The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions.
- (2) The staff of the Ombudsman shall be public officers appointed in accordance with section 161(6).



**Provision of adequate Budget**

Provision of  
adequate budget  
for office of  
Ombudsman

118. The Office of the Ombudsman shall be provided with an adequate budget to ensure the proper and effective discharge of his responsibilities.

**Functions of Ombudsman**

Functions of  
Ombudsman

119. (1) Subject to this section and to sections 120 and 121, the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.
- (2) The Ombudsman may investigate any such matter in any of the following circumstances—
- (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;
  - (b) where a member of the House of Representatives or the Senate requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
  - (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

- (3) The authorities other than departments of Government to which this section applies are—
- (a) local authorities or other bodies established for purposes of the public service or of local Government;
  - (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;
  - (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;
  - (d) such other authorities as may be prescribed.

#### **Restrictions on matters for investigation**

Restrictions on  
matters for  
investigation

120. (1) In investigating any matter leading to, resulting from or connected with the decision of the President, Vice-President or a Minister, the Ombudsman shall not inquire into or question the policy of the President, Vice President or Minister in accordance with which the decision was made.
- (2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 119 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.
- (3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public

officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.

- (4) The Ombudsman shall not investigate—
- (a) any action in respect of which the complainant has or had—
    - (i) a remedy by way of proceedings in a court; or
    - (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or
  - (b) any such action, or action taken with respect to any matter, as is described in the Third Schedule.
- (5) Notwithstanding subsection (4), the Ombudsman—
- (a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court, if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;
  - (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 42 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

### **Discretion of Ombudsman**

Discretion of  
Ombudsman

121. In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 119 and 120, act in his discretion

and, in particular and without prejudice to the generality of this discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that—

- (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman;
- (b) the subject matter of the complaint is trivial;
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

**Report on investigation**

Report on investigation

122. (1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue an investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.
- (2) Upon the completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and, if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he thinks fit. The Ombudsman may, in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.
- (3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.

- (4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.
- (5) Where the Ombudsman decides to lay a special report before Parliament, such report shall be presented by him or a representative appointed by him before the Joint Select Committee on Public Administration.
- (6) The Joint Select Committee on Public Administration, after investigation of the special report, shall recommend to Parliament the steps that ought to be taken to deal with such report.
- (7) The Ombudsman shall make bi-annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigations.

**Power to request reasons**

Power to request reasons

- 123. (1) Where a complaint has been made against a particular department the Ombudsman has the power to request from the Head of the Department involved, reasons for the decision that has given rise to the complaint.
- (2) Where a request has been made pursuant to subsection (1) the Head of Department shall forward those reasons within 21 days of receiving the request.

**Power to obtain evidence**

Power to obtain evidence

- 124. (1) The Ombudsman shall have the powers of the High Court to summon witnesses to appear before him and compel them to give

evidence on oath and to produce documents relevant to the proceedings before him, and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

- (2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 119 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

**Prescribed matters concerning Ombudsman**

Prescribed matters concerning Ombudsman

- 125. (1) Subject to subsection (2), Parliament may make provision—
  - (a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman;
  - (b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the discharge of the functions of the Ombudsman; and
  - (c) generally for giving effect to the provisions of this Part.
- (2) The Ombudsman may not be empowered to summon a Minister to appear before him or to compel a Minister to answer any questions relating to any matter under investigation by the Ombudsman.
- (3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information.
- (4) No complainant may be required to pay any fee in respect of his complaint or request or

for any investigation to be made by the Ombudsman.

- (5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.
- (6) The Ombudsman, and any person holding office or appointment under him, may not be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.
- (7) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution, is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.
- (8) No proceeding of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed quashed or called in question in any Court.

## **CHAPTER 7 FINANCE**

### **Establishment of Consolidated Fund**

Establishment of  
Consolidated Fund

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

- (2) No moneys shall be withdrawn from the Consolidated Fund except to meet expenditure that is charged upon the Fund by this Constitution or any Act or where the issue of those moneys has been authorised by an Appropriation Act, or any Act passed in pursuance of section 128 or in accordance with any other law.
- (3) No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys has been authorised by an Act.
- (4) No moneys shall be withdrawn from the Consolidated Fund or any other public fund except in the manner prescribed.

**Authorisation of expenditure  
from Consolidated Fund**

Authorisation of  
expenditure from  
Consolidated Fund

127. (1) The Minister responsible for finance shall cause to be prepared and laid before the House of Representatives and Senate before, or not later than thirty days after, the commencement of each financial year estimates of the revenues and expenditure of Trinidad and Tobago for that year.
- (2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Fund by this Constitution or any Act, shall be included in a Bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure, and the appropriation of those sums for the purposes specified therein.
- (3) If in respect of any financial year it is found—
- (a) that the amount appropriated by the Appropriation Act for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act; or



- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the Appropriation Act, or for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required or spent shall be laid before the Parliament and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

**Authorisation of expenditure in advance of appropriation**

Authorisation of expenditure in advance of appropriation

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

**Contingencies Fund**

Contingencies Fund

- 129. (1) Parliament may provide for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.
- (2) Where any advance is made in accordance with subsection (1) a supplementary estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purposes of replacing the amount so advanced.

**Establishment of office  
and functions of Auditor General**

Establishment of  
office and  
functions of  
Auditor General

130. (1) There shall be an Auditor General for Trinidad and Tobago, whose office shall be a public office.
- (2) The public accounts of Trinidad and Tobago and of all officers, courts and authorities of Trinidad and Tobago shall be audited and reported on annually by the Auditor General, and for that purpose the Auditor General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.
- (3) The Auditor General is hereby empowered to carry out audits of the accounts, balance sheets and other financial statements of all enterprises that are owned or controlled by or on behalf of the State. In the discharge of this function, the Auditor General may engage the services of competent external auditors to assist him in the performance of his functions.
- (4) The Auditor General shall submit his reports annually to the Speaker and the Minister of Finance.
- (5) The Speaker shall cause the report to be laid before the Parliament at the next sitting of the Parliament after the receipt thereof, respectively.
- (6) In the exercise of his functions under this Constitution, the Auditor General shall not be subject to the direction or control of any other person or authority.

**Appointment of Auditor General**

Appointment of  
Auditor General

131. (1) The Auditor General shall be nominated for appointment by the President after consultation with the Majority and Minority Leaders of the House of Representatives and the Senate, and appointed by him upon

confirmation by an affirmative resolution of the members of the Senate, and shall hold office in accordance with section 179.

- (2) (a) Where the office of Auditor General is temporarily vacant, or the holder of the office is for any reason unable to perform the functions of his office, the President, after consultation with the Majority and Minority Leaders in the House of Representatives and the Senate may appoint a person to act in the office, and any person so appointed shall, subject to the provisions of subsection (4), continue to act until the Auditor General resumes his duties.
- (b) Where, however, the office of the Auditor General otherwise becomes vacant, another person shall within thirty days of the occurrence of the vacancy be appointed in his stead in accordance with the provisions of subsection (1).
- (3) Before entering upon the duties of his office the Auditor General shall take and subscribe the oath of office before the President or a person appointed by the President for the purpose.
- (4) Nothing done by the Auditor General shall be invalid by reason only that he has attained the age at which he is required under section 179 to vacate his office.
- (5) The Auditor General shall be provided with a staff adequate for the efficient discharge of his functions.
- (6) The staff of the Auditor General shall be public officers appointed in accordance with section 161(6).

**Public Debt**

Public debt

132. (1) The public debt of Trinidad and Tobago shall be secured on the revenues and assets of Trinidad and Tobago.
- (2) In this section references to the public debt of Trinidad and Tobago include references to the interest on that debt, sinking fund payments in respect of that debt, and the cost, charges and expenses incidental to the management of that debt.

**Public Accounts Committee**Public Accounts  
Committee

133. (1) There shall be a Public Accounts Committee in each House, which shall consist of ten members, including the Chairman.
- (2) (a) The House of Representatives or the Senate shall elect the Chairman and members of their respective Public Accounts Committees, provided however that, where practicable, at least three members of the Minority Party in either House shall be elected members.
- (b) Where the members of the Minority Party are unwilling to act as Chairman or as members of the Committee, such other members of the House of Representatives or the Senate as the case may be, may be elected.
- (3) The Public Accounts Committees shall consider and report to their respective Houses on—
- (a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;
- (b) such other accounts as may be referred to the Committee by their respective Houses or as are authorised

or required to be considered by the Committee under any other enactment; and

- (c) the report of the Auditor General on any such accounts.

**The Public Accounts (Enterprises) Committee**

Public Accounts  
(Enterprises)  
Committee

- 134. (1) In addition to the Public Accounts Committees established under Section 133 (1), there shall be a Public Accounts (Enterprises) Committee in each House which shall consist of ten members.
  - (2) (a) The House of Representatives or the Senate shall elect the Chairman and members of their respective Public Accounts (Enterprises) Committees, provided however that where practicable at least three members of the Minority Party in either House shall be elected as members.
  - (b) Where the members of the Minority Party are unwilling to act as Chairman or as members of the Committee, such other members of the House of Representatives or the Senate as the case may be, may be elected.
- (4) The Public Accounts (Enterprises) Committees shall consider and report to their respective Houses on—
  - (a) the audited accounts, balance sheets and other financial statements of all enterprises that are owned or controlled by or on behalf of the State; and
  - (b) the Auditor General’s report on any such accounts, balance sheets and other financial statements.
- (9) For the purposes of subsection (4) and section 120(3) an enterprise shall be taken to be

controlled by the State if the Government or any body controlled by the Government—

- (a) exercises or is entitled to exercise control directly or indirectly over the affairs of the enterprise;
- (b) is entitled to appoint a majority of the directors of the Board of Directors of the enterprise; or
- (c) holds at least fifty per cent of the ordinary share capital of the enterprise as the case may be.

Parliament may enact legislation to provide for expeditious discharge of accounting

135. Parliament may enact legislation to provide for the expeditious discharge of the functions of the Auditor General and the functions of the Public Accounts Committee and the Public Accounts (Enterprises) Committee.

**CHAPTER 8  
THE JUDICATURE**

**PART I  
The Supreme Court**

**Creation of Court**

Establishment and constitution of Supreme Court, and constitution of High Court

136. (1) There shall be a Supreme Court of Judicature of Trinidad and Tobago consisting of a High Court of Justice (hereinafter referred to as “the High Court”), and a Court of Appeal with such jurisdiction and powers as are conferred by this Constitution or any other law.

(2) The Judges of the High Court shall be the Chief Justice, who shall be ex officio a Judge of that Court, and such number of Puisne Judges as may be prescribed.

(3) The High Court shall be a superior court of record and save as otherwise provided by Parliament, shall have all the powers of such a court, including all such powers as are vested in the High Court of Justice

immediately before the commencement of this Constitution.

- (4) All courts and all persons presiding over the courts shall exercise their function independently of the control and direction of any other person or authority, and shall be free and independent from political, executive and any other form of interference.
- (5) All courts shall be administratively autonomous and shall be funded by a direct charge upon the Consolidated Fund; and such courts shall operate in accordance with the principles of sound financial and administrative management.

Parliament may confer High Court's powers and jurisdiction on any court.

137. Parliament may confer on any court any part of the jurisdiction of and any powers conferred on the High Court by this Constitution or any other law.

Puisne Judges and Judges of Appeal to be able to sit by designation in the Court of Appeal and the High Court respectively

138. (1) The jurisdiction and powers of a Justice of Appeal may be exercised by such Puisne Judge as may be designated by the Chief Justice to sit as an additional Justice of Appeal at sittings of the Court of Appeal;
- (2) The jurisdiction and powers of a Puisne Judge may be exercised by such Justice of Appeal as may be designated by the Chief Justice to sit as an additional Puisne Judge.

**The Court of Appeal**

Constitution of the Court of Appeal

139. (1) The Judges of the Court of Appeal shall be the Chief Justice, who shall be the President of the Court of Appeal, and such number of Justices of Appeal as may be prescribed.
- (2) The Court of Appeal shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

**Appointment of Chief Justice**

Appointment of Chief Justice

140. (a) The Chief Justice shall be nominated for appointment by the President after

consultation with the Majority and Minority Leaders and the President of the Law Association.

- (b) Upon confirmation of the nomination by an affirmative resolution of the members of the Senate, the President shall proceed to appoint the person nominated.

**Acting Chief Justice**

Acting appointments as Chief Justice

141. Whenever—

- (a) the Chief Justice is absent from Trinidad and Tobago, or from duty, or is for any reason unable to perform the functions of his office; or
- (b) there is a vacancy in the office of Chief Justice,

until a person has been appointed to and has assumed the functions of such office, or until the Chief Justice has resumed those functions as the case may be, the President shall appoint as Chief Justice to exercise the powers and perform the functions of Chief Justice, the next senior judge who is in Trinidad and Tobago and is able and willing to perform the functions of Chief Justice.

**Seniority**

Seniority

- 142. (1) The Chief Justice is the senior judge of the Supreme Court of Judicature and Justices of Appeal are senior to Puisne Judges and have seniority among themselves according to the dates on which their instruments of appointment took effect, or, where the instruments of appointment of two or more of them took effect on the same date, according to the precedence assigned to them by their instruments of appointment.
- (2) Puisne Judges have seniority among themselves according to the dates on which their instruments of appointment took effect, or, where the instruments of appointment of two or more of them took effect on the same



date, according to the precedence assigned to them by their instruments of appointment.

**Appointment of Judges**

Appointment of Judges

143. (1) The Judges, other than the Chief Justice, shall be appointed by the President, acting in accordance with the advice of the Judicial and Legal Service Commission.

(2) Where—

- (a) the office of any such Judge is vacant;
- (b) any such Judge is for any reason unable to perform the functions of his office;
- (c) any such Judge is acting as Chief Justice or a Puisne Judge is acting as a Justice of Appeal; or
- (d) the Chief Justice advises the President that the state of the business of the Court of Appeal or the High Court so requires,

the President, acting in accordance with the advice of the Judicial and Legal Service Commission—

- (i) may appoint a person to act in the office of Justice of Appeal or Puisne Judge, as the case may require;
- (ii) may, notwithstanding section 179, appoint a person who has held office as a Judge under the provisions of this Constitution, or any previous Constitution, and who has attained the age of 70 to be temporarily a Puisne Judge for fixed periods of not more than two years.

(3) The appointment of any person under subsection (2) to act in the office of Justice of Appeal or Puisne Judge shall continue to have effect until it is revoked by the

President, acting in accordance with the advice of the Judicial and Legal Service Commission.

**Qualification of Judge**

Qualification of Judge

144. A person shall not be appointed as a Judge or to act as a Judge unless he has such qualifications for appointment as may be prescribed.

**Tenure of office**

Tenure of office of Judge

145. (1) Subject to section 143 (3), a Judge shall hold office in accordance with sections 158 and 179.
- (2) No office of Judge shall be abolished while there is a substantive holder of that office.
- (3) A judge shall vacate his office on attaining the age of seventy years or such other age as may be prescribed.
- (4) Notwithstanding that he has attained the age at which he is required by or under subsection (3) to vacate his office, a Judge may, with the permission of the President, acting in accordance with the advice of the Chief Justice, continue in office for such period not exceeding one year, after attaining that age, as may be necessary to enable him to deliver judgment, or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

**Oath to be taken by Judges  
First Schedule**

Oath to be taken by Judges

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

**Appeals**

Appeals to the Court of Appeal on Constitutional questions and fundamental rights etc

147. An appeal to the Court of Appeal shall be as of right from decisions of the High Court in the following, among other cases, that is to say—
- (a) any order or decision in any civil or criminal proceedings on questions as to the interpretation of this Constitution;
  - (b) any order or decision given in exercise of the jurisdiction conferred on the High Court by section 42 (which relates to redress for contravention of the provisions for the protection of fundamental rights);
  - (c) any order or decision given in the determination of any of the questions for the determination of which a right of access to the High Court is guaranteed by sections 4 to 35;
  - (d) any order or decision of the High Court granting or refusing leave to institute proceedings for the determination of any question referred to it under section 82, or determining any such question (which relates to the appointment, qualification, election or membership of a Senator or a member of the House of Representatives, as the case may be);
  - (e) any order or decision of a Court in the exercise of its jurisdiction to punish for contempt of court, including criminal contempt.

**PART II**

**Appeal to the Caribbean Court of Justice**

Interpretation of this Part

148. For the purposes of this Part, “Agreement” means the Agreement establishing the Caribbean Court of Justice, signed at Bridgetown, Barbados, on 14<sup>th</sup> February, 2001, to which Trinidad and Tobago is a party.

Jurisdiction of the Caribbean Court of Justice

149. (1) The Caribbean Court of Justice shall be a superior court of record and shall have

appellate jurisdiction conferred on it by this Constitution and any other law in accordance with Part III of the Agreement.

(2) A decision of the Caribbean Court of Justice shall be final.

Appeals from the Court of Appeal to the Caribbean Court of Justice

150. (1) An appeal shall lie from a decision of the Court of Appeal to the Caribbean Court of Justice as of right in the following cases—

(a) final decisions in civil proceedings where the matter in dispute on the appeal to the Caribbean Court of Justice is of the value of twenty five thousand dollars or upwards, or where the appeal involves directly or indirectly a claim to or a question respecting property or a right of the value of twenty five thousand dollars or upwards;

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

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

(d) except in cases falling under section 147(d), any case referred to in that section;

(e) final decisions in disciplinary matters under section 81 (3) to (5) of the Supreme Court of Judicature Act and under the Legal Profession Act 1986; and

(f) such other case as may be prescribed.

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

- (a) decisions in any civil proceedings, where in the opinion of the Court of Appeal the question involved in the appeal is one that, by reason of its great general or public importance or otherwise ought to be submitted to the Caribbean Court of Justice; and
  - (b) such other cases as may be prescribed.
- (3) An appeal shall lie to the Caribbean Court of Justice with the special leave of the Caribbean Court of Justice from decisions of the Court of Appeal in all matters where, before the date of the commencement of this Constitution, an appeal could have been brought against a decision of the Court of Appeal with the special leave of the Judicial Committee of the Privy Council.
- (4) Subsections (1), (2) and (3) are subject to the provisions of sections 61(3) and 84(4).
- (5) Subject to this section, provision may be made by or under any Act regulating the procedure to be adopted by the Court of Appeal with respect to any appeal to the Caribbean Court of Justice under this section or by parties to any such appeal.
- (6) Any decision given by the Caribbean Court of Justice in any appeal under this section shall be enforced in like manner as if it were a decision of the Court of Appeal.
- (7) Subject to subsection (6), the Caribbean Court of Justice shall, in relation to any appeal to it under this section, in any case, have all the jurisdiction and powers possessed in relation to that case by the Court of Appeal.

Constitution,  
tenure,  
appointment, etc

151. The constitution of the Caribbean Court of Justice, the tenure, appointment, determination of terms and conditions of service and the power to remove and exercise disciplinary control of the Judges of the Caribbean Court of Justice shall be as provided for in the Agreement.

**PART III**  
**Arrangement of business of Court**

Arrangement of  
business of Court

152. (1) The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court and accordingly, may, subject to this Constitution or any other law, and to such consultation with the Judges as is appropriate and practicable, make arrangements as to the Judge or Judges who is or are to constitute the Court in particular matters or classes of matters.
- (2) The Chief Justice shall establish a Public Law Division, a Civil Law Division, a Criminal Law Division, a Family Law Division and such other Divisions of the High Court as may be necessary, for the expeditious and efficient discharge of the functions of the High Court, and to assign Judges of the High Court to sit in such Divisions as he may consider appropriate, giving due consideration to the qualifications and experience of the judges concerned.

**Miscellaneous**

Judiciary to be  
provided with  
adequate  
resources

153. (1) The Judiciary must be provided with a sufficient number of judges, adequate staff, library and research and other facilities, adequate accommodation, and an adequate budgetary allocation, in order to enable the Judiciary to provide competent, efficient and expeditious services to the people of Trinidad and Tobago.
- (2) The Chief Justice shall establish a Standing Committee to determine the requirements of the Judiciary under subsection (2) and to make appropriate recommendations from time to time.
- (3) The Attorney General shall represent the State in all matters concerning the Judiciary.

**PART IV**  
**Judicial and Legal Services Commission**

Establishment of  
Judicial and Legal  
Services  
Commission

154. (1) There shall be a Judicial and Legal Service Commission for Trinidad and Tobago.
- (2) The members of the Judicial and Legal Service Commission shall be—
- (a) the Chief Justice, who shall be Chairman;
  - (b) such other members (hereinafter called “the appointed members”) as may be appointed in accordance with subsection (3).
- (3) The appointed members shall be nominated for appointment by the President after consultation with the Chief Justice, the Majority and Minority leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate, in manner following—
- (a) four from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeal from any such court;
  - (b) three attorneys-at-law, two of whom must be Senior Counsel;
  - (c) a university lecturer in law with legal qualifications, who is entitled to practice law in Trinidad and Tobago or the Commonwealth.
- (4) Any five members of the Commission, one of whom shall be the Chairman, shall constitute a quorum.
- (5) Subject to section 167(3), an appointed member shall hold office in accordance with section 179.

Appointment of  
judicial officers etc

155. (1) Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and, subject to sections 156 and 158, to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission.
- (2) The Judicial and Legal Service Commission shall nominate persons for appointment to the offices of Chief Parliamentary Counsel, Registrar General and Chief State Solicitor, after consultation with the President, and such persons shall be appointed by them upon confirmation by an affirmative resolution of the members of the Senate.
- (3) Subsection (1) of this section applies to such public offices as may be prescribed, for appointment to which persons are required to possess legal qualifications.

Judicial and Legal  
Service  
Disciplinary  
Committee

156. (1) There shall be a Judicial and Legal Service Disciplinary Committee which shall have and exercise disciplinary functions in relation to—
- (a) Judges, including the Chief Justice;
  - (b) the Solicitor General and legal officers under his control;
  - (c) the Director of Public Prosecutions and legal officers under his control;
  - (d) Masters of the Supreme Court;
  - (e) Magistrates, including the Chief Magistrate; and
  - (f) all other legal officers appointed by the Judicial and Legal Service Commission.



- (2) The members of the Judicial and Legal Service Disciplinary Committee shall be nominated for appointment by the President after consultation with the Majority and Minority Leaders of the House of Representatives and the Senate, and appointed by him upon confirmation by an affirmative resolution of the members of the Senate, and shall comprise—
  - (a) three from among persons who hold, or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in Trinidad and Tobago or elsewhere in the Commonwealth, or a court having jurisdiction on appeal from any such court (one of whom shall be the Chairman);
  - (b) two attorneys-at-law, both of whom must be Senior Counsel.
- (3) The quorum of the Judicial and Legal Service Disciplinary Committee for transaction of business shall be three members, comprising the Chairman, and one member each from the categories of persons mentioned in subsection (2), paragraphs (a) and (b).

Judicial and Legal Service Disciplinary Committee to promulgate Code of Judicial Conduct

157. The Judicial and Legal Service Disciplinary Committee, within one year of the commencement of this Constitution, shall after consultation with the Chief Justice and the President of the Law Association, promulgate a Code of Judicial Conduct for the guidance of judges and may apply the same as it may consider appropriate in the exercise of its disciplinary function.

**Removal from office of Chief Justice or Judge**

Removal from office of Chief Justice or Judge

158. (1) A Judge, including the Chief Justice, may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause whatsoever) or for misbehaviour, and shall not be so removed except in

accordance with the provisions of this section.

- (2) The procedure for the removal of judges, including the Chief Justice, is as follows—
    - (a) a complaint of judicial misbehaviour, or inability to perform the functions of his office under subsection (1), shall be made in writing directly to the Judicial and Legal Service Disciplinary Committee;
    - (b) the Judicial and Legal Service Disciplinary Committee shall expeditiously enquire into any such complaint, and submit a report to the Caribbean Court of Justice on the facts of the complaint and recommend—
      - (i) the dismissal of the complaint;
      - (ii) the dismissal of the judge, or the Chief Justice as the case may be; or
      - (iii) the imposition of a lesser penalty.
    - (c) The Caribbean Court of Justice shall then consider the report and determine whether—
      - (i) the complaint should be dismissed; or
      - (ii) the judge or the Chief Justice, as the case may be, should be removed from office; or
      - (iii) any lesser penalty should be imposed in the circumstances of the case,
- and make an Order accordingly.

- (d) The Order of the Caribbean Court of Justice must then be transmitted to the President who may make an Order for the removal of the judge, or the Chief Justice, as the case may be, from office, or the imposition of such other lesser penalty as has been prescribed.
- (e) Where the President makes an order for the removal of the judge or the Chief Justice as the case may be, his office shall become vacant;
- (f) the Chief Justice, or the Judge, against whom the complaint is made shall be afforded the opportunity to be heard in his defence at such enquiry as aforesaid and before the Caribbean Court of Justice before its order is made.
- (g) The Judicial and Legal Service Disciplinary Committee shall, in the exercise of its jurisdiction in relation to the officers mentioned in paragraphs (a) to (f) of section 156(1) afford all persons against whom complaints are made the opportunity to be heard in their defence at any enquiry that may be conducted.

Procedure for exercise of jurisdiction vested in the Judicial and Legal Service Disciplinary Committee by section 156(1)(b) to (f)

159. The procedure for the exercise of the jurisdiction vested in the Judicial and Legal Service Disciplinary Committee by paragraphs (b) to (f) of section 156 (1), shall be as follows—

- (a) a complaint of misbehaviour or inability to perform the functions of any of the offices mentioned in paragraphs (b) to (f) shall be made in writing directly to the Judicial and Legal Service Disciplinary Committee;
- (b) the Judicial and Legal Service Disciplinary Committee shall expeditiously enquire into any such complaint and shall afford an opportunity to the respondent to be heard in his defence, and may—

- (i) dismiss the complaint; or
- (ii) make an order for the removal of the respondent from office; or
- (iii) impose any lesser penalty that it considers appropriate.

**CHAPTER 9**  
**APPOINTMENTS TO, AND TENURE OF, OFFICES**

**PART I**  
**Service Commissions, etc.**

**Public Service Commission**

Public Service  
Commission

160. (1) (a) There shall be a Public Service Commission for Trinidad and Tobago (hereinafter called “the Commission”) which shall consist of a Chairman, a Deputy Chairman and fifteen other members.
- (b) The Chairman of the Commission, and ten other members, or such other number as may from time to time be determined by the President after consultation with the Majority and Minority Leaders of the Senate, shall be full time officers and hold office under section 179.
- (2) The members of the Commission shall be nominated for appointment by the President after consultation with the Majority and Minority leaders of the House of Representatives and the Senate and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (3) The Commission shall, within six months of the commencement of this Constitution, and from time to time thereafter, establish such Committees as the Commission may consider necessary, comprising no fewer than three members of the Commission, and delegate

thereto all or any of its functions in order to facilitate the efficient discharge thereof.

Appointments,  
etc., of public  
officers

161. (1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices, and to enforce standards of conduct on such officers shall vest in the Commission.
- (2) The Commission shall not remove, or inflict any punishment on, a public officer on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him unless the Judicial and Legal Service Disciplinary Committee concurs therein.
- (3) The Commission shall nominate persons for appointment to the offices of Permanent Secretary, Chief Technical Officer, Director of Personnel Administration, Chief Professional Advisors in the service of the Government, and shall appoint them upon confirmation of the nominations by a majority vote of all the members of the Senate.
- (4) (i) Subject to paragraph (ii), power to make appointments on transfer to the following offices shall vest in the President—
- (a) any office of Permanent Secretary from one such office to another such office carrying the same salary;
  - (b) any office the holder of which is required to reside outside Trinidad and Tobago for the proper discharge of his functions, and such offices in the Ministry of External

Affairs as may from time to time be designated by the President after consultation with the Commission.

- (ii) The President shall nominate for appointment persons to be appointed on transfer under paragraph (i), and upon confirmation of the nomination by a majority vote of all the members of the Senate, proceed to appoint such persons.
- (5)
- (i) This section applies to all public offices including in particular offices in the Civil Service, the Fire Service and the Prison Service, but this section does not apply to offices to which appointments are made by the Judicial and Legal Service Commission, the Police Service Commission or the Teaching Service Commission or offices to which appointments are to be made by the President.
  - (ii) The term “public office” in this section shall include the members of the Boards and senior management staff of all statutory bodies, and all corporate bodies established by government for the discharge of public functions of whatever nature.
- (6) Before the Commission makes any appointment to or transfers of a member of the staff of the Auditor General or Ombudsman, it shall first consult with the Auditor General or Ombudsman, as the case may be.
- (7) In subsection (5)(i), “Civil Service”, “Fire Service” and “Prison Service” means respectively the Civil Service established under the Civil Service Act, the Fire Service established under the Fire Service Act and the Prison Service established under the Prison Service Act.

**Police Service Commission**

Police Service  
Commission

162. (1) There shall be a Police Service Commission which shall consist of a Chairman, a Deputy Chairman and thirteen other members with experience in the disciplines of law, finance, management, criminology and security matters.
- (2) At least seven members of the Police Service Commission, including the Chairman, and the Deputy Chairman, shall be full time members.
- (3) The Chairman, Deputy Chairman and members of the Police Service Commission shall be nominated for appointment by the President, after consultation with the Majority and Minority leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (4) Section 167 shall apply to a member of the Police Service Commission as it applies to a member of a Service Commission.
- (5) In the performance of its powers the Police Service Commission shall act in accordance with the Police Service Act, and the regulations made thereunder.
- (6) (a) The Police Service Commission shall be provided with staff, equipment, accommodation and other facilities adequate for the efficient discharge of its functions and may from time to time engage such special services as it may deem necessary.
- (b) The Police Service Commission shall appoint a Standing Committee to review the facilities available to the Commission from time to time and make recommendations to the Commission.

Appointments,  
etc., of Police  
Officers

- (7) The Police Service Commission shall determine its own procedures for the conduct of its business.
163. (1) The Commissioner of Police, the Deputy Commissioner, Assistant Commissioner and Senior Superintendents shall be nominated for appointment by the Police Service Commission, and be appointed by them upon confirmation of the nominations by a majority vote of all the members of the Senate.
- (2) The Police Service Commission shall, subject to the provisions of this Constitution, have the power to remove from office and exercise disciplinary control over persons holding or acting in the offices specified in subsection (1) and to monitor the efficiency and effectiveness of the discharge of their functions.
- (3) The Police Service Commission shall not remove an officer mentioned in subsection (1) on the grounds of any act done or omitted to be done by him in the exercise of a judicial function conferred upon him unless the Judicial and Legal Services Commission concurs therein.
- (4) The Police Service Commission may, subject to any condition or qualification as it may think fit, delegate any of the functions conferred on it by this section to any of its members.
- (5) At any meeting of the Police Service Commission seven members, one of whom shall be the Chairman shall constitute a quorum.
- (6) Where there is a quorum, the Police Service Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Police Service Commission shall be valid even though some person who was not entitled to do so took part therein.



Power of  
Commissioner of  
Police to manage  
the Police Service

164. (1) Subject to section 163, the Commissioner of Police shall have the power to manage the Police Service and is required to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.
- (2) The Police Service Commission may delegate to the Commissioner of Police the power to—
- (a) appoint persons to hold or act in an office in the Police Service, other than an officer referred to in section 163(1), including the power to make appointments on promotion and to confirm appointments;
  - (b) transfer any police officer; and
  - (c) subject to section 172(3), to remove from office and exercise disciplinary control over police officers, other than an officer referred to in section 153(1).
- (3) The functions of the Commissioner of Police under this section may be exercised by him in person or, except the power of removal, through any police officer acting under, and in accordance with, his general or special instructions.
- (4) In the performance of his functions under this section the Commissioner of Police shall act in accordance with the Police Service Act, and the regulations.

### **Teaching Service Commission**

Teaching Service  
Commission

165. (1) There shall be a Teaching Service Commission for Trinidad and Tobago, which shall consist of a Chairman, a Deputy Chairman, and eleven other members.
- (2) At least seven members of the Teaching Service Commission, including the Chairman, and the Deputy Chairman, shall be full time members.

- (3) The Chairman, Deputy Chairman and members of the Teaching Service Commission shall be nominated for appointment by the President, after consultation with the Majority and Minority leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (4) The members of the Teaching Service Commission shall hold office in accordance with section 160.
- (5) The Commission shall, within six months of the commencement of this Constitution, and from time to time thereafter, establish Committees as the Commission may consider necessary, comprising no fewer than three members of the Commission, and delegate thereto all or any of its functions in order to facilitate the efficient discharge thereof.

Appointments,  
etc., of teachers

166. Subject to the provisions of this Constitution, power to appoint persons to hold or act in public offices in the Teaching Service established under the Education Act, including power to make appointments on promotion and transfer and to confirm appointments. and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers shall vest in the Teaching Service Commission.

**General Provisions on Service Commissions**

Qualifications,  
tenure of office,  
etc., of members of  
Service  
Commissions

167. (1) A person who—

- (a) is a member of the Cabinet, the House of Representatives or the Senate; or
- (b) holds or is acting in any public office or has held any public office within the period of three years preceding his proposed appointment,

is not qualified to hold the office of member of a Service Commission.

- (2) A person who has held office or acted as a member of a Service Commission shall not, within a period of three years commencing with the date on which he last held or acted in such an office, be eligible for appointment to any public office.
- (3) The office of a member of a Service Commission shall become vacant—
  - (a) upon the expiration of five years from the date of his appointment or such shorter period, not being less than three years, as may be specified at the time of his appointment; or
  - (b) where with his consent he is nominated for election to the House of Representatives or the Senate, or where he is appointed a member of the Cabinet.
- (4) A member of a Service Commission, other than the Chairman of the Judicial and Legal Service Commission, may be removed from office by the President, after consultation with the Joint Select Committee for Public Administration, for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour, and where such removal is confirmed by a majority vote of all the members of the Senate.
- (5) A member of a Service Commission may not be removed from office except in accordance with the provisions of this section.
- (6) Before entering upon the duties of his office a member of a Service Commission shall take and subscribe the oath of office before the President or a person appointed by the President for the purpose.

President to ensure membership of Commissions fairly reflect racial and ethnic diversity and reasonable gender balance

- 168. (1) In appointing the members of the Judicial and Legal Service Commission (other than the Chairman), the Public Service Commission, the Police Service Commission

and the Teaching Service Commission, the President shall ensure that the membership thereof fairly reflects the racial and ethnic diversity of the people of Trinidad and Tobago, and that a reasonable gender balance is maintained.

Commissions to ensure that appointments fairly reflect racial and ethnic diversity and reasonable gender balance

(2) In making the appointments they are empowered to make under this Constitution, the Judicial and Legal Service Commission, the Public Service Commission, the Police Service Commission and the Teaching Service Commission shall ensure that the appointments thus made fairly reflect the racial and ethnic diversity of the people of Trinidad and Tobago, and that a reasonable gender balance is maintained.

Commissions to be provided with adequate budgetary allocations

(3) The Commissions established by this Constitution shall be provided with adequate budgetary allocations to enable them to discharge their functions effectively and efficiently.

**Secretariat**

Each Commission to have a Secretariat

169. (1) Each Commission established by this Constitution shall appoint a Secretariat on such terms and conditions as may be approved by Parliament.

(2) Each Commission shall be responsible for the efficient functioning of its Secretariat, which shall comprise a-

- (a) a Chief Executive Officer;
- (b) secretaries and assistants to the Chief Executive Officer; and
- (c) such other officers and employees as may be necessary for the efficient discharge of the functions of the Secretariat, who shall be appointed on such terms and conditions as may be determined by the Commission.

- (3) Parliament may make provision to give effect to this section.

**Powers and procedure of Service Commissions**

Service  
Commission may  
delegate its  
functions

170. (1) Subject to the provisions of this Constitution, a Service Commission may delegate in the manner hereinbefore provided, any of its functions other than any power conferred on the Commission by section 172, to any of its members, or

- (a) in the case of—
  - (i) the Judicial and Legal Service Commission any function to a Judge, other than its disciplinary function which is exercisable by the Judicial and Legal Service Disciplinary Committee;
  - (ii) the Public Service Commission, to any public officer or in respect of the Regional Health Authorities to the Boards of the Regional Health Authorities established under section 4 of the Regional Health Authorities Act or any modification thereof;
  - (iii) the Teaching Service Commission, to any public officer;
- (b) subject to the provisions of the Police Service Act, in the case of the Police Service Commission, to the Commissioner of Police or to any police officer of or above the rank of Superintendent; and
- (c) in the case of the Regional Health Authorities, to the Boards of the Regional Health Authorities.

- (2) In this section and in section 172, as regards any matter concerning the holder of any office referred to in section 161(3) or 163(1), a reference to “public officer” includes a reference to a Judge as well as a retired public officer.

Consultations  
between Service  
Commissions

- 171. Before a Service Commission appoints to an office a person holding or acting in any office, power to make appointments to which is vested by this Constitution in another Service Commission, it shall consult that other Commission.

Powers and  
procedure of  
Service  
Commissions

- 172. (1) Subject to subsection (3), a Service Commission may, by regulation or otherwise, regulate its own procedure, including the procedure for consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer or, in the case of the holder of an office referred to in section 155(2), a Judge or on any authority of the Government, for the purpose of the discharge of its functions.
- (2) Save as otherwise provided, at any meeting of a Service Commission sixty percent of its members, including the Chairman, shall constitute a quorum.
- (3) No penalty may be imposed on any public officer except as a result of disciplinary proceedings.
- (4) Notwithstanding subsection (3)–
  - (a) where an officer is convicted of a criminal charge in any court and the time allotted for an appeal has elapsed or, if the officer has appealed, the appeal process has been completed or an order has been made in the matter under section 71 of the Summary Courts Act, a Service Commission may consider the relevant proceedings on such charge and if it is of the opinion that the officer ought to be dismissed or

subjected to some lesser punishment in respect of the conduct which led to his conviction on the criminal charge or to the making of the order, the Commission may, subject to paragraph (b) of this subsection dismiss or otherwise punish the officer without the institution of any disciplinary proceedings;

(b) The Commission before dismissing or imposing any punishment under paragraph (a) shall afford the officer the opportunity of being heard.

(5) In furtherance of subsection (4)–

(a) a certificate of conviction issued by the court shall be sufficient evidence of an officer’s conviction for an offence;

(b) a certified copy of an order made under section 71 of the Summary Courts Act shall be sufficient evidence of the commission by the officer of the offence for which he was charged.

(6) Parliament may make provision for the establishment of disciplinary tribunals to hear and determine complaints of misconduct of persons under the jurisdiction of the Commissions, and all matters incidental thereto.

**PART II**

**Public Service Appeal Board**

Public Service  
Appeal Board  
created and  
constituted

173. (1) There shall be a Public Service Appeal Board (hereinafter referred to as “the Appeal Board”) to which appeals shall lie from such decisions against public officers as are specified in section 175.

(2) The Appeal Board shall consist of a Chairman and four other members, two of whom shall be attorneys at law of not less than ten years standing.

- (3) The Chairman and the members of the Appeal Board shall be nominated for appointment by the Judicial and Legal Service Commission, and be appointed by them upon confirmation of the nominations by a majority vote of all the members of the Senate.
- (4) The Chairman shall be a Judge or former Judge, or a citizen of Trinidad and Tobago who has 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.
- (5) One member of the Appeal Board shall be a retired public officer.

Tenure of office of members of the Public Service Appeal Board

- 174. (1) Section 167 (which relates to qualifications for appointment, eligibility for public office and the term and tenure of office of members of Service Commissions) shall apply to members of the Public Service Appeal Board as they apply to members of a Service Commission.
- (2) Before entering upon the duties of his office, a member of the Appeal Board shall take and subscribe the oath of office before the President or a person appointed by the President for the purpose.

Appeals to the Public Service Appeal Board in disciplinary cases

- 175. (1) An appeal shall lie to the Public Service Appeal Board from any decision of a Service Commission, or of any person to whom the powers of the Commission have been delegated, as a result of disciplinary proceedings brought against a public officer. This subsection shall apply to the decisions of the Judicial and Legal Service Disciplinary Committee in the exercise of its functions, save in respect of its jurisdiction under sections 156(1)(a) and 158.
- (2) An appeal under subsection (1) shall lie to the Appeal Board at the instance of the



public officer in respect of whom the decision is made.

- (3) The Appeal Board may, where it considers it necessary that further evidence be adduced—
  - (a) order such evidence to be adduced either before the Board or by affidavit; or
  - (b) refer the matter back to the relevant Service Commission to take such evidence and—
    - (i) to adjudicate upon the matter afresh; or
    - (ii) to report for the information of the Appeal Board specific findings of fact.
- (4) Where a matter is referred to a Service Commission under paragraph (b) of subsection (3), the matter, so far as may be practicable or necessary, shall be dealt with as if it were being heard at first instance.
- (5) Upon the conclusion of the hearing of an appeal under this section, the Appeal Board may—
  - (a) affirm, modify or amend the decision appealed against; or
  - (b) set aside the decision; or
  - (c) substitute any other decision which the Service Commission could have made.
- (6) Every decision of the Appeal Board shall require the concurrence of the majority of its members.
- (7) The Appeal Board may, by regulations, make provision for—
  - (a) procedure of its own; and

- (b) the procedure in appeals under this section.
- (8) With the consent of the President, the Appeal Board may, by regulation or otherwise, confer powers and impose duties on any public officer or any authority of the Government of Trinidad and Tobago for the purpose of the exercise of the functions of the Appeal Board.
- (9) This section and sections 173 and 174 shall be, in addition to, and not in derogation of, any other provisions for review of the decision of any Service Commission.

**Pensions**

Protection of  
benefit rights

- 176. (1) Subject to section 175, the law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or who is eligible for the grant of such benefits, be that in force on the relevant date or any later law that is not less favourable to that person.
- (2) In this section, “the relevant date” means—
  - (a) in relation to any benefits granted before the commencement of this Constitution, the date prescribed by section 100 of the 1962 Constitution;
  - (b) in relation to any benefits granted or to be granted on or after the commencement of this Constitution to or in respect of any person who was a public officer before that date, the commencement of this Constitution;
  - (c) in relation to any benefits granted or to be granted to or in respect of, any person who becomes a public officer on or after the commencement of this Constitution, the date on which he becomes a public officer.

- (3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.
- (4) Any benefit to which this section applies, not being a benefit that is a charge on some other public fund of Trinidad and Tobago, shall be a charge on the Consolidated Fund.
- (5) A reference in this section to the law applicable to any benefits includes, without prejudice to the generality of the expression, a reference to any law relating to the time at which and the manner in which any person may retire in order to become eligible for those benefits.
- (6) For the purposes of this section, service as President or as a Judge shall be deemed to be public service.
- (7) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are, or have been public officers in respect of their service in the public service, or to the widows, children, dependants or personal representatives of such persons in respect of such service.

Power of Commissions in relation to grant of pensions etc

- 177. (1) Where under any law an authority has power to withhold, reduce in amount or suspend any benefits to which this section applies, that power shall not be exercised without the approval specified in subsection (2) or subsection (3).
- (2) Where a person who has been granted benefits, or who is eligible for benefits, in respect of public service was at the time he ceased to be a public officer subject to the jurisdiction of the Judicial and Legal Service Commission, the Police Service Commission or the Teaching Service Commission, the power referred to in subsection (1) shall not

be exercised with respect to those benefits without the approval of that Commission.

- (3) Where a person who has been granted benefits, or who is eligible for benefits, in respect of public service was not at the time he ceased to be a public officer subject to the jurisdiction of the Judicial and Legal Service Commission, the Police Service Commission or the Teaching Service Commission, the power referred to in subsection (1) shall not be exercised without the approval of the Public Service Commission.
- (4) No benefits to which this section applies that have been granted to or in respect of any person who is or has been the holder of an office referred to in section 179(12) to (16), or for which any such person or his widow, children, dependents or his personal representatives may be eligible, shall be withheld, reduced in amount or suspended on the ground that that person has been guilty of misbehaviour, unless that person has been removed from his office under this Constitution by reason of such misbehaviour.
- (5) For the purposes of this section, service as a Judge shall be deemed to be public service.
- (6) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the surviving spouse, children or personal representatives of such persons in respect of such service.

### **PART III Special Offices**

#### **Appointments of principal representatives of Trinidad and Tobago**

Appointment of  
principal  
representatives of  
Trinidad and  
Tobago

178. (1) The persons to whom this section applies, shall be nominated for appointment by the President after consultation with the

Majority and Minority Leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.

- (2) The President may remove any person to whom this section applies after consultation with the Majority and Minority Leaders of the Senate.
- (3) This section applies to the office of—
  - (a) Ambassador or High Commissioner; and
  - (b) any principal representative of Trinidad and Tobago in any other country.

**Tenure of special offices**

Tenure of special offices

- 179. (1) Subject to the provisions of this Constitution, the holder of an office to which this subsection and subsections (2) to (10) apply (in this section referred to as “the officer”) shall vacate his office on attaining the age of sixty-five years or such other age as may be prescribed.
- (2) Nothing done by the officer shall be invalid by reason only that he has attained the age at which he is required under this section to vacate his office.
- (3) The officer shall vacate his office if, with his consent, he is appointed a Senator or nominated for election to the House of Representatives.
- (4) The salaries and allowances payable to the holders of the offices to which subsection (2) to (10) apply or an office referred to in subsections (13) to (16) shall be a charge on the Consolidated Fund.
- (5) The salary and allowances payable to the holder of any office to which subsection (1)

and subsections (3) to (11) apply or an office referred to in subsections (13) to (16) and his other terms of service shall not be altered to his disadvantage after his appointment and for the purposes of this subsection, in so far as the terms of service of any person depend upon the option of that person, the terms for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted.

- (6) The officer may be removed from office only for inability to discharge the functions of his office whether arising from infirmity of mind or body or any other cause, or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (10).
- (7) A decision that the question of removing the officer from office ought to be investigated may be made at any time—
  - (a) in the case of the Ombudsman, by resolution of the House of Representatives and the Senate; and
  - (b) in any other case, by the President.
- (8) Where a decision is made under subsection (7) that the question of removing the officer from office ought to be investigated, then—
  - (a) the President shall appoint a Tribunal which shall consist of a Chairman and not less than two other members all of whom shall be selected by the President acting in accordance with the advice of the Judicial and Legal Service Commission from among persons who hold or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court, and

- (b) the Tribunal shall inquire into the matter and report on the facts to the President and advise the President whether the officer ought to be removed from office on any of the grounds specified in subsection (6).
- (9) Where the question of removing the officer from office is referred to a Tribunal appointed under subsection (8) and the Tribunal advises the President that the officer ought to be removed from office, the President shall, by writing signed by him, remove the officer from office.
- (10) Where the question of removing the officer from office has been referred to a Tribunal under subsection (9) the President, after consultation with the Judicial and Legal Service Commission, may suspend the officer from performing the functions of his office and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the Tribunal advises the President that the officer ought not to be removed from office.
- (11) Subsection (1) and subsections (3) to (11) apply to the office of Auditor General and to such other offices as may be prescribed.
- (12) Subsections (2) to (6) apply to the office of Judge.
- (13) Subsection (1) and subsections (3) to (6) shall apply to the office of Director of Public Prosecutions, Chief Parliamentary Counsel and Solicitor General.
- (14) Subsections (5) to (10) apply to the office of Ombudsman, a member of the Elections and Boundaries Commission, a member of a Service Commission, a member of the Salaries Review Commission and to such other offices as may be prescribed.
- (15) Subsection (5) apply to the offices of President and Vice-President.

- (16) Nothing contained in this Chapter shall be construed as conferring any disciplinary jurisdiction on the Appeal Board in respect of Judges and other persons who are subject to the jurisdiction of the Judicial and Legal Service Disciplinary Committee, as hereinbefore provided.

**CHAPTER 10  
THE SALARIES REVIEW COMMISSION**

Salaries Review Commission created and constituted

- 180. (1) There shall be a Salaries Review Commission which shall consist of—
  - (a) a full time Chairman who shall have experience in finance; and
  - (b) six other persons with experience in business, finance or human resources,
- (2) The Chairman and members of the Salaries Review Commission shall be nominated for appointment by the President after consultation with the Majority and Minority Leaders of the House of Representatives and the Senate, and be appointed by him upon confirmation by an affirmative resolution of the members of the Senate.
- (3) The members of the Salaries Review Commission shall hold office in accordance with section 167.

Functions of the Salaries Review Commission

- 181. (1) The Salaries Review Commission shall, from time to time, with the approval of the President, review the salaries and other conditions of service of the President, the holders of offices referred to in section 179(12) to (15), Members of Parliament, Ministers of Government, and the holders of such other offices as may be prescribed.
- (2) The report of the Salaries Review Commission concerning any review of salaries or other conditions of service, or both, shall be submitted to the President for presentation to the Cabinet and for laying, as



soon as possible thereafter, before each House.

**CHAPTER 11  
THE TOBAGO HOUSE OF ASSEMBLY**

Tobago House of Assembly created and constituted

182. (1) There shall be an Assembly for Tobago to be called “the Tobago House of Assembly”, in this Chapter referred to as “the Assembly”.
- (2) The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed.

Powers of Tobago House of Assembly

183. Subject to this Constitution, the Assembly shall have such powers and functions in relation to Tobago as may be prescribed.

Executive Council of the Tobago House of Assembly

184. (1) There shall be an Executive Council of the Assembly consisting of a Chief Secretary and such number of Secretaries as may be prescribed, to be appointed in such manner as may be prescribed.
- (2) The function of the Chief Secretary and other secretaries shall be prescribed.

Tobago House of Assembly Fund established

185. There is established a fund to be called “the Tobago House of Assembly Fund” which shall consist of—
- (a) such monies as may be appropriated by Parliament for the use of the Assembly; and
- (b) such other monies as the Assembly may lawfully collect.

**CHAPTER 12  
MISCELLANEOUS AND GENERAL**

Resignations

186. (1) Subject to the provisions of this Constitution, any person who is appointed or elected to or otherwise selected for any office established by this Constitution, including the office of President, Vice-President, Minister, or Deputy Minister, may resign from that office by writing under his hand addressed to the

person or authority by whom he was appointed, elected or selected.

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

Reappointments,  
etc.

187. (1) Where any person has vacated any office as established by this Constitution, including the office of President, Vice President, Minister, or Deputy Minister he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

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

Necessary  
legislation to be  
enacted by  
Parliament within  
two years of date  
of commencement  
of this  
Constitution

188. Unless otherwise provided in this Constitution, where this Constitution requires the enactment of legislation by Parliament in order to give effect to the various matters specified, such legislation shall be enacted by Parliament within two years from the date of the commencement of this Constitution. If for any reason, it is impracticable so to do, the House of Representatives and the Senate may by resolution extend the time, by not more than one year, for compliance with this section.

**FIRST SCHEDULE**

**FORMS OF OATH (OR AFFIRMATION) OF  
ALLEGIANCE  
AND OF OFFICE**

Sections 58 and 59

*Form of oath (affirmation) for the President and Vice-President*

I, A. B., do swear by ..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and to the best of my ability preserve and defend the Constitution and the law, that I will conscientiously and impartially discharge the functions of President/Vice-President and will devote myself to the service and well-being of the people of Trinidad and Tobago.

Section 108

*Form of oath (affirmation) for a Minister and Deputy Minister*

I, A. B., do swear by ..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially and to the best of my ability discharge my duties as ..... and do right to all manner of people without fear or favour, affection or ill-will.

Sections 88 and 89

*Form of oath (affirmation) for a member of the House of Representatives or the Senate*

I, A. B., having been elected a member of Parliament do swear by ..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago, will uphold the Constitution and the law, and will conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.

Sections 116, 131, 146, 167,174

*Form of oath (affirmation) for the Ombudsman and  
Deputy Ombudsman, the Auditor General, a Judge, a  
member of a Service Commission or a member of the  
Public Service Appeal Board*

I, A. B., having been appointed ..... of  
Trinidad and Tobago do swear by .....  
(solemnly affirm) that I will bear true faith and allegiance  
to Trinidad and Tobago and will uphold the Constitution  
and the law, that I will conscientiously, impartially and to  
the best of my knowledge, judgment and ability discharge  
the functions of my office and do right to all manner of  
people after the laws and usages of Trinidad and Tobago  
without fear or favour, affection or ill-will.

**SECOND SCHEDULE**

(Section 103)

**BOUNDARIES OF CONSTITUENCIES**

1. These rules are the Delimitation of Constituencies Rules in accordance with which the constituencies of Trinidad and Tobago are to be delimited under section 103(1).
2. Subject to paragraph 3, the electorate shall, so far as is practicable be equal in all constituencies.
3. The number of constituencies in Tobago shall not be less than two.
4. In Trinidad and in Tobago, respectively, the electorate in any constituency shall not be more than one hundred and ten per cent nor be less than ninety per cent of the total electorate of the island divided by the number of constituencies in that island.
5. Special attention shall be paid to the needs of sparsely populated areas which on account of size, isolation or inadequacy of communications cannot adequately be represented by a single member of Parliament.
6. Natural boundaries such as major highways and rivers shall be used wherever possible.
7. In this Schedule "Trinidad" means the island of Trinidad and its offshore islands, and "Tobago" means the Island of Tobago and its offshore islands.

**THIRD SCHEDULE**

## Section 120(4)(b)

**MATTERS NOT SUBJECT TO INVESTIGATION BY  
THE OMBUDSMAN**

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organisation.
2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.
3. Action taken under any law relating to extradition or fugitive offenders.
4. Action taken for the purposes of investigating crime or of protecting the security of the State.
5. The commencement or conduct of civil or criminal proceedings before any court in Trinidad and Tobago or before any international court or tribunal.
6. Any exercise of the power of pardon.
7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 120 applies not being transactions for or relating to—
  - a. the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
  - b. the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.

- 
9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to—
    - a. the terms and conditions of service as such member; or
    - b. any order, command, penalty or punishment given to or affecting him in his capacity as such member.
  
  10. Any action which by virtue of any provision of this Constitution may not be enquired into by any court.