

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 43,
No. 160, 16th September, 2004*

No. 21 of 2004

**Third Session Eighth Parliament Republic of
Trinidad and Tobago**

HOUSE OF REPRESENTATIVE

BILL

**AN ACT to amend the Constitution of Trinidad
and Tobago**

THE CONSTITUTION (AMENDMENT) (NO. 2)
BILL, 2004

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Bill is to provide for the jurisdiction of the Caribbean Court of Justice in Trinidad and Tobago and replace the Judicial Committee of the Privy Council with the Caribbean Court of Justice, as the final court of appellate jurisdiction.

Clause 2 would alter the Constitution.

Clause 3 would, in the interpretation section of the Constitution, insert the definition “Caribbean Court of Justice” and in the definition of “Court”, replace the reference to the Judicial Committee of the Privy Council with the Caribbean Court of Justice.

Clause 4 would replace the existing heading in Part II of the Constitution, and substitute for the reference to the Judicial Committee of the Privy Council, reference to the Caribbean Court of Justice. This clause would also insert new sections 108A and 108B. Section 108A would introduce the definitions of the Agreement Establishing the Caribbean Court of Justice and of the Revised Treaty of Chaguaramas including the CARICOM Single Market and Economy. The proposed section 108B would recognize the appellate jurisdiction of the Court.

Clause 5 would amend section 109 of the Constitution in order to substitute the Caribbean Court of Justice for the Judicial Committee of the Privy Council as this country’s final court of appellate jurisdiction.

Clause 6 would recognize, by reference to the Agreement, the constitution of the Court, and certain administrative matters relating to the terms and conditions of service of members of the Court.

Clause 7 would amend section 137 to substitute for the Judicial Committee of the Privy Council, the Caribbean Court of Justice in relation to the removal from office of the Chief Justice and Judges of the Supreme Court of Trinidad and Tobago.

BILL

**AN ACT to amend the Constitution of Trinidad
and Tobago**

[, 2004]

WHEREAS it is enacted by subsection (1) of section 54 of Preamble
the Constitution that Parliament may alter any of the
provisions thereof:

And whereas it is enacted by subsection (3) of the said section 54 that in so far as it alters certain provisions of the Constitution, a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless it is supported at the final voting thereon—

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

(b) in the Senate, by the votes of not less than two-thirds of all the members of the Senate:

And whereas it is intended by this Act to alter the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title **1.** This Act may be cited as the Constitution (Amendment) (No. 2) Act, 2004.

Act alters the Constitution **2.** This Act shall be construed as altering the Constitution.

Section 3 of the Constitution amended **3.** Section 3 of the Constitution is amended—
(a) by inserting after the definition of “the Cabinet”, the following definition:

“ “Caribbean Court of Justice” means the Caribbean Court of Justice established by the Agreement Establishing the Caribbean Court of Justice, signed at Bridgetown, Barbados, on the 14th day of February, 2001;”;

(b) in the definition of “Court” by deleting the words “Judicial Committee” and substituting the words “the Caribbean Court of Justice”; and

(c) by deleting the definition of “Judicial Committee”.

4. The Constitution is amended in Part II by deleting the heading “Appeals to the Judicial Committee” and inserting the following heading and sections: ^{Constitution amended}

“Appeals to the Caribbean Court of Justice

Interpretation
for purposes
of Chapter 7

108A. For the purposes of this Part—

“Agreement” means the Agreement Establishing the Caribbean Court of Justice, signed in Bridgetown, Barbados, on the 14th day of February, 2001, as amended by the Protocol to the Agreement establishing the Caribbean Court of Justice relating to the Juridical Personality and Legal Capacity of the Court signed at Montego Bay, Jamaica on the 4th day of July, 2003 to which Trinidad and Tobago is a party;

“Court” means the Caribbean Court of Justice;

“Treaty” means the Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed at Nassau, The Bahamas, on the 5th day of July, 2001.

Jurisdiction
of the Court

108B. (1) The Court 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) The decisions of the Court shall be final.”.

Section 109
of the
Constitution
amended

5. Section 109 of the Constitution is amended—

(a) by deleting the words “Judicial Committee” wherever they occur and substituting in each place, the words “Caribbean Court of Justice”;

(b) in subsection (1)(a), by deleting the words “fifteen hundred dollars” and substituting the words “the equivalent in Trinidad and Tobago dollars of twenty-five thousand dollars Eastern Caribbean currency”;

(c) in subsection (1)(e) by deleting the words “Solicitors Act” and substituting the words “Legal Profession Act”.

Constitution
amended

6. The Constitution is amended by inserting after section 109, the following section:

“Constitution
of the Court

109A. The constitution of the Court and the tenure, appointment, determination of terms and conditions of service and the power to remove and exercise disciplinary control of members of the Court, shall be as provided for in the Agreement.”.

Section 137
of the
Constitution
amended

7. Section 137 of the Constitution is amended in subsection (2), by deleting the words “Judicial Committee of the Privy Council” wherever they occur and substituting in each place, the words “Caribbean Court of Justice”.

No. 21 of 2004

THIRD SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Constitution of
Trinidad and Tobago

Received and read the

First time.....

Second time.....

Third time.....