

# THE CONSTITUTION (AMENDMENT) BILL, 2007

## **Arrangement of Clauses**

### *Clauses*

1. Short title
2. Commencement
3. Alteration of the Constitution
4. Section 122A amended
5. Section 123 amended
6. Section 136 amended

# THE CONSTITUTION (AMENDMENT) BILL, 2007

## **Explanatory Note**

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

The main purpose of the Bill is to amend the Constitution to effect certain consequential amendments in relation to the Police Service and the Police Service Commission. The Bill requires a special majority vote.

Clause 1 provides the short title of the Act, for which this is the Bill.

Clause 2 provides the commencement provision.

Clause 3 provides that this Bill would amend the Constitution.

Clause 4 seeks to amend section 122A of the Constitution to define the type of criminal offences, and the nature of the reports mentioned under this section.

Clause 5 seeks to amend section 123 to give the Police Service Commission the power to hear appeals in relation to matters concerning promotion, to specify that the report of the Commissioner of Police to the Commission would be in writing, to give the Commission the power to call for certain documents from the Commissioner, and to clarify the grounds of removal.

Clause 6 seeks to amend section 136 to exempt the Police Service Commission from the application of certain subsections of section 136.

# BILL

## AN ACT to amend the Constitution

### Preamble

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

And whereas it is provided in subsection (2) of the said section 54 that insofar 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 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:

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) Act, 2007.

### Commencement

2. This Act shall come into force on a date to be fixed by the President by Proclamation.

### Alteration of the Constitution

3. The Act shall be construed as altering the Constitution.

### Section 122A amended

4. Section 122A is amended-

(a) in subsection (1), by inserting after the words “criminal offence” the words “which carries a penalty of six or more months of imprisonment”;

and

- (b) in subsection (2), by inserting after the words “Select Committee” the words “and the Police Service Commission”, and after the words “and 66B” the word “respectively”.

**Section 123  
amended**

- 5. Section 123 is amended –
  - (a) in subsection (1)(f), by inserting after the words “been delegated,” the words “in relation to appointments on promotion or “;
  - (b) by deleting subsection (6) and substituting the following new subsection:
    - “(6) For the purpose of subsection (1)(d)-
      - (a) the Commissioner of Police shall, every six months, submit a report in writing to the Police Service Commission on the management of the Police Service; and
      - (b) the Police Service Commission shall have the power to call on the Commissioner of Police to produce documents pertaining to financial, legal and personnel matters in relation to the Police Service.”;
  - (c) in subsection (7), by inserting after the words “special report” the words “in writing”; and

(d) in subsection (8), by deleting paragraphs (c) and (d) and substituting the following:

“(c) reported inefficiency based on his performance appraisal reports;

(d) as a consequence of disciplinary proceedings;

after giving him an opportunity to be heard;

(e) where the officer holds a permanent appointment-

(i) on being retired on medical grounds;

(ii) on being retired in the public interest;

(iii) on the abolition of office;

(f) on resignation.”.

**Section 136  
amended**

6. Section 136 is amended in subsection (15) by inserting after the words “a Service Commission” the words “other than the Police Service Commission”.

Passed in the House of Representatives this                      day of                      2007.

*Clerk of the House.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than two-thirds of all the members of the House, that is to say by the votes of                      members of the House.

*Clerk of the House.*

I confirm the above.

*Speaker.*

Passed in the Senate this                      day of                      2007.

*Clerk of the Senate.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than two-thirds of all the members of the Senate, that is to say by the votes of                      members of the Senate.

*Clerk of the Senate.*

I confirm the above.

*President of the Senate.*