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No. 13 of 2020

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Constitution of the Republic of
Trinidad and Tobago to accord self-government
to Tobago, to repeal the Tobago House of
Assembly Act, Chap. 25:03 and for related
matters

THE CONSTITUTION (AMENDMENT)
(TOBAGO SELF-GOVERNMENT) BILL, 2020

Explanatory Notes

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

The Bill seeks to amend the Constitution in order to accord self-government to Tobago. The Bill by virtue of clause 10 would alter section 54 of the Constitution and would therefore need to be passed by a special majority of three-fourths of all the members of the House of Representatives and two-thirds of all the members of the Senate.

By clause 2, the proposed Act would come into operation on a date to be fixed by the President by Proclamation.

By clause 3, the proposed Act would be construed as altering the Constitution.

The Bill would promote the internal self-government of Tobago by providing, *inter alia*, for the following:

- (a) recognition of the equality of status between the Island of Tobago and the Island of Trinidad (clause 5);
- (b) acknowledgement in the Preamble to the Constitution of the right to self-determination for the people of Trinidad and Tobago, including the right of the people of Tobago to determine, in Tobago, their political status and to freely pursue their economic, social and cultural development;
- (c) establishment of a Tobago Legislature which would consist of the President, a House of Assembly and a People's House and would have power to make laws for the peace, order and good government of the Island of Tobago, except with respect to certain matters listed in a proposed Fourth Schedule to the Constitution which shall remain under the purview of the Central Government (clauses 9 and 18 which repeals and replaces Chapter 11A of the Constitution which provides for Self-Government of Tobago);
- (d) a Tobago Executive Council, comprising a Chief Secretary and other Secretaries, which would be responsible for the general direction and control of the

government of the Island of Tobago, except with respect to the matters listed in the proposed Fourth Schedule to the Constitution (clause 12);

- (e) the duty of the President to act in accordance with the advice of the Executive Council with respect to all matters in Tobago, excluding the matters listed in the proposed Fourth Schedule (clause 13);
- (f) the responsibility of the Chief Secretary to keep the President fully informed concerning the general conduct of the Government of Tobago and to furnish the President with such information as he may request with respect to any particular matter relating to the Tobago Island Government (clause 14);
- (g) a Tobago Island Government, a Tobago Service Commission and a Tobago Civil Service (clauses 6, 15 and 16);
- (h) a Minority Leader who, being an Assemblyman, would be appointed by the President as the person commanding the support of the largest number of Assemblymen who do not support the Chief Secretary (clause 18—proposed section 141H);
- (i) a Fiscal Review Commission with responsibility for ensuring that all revenues collected in Trinidad that are attributable to Tobago shall be held for the account of Tobago, that all companies operating businesses in Tobago pay taxes in Tobago on such operations, and that Cabinet and Parliament give due consideration to the needs of Tobago and allocate financial resources to Tobago as fairly as practicable (clause 18—proposed section 141AD);
- (j) the annual appropriation of not less than eight per cent of the national budget to the service of Tobago and financial provisions similar to those in the Tobago House of Assembly Act, Chap. 25:03 (hereinafter referred to as “the THA Act”) [clause 18—proposed section 141AD(5)]; and
- (k) certain transitional provisions (clause 18—proposed section 141AN).

THE CONSTITUTION (AMENDMENT)
(TOBAGO SELF-GOVERNMENT) BILL, 2020

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Alteration of the Constitution
4. Preamble amended
5. Section 1A inserted
6. Section 3 amended
7. Section 5 amended
8. Section 13 amended
9. Section 53 amended
10. Section 54 amended
11. Section 75 amended
12. Section 75A, 75B and 75 C inserted
13. Section 80 amended
14. Section 81A inserted
15. Section 110 amended
16. Section 120 amended
17. Section 121 amended
18. Chapter 11A repealed and substituted
19. First Schedule amended
20. Fourth and Fifth Schedules inserted
21. Chap. 25:03 repealed

BILL

AN ACT to amend the Constitution of the Republic of
Trinidad and Tobago to accord self-government to
Tobago, to repeal the Tobago House of Assembly
Act, Chap. 25:03 and for related matters.

[, 2020]

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 provided in subsection (3) 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 the House of Representatives, it is supported by the votes of not less than three-fourths of all the members of the House and in the Senate, it is supported by the votes of not less than two-thirds of all 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) (Tobago Self-Government) Act, 2020.
Commencement	2. This Act comes into operation on such date as is fixed by the President by Proclamation.
Alteration of Constitution	3. This Act shall be construed as altering the Constitution.
Preamble amended	4. The Preamble of the Constitution is amended by inserting after paragraph (c), the following paragraph: <div style="margin-left: 40px;">“ (ca) recognise the right to self-determination of the people of Trinidad and Tobago including the right of the people of Tobago to determine in Tobago their political status and freely pursue their economic, social and cultural development;”.</div>
Section 1A inserted	5. The Constitution is amended by inserting after section 1, the following section: <div style="margin-left: 40px;">“Equality of Status 1A. There shall be equality of status between the Island of Trinidad and the Island of Tobago within the sovereign democratic State of Trinidad and Tobago and the Island of Tobago shall no longer carry the designation of a ward.”.</div>

6. Section 3(1) of the Constitution is amended— Section 3 amended

- (a) in the definition of “public service”, by deleting the words “Tobago House of Assembly established by section 3 of the Tobago House of Assembly Act, in a civil capacity” and substituting the words “Tobago Island Government, in a civil capacity”;
- (b) in the definition of “Service Commission”, by inserting after the words “Public Service Commission,”, the words “the Tobago Service Commission,”; and
- (c) by inserting in the appropriate alphabetical sequence, the following definitions:
 - ““House of Assembly” means the House of Assembly of the Tobago Legislature referred to in section 141A;
 - “People’s House” means the People’s House in the Tobago Legislature referred to in section 141A(1);
 - “*Tobago Gazette*” means the official publication of the Tobago Island Government;
 - “Tobago Island Government” includes the Tobago Legislature, the Tobago Executive Council, any Divisions referred to in section 141AC(8), the Fiscal Review Commission, the Tobago Service Commission and any other authority, institution or body established by the Tobago Legislature or the Tobago Executive Council;
 - “Tobago Legislature” means the Tobago Legislature established under section 141A(1);
 - “Tobago Statute” means a law made by the Tobago Legislature;”.

Section 5 amended **7.** Section 5(2) of the Constitution is amended in the *chapeau*, by inserting after the word “Parliament”, the words “or the Tobago Legislature”.

Section 13 amended **8.** Section 13 of the Constitution is amended—

(a) in subsection (1), by inserting after the word “Act”, the words “or Tobago Statute”; and

(b) in subsection (2), by—

(i) inserting after the word “Act”, the words “or Tobago Statute”; and

(ii) inserting after the word “Parliament”, the words “or the Tobago Legislature, as the case may be,”.

Section 53 amended **9.** Section 53 of the Constitution is amended by renumbering that section as section 53(1) and inserting the following subsection:

“ (2) Subject to subsection (1),the Tobago Legislature may make laws for the peace, order and good government of Tobago with respect to all matters except those which are set out in the Fourth Schedule.”.

Section 54 amended **10.** Section 54(2)(a) of the Constitution is amended by inserting after the word “137”, the words “, 141A to 141AN or the Fourth Schedule”.

Section 75 amended **11.** Section 75 of the Constitution is amended by repealing subsection (1) and substituting the following subsection:

“ (1) There shall be a Cabinet for Trinidad and Tobago which shall—

(a) subject to paragraph (b), have the general direction and control of the Government of Trinidad and Tobago; and

(b) in relation to Tobago, have responsibility for the matters which are set out in the Fourth Schedule,

and shall be collectively responsible therefor to Parliament.”.

12. The Constitution is amended by inserting after section 75, the following sections: Sections 75A, 75B and 75C inserted

“Responsibility of the Tobago Executive Council 75A. There shall be a Tobago Executive Council which shall have the general direction and control of the Tobago Island Government and shall be collectively responsible therefor to the Tobago Legislature.

Administra- tion of certain services Fourth Schedule 75B. (1) In exercising its responsibility pursuant to the Fourth Schedule, the Government may by way of Memorandum of Understanding authorise the Tobago Island Government to act on behalf of the Government in respect of any of its responsibilities in Tobago.

(2) The Government in the delivery in Tobago of services to the public, shall give due consideration to the views of the Tobago Island Government.

(3) Where services fall within the responsibility of the Tobago Island Government or where the Tobago Island Government acts on behalf of the Government pursuant to subsection (1) the services shall be administered by the Tobago Island Government.

(4) Where a statutory authority or a State enterprise provides services in Tobago that authority or enterprise shall, in providing services, act in accordance with the policies or programmes of the Tobago Island Government.

Chief Secretary and Tobago matters 75C. (1) The Chief Secretary may, if invited by the Prime Minister so to do, attend meetings of Cabinet in order that the Chief Secretary may represent the interest of Tobago in any matter having or likely to have an effect on Tobago.

(2) The Prime Minister and the Chief Secretary shall hold quarterly meetings with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago.”.

Section 80 amended **13.** Section 80 of the Constitution is amended by repealing subsection (1) and substituting the following subsection:

“ (1) In the exercise of his functions under the Constitution or any other law, the President shall act in accordance with the advice of—

(a) the Cabinet or a Minister acting under the general authority of the Cabinet, in relation to matters under the Government of Trinidad and in relation to Tobago in matters under the Fourth Schedule; or

(b) the Tobago Executive Council or a Secretary acting under the general authority of the Tobago Executive Council, with respect to all matters in Tobago, other than matters in the Fourth Schedule,

except in cases where other provision is made by this Constitution or such other law, and, without prejudice to the

generality of this exception, in cases where by this Constitution or such other law, he is required to act—

- (i) in his discretion;
- (ii) after consultation with any person or authority other than the Cabinet and the Tobago Executive Council; or
- (iii) in accordance with the advice of any person or authority other than the Cabinet and the Tobago Executive Council.”.

14. The Constitution is amended by inserting after Section 81A inserted section 81, the following section:

“President to be informed concerning matters of Tobago Island Government 81A. The Chief Secretary shall keep the President fully informed concerning the general conduct of the Tobago Island Government and shall furnish the President with such information as he may request with respect to any particular matter relating to the Tobago Island Government.”.

15. Section 110(2)(b) is amended by inserting after Section 110 amended the word “Commission”, the words “and the Chairman of the Tobago Service Commission”.

16. Section 120 of the Constitution is amended— Section 120 amended

- (a) in subsection (1), by deleting the words “and Tobago”; and
- (b) by inserting the following new section:

“Tobago Service Commission 120A. (1) There shall be a Tobago Service Commission which shall consist of a Chairman, a

Deputy Chairman and not less than two nor more than four other members.

(2) The members of the Tobago Service Commission shall be appointed by the President, after consultation with the Chief Secretary and the Minority Leader.

(3) The members of the Tobago Service Commission shall hold office in accordance with section 126 of the Constitution.”.

Section 121 amended **17.** Section 121 of the Constitution is amended—

- (a) in subsection (1), by inserting after the word “Commission”, the words “except for persons in offices in the Tobago Island Government for which the Tobago Service Commission shall have jurisdiction immediately after its establishment. The several public offices in the service of the Tobago Island Government in a civil capacity shall be deemed to constitute the Tobago Civil Service”;
- (b) in subsection (2), by inserting after the word “Commission” where it first occurs, the words “or the Tobago Service Commission”;
- (c) by inserting after subsection (3), the following subsection:
 - “ (3A) Before the Tobago Service Commission makes any appointment to an office to which this subsection applies, it shall consult the Chief Secretary.”;

(d) by inserting after subsection (4), the following subsection:

“ (4A) A person shall not be appointed to an office to which subsection (3A) applies if the Chief Secretary signifies to the Tobago Service Commission his objection to the appointment of that person to that office.”;

(e) by inserting after subsection (5), the following subsection:

“ (5A) Subject to subsections (6A) and (7A), subsection (3A) applies to the offices of Chief Administrator, Administrator, to a head of a department in a Division and to a chief professional advisor in a Division.”;

(f) by inserting after subsection (6), the following subsection:

“ (6A) Power to make appointments on transfer to the following offices shall vest in the Chief Secretary:

(a) any office of Chief Administrator or Administrator from one such office to another such office carrying the same salary; and

(b) such offices as may from time to time be designated by the Chief Secretary after consultation with the Tobago Service Commission.”;

- (g) in subsection (7), by inserting after the words “Civil Service,” the words “the Tobago Civil Service,”; and
- (h) in subsection (9)—
- (i) by deleting the words “and “Prison Service” ” and substituting the words “, “Prison Service” and “Tobago Civil Service” ”; and
 - (ii) by inserting after the words “Prison Service Act”, the words “and the Tobago Civil Service established under this Constitution”.

Chapter 11A
repealed and
substituted

18. Chapter 11A of the Constitution is repealed and the following Chapter is substituted:

“CHAPTER 11A

SELF-GOVERNMENT OF TOBAGO

Establishment
of the Tobago
Legislature 141A. (1) There shall be a Tobago Legislature which shall consist of the President, the House of Assembly and the People’s House.

(2) Subject to sections 5 and 53(2) and subsections (2) and (3), the Tobago Legislature shall have power to make laws for the peace, order and good government of Tobago.

(3) A law in force before the coming into force of this section shall continue to apply to Tobago until such time as it is replaced by a Tobago Statute, and until any existing law in relation to matters for Tobago is replaced by a Tobago Statute, the existing law shall apply in accordance with the powers and functions of the Tobago Legislature.

(4) Subject to the provisions of this Constitution, the Tobago Legislature shall have such other powers and functions in relation to Tobago as may be prescribed.

(5) The House of Assembly shall be constituted by a Presiding Officer and such other members qualified and appointed in accordance with section 141B and the People's House shall be constituted in accordance with section 141U.

(6) Subject to the provisions of this Constitution, the power of the Tobago Legislature to make laws for Tobago shall, except where otherwise authorised by statute, be exercised by Bills passed by the House of Assembly and the People's House and assented to by the President, and Bills so passed and assented to shall be styled "Tobago Statutes".

(7) When a Bill is presented to the President, he shall signify within one month that he assents or that he withholds assent to the said Bill which said assent shall be withheld only if the Tobago Legislature has exceeded its legislative powers in accordance with this Constitution.

(8) A Bill passed by the Tobago Legislature shall not become a Tobago Statute unless it has been duly passed and assented to in accordance with this Constitution.

(9) The Tobago Legislature shall publish Tobago Statutes in the *Tobago Gazette*.

(10) A Tobago Statute enters into force on the date specified by the Tobago Legislature.

(11) A Tobago Statute shall have effect in Tobago, Little Tobago, St. Giles Island, Marble Island, Goat Island, Sisters Island and such area of the archipelagic waters of Trinidad and Tobago, including any islands, the seabed and the subsoil, that lies within eleven miles from the low watermark of Tobago.

(12) A Bill passed by the Tobago Legislature may be assented to during the period occurring between the end of one session of the Tobago Legislature and the beginning of the next or at any subsequent time during the life of the Tobago Legislature.

(13) A Bill other than a Money Bill may be introduced in either House and a Money Bill shall not be introduced in the People's House.

(14) Except on the recommendation or with the consent of the Tobago Executive Council, neither House shall—

(a) proceed upon any Bill, including any amendment to a Bill, which in the opinion of the person presiding, makes provision for any of the following purposes:

(i) for imposing or increasing any tax;

(ii) for imposing or increasing any charge on the revenues or other funds of Tobago or for altering any such charge otherwise than by reducing it; or

- (iii) for compounding or remitting any debt due to Tobago;
- (b) proceed upon any motion, including any amendment to a motion, the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid; or
- (c) receive any petition which in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

(15) Where a Money Bill, having been passed by the House of Assembly and sent to the People's House at least one month before the end of the session, is not passed by the People's House without amendment within one month after it is sent to the People's House, the Bill shall, unless the House of Assembly otherwise resolves, be presented to the President for assent notwithstanding that the People's House has not consented to the Bill.

(16) There shall be endorsed on every Money Bill when it is sent to the People's House the certificate of the Presiding Officer signed by him that it is a Money Bill; and there shall be endorsed on any Money Bill that is presented to the President for assent, the certificate of the Presiding Officer signed by him that it is a Money Bill and that the provisions of that subsection have been complied with.

(17) Where any Bill other than a Money Bill is passed by the House of Assembly in two successive sessions,

whether or not the Tobago Legislature is dissolved between those sessions, and, having been sent to the People's House in each of those sessions at least one month before the end of the session, is rejected by the People's House in each of those sessions, that Bill shall, on its rejection for the People's time by the People's House, unless the House of Assembly otherwise resolves, be presented to the President for assent notwithstanding that the People's House has not consented to the Bill.

(18) Nothing in subsection (17) shall have effect until at least three (3) months have elapsed between the date on which the Bill is passed by the House of Assembly in the first session and the date on which it is passed by that House in the People's session.

(19) For the purposes of this section, a Bill that is sent to the People's House from the House of Assembly in any session shall be deemed to be the same Bill as a former Bill sent to the People's House in the preceding session if, when it is sent to the People's House, it is identical with the former Bill or contains only such alterations as are certified by the Presiding Officer to be necessary owing to the time that has elapsed since the date of the former Bill or to re-present any amendments which have been made by the People's House in the former Bill in the preceding session.

(20) The House of Assembly may, if it thinks fit, on the passage through that House of a Bill that is deemed to be the

same Bill as a former Bill sent to the People's House in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such amendments shall be considered by the People's House and, if agreed to by the People's House, shall be treated as amendments made by the People's House and agreed to by the House of Assembly; but the exercise of this power by the House of Assembly shall not affect the operation of this section in the event of the rejection of the Bill in the People's House.

(21) For the purposes of this section, a Bill shall be deemed to be rejected by the People's House where it is—

- (a) not passed by the People's House without amendments; or
- (b) passed by the People's House with any amendment that is not agreed to by the House of Assembly.

(22) There shall be inserted in any Bill that is presented to the President for assent in pursuance of this section any amendments that are certified by the Presiding Officer to have been made in the Bill by the People's House in the People's session and agreed to by the House of Assembly.

(23) There shall be endorsed on any Bill that is presented to the President for assent in pursuance of this section the certificate of the Presiding Officer signed by him that the provisions of this section have been complied with.

(24) In this section, “Money Bill” means a public Bill which, in the opinion of the Presiding Officer in the Tobago Legislature, 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 in Tobago 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.

(25) In subsection 141A(24), 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.

(26) Where the office of the Presiding Officer is vacant or the Presiding Officer is for any reason unable to perform any function conferred upon him by section 141A, that function may be performed by the Deputy Presiding Officer.

(27) A certificate of the Presiding Officer or the Deputy Presiding Officer under section 141A shall be conclusive for all purposes and shall not be questioned in any Court.

(28) Before giving any certificate under section 141A(23), the Presiding Officer or the Deputy Presiding Officer, as the case may be, shall consult the Secretary responsible for Legal Affairs in the Tobago Legislature.

(29) Subject to the provisions of this Constitution, each House in the Tobago Legislature may regulate its own procedure and shall prepare and determine its own Standing Orders to do so.

141B. The House of Assembly shall consist of—

Composition
of the House
of Assembly

- (a) fifteen Assemblymen elected at an election held in accordance with the Representation of the People Act, but subject to section 141O(1)(b) or such other number of Assemblymen as corresponds with the number of electoral districts as provided for by an Order made by the President;
- (b) four Councillors appointed in accordance with section 141I; and

- (c) a Presiding Officer who may or may not be an Assemblyman, who shall not be a member of the Tobago Executive Council, and who shall be elected in accordance with section 141E.

Presiding Officer to be member of the House of Assembly 141C. Where any person who is not an Assemblyman is elected to be a Presiding Officer of the House of Assembly he shall, by virtue of holding office of Presiding Officer, be a member of the House of Assembly in addition to the fifteen Assemblymen and four Councillors.

Swearing in of Assemblymen 141D. The President shall administer to the Assemblymen at a meeting held for the purposes of this section, not later than three days after the date of the primary election or as soon thereafter as the President may consider practicable, the oath of office set out in the First Schedule.

Election of Presiding Officer 141E. (1) The Assemblymen shall, upon the swearing in referred to in section 141D, elect a Presiding Officer to whom the President shall administer the oath set out in the First Schedule.

(2) The Presiding Officer shall *ex officio* be a Justice of the Peace.

(3) A person shall vacate the office of Presiding Officer or Deputy Presiding Officer—

- (a) in the case of a Presiding Officer elected from among the Assemblymen or in the case of the Deputy Presiding Officer where he ceases to be a member of the House of Assembly, so

however that the Presiding Officer shall not vacate his office by reason only that he has ceased to be a member of the House of Assembly on a dissolution of the Tobago Legislature, until the House of Assembly first meets after that dissolution; and

- (b) in the case of a Presiding Officer elected from among persons who are not members of either House—
- (i) when the House first meets after any dissolution of the Tobago Legislature;
 - (ii) where he ceases to be a citizen of Trinidad and Tobago; or
 - (iii) where any circumstances arise that would cause him to be disqualified for election as a member of the House by virtue of section 141O or any law.

Election of
Chief
Secretary and
Deputy Chief
Secretary

141F. Where there is occasion for the election of a Chief Secretary and a Deputy Chief Secretary following the election of a Presiding Officer referred to in section 141E, the Assemblymen shall elect from among their number, the Chief Secretary and the Deputy Chief Secretary in accordance with section 141K and following such election, the President shall administer to the Chief Secretary and the Deputy Chief Secretary respectively, the oath of office set out in the First Schedule.

Vacancy in
office of Chief
Secretary

141G. (1) Whenever the position of Chief Secretary becomes vacant in accordance with this Constitution, the Deputy Chief Secretary shall assume office as Chief Secretary.

(2) If the office of Chief Secretary becomes vacant in circumstances in which the office of the Deputy Chief Secretary is also vacant in accordance with this Constitution, the functions of the office of Chief Secretary shall, until such time as a new Chief Secretary or Deputy Chief Secretary assumes office in accordance with this section, be performed by such Secretary who is an Assemblyman as the Tobago Executive Council shall appoint.

(3) Whenever the Chief Secretary is absent from Tobago or considers it desirable to do so by reason of illness or any other cause he may, by directions in writing, authorise—

- (a) the Deputy Chief Secretary; or
- (b) during any period when there is no Deputy Chief Secretary some other Secretary who is also an Assemblyman,

to discharge such of the functions of the office of Chief Secretary as he may specify, and the Deputy Chief Secretary or other Secretary may discharge those functions until his authority is revoked by the Chief Secretary.

Appointment
of Minority
Leader

141H. (1) Immediately after administering the oaths of office to the Chief Secretary and the Deputy Chief Secretary under section 141F, the President shall appoint

as Minority Leader the Assemblyman who, in his opinion, commands the support of the largest number of Assemblymen who do not support the Chief Secretary.

(2) The office of Minority Leader shall become vacant where—

- (a) he resigns his office; or
- (b) the holder thereof ceases to be a member of the Legislative Assembly for any cause other than a dissolution of the House of Assembly.

(3) Where the office of Minority Leader is vacant, whether because there is no member of the Legislative Assembly so qualified for appointment or because no one qualified for appointment is willing to be appointed, or because the Minority Leader has resigned his office or for any other reason, any provision in this Constitution requiring consultation with the Minority Leader shall, in so far as it requires such consultation, be of no effect.

(4) The President shall administer to the Minority Leader the oath set out in the First Schedule.

Appointment
of Councillors

141I. (1) Immediately after the appointment of the Minority Leader under section 141H, the Presiding Officer shall, acting in accordance with the advice of—

- (a) the Chief Secretary, appoint three Councillors; and
- (b) the Minority Leader, appoint one Councillor.

(2) The President shall administer to each Councillor the oath set out in the First Schedule.

Election of
Deputy
Presiding
Officer

141J. Upon the appointment referred to in section 141I, the members shall elect from among themselves, the Deputy Presiding Officer to whom the President shall administer the oath set out in the First Schedule.

Elections
procedure

141K. (1) In the case of elections held under sections 141F and 141J, the Presiding Officer shall receive nominations of candidates from any Assemblyman or Councillor, as the case may be, who has been already sworn, except that no Assemblyman or Councillor shall nominate more than one candidate for the same office, whether as proposer or seconder.

(2) Where not more than one candidate is nominated for an office, the Presiding Officer shall declare that candidate duly elected, but where more than one is nominated, election shall be by secret ballot.

(3) The person elected to an office shall be the candidate receiving the highest number of votes, but where because of an equality of votes the election of a person is impossible, the ballot shall be retaken in respect of the relevant candidates.

(4) Where on the second ballot the equality of votes continues, the Presiding Officer shall exercise a casting vote.

Publication of
names of
members

141L. Upon the appointments to the House of Assembly, the names of the Members shall be posted on the outer door of the Chamber of the Assembly and published in the *Tobago Gazette* and in at least one daily newspaper circulating in Trinidad and in Tobago.

Assumption 141M. (1) No person elected or appointed to the Assembly shall assume the duties of his office until he is administered the relevant oath of office.

(2) The term of office of an Assemblyman commences on the day on which he is elected to office and the term of office of a Member, other than an Assemblyman, commences on the day on which he is administered the relevant oath of office.

Time limit for swearing in 141N. (1) Where a person elected or appointed to serve in the Assembly is not present at the meeting referred to in section 141D, he shall be administered the oath of office by the President at a meeting convened for that purpose and held not later than one month after the date of his election or appointment to office or, subject to subsection (3), at the next ordinary meeting at which he is present.

(2) Subject to subsection (3), where at the expiration of one month from his election or appointment, a Member has not taken the oath of office, he is disqualified from assuming the duties and responsibilities of a Member and his seat shall fall vacant.

(3) The Assembly may resolve before the expiration of the period of one month of the election or appointment of a Member who has not taken the oath of office, either on its own motion or at the request of that Member, to extend the period of one month to a period not exceeding three months, at the end of which extended period, should the Member not be sworn, his seat shall fall vacant.

(4) Notice of any extension of time granted in accordance with subsection (3) shall be immediately made to the President by the Presiding Officer.

Qualification
for
membership

141O. (1) Subject to subsection (2), a person is qualified to be elected as an Assemblyman in a primary election or on a by-election or as a Presiding Officer or appointed as a Councillor, if that person—

- (a) is a citizen of the Republic of Trinidad and Tobago;
- (b) is qualified to be an elector under section 12 of the Representation of the People Act; and
- (c) resides in Tobago.

(2) A person not being a citizen of the Republic of Trinidad and Tobago is disqualified from being elected or appointed as a Member, or being a citizen if he—

- (a) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (b) is a mentally ill person within the meaning of the Mental Health Act;
- (c) is under sentence of death imposed on him by a Court in any country or is serving sentence of imprisonment, by whatever name called, exceeding twelve months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him

by such a Court or is under such a sentence of imprisonment, the execution of which has been suspended;

- (d) is disqualified from being elected under sections 31 and 32 of the Representation of the People Act;
- (e) holds, or is acting in, an office of the Assembly as may be prescribed, but a person is not disqualified by reason only of receiving, or being entitled to receive, payment by way of travelling or subsistence allowances or a refund of out-of-pocket expenses; or
- (f) is a member of the Senate or the House of Representatives or of a Municipal or Regional Corporation.

Remuneration
of members

141P. (1) The salaries, allowances and other conditions of service of the Chief Secretary, the Deputy Chief Secretary, Presiding Officer, the Deputy Presiding Officer, other Secretaries and other Assemblymen and Councillors shall be reviewed by the Salaries Review Commission in accordance with this Constitution.

(2) The State shall provide the Chief Secretary with the following:

- (a) an official residence;
- (b) such other official vehicles as may be required; and
- (c) appropriate security services.

(3) The Assembly shall, in accordance with the Financial Rules made under section 141AL, establish a pension scheme for Members.

(4) The salaries and allowances payable to the Chief Secretary, the Deputy Chief Secretary, Secretaries and other Members, the Presiding Officer and Deputy Presiding Officer are a charge on the Tobago Fund.

(5) Section 3(5) of the Constitution applies to the offices of Chief Secretary, Deputy Chief Secretary, Secretary, Assemblyman and Members.

(6) A Secretary or the Presiding Officer shall not engage in any trade, business, occupation or other undertaking for profit or remuneration other than that of serving as Secretary or the Presiding Officer.

Tenure in
office of
members

141Q. (1) Subject to section 141S, except in the case of a person whose seat becomes vacant under section 141N or 141R, the term of office of a Member expires at the next dissolution of the Assembly.

(2) A person whose term of office as a Member has expired is eligible for re-election, unless that person is disqualified under section 141O(2).

Vacancy of
office of a
Member

141R. (1) Subject to section 141S, the seat of an Assemblyman becomes vacant where he—

(a) dies;

- (b) submits a written resignation to the Presiding Officer or, in the case of the Presiding Officer, where he submits a written resignation to the President, or his appointment as Presiding Officer is revoked in accordance with subsection (2);
- (c) is without the leave of the Assembly continuously absent from Tobago for more than ninety days or from three consecutive ordinary meetings of the Assembly; or
- (d) ceases to possess any of the qualifications required by section 141O(1) or is or becomes disqualified from being a Member for any of the reasons set out in section 141O(2).

(2) The President shall revoke—

- (a) the appointment of a Councillor on the advice of the person or party which nominated him or by reason of any of the matters set out in subsection (1); and
- (b) the appointment of the Presiding Officer following a vote of no confidence against him supported by a majority of the Members.

Declaration of
vacancy

141S. (1) The Assembly shall formally declare a vacancy in its membership at the first meeting of the Assembly following the vacating of a seat by virtue of section 141N(2) or (3) or section 141R(1) and (2).

(2) A vacancy pursuant to subsection (1) shall have effect from the date on which it is so declared.

(3) The notice of a declaration of vacancy shall be signed by the Clerk and sent forthwith to the President and a copy thereof shall be posted up in a prominent position on the outer door of the Chamber of the Assembly and published in at least one daily newspaper circulating in Trinidad and in Tobago.

Filling of
vacancies

141T. (1) Where the President is notified that the seat of an Assemblyman has become vacant, the President shall, subject to subsections (2) and (3), issue a writ addressed to the Returning Officer of the corresponding electoral area for the holding of a by-election for the election of an Assemblyman to fill the vacancy.

(2) The President shall, after consultation with the Prime Minister and the Chief Secretary, fix the date of a by-election for the election of an Assemblyman, which date shall not be earlier than the expiration of two months after the declaration of the vacancy nor later than the expiration of three months after that declaration.

(3) No by-election for the election of an Assemblyman shall be held within a period of one year prior to the holding of a primary election and the President may decline to issue a writ under subsection (1) if the vacancy is declared within one year from the date on which the Assembly is due to stand dissolved in accordance with section 141AB.

(4) Where the seat of the Presiding Officer or Deputy Presiding Officer is declared vacant, an election to fill that vacancy shall be held at the meeting of the Assembly next following the declaration of the vacancy.

(5) A person elected or appointed to the Assembly to fill a vacancy shall be administered the relevant oath of office by the Presiding Officer or, where the person is elected to the office of Presiding Officer, by the Deputy Presiding Officer.

Composition of the People's House 141U. The People's House shall consist of thirteen members who shall be elected as follows:

- (a) one member elected from each of the seven parishes in Tobago; and
- (b) one member elected to represent each of the six sectors specified in the Fifth Schedule in such manner as may be prescribed by Parliament.

Swearing in of members of the People's House 141V. The President shall administer to members of the People's House at a meeting held for the purposes of this section, not later than three days after the date of the sectoral election, the oath of office set out in the First Schedule.

Election of Chairman 141W. (1) The members of the People's House shall, upon the swearing in referred to in section 141V, elect from among their number, a Chairman from among the members who shall not be a member of the Executive Council and to whom the President shall administer the oath set out in the First Schedule.

(2) The Chairman shall *ex officio* be a Justice of the Peace.

Election
Procedure

141X. (1) In the case of an election held under section 141W, a temporary Chairman shall be selected from among the members of the People's House and he shall receive nominations of candidates from any member who has been already sworn, except that no member shall nominate more than one candidate, whether as proposer or seconder.

(2) Where not more than one candidate is nominated under subsection (1), the temporary Chairman shall declare that candidate duly elected, but where more than one is nominated, the election of the Chairman shall be by secret ballot.

(3) The person elected as Chairman shall be the candidate receiving the highest number of votes, and in the case of an equality of votes, the ballot shall be retaken in respect of the relevant candidates.

(4) Where on the second ballot the equality of votes continues, the temporary Chairman shall exercise a casting vote.

Election of
Deputy
Chairman

141Y. Upon the election referred to in section 141X, the members of the People's House shall elect from among their number, a Deputy Chairman to whom the President shall administer the oath set out in the First Schedule.

Publication of names of members of the People's House, assumption of office and time limit for swearing-in

141Z. (1) The names of the members, the Chairman and Deputy Chairman shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and in Tobago. The term of office of a member commences on the day on which he is administered the relevant oath of office.

(2) Where a person elected or appointed to serve in the People's House is not present at the meeting referred to in section 141V, he shall be administered the oath of office by the President at a meeting convened for that purpose and held not later than one month after the date of his election or appointment to office or, subject to subsection (4), at the next ordinary meeting at which he is present.

(3) Subject to subsection (4), where at the expiration of one month from his election, a member has not taken the oath of office, he is disqualified from assuming the duties and responsibilities of an Elector and his seat shall fall vacant.

(4) The People's House may resolve before the expiration of the period of one month of the election or appointment of a member who has not taken the oath of office, either on its own motion or at the request of that member, to extend the period of one month to a period not exceeding three months, at the end of which extended period, should the member not be sworn, his seat shall fall vacant.

(5) Notice of any extension of time granted in accordance with subsection (4) shall be immediately made to the President by the Chairman.

Qualifications
for appoint-
ment as a
member and
dis-
qualification

141AA. (1) Subject to subsection (2), a person shall be qualified to be appointed a member if, and shall not be qualified to be so appointed unless, he is a citizen of Trinidad and Tobago of the age of twenty-one years or upwards.

(2) No person shall be qualified to be appointed as a member 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 Assembly or 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;
- (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 in accordance with section 42 (3);

- (f) is disqualified for membership of the Tobago Legislature 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 Tobago House of Assembly election under any law in force in Trinidad and Tobago.

(3) The Tobago Legislature may provide that, subject to such exceptions and limitations, if any, as may be prescribed, a person shall be disqualified for membership of the People's House 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.

(4) Every member shall vacate his seat in the People's House at the next dissolution of the Tobago Legislature after his appointment.

(5) A member shall also vacate his seat in the People's House where—

- (a) he is absent from the sittings of the People's House for such

period and in such circumstances as may be prescribed in the rules of procedure of the People's House;

- (b) with his consent, he is nominated as a candidate for election to the House of Assembly or House of Representatives, or he is elected to be a member of the House of Assembly or the House of Representatives;
- (c) he ceases to be a citizen of Trinidad and Tobago; and
- (d) subject to the provisions of section 141AA(6) any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment.

(6) Where circumstances such as are referred to in this section arise because a member is under sentence of death or imprisonment, is mentally ill, declared 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 a court or other authority or without such leave, he shall forthwith cease to perform his functions as a member, 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.

(7) The Chairman of the People's House may, from time to time, extend that period 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 given without the approval, signified by resolution, of the People's House.

(8) Where on the determination of an 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 seat.

(9) Where at any time before the member 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 (6) and he may resume the performance of his functions as a member.

(10) Where the seat of a member has been declared vacant an election shall be held within three (3) calendar months of the seat being declared vacant.

Dissolution of
the Tobago
Legislature

141AB. (1) The Tobago Legislature shall continue for four years from the date of its first sitting after any primary election, and shall then stand dissolved.

(2) On the first Monday of the month after the dissolution of the Tobago Legislature, election shall be held for the House of Assembly.

The Tobago
Executive
Council

141AC. (1) The Tobago Executive Council provided for in section 75(1A) shall consist of a Chief Secretary, a Deputy Chief Secretary and such number of other Secretaries (one of whom shall be a Secretary of Legal Affairs who shall be an Attorney-at-law admitted to practise in Trinidad and Tobago) appointed in accordance with the advice of the Chief Secretary from among the Members of the House of Assembly as the President acting in accordance with the advice of the Chief Secretary may appoint.

(2) A person nominated for appointment to the Tobago Executive Council as a Secretary shall be duly appointed by the President.

(3) The President shall administer to a Secretary the oath set out in the First Schedule.

(4) The functions of the Chief Secretary and the other Secretaries shall be prescribed.

(5) The President, acting in accordance with the advice of the Chief Secretary, may, by directions in writing, assign to a Secretary responsibility for any business of the Tobago Island Government, including the administration of any Division of the Tobago Island Government and shall administer to a Secretary the oath set out in the First Schedule.

(6) Where a Secretary is incapable of performing his functions by reason of his absence from Trinidad and Tobago or by reason of illness, the

President, acting in accordance with the advice of the Chief Secretary, may appoint another person to act in the office of such Secretary during such absence or illness.

(7) Where any Secretary has been assigned responsibility for any Division of the Tobago Island Government, he shall exercise general direction and control over that Division and, subject to such direction and control, the Division shall be under the supervision of an Administrator whose office shall be a public office.

(8) For the purposes of this section—

- (a) two or more Divisions of the Tobago Island Government may be placed under the supervision of one Administrator; or
- (b) two or more Administrators may supervise any Division of the Tobago Island Government assigned to a Secretary.

(9) The Tobago Executive Council shall continue to discharge its functions during any period that the Tobago Legislature is dissolved.

Fiscal Review
Commission

141AD. (1) There shall be established a Fiscal Review Commission which shall comprise—

- (a) the Chairman of the Fiscal Review Commission, who shall be appointed by the President in his discretion, after consultation with the Chief Secretary and the Prime Minister;

- (b) two members appointed by the Tobago Executive Council; and
- (c) two members appointed by the Cabinet.

(2) The members of the Fiscal Review Commission shall serve for a maximum period of five (5) years.

(3) The responsibilities of the Fiscal Review Commission shall be to—

- (a) determine and recommend to Parliament the sums required to be appropriated to Tobago in each financial year;
- (b) establish a mechanism for revenue sharing between the Islands of Tobago and Trinidad;
- (c) develop a regime for sharing the revenue obtained from the marine resources in the waters comprising each island and the maritime boundaries superjacent air space and telecommunications;
- (d) ensure that all revenues, fees and duties collected in Trinidad that are attributable to Tobago such as from custom duties, import duties and stamp duties and other duties shall be held for the account of Tobago;
- (e) ensure that all companies operating in Tobago or which operate offices, branches or do business in any other way in Tobago shall pay taxes in Tobago on such operations; and

(f) give due consideration to the financial and developmental needs of Tobago in the context of Trinidad and Tobago and shall allocate financial resources to Tobago as fairly as is practicable, and in determining what is fair and practicable, the following considerations, among others, shall apply:

- (i) physical separation of Tobago by sea from Trinidad;
- (ii) isolation from the principal national growth centres;
- (iii) absence of the multiplier effect of expenditures and investments (private and public) made in Trinidad;
- (iv) restricted opportunities for employment and career fulfilment; and
- (v) the impracticability of participation by residents of Tobago in the major educational, cultural and sporting facilities located in Trinidad.

(4) In performing its functions, the Fiscal Review Commission shall consider such other factors as it deems appropriate.

(5) The Fiscal Review Commission shall submit to Parliament prior to the presentation of the budget in any financial year the sums required to be appropriated and the report of the Fiscal Review Commission shall be taken into consideration by Parliament in making an appropriation above eight per cent in any financial year.

Tobago
allocation

141AE. Parliament shall appropriate for the use of the House of Assembly for any financial year no less than eight per cent of the total sum appropriated by Parliament in that financial year.

Tobago Fund

141AF. There shall be a fund to be called “the Tobago Fund” which shall consist of—

(a) such monies as shall be appropriated by Parliament for the use of the House of Assembly; and

(b) such other monies as the House of Assembly may lawfully collect, borrow or be granted.

Estimates

141AG. (1) The Secretary with responsibility for Finance shall, in each financial year, submit to the House of Assembly for its approval, draft estimates of revenue and expenditure respecting all functions of the House of Assembly for the next financial year.

(2) The House of Assembly shall approve the draft estimates submitted in accordance with subsection (1) with such modifications as it thinks fit.

(3) Upon the coming into force of this Chapter, draft estimates shall be submitted to the Cabinet before the expiration of three months from the date of the first meeting of the House of Assembly held following the meeting in section 141D.

(4) All draft estimates, capital and recurrent, subsequent to those referred to in subsection (3) shall be submitted to Cabinet before the third quarter of each financial year.

Contingency
Fund

141AH. (1) The House of Assembly may provide for the establishment of a Contingencies Fund and for authorising the Secretary 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 purpose of replacing the amount so advanced.

Retention of
monies

141AI. Monies appropriated by Parliament to the Tobago Fund for the service of a financial year which remain unexpended at the end of that financial year shall be retained by the House of Assembly.

Power to
borrow

141AJ. The Tobago Executive Council shall have the power to borrow locally and internationally such sums as the Tobago

Executive Council considers necessary for the discharge of its functions. The Tobago Executive Council may borrow—

- (a) for any purpose relevant to its functions under any written law;
- (b) for the purpose of the prudent management of its financial affairs;
- (c) for the purpose of any investment as approved by the Tobago Executive Council; and
- (d) for any other purpose approved by the Tobago Legislature.

Power to
invest

141AK. The Tobago Executive Council may invest—

- (a) for any purpose relevant to its functions under any enactment;
- (b) for the purpose of the prudent management of its financial affairs;
- (c) money that is not, for the time being, required by the Tobago Executive Council for any other purpose; and
- (d) only in a form of investment approved by the Tobago Legislature.

Financial
Rules

141AL. (1) The Tobago Legislature shall approve Financial Rules as are necessary for the proper management of its finances.

(2) These Financial Rules shall not be passed by the Tobago Legislature unless it is supported at the final vote thereon—

- (a) in the House of Assembly by the votes of not less than three-fifths

of all members of the House of Assembly; and

(b) in the People's House by the votes of not less than three-fifths of all members of the People's House.

Jurisdictional limit 141AM. The powers of the Tobago Legislature and the Tobago Executive Council under section 53 and this Chapter shall have effect within Tobago.

Transitional arrangements 141AN. (1) A person who immediately before the commencement of this Chapter become a member of the Tobago House of Assembly, shall upon commencement of this Act become a member of the Tobago Legislature, but shall for the purpose of any law relating to the payment of pension benefits to such members not be disqualified solely by reason of this section.

(2) A person who immediately before the commencement of this Chapter who was under the purview of the Public Service Commission, shall after the commencement of this Chapter continue in service and be under the purview of the Tobago Service Commission, subject to and in accordance with the applicable laws regulating the Tobago Civil Service.

(3) Any matter before the Tobago House of Assembly which immediately before the commencement of this Chapter was not disposed of by the Tobago House of Assembly shall continue under the Tobago Legislature.

(4) The rules and orders of the Tobago House of Assembly in force immediately before the commencement of this Chapter, shall, to the extent that they can *mutatis mutandis* be applied in respect of the business and proceedings of the Tobago Legislature, continue in force until amended or replaced under this Chapter.

(5) A person who immediately before this Chapter was employed by an institution established under the Tobago House of Assembly Act shall continue in such employment subject to and in accordance with this Chapter and any other applicable laws regulating such employment.

(6) Any vacancy which may occur in an office referred to in subsection (5) shall, if necessary, be filled by a person designated by the persons continuing in office in terms of subsection (5), acting in consultation with the Tobago Executive Council.

(7) Executive authority which was vested in any person, immediately before the commencement of this Chapter, shall during the period in which that person continues in office in terms of subsection (5), be exercised in accordance with the Tobago House of Assembly Act, as if it had not been repealed or superseded by this Chapter, and any such person shall continue to be competent to administer any Division or other institution which was entrusted to, and to exercise and perform any power or function which was vested in him immediately before that commencement.

19. The Constitution is amended by inserting in the First Schedule the following: First Schedule
amended

“OATH (OR AFFIRMATION) OF OFFICE FOR ASSEMBLYMEN
(Section 141D)

I,,
having been elected an Assemblyman for Tobago 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 duties and responsibilities of Assemblyman that I am now about to
assume.

**OATH (OR AFFIRMATION) OF OFFICE FOR THE PRESIDING
OFFICER AND THE DEPUTY PRESIDING OFFICER**
(Section 141E)

I,,
having been elected Presiding officer/Deputy Presiding Officer of the House of
Assembly 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, judgement and ability discharge the functions of my office.

**OATH (OR AFFIRMATION) OF OFFICE FOR THE CHIEF
SECRETARY, THE DEPUTY CHIEF SECRETARY,
SECRETARIES AND ASSISTANT SECRETARIES**
(Sections 141F and 141V)

I,,
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 Chief Secretary/Deputy Chief
Secretary/Secretary/Assistant Secretary and do right to all manner of people
without fear or favour, affection or ill-will.

OATH (OR AFFIRMATION) OF OFFICE FOR MINORITY LEADER

(Section 141H)

I,
having been appointed a Minority Leader for Tobago 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 duties and responsibilities of Minority Leader that I am now about to assume.

OATH (OR AFFIRMATION) OF OFFICE COUNCILLOR

(Section 141I)

I,
having been appointed a Councillor for Tobago 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 duties and responsibilities of Councillor that I am now about to assume.”.

Fourth and Fifth Schedule inserted

20. The Constitution is amended by inserting after the Third Schedule, the following Schedules:

“FOURTH SCHEDULE

(Sections 53, 141A and 141B)

THE LIST OF MATTERS FOR WHICH THE CENTRAL GOVERNMENT SHALL HAVE EXCLUSIVE LAW-MAKING POWERS—

- 1. The President
2. The Office of the Prime Minister
3. Auditor General
4. Civil Aviation
5. Immigration

6. Foreign Affairs
7. Judiciary
8. Meteorology
9. National Security (except that internal policing shall be under the jurisdiction of the Tobago Island Government)
10. Ombudsman
11. The Integrity Commission.

FIFTH SCHEDULE

[Section 141U(b)]

SECTORS

The Sectors which shall be represented in the People’s House shall be established and constituted by legally registered organisations in the following areas:

1. Commercial and Business Sector;
2. The Tourism Sector;
3. The Agricultural Sector;
4. The Environmental Sector;
5. The Services Sector; and
6. The Legal Sector.”.

21. The Tobago House of Assembly Act is repealed. Chap. 25:03
repealed

Passed in the House of Representatives this day
of , 2020.

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 three-fourths 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 _____, 2020.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in 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 _____ Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 13 of 2020

FIRST SESSION
TWELFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Constitution of the Republic of Trinidad and Tobago to accord self-government to Tobago, to repeal the Tobago House of Assembly Act, Chap. 25:03 and for related matters

Received and read the

First time

Second time

Third time