
**CONSTITUTION OF GRENADA (TERM OF OFFICE OF PRIME MINISTER)
(AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (Term of Office of Prime Minister) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for a certain purpose. *Clauses 1(2)* spells out that the Act shall be read and construed as altering the Constitution.

The Bill, *Clause 3*, would amend section 58 of the Constitution to provide for term limits on a person serving as Prime Minister. No person would be appointed as Prime Minister if he or she has previously been Prime Minister for three consecutive terms.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the *Gazette*, by *clause 1(3)*; not to have effect retroactively.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (TERM OF OFFICE OF PRIME MINISTER)
(AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

**PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
ALTERATION OF THE CONSTITUTION**

3. Alteration of section 58 of the Constitution

**CONSTITUTION OF GRENADA (TERM OF OFFICE OF PRIME MINISTER)
(AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to limit the term of office of the Prime Minister

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY**

Short title, commencement and alteration of the Constitution

1. (1) This Act may be cited as the—

**CONSTITUTION OF GRENADA (TERM OF OFFICE OF PRIME
MINISTER) (AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act;

Provided that no provision of this Act shall have effect retroactively to any date prior to the commencement of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**Constitution Order**” means the Grenada Constitution Order 1973.

PART II
ALTERATION OF THE CONSTITUTION

Alteration of section 58 of the Constitution

3. Section 58 of the Constitution is altered—

- (a) in subsection (2) at the end of the last line by deleting the full stop and substituting a semi-colon; and
- (b) by inserting after subsection (2) the following—

“Provided that there shall not be appointed as a Prime Minister any person who has previously held the office of Prime Minister for three consecutive parliamentary terms; and for this purpose a ‘parliamentary term’ shall mean the period commencing on the date of the first sitting of the House of Representatives after a general election and expiring at the date of the next ensuing dissolution of Parliament.”.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016****EXPLANATORY MEMORANDUM**

The **clauses** of the Bill for the *Constitution of Grenada (Caribbean Court of Justice and other Justice-Related Matters) (Amendment) Act*, its short title by its **clause 1 (1)**, would amend the Constitution, for certain objects. Final appeals from Grenada to Her Majesty in Council, the Privy Council in the UK (“UKPC”), to be replaced by final appeals from Grenada to the Caribbean Court of Justice (“CCJ”) established by the *Agreement Establishing the Caribbean Court of Justice*, (“CCJ Agreement”). Also addressed are certain other justice-related matters, as renaming the Supreme Court the Eastern Caribbean Supreme Court.

Changes regarding the retiring ages of Eastern Caribbean Supreme Court “ECSC” Judges, the designation of ‘Puisne Judges’, and replacing UKPC with CCJ touching the tenure of ECSC Judges require agreements among EC countries. To cater for such agreements, Part II of Schedule 1 to the Constitution prescribing referendum approval concerning amendments to the Courts Order in these respects would be amended without the necessity to have referendum approval, by **clause 32A**, inserted by paragraph 6 below.

When a country ratifies the CCJ Agreement, that country automatically submits to the CCJ Original Jurisdiction, which has exclusive jurisdiction to interpret and apply the Revised Treaty of Chaguaramas. No constitutional change is needed for this as it does not alter the Constitution.

Accession by a country to the CCJ Appellate Jurisdiction (“CCJ AJ”) requires a special agreement between that country and CCJ. Constitutional change is needed for this as it alters the provisions in the Constitution and the other constitutional instruments which establish and regulate the Courts; it substitutes a new final appellate court for that provided for by the Constitution. So, **clause 1 (2)** makes it clear that the Act shall be read and construed as altering the Constitution.

Section 104, in Chapter VIII, of the Constitution provides for appeals from the Court of Appeal to “Her Majesty in Council”, UKPC, which may be called the “UKPC appeals clause”.

Section 39(5)(c) of the Constitution, which requires a two-thirds majority referendum approval vote to alter numerous provisions of the Constitution, does not apply to section 104 in Chapter VIII. By the joint operation of section 39(5) and Schedule 1 to the Constitution Part 1 para (vi), the referendum approval is needed for “Chapter VIII (except section 104)”.

Section 104 may be altered by the votes of two-thirds of all the members of the House of Representatives by section 39(2); no majority vote bigger than the simple majority vote being set for the Senate. The abolition of UKPC appeals in 1979 without a referendum was in 1986 certified by UKPC as having been done validly.

However, making the CCJ Appellate Jurisdiction (“CCJ AJ”) the final appellate court for Grenada requires compliance with the referendum approval vote seen above. This is so on a UKPC decision in 2005 in a case from Jamaica, whose Constitution treats the UKPC appeals clause just as in Grenada.

The CCJ Agreement has very admirable provisions on the appointment of CCJ Judges, their tenure, their protection against arbitrary removal from office, their being assured substantial jurisdiction, the financing of CCJ. It fully safeguards CCJ against political interference.

UKPC has certified that the CCJ Agreement represents a serious and conscientious endeavour to create a regional court of high quality and “complete independence, enjoying all the advantages which a regional court could hope to enjoy”.

Mainly, the substituting of CCJ AJ for UKPC would take place in section 104, transforming the UKPC appeals clause into what may be called the “CCJ appeals clause”. The Bill would repeal section 104 and replace it, deleting the words “Her Majesty in Council” wherever they appear in section 104, and in each case substituting the words “the Caribbean Court of Justice”. That would be done by *clause 9*.

The substituting of CCJ for UKPC would be done also by *clauses 4, 6 and 7* regarding provisions of the Constitution other than section 104.

To emphasise that CCJ AJ would be the final appellate court, *clause 10* would insert in the Constitution a new provision, section 104A, which would say that CCJ decisions “shall be final and not subject to any appeal”.

It should be stated that no appeal shall lie from any court in Grenada to any court except only to CCJ. *Clause 10* would insert in the Constitution a new provision, section 104B, saying so.

It will be necessary to provide that alterations of the CCJ Agreement shall require the votes of not less than two-thirds of all the members of the House of Representatives, just as how section 104 is entrenched. This would be done by *Clauses 5(a)(ii), (b)(ii), (c)(ii), (f)(ii), (g)(ii); 12*.

Some of the other constitutional instruments have provisions regulating machinery for UKPC appeals, as in the Appeals to Privy Council Orders. These provisions would be repealed, by *Clause 5 (a)(i), (b)(i), (c)(i), (d), (e)(i); 12*.

There is a sweeping-up clause to substitute CCJ AJ for UKPC in provisions not specified by the Bill. This is *Clause 13*.

What decisions of the Court of Appeal would have been final, not subject to appeal, when the Bill would have passed, would remain final, by *clause 14*.

Matters that were already at, or on the way to, UKPC when the Bill would have been passed shall continue to be as they are, by *clauses 15 and 16*. However, such a matter may be transferred to CCJ with the consent of all parties, by *clause 16(2)*.

References to the “Supreme Court of Grenada and the West Indies Associated States” in the Constitution, section 105, and the Courts Order, section 4, as impacted by the Constitution, section 105, would become references to the “Eastern Caribbean Supreme Court”, by *clauses 18, 19, 33(1)*. Also relevant would be clause 27.

References to the “Courts Order” in the Constitution as in sections 39, 92, 93, 111(1), would become references to the “Eastern Caribbean Supreme Court Order”, by *clauses 20, 21, 25, 26, 27, 28, 29, 33*.

The age of retirement of Judges would be raised from sixty-five years for Court of Appeal Judges and sixty-two years for High Court Judges to seventy-two years in all cases, by *clause 32*. However, the prior agreement of all participating states would be needed for actual implementation of this provision.

The term “Puisne Judge” would be replaced by the term “High Court Judge”, by *clause 32*.

There would be a Code of Conduct, by *clause 34*.

Allegiance would be sworn to Grenada, by *clauses 35 -36*.

One who would hold or act in the office of Attorney-General would be required to be entitled to practise as an attorney-at-law, *clause 38*.

The “Chief of Police” would become the “Commissioner of Police”, *clauses 39-41*.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the Gazette, by clause 1(3); but not to have effect retroactively.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

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4. Alteration of section 18 of the Constitution
5. Alteration of section 39 of the Constitution
6. Alteration of section 71 of the Constitution
7. Alteration of section 102 of the Constitution
8. Insertion of Chapter heading
9. Repeal and replacement of section 104 of the Constitution
10. Insertion of sections in the Constitution
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PART III

**REPEAL OF
WEST INDIES ASSOCIATED STATES
(APPEALS TO PRIVY COUNCIL) ORDER 1967
AND
WEST INDIES ASSOCIATED STATES
(APPEALS TO PRIVY COUNCIL) (GRENADA) ORDER 1967**

12. Repeal of West Indies Associated States (Appeals to Privy Council Order)

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17. Insertion before section 105 of new heading in the Constitution
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21. Alteration of section 92 of the Constitution
22. Alteration of section 93 of the Constitution
23. Insertion of heading in the Constitution
24. Insertion of heading in the Constitution
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- 40. Alteration of section 91 of the Constitution
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**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to provide for the establishing of the Caribbean Court of Justice as the final appellate court for Grenada in substitution for Her Majesty in Council and to provide for other justice- related matters;

WHEREAS it is a fundamental objective that jurisdiction as to the final determination of litigation arising in and for Grenada be vested in the Caribbean Court of Justice in substitution for Her Majesty in Council;

AND WHEREAS the attainment of the said objective requires that there be duly altered the Constitution of Grenada and other constitutional instruments of Grenada;

AND WHEREAS the attainment of other justice-related objectives such as styling the Supreme Court the Eastern Caribbean Supreme Court also requires that there be duly altered the Constitution of Grenada and other constitutional instruments of Grenada;

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY**

Short title, commencement and alteration of the Constitution

1. (1) This Act may be cited as the

**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act;

provided that no provision of this Act shall have effect retroactively to any date prior to the commencement of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Agreement Establishing the Caribbean Court of Justice**” means the Agreement Establishing the Caribbean Court of Justice referred to in section 11 of this Act;

“**Caribbean Court of Justice**” means the Caribbean Court of Justice established under the Agreement Establishing the Caribbean Court of Justice in relation to the Appellate Jurisdiction of that Court established by clause (b) of paragraph 1 of Article III of that Agreement.

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**Constitutional instruments**” includes the—

- (a) Grenada Constitution Order 1973;
- (b) Constitution of Grenada;
- (c) West Indies Associated States Supreme Court Order 1967;
- (d) West Indies Associated States (Appeals to Privy Council) Order 1967; and
- (e) West Indies Associated States (Appeals to Privy Council) (Grenada) Order 1967;

“**Constitution Order**” means the Grenada Constitution Order 1973;

PART II
SUBSTITUTING THE CARIBBEAN COURT OF JUSTICE FOR HER MAJESTY
IN COUNCIL

Alteration of section 16 of the Constitution

3. Section 16 of the Constitution is altered in subsection (4) by deleting the words “Her Majesty in Council” wherever they occur and in each case substituting the words “the Caribbean Court of Justice”.

Alteration of section 18 of the Constitution

4. Section 18 of the Constitution is altered in subsection (1) in the definition of the word “court” by deleting the words “Her Majesty in Council” and substituting the words “the Caribbean Court of Justice”.

Alteration of section 39 of the Constitution

5. Section 39 of the Constitution is altered—

(a) in subsection (1)—

- (i) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii) by deleting the words “in the manner” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice in the manner”;

(b) in subsection (2)—

- (i) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii) by deleting the word “shall” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall”;

(c) in subsection (4)—

- (i) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii) by deleting the words “shall not be suggested” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall not be suggested”;

(d) in subsection (5) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”;

(e) by inserting after subsection (5) the following new subsection—

“(5A) The provisions of paragraph (c) of subsection (5) of this section shall not apply in relation to any bill to alter section 8 of the Courts Order to give effect to any agreement among countries in and over which the Supreme Court has jurisdiction to substitute for references in that section to “the Judicial Committee of Her Majesty’s Privy Council” and “the Judicial Committee” references to “the Caribbean Court of Justice””;

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- (f) in subsection (8)—
- (i) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
 - (ii) by deleting the words “shall not be submitted” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall not be submitted”;
- (g) in subsection 9—
- (i) by deleting paragraph (c) and substituting the following—

“(c) references to the Agreement Establishing the Caribbean Court of Justice are references to that Agreement in so far as it has effect as part of the law of Grenada, and include references to any law that alters that Agreement in so far as it has such effect;” and
 - (ii) in paragraph (d)—
 - (A) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
 - (B) by deleting the words “as the case may be” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice, as the case may be”; and
 - (C) by inserting after subsection (9) the following new subsection—

“(10) In this section references to the Agreement Establishing the Caribbean Court of Justice are references to those provisions of that Agreement which relate to the Appellate Jurisdiction of the Caribbean Court of Justice which is established by clause (b) of paragraph 1 of Article III of that Agreement.”.

Alteration of section 71 of the Constitution

6. Section 71 of the Constitution is altered in subsection (5) by deleting the words “Her Majesty in Council” and substituting the words “the Caribbean Court of Justice”.

Alteration of section 102 of the Constitution

7. Section 102 of the Constitution is altered in subsection (2) by deleting the word “Her Majesty in Council” wherever they occur and in each case substituting the words “the Caribbean Court of Justice”.

Insertion of Chapter heading

8. The Constitution is altered by inserting immediately after section 103 of the following—

**“CHAPTER VIII
CARIBBEAN COURT OF JUSTICE**

PART I

Jurisdiction of the Caribbean Court of Justice”

Repeal and replacement of section 104 of the Constitution

9. Section 104 of the Constitution is repealed and the following substituted therefor—

“Appeals to the Caribbean Court of Justice

104. (1) An appeal shall lie as of right to the Caribbean Court of Justice (which Caribbean Court of Justice may hereinafter in this Chapter VIII be referred to as “the Court”) from decisions of the Court of Appeal in the following cases—

- (a) final decisions in any civil proceedings where—
 - (i) the matter in dispute on appeal to the Court is of the prescribed value or upwards; or
 - (ii) the appeal involves directly or indirectly a claim to or a question respecting property or a right regarding any matter of the prescribed value or upwards;
- (b) final decisions in proceedings for dissolution or nullity of marriage;
- (c) final decisions in any civil or criminal proceedings which involve a question as to the interpretation of this Constitution;
- (d) final decisions given in the exercise of the jurisdiction conferred upon the High Court relating to redress for a contravention of the provisions of this Constitution for the protection of fundamental rights and freedoms;

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- (e) final decisions given in the exercise of the jurisdiction conferred upon the High Court relating to the determination of any question for which a right of access to the High Court is expressly provided by this Constitution; and
- (f) such other cases as may be prescribed by Parliament.
- (2) An appeal shall lie to the Caribbean Court of Justice from decisions of the Court of Appeal with the leave of the Court of Appeal—
- (a) in respect of 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 Court; and
- (b) such other cases as may be prescribed by Parliament.
- (3) An appeal shall lie to the Caribbean Court of Justice with the special leave of the Court from any decision of the Court of Appeal in any civil or criminal matter.
- (4) References in this section to decisions of the Court of Appeal shall be construed as references to decisions of the Court of Appeal in exercise of the jurisdiction conferred by this Constitution or any other law for the time being in force in Grenada.
- (5) In this section the “prescribed value” means the value of fifteen hundred dollars or such other value as may be prescribed by Parliament.
- (6) This section shall be subject to the provisions of subsection (7) of section 37 of this Constitution.”

Insertion of sections in the Constitution

10. The Constitution is amended by the inserting after section 104 the following—

“Decisions of the Caribbean Court of Justice shall be final

104A. Decisions of the Caribbean Court of Justice shall be final and shall not be subject to any appeal review or other enquiry whatever in any other court, tribunal or body whatsoever.”

PART II

*Appeals from courts in Grenada only to the Caribbean
Court of Justice***No appeal shall lie from any Court in or for Grenada except to the
Caribbean Court of Justice**

104B. No appeal shall lie or shall be brought from or in respect of any decision of any court in or for Grenada to any court, tribunal or other body whatsoever, except only to the Caribbean Court of Justice in accordance with section 104 of this Constitution, whether—

- (a) as of right;
- (b) by leave of any court, tribunal or other body;
- (c) by special leave of any court, tribunal or other body; or
- (d) otherwise.”.

Alteration of section 111 of the Constitution

11. Section 111 of the Constitution is altered as follows—

- (a) in subsection (1), by inserting the following definition in its appropriate alphabetical order—

“**“Agreement Establishing the Caribbean Court of Justice”**
means the Agreement Establishing the Caribbean Court of Justice, signed at St. Michael, Barbados, on the 14th day of February 2001, together with all Protocols and amendments thereto;”;

- (b) by deleting subsection (3) and substituting the following—

“(3) In this Constitution—

- (a) references to the Court of Appeal, the High Court and the Judicial and Legal Services Commission are references to the Court of Appeal, the High Court and the Judicial and Legal Services Commission established by the Courts Order; and
- (b) references to the Caribbean Court of Justice are references to the Caribbean Court of Justice established under the Agreement Establishing the Caribbean Court of Justice in relation to the Appellate Jurisdiction of that Court established by clause (b) of paragraph 1 of Article III of that Agreement.”.

- (c) by deleting subsection (15) and substituting with the following-

“(15) Except where interpretation provisions are specifically set out in this Constitution, the Interpretation and General Provisions Act Cap. 153 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto.”.

PART III

REPEAL OF WEST INDIES ASSOCIATED STATES (APPEALS TO PRIVY COUNCIL) ORDER 1967 AND WEST INDIES ASSOCIATED STATES (APPEALS TO PRIVY COUNCIL) (GRENADA) ORDER 1967

Repeals of the West Indies Associated States (Appeals to Privy Council Order)

12. (1) The West Indies Associated States (Appeals to Privy Council) Order 1967, in so far as it has effect as part of the of the law of Grenada, is repealed.
- (2) The West Indies Associated States (Appeals to Privy Council) (Grenada) Order is repealed.

PART IV

GENERAL, SAVINGS, TRANSITIONAL

Other relevant references

13. Where in any part of the constitutional instruments other than those specifically mentioned above, or in any written law other than the constitutional instruments, provision is made for, or reference is made to, an appeal to Her Majesty in Council or the Judicial Committee of Her Majesty’s Privy Council or the Judicial Committee of the Privy Council or the Privy Council or any such kindred expression, such provision or reference shall, after the date of commencement of this Act, be construed as a reference to an appeal to the Caribbean Court of Justice.

Matters already finally determined

14. Nothing contained in this Act shall be construed as conferring jurisdiction on the Caribbean Court of Justice to hear and determine matters in relation to any decision of the Court of Appeal which at the date of commencement of this Act was, pursuant to the Constitution or any other law, declared to be final.

Savings

15. The provisions of this Act—
- (a) shall not affect—
 - (i) any application that was made to Her Majesty in Council; or
 - (ii) any matter that was before Her Majesty in Council before the date of commencement of this Act;
 - (b) shall not affect the execution or enforcement of any decision given, in respect of an application or matter referred to in paragraph (a) of this section, after the commencement of this Act.

Transitional

16. (1) An appeal pending before Her Majesty in Council at the date of commencement of this Act may be transferred to the Caribbean Court of Justice with the consent of all parties.
- (2) Proceedings shall be deemed to be pending where—
- (a) an appeal to Her Majesty in Council has been instituted before the date of commencement of this Act; or
 - (b) leave to appeal or special leave to appeal to Her Majesty in Council has been granted or applied for before the date of commencement of this Act.
- (3) Any judgment of Her Majesty in Council which at the commencement of this Act has been given but not satisfied may be enforced after the date of commencement of this Act as if such judgment had been a judgment of the Caribbean Court of Justice.

PART V**STYLING THE SUPREME COURT THE
“EASTERN CARIBBEAN SUPREME COURT”****Insertion before section 105 of new Chapter name, number and heading in the
Constitution**

17. The Constitution is altered by the inserting before section 105 the following—

**“CHAPTER VIII B
SUPREME COURT TO BE STYLED THE
EASTERN CARIBBEAN SUPREME COURT”****Repeal and replacement of section 105 of the Constitution**

18. Section 105 of the Constitution is repealed and the following substituted therefor—

“Supreme Court to be styled the Eastern Caribbean Supreme Court

105. In this Chapter references to this Constitution shall be construed as including references to the Courts Order, which, subject to any provisions made by Parliament under section 39 of this Constitution, shall continue to have effect as part of the law of Grenada but which shall be styled the Eastern Caribbean Supreme Court Order; and for that purpose the Supreme Court established by that Order shall be styled the Eastern Caribbean Supreme Court.”.

Alteration of section 4 of the Courts Order

19. Section 4 of the Courts Order, in so far as it has affect as part of the law of Grenada, is altered in subsection (1) so that for purposes of the law of Grenada the Supreme Court there referred to, as impacted by any relevant law, shall be styled the “Eastern Caribbean Supreme Court”.

PART VI**STYLING THE COURTS ORDER THE
“EASTERN CARIBBEAN SUPREME COURT ORDER”****Alteration of section 39 of the Constitution**

20. Section 39 of the Constitution is altered—

- (a) in subsections (1), (2), (4), (5), 8 (a), 9 (b) and 9 (d) by deleting the words “Courts Order” wherever they occur and in each case substituting the words “Eastern Caribbean Supreme Court Order”; and
- (b) by deleting subsection (9) (b) and replacing it as follows—

“(b) references to the Courts Order which shall be styled the Eastern Caribbean Supreme Court Order in so far as it has effect as part of the law of Grenada shall include references to any law that alters that Order in so far as it has such effect.”.

Alteration of section 92 of the Constitution

21. Section 92 of the Constitution is altered in subsection (6) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of section 93 of the Constitution

22. Section 93 of the Constitution is altered in subsection (7) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Insertion of heading in the Constitution

23. The Constitution is altered by inserting before section 101 the following—

“PART 1

Jurisdiction in Constitutional Questions”.

Insertion of heading in the Constitution

24. The Constitution is altered by the inserting after section 102 the following—

“PART 2

Court of Appeal”.

Insertion of section in the Constitution

25. The Constitution is altered by the inserting after section 105 the following—

“References to this Constitution include references to the Eastern Caribbean Supreme Court Order

105A. In this Chapter and in Chapters VIII and VIIIA references to this Constitution shall be construed as including references to the Courts Order, which, subject to any provisions made by Parliament under section 39 of this Constitution, shall continue to have effect as part of the law of Grenada but which shall be styled the Eastern Caribbean Supreme Court Order.”.

Alteration of section 111 of the Constitution

26. Section 111 of the Constitution is altered—

- (a) in subsection (1) by the inserting in the appropriate alphabetical order of the following—

““**Eastern Caribbean Supreme Court**” means the Supreme Court referred to in section 105 of this Constitution;

“**Eastern Caribbean Supreme Court Order**” means the Eastern Caribbean Supreme Court Order referred to in section 105A of this Constitution;

“**the State**” means Grenada;”;

- (b) in subsection (3) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”;
- (c) by deleting subsection (4) and substituting the following—

“(4) In this Constitution—

- (a) the Eastern Caribbean Supreme Court referred to in section 105 of this Constitution may be referred to as “the Supreme Court”; and

- (b) the Eastern Caribbean Supreme Court Order referred to in section 105A of this Constitution may be referred to as “the Supreme Court Order.”.

Alteration of Schedule 1 to the Constitution

27. Schedule 1 to the Constitution is altered—

(a) In PART I—

- (i) by deleting paragraph (vi) and substituting the following—

“(vi) Chapter VIII as amended;”;

- (ii) by inserting in the appropriate place the following—

“(viA) Chapter VIII B;”;

- (b) In PART II by deleting the words “COURTS ORDER” and substituting the words “EASTERN CARIBBEAN SUPREME COURT ORDER”.

Alteration of Schedule 2 to the Grenada Constitution Order

28. Schedule 2 of the Grenada Constitution Order 1973 is altered in subparagraphs (1) and (2) of paragraph 1 by deleting the words “Courts Order” wherever they occur and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of title to the Courts Order

29. The Courts Order is altered—

- (a) at the beginning immediately after the words “1967 No. 223” by deleting the words “ASSOCIATED STATES” and substituting the words “EASTERN CARIBBEAN”;
- (b) at the beginning immediately before the words “Made... 22nd February 1967” by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of section 1 of the Courts Order

30. The “Courts Order” is altered by deleting subsection (1) of section 1 and substituting the following—

- “1. (1) This Order may be cited as the Eastern Caribbean Supreme Court Order 1967.”

PART VII**“HIGH COURT JUDGES” SUBSTITUTED
FOR “PUISNE JUDGES”****Alteration of section 8 of the Courts Order.**

31. Section 8 of the Courts Order is altered by deleting subsection (1) and substituting the following subsection—

“(1) Subject to the following provisions of this section, a Judge of the Court of Appeal or of the High Court shall hold office until such Judge attains the age of seventy-two years—

Provided that the Judicial and Legal Services Commission may permit a Judge to continue in his office after attaining the age prescribed in this subsection for a period or periods not exceeding in the aggregate six months for the purpose of delivering judgment or doing any other thing in relation to proceedings which were commenced prior to that Judge attaining the prescribed age.”.

“High Court Judges” substituted for “Puisne Judges”

32. In any provision in the constitutional instruments, or in any other provision having effect as part of the written law of Grenada, wherever there appear the words “Puisne Judges” or “Puisne Judge” those words are deleted and there are substituted respectively the words “High Court Judges” and “High Court Judge”.

Alteration of Part II of Schedule 1 to the Constitution

32A. For the more effectual carrying out of the provisions of this Bill, especially clauses 9, 31 and 32, Part II of Schedule 1 to the Constitution is repealed and replaced as follows –

“(ix) sections 4, 5 (2), 5 (3), 6, 8 (3), 11, 18 or 19”.

PART VIII**EASTERN CARIBBEAN SUPREME COURT GENERALLY****Eastern Caribbean Supreme Court generally**

33. In any provision in the constitutional instruments other than those specifically mentioned above, or in any other provision of the written law of Grenada—

- (a) where there appear the words “Supreme Court of Grenada and the West Indies Associated States” or the words “West Indies Associated States Supreme Court” those words are deleted and there are substituted the words “Eastern Caribbean Supreme Court”; and
- (b) where there appear the words “Courts Order” or the words “West Indies Associated States Supreme Court Order” those words are deleted and there are substituted the words “Eastern Caribbean Supreme Court Order”.

“Prime Minister” substituted for “Premier” in Courts Order

34. References in the Courts Order to the word “Premier” in relation to Grenada are deleted and there are substituted for them references to the “Prime Minister” of Grenada.

**PART IX
CODE OF CONDUCT****Insertion of section in the Constitution**

35. The Constitution is altered by inserting after section 110 the following—

“Code of Conduct

110A. (1) The persons to whom this section applies shall conduct themselves in such a way as not—

- (a) to betray their public trust to be caring, competent and conscientious;
- (b) to knowingly place themselves in positions of conflict of interest;
- (c) to compromise the fair exercise of their public or official functions and duties;
- (d) to use their office for private gain;
- (e) to demean their office or position;
- (f) to allow their integrity to be justifiably called into question;
or
- (g) to endanger or diminish respect for, or confidence in, the integrity of the Government.

(2) This section applies to the Governor-General, members of the House of Representatives, Senators, Ministers, Parliamentary Secretaries, members of the Public Service Commission, members of the Elections and Boundaries Commission, public officers, members of the public service, officers of statutory corporations and government agencies, and such other officers as may be prescribed by law enacted by Parliament.”.

PART X
ALLEGIANCE

Insertion of section in the Constitution

36. The Constitution is altered by inserting in the appropriate place the following—

“Oath of Allegiance

110B. The Oath of Allegiance to be taken and subscribed under this Constitution shall be as set out in Schedule 3 to this Constitution.”.

Alteration of Schedule 3 of the Constitution

37. Schedule 3 to the Constitution is altered in the Oath of Allegiance by deleting the words “Her Majesty Queen Elizabeth the Second, Her Heirs and Successors” and by substituting the word “Grenada”.

PART XI
ATTORNEY-GENERAL

Alteration of section 70 of the Constitution

38. Section 70 of the Constitution is altered by inserting immediately after subsection (2) the following subsection—

“(2A) No person shall be qualified to hold or act in the office of Attorney-General unless he is entitled to practise as an attorney-at-law or a barrister-at-law in Grenada.”.

PART XII
COMMISSIONER OF POLICE

Alteration of section 89 of the Constitution

39. Section 89 of the Constitution is altered by deleting the words “Chief of Police” wherever those words occur in the section and in each case substituting the words “Commissioner of Police”.

Alteration of section 91 of the Constitution

40. Section 91 of the Constitution is altered in subsection (2) in the proviso thereto by deleting the words “Chief of Police” and substituting the words “Commissioner of Police”.

Other references to “Chief of Police”

41. Any reference in any provision of any written law other than the Constitution to the “Chief of Police” shall be construed as a reference to the “Commissioner of Police”.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

**CONSTITUTION OF GRENADA (ELECTIONS AND BOUNDARIES
COMMISSION) (AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (Elections and Boundaries Commission) (Amendment) Act*, its short title by its *clause 1 (1)*, would amend the Constitution to provide for an independent Elections and Boundaries Commission. *Clause 1 (2)* spells out that the Act shall be read and construed as altering the Constitution.

The composition of and protection for the Commission would be provided for, *clause 5*, repealing and replacing section 54.

The Commission would exercise general supervision over, and discharge responsibility for the duties of, the registration of voters in parliamentary elections, and the conduct of such elections, *clause 6* for new section 55. It would conduct any referendum on proposed constitutional amendments, *clause 4* on section 39. It would consider and report to the Governor-General on whether changes are needed to the number and boundaries of electoral constituencies, *clause 7* inserting new section 55A (old section 54), *clause 8* altering section 56.

The Chief Elections Officer would replace the Supervisor of Elections and be the Chief Executive Officer of the Commission, carrying out its instructions and directions, *clause 3* on section 35.

The date of commencement of the Act would be appointed by the Governor-General by Proclamation published in the Gazette, by *clause 1 (3)*. It says that the Act shall not have effect retroactively to any date prior to its commencement.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (ELECTIONS AND BOUNDARIES
COMMISSION) (AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

**PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
ALTERATIONS OF THE CONSTITUTION**

3. Alteration of section 35 of the Constitution
4. Alteration of section 39 of the Constitution
5. Repeal and replacement of section 54 of the Constitution
6. Repeal and replacement of section 55 of the Constitution
7. Insertion of section in the Constitution
8. Alteration of section 56 of the Constitution
9. Alteration of section 62 of the Constitution
10. Alteration of section 80 of the Constitution
11. Alteration of Schedule 1 to the Constitution
12. Alteration of Schedule 2 to the Constitution
13. Constituency Boundaries Commission ceases to exist

**PART III
MISCELLANEOUS**

14. Parliament may provide for emoluments.

**CONSTITUTION OF GRENADA (ELECTIONS AND BOUNDARIES
COMMISSION) (AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to establish an Elections and Boundaries Commission to carry out the functions formerly performed by the Supervisor of Elections and the Constituency Boundaries Commission.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY**

Short title, commencement and alteration of the Constitution

1. (1) This Act may be cited as the—

**CONSTITUTION OF GRENADA (ELECTIONS AND BOUNDARIES
COMMISSION) (AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**constitutional instruments**” includes the—

- (a) Grenada Constitution Order 1973;
- (b) Constitution of Grenada;
- (c) West Indies Associated States Supreme Court Order 1967;
- (d) West Indies Associated States (Appeals to Privy Council) Order 1967; and

- (e) West Indies Associated States (Appeals to Privy Council) (Grenada) Order.

“**Constitution Order**” means the Grenada Constitution Order 1973;

“**Courts Order**” means the Order styled so by the Constitution but made as the West Indies Associated States Supreme Court Order 1967;

“**West Indies Associated States Supreme Court Order**” means the West Indies Associated States Supreme Court Order 1967 which is styled by the Constitution as the Courts Order.

PART II ALTERATIONS OF THE CONSTITUTIONS

Alteration of section 35 of the Constitution

3. Section 35 of the Constitution is altered—

- (a) by deleting subsections (1) and (2) and substituting the following—

“(1) There shall be a Chief Elections Officer whose duty shall be to perform the functions of chief executive officer of the Elections and Boundaries Commission appointed under section 54 of this Constitution.

(2) The Governor-General acting in accordance with the advice of the Elections and Boundaries Commission shall appoint the Chief Elections Officer.”;

- (b) by deleting subsection (5) and substituting the following—

“(5) The Chief Elections Officer—

(a) may, whenever he considers it necessary or expedient, submit a report to the Elections and Boundaries Commission on the exercise of his functions under the provisions of this section; and

(b) shall, if required by the Elections and Boundaries Commission, submit such a report to the Commission.”.

- (c) in subsection (6), by inserting after the word “authority” the words “, other than the Elections and Boundaries Commission”; and

(d) by inserting after subsection (7) the following—

“(8) Any function, responsibility or duty vested in or imposed on the Chief Elections Officer by this Constitution or any other law shall be exercised or performed by the Chief Elections Officer in accordance with any instructions or directions that may be given by the Elections and Boundaries Commission.”.

Alteration of section 39 of the Constitution

4. Section 39 of the Constitution is altered—

(a) by deleting subsection (7) and substituting the following—

“(7) The conduct of any referendum for the purposes of subsection (5) shall be under the general supervision of the Elections and Boundaries Commission and the provisions of section 55 of this Constitution shall apply in relation to the exercise by the Commission, or any person acting in accordance with its instructions or directions, of its functions with respect to a referendum as they apply in relation to the exercise of its functions with respect to elections of members of the House of Representatives.”; and

(b) in subsection (8)(a), by deleting the words “Supervisor of Elections” where they appear and substituting the words “Chairman of the Elections and Boundaries Commission”.

Repeal and replacement of section 54 of the Constitution

5. (1) The Part heading “Delimitation of Constituencies” immediately before section 54 of the Constitution is deleted and the following substituted therefor—

“Elections and Boundaries Commission”

(2) Section 54 of the Constitution is repealed and replaced by the following—

“Establishment and operation of Elections and Boundaries Commission

54. (1) There shall be an Elections and Boundaries Commission for Grenada which shall consist of five members, as follows—

(a) a Chairman appointed by the Governor-General in his own deliberate judgment after consultation with such civil society organizations or interests as the Governor-General considers appropriate; and for this purpose, the expression “civil society organizations or interests” includes community-based organizations, faith-based bodies, non-governmental organizations, the private sector, trade unions, youth and women’s organizations;

-
- (b) two members appointed by the Governor-General acting in accordance with the advice of the Prime Minister; and
 - (c) two members appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition.
- (2) A person shall not be qualified to be appointed as a member of the Commission if he is a Minister, a Parliamentary Secretary, a Senator, a member of the House of Representatives, a public officer or a person who is a candidate for election to the House of Representatives.
- (3) Subject to the provisions of this Part, a member of the Commission shall vacate his office—
- (a) at the expiration of five years from the date of his appointment, unless he is re-appointed;
 - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as a member; or
 - (c) if the member resigns from office as a member.
- (4) A member of the Commission may be removed from office but only for inability to discharge the functions of the office (whether arising from infirmity of body or mind or any other cause) or for misbehavior, and the member shall not be removed from office except in accordance with the provisions of this section.
- (5) A member of the Commission shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under subsection (6) and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability or for misbehavior as set out in subsection (4).
- (6) If—
- (a) the Governor-General considers that the question of removal from office of the Chairman appointed under subsection (1) ought to be investigated;
 - (b) the Prime Minister, in the case of a member appointed under subsection (1)(b), represents to the Governor-General that the question of removal of such member from office ought to be investigated; or

-
- (c) the Leader of the Opposition, in the case of a member appointed under subsection (1)(c), represents to the Governor-General that the question of removal of such member from office ought to be investigated,

then—

- (i) the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Chief Justice, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and
- (ii) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the Chairman or other member of the Commission ought to be removed from office for inability or for misbehavior as set out in subsection (4).

(7) If the question of removing the Chairman or other member of the Commission has been referred to a tribunal under this section, the Governor-General may—

- (a) in his own deliberate judgment suspend the Chairman from the exercise of the functions of his office; and
- (b) acting in accordance with the advice of the Prime Minister in the case of a member appointed under subsection (1)(b), or in accordance with the advice of the Leader of the Opposition in the case of a member appointed under subsection (1)(c), suspend such member from the exercise of the functions of his office.

(8) Any suspension under subsection (7)—

- (a) may, in the case of the Chairman, be revoked by the Governor-General in his own deliberate judgment;
- (b) shall, in the case of other members, be revoked by the Governor-General acting in accordance with the advice of the Prime Minister in the case of a member appointed under subsection (1)(b), or in accordance with the advice of the Leader of the Opposition in the case of a member appointed under subsection (1)(c); and

-
- (c) in any event, shall cease to have effect if the tribunal recommends to the Governor-General that the Chairman or other member should not be removed.

(9) The Commission may, with the consent of the Public Service Commission, confer powers and impose duties on any public officer or on any authority of the Government of Grenada for the purpose of the discharge of its functions.

(10) Three members of the Commission shall constitute a quorum.

(11) The Commission may regulate its own procedure by rules of procedure made by it or otherwise.

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

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

(13) A member of the Commission shall not enter upon the duties of his office until he has taken and subscribed the oath of allegiance and the oath of office.”.

Repeal and replacement of section 55 of the Constitution

6. Section 55 of the Constitution is repealed and substituted with the following—

“Functions of Elections and Boundaries Commission

55. (1) The functions of the Elections and Boundaries Commission are—

- (a) to exercise general supervision over the conduct of any referendum in accordance with section 39(7) of this Constitution;
- (b) to exercise general supervision over the registration of voters in elections of members of the House of Representatives and over the conduct of elections; and
- (c) in accordance with the provisions of section 56 of this Constitution, to review the number and boundaries of the constituencies into which Grenada is divided and submit reports to the Governor-General.

(2) The Commission may, whenever it considers it necessary or expedient, submit a report on the exercise of its functions under this Constitution to the Minister for the time being responsible for matters relating to election of members of the House of Representatives; and that Minister shall lay such report before the House as soon as possible after the House first meets following his receipt of such report.

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

Insertion of section in the Constitution

7. The Constitution is altered by inserting after section 55 the following—

“Delimitation of Constituencies

Constituencies

55A. For the purposes of the election of members of the House of Representatives, Grenada shall be divided into such number of constituencies having such boundaries as may be provided for by an Order made by the Governor-General in accordance with the provisions of section 56 of this Constitution.”.

Alteration of section 56 of the Constitution

8. Section 56 of the Constitution is altered in subsection (1) by deleting the words “Constituency Boundaries Commission” where they appear and substituting the words “Elections and Boundaries Commission”.

Alteration of section 62 of the Constitution

9. Section 62 of the Constitution is altered in subsection (3) (c) by deleting the words “sections 55 (5)” where they appear and substituting the words “sections 54 (5)”.

Alteration of section 80 of the Constitution

10. Section 80 of the Constitution is altered in subsection (5) by inserting after the words “Governor-General,” where they appear the words “member of the Elections and Boundaries Commission,”.

Alteration of Schedule 1 to the Constitution

11. Paragraph (iii) of Part I of Schedule 1 to the Constitution is altered by inserting after the number “55” a comma and the number “55A”.

Alteration of Schedule 2 to the Constitution

12. Schedule 2 to the Constitution is altered by deleting the words “Constituency Boundaries Commission” where they appear and substituting the words “Elections and Boundaries Commission”.

Constituency Boundaries Commission ceases to exist

13. Notwithstanding the provisions of section 55 of the Constitution as they existed before the coming into operation of this Part, members of the Constituency Boundaries Commission shall vacate their office, and the Constituency Boundaries Commission shall cease to exist, upon the coming into operation of this Part.

**PART III
MISCELLANEOUS**

Parliament may provide for emoluments

14. Parliament may provide for the payment of emoluments to the members of the Commission.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (ensuring the appointment of Leader of the Opposition) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for certain purposes. *Clauses 1(2)* spells out that the Act shall be read and construed as altering the Constitution.

The Constitution would be amended to ensure that there may always be an Opposition in the House of Representatives and a Leader of the Opposition, *clauses 3-6*.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the *Gazette*, by *clause 1(3)*; not to have effect retroactively.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

**PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
ALTERATIONS OF THE CONSTITUTION**

3. Alteration of section 29 of the Constitution
4. Alteration of section 43 of the Constitution
5. Alteration of section 66 of the Constitution
6. Insertion of new section in the Constitution

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to ensure that there is at all times a Leader of the Opposition.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY**

Short title, commencement and alteration of the Constitution

1. (1) This Act may be cited as the—

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act;

Provided that no provision of this Act shall have effect retroactively to any date prior to the commencement of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**Constitution Order**” means the Grenada Constitution Order 1973.

PART II
ALTERATIONS OF THE CONSTITUTION

Alteration of section 29 of the Constitution

3. Section 29 of the Constitution is altered by inserting after subsection (2) the following—

“(3) If a person is appointed as Leader of the Opposition under section 66A of this Constitution, that person shall, by virtue of that appointment, be deemed to be a member of the House of Representatives for all purposes under this Constitution.”.

Alteration of section 43 of the Constitution

4. Section 43 of the Constitution is altered by inserting after subsection (3) the following—

“(4) For greater certainty it is hereby declared that a person appointed as Leader of the Opposition under section 66A of this Constitution is entitled to vote on any question proposed for decision in the House of Representatives.”.

Alteration of section 66 of the Constitution

5. Subsections (3) and (4) of section 66 of the Constitution are altered by inserting after the words “Leader of the Opposition” the words “appointed under this section”.

Insertion of new section in the Constitution

6. The Constitution is altered by inserting after section 66 the following new section 66A—

“Leader of the Opposition where there are no opposition members in the House of Representatives

66A. (1) If the Governor-General, acting in his own deliberate judgment, determines that all the members of the House of Representatives as elected under section 32 are members of a political party that forms the Government, then, he shall appoint as Leader of the Opposition a person who—

- (a) appears to him to be a member of the political party that obtained the highest number of votes in the most recent general election (excluding the political party that forms the Government); and
- (b) is qualified under the provisions of section 30 of this Constitution to be elected as a member of the House of Representatives and is not disqualified under any of the provisions of section 31 of this Constitution from being so elected—

Provided that in making such an appointment the Governor-General shall act in accordance with the advice of the leadership of the political party referred

to in paragraph (a) (excluding the political party that forms the Government).

(2) A person appointed as Leader of the Opposition under this section, shall vacate his office and shall cease to be a member of the House—

- (a) if he ceases to be qualified under the provisions of section 30 of this Constitution to be elected as a member of the House of Representatives or becomes disqualified under any of the provisions of section 31 of this Constitution from being so elected;
- (b) if by virtue of the provisions of section 33 (3) of this Constitution he is required to cease to perform his functions as a member of the House of Representatives;
- (c) if he is removed from office under the provisions of subsection (2A) or (3); or
- (d) when the House first meets after any dissolution of Parliament.

(2A) If it appears to the Governor-General, acting in his own deliberate judgement, that it is no longer the case that all the members of the House of Representatives as elected under section 32 are members of the political party that forms the Government, the Governor-General shall remove the Leader of the Opposition appointed under this section and shall appoint a Leader of the Opposition under section 66.

(3) Subject to subsection (4) of this section, if the Governor-General, acting in his own deliberate judgment, considers that it is no longer appropriate for a person appointed to the office of Leader of the Opposition under this section to continue in that office, the Governor-General may remove such person from that office.

(4) If the Governor-General removes the Leader of the Opposition from office under subsection (3) of this section, the Governor-General shall, within forty-eight hours after removing him, appoint another person as Leader of the Opposition in accordance with this section.”.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

**CONSTITUTION OF GRENADA (FIXED DATE FOR ELECTIONS)
(AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (Fixed Date for Elections) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for certain purposes. *Clauses 1(2)* spells out that the Act shall be read and construed as altering the Constitution.

Clause 3 would alter section 52, and *clause 4* would insert a new section 52A, to enable Parliament to provide for a fixed date for general elections to the House of Representatives.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the *Gazette*, by *clause 1(3)*; not to have effect retroactively.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (FIXED DATE FOR ELECTIONS)
(AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

**PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
ALTERATIONS OF THE CONSTITUTION**

3. Alteration of section 52 of the Constitution
4. Insertion of section 52A in the Constitution

**CONSTITUTION OF GRENADA (FIXED DATE FOR ELECTIONS)
(AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to authorise Parliament to set a fixed date for General Elections.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY**

Short title, commencement and alteration of the Constitution

1. (1) This Act may be cited as the—

**CONSTITUTION OF GRENADA (FIXED DATE FOR ELECTIONS)
(AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act;

Provided that no provision of this Act shall have effect retroactively to any date prior to the commencement of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**Constitution Order**” means the Grenada Constitution Order 1973.

PART II
ALTERATIONS OF THE CONSTITUTION

Alteration of section 52 of the Constitution

3. Section 52 of the Constitution is altered in subsection (2) by inserting after the words “five years” the words “or such lesser number of years as may be prescribed by Parliament”.

Insertion of section 52A in the Constitution

4. The Constitution is altered by inserting after section 52 the following—

“Fixed period for elections

52A. (1) Notwithstanding section 52 (2) of this Constitution and subject to subsection (3) of this section, Parliament may enact a law providing for general elections to be held within a fixed period of time after a fixed number of years, not exceeding five years, from the date of the first sitting of Parliament after any dissolution of Parliament.

(2) If Parliament enacts a law under subsection (1) of this section, section 52 (2) of this Constitution shall not apply as long as that law is in operation.

(3) Nothing in this section, or in any law enacted under subsection (1) of this section, shall affect the right of the Governor-General under section 52 (1), and in accordance with section 52 (4), of this Constitution to prorogue or dissolve Parliament, or the right of Parliament to extend the life of Parliament under subsection 52 (3) of this Constitution.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

CONSTITUTION OF GRENADA (NAME OF STATE)
(AMENDMENT) BILL, 2016

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (Name of State) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for one object, namely, the changing of the name of the State.

In the Constitution of Grenada, the executive authority, vested in Her Majesty, is of “Grenada”, by section 57(1); the Governor-General is of “Grenada”, section 19; Parliament is of “Grenada” and may make laws for “Grenada”, sections 23, 38; the Cabinet of Ministers is for “Grenada”, section 59(1); citizenship is of “Grenada”, section 96.

The change of the name of the State addressed in paragraphs 5 to 7 would be clarified by a reference to the geographical expanse of the State in clause 4 as replaced in paragraph 2.

From such provisions as those referred to in paragraph 2, the name of the State is “Grenada”.

“Grenada”, as the State, comprises three public islands, which are, Grenada, Carriacou and Petite Martinique.

It is desirable to change the name of the State from “Grenada” to “Grenada, Carriacou and Petite Martinique”; for purposes of inclusion, embracement and identity.

Such change of the name of the State entails an alteration of relevant provisions of the Constitution as those referred to in paragraph 2; as well as other relevant provisions of the Constitution Order and the other constitutional instruments.

These changes would be effected by the Bill, in *clauses 4 to 6*. *Clause 3* also refers.

Clause 7 would amend section 107 of the Constitution to correct “Petit Martinique” to read “Petite Martinique”.

A transitional clause would make references in other existing laws and official documents to “Grenada” deemed to refer to “Grenada, Carriacou and Petite Martinique”, by *clause 5*.

Clause 1(2) makes it clear that the Act shall be read and construed as altering the Constitution.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

CONSTITUTION OF GRENADA (NAME OF STATE)**(AMENDMENT) BILL, 2016****ARRANGEMENT OF CLAUSES****PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
SUBSTITUTION OF “GRENADA, CARRIACOU AND PETITE MARTINIQUE”
FOR “GRENADA” AS THE NAME OF THE STATE**

3. Alteration of Preamble to the Constitution
4. Alteration of section 111 of the Constitution
5. Change of the name of the State from “Grenada” to “Grenada, Carriacou and Petite Martinique”
6. Consequential amendments to the Interpretation and General Provisions Act
7. Alteration of section 107 of the Constitution

**PART III
TRANSITIONAL**

8. Transitional

CONSTITUTION OF GRENADA (NAME OF STATE)**(AMENDMENT) BILL, 2016****GRENADA****ACT NO. 2016**

AN ACT to alter the Constitution of Grenada to change the name of the state from “Grenada” to “Grenada, Carriacou and Petite Martinique”.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY****Short title, commencement and alteration of the Constitution**

1. (1) This Act may be cited as the

**CONSTITUTION OF GRENADA (NAME OF STATE) (AMENDMENT)
ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**constitutional instruments**” includes the—

- (a) Grenada Constitution Order 1973;
- (b) Constitution of Grenada;
- (c) West Indies Associated States Supreme Court Order 1967;
- (d) West Indies Associated States (Appeals to Privy Council) Order 1967; and

- (e) West Indies Associated States (Appeals to Privy Council) (Grenada) Order 1967;

“**Constitution Order**” means the Grenada Constitution Order 1973;

PART II

SUBSTITUTION OF “GRENADA, CARRIACOU AND PETITE MARTINIQUE” FOR “GRENADA” AS THE NAME OF THE STATE

Alteration of Preamble to the Constitution

3. In the preamble to the Constitution, the word “Grenada” is deleted wherever it occurs and in each case there are substituted the words “Grenada, Carriacou and Petite Martinique”.

Alteration of section 111 of the Constitution

4. Section 111 of the Constitution is altered—

- (i) in subsection (1), by inserting the following definition in the appropriate alphabetical order –

““Grenada” means Grenada, Carriacou and Petite Martinique;”;

- (ii) by inserting the following new subsection –

“(1A) The territory of Grenada, Carriacou and Petite Martinique shall comprise the islands of Grenada, Carriacou and Petite Martinique and all other areas that were comprising Grenada on 7th February 1974 together with such areas as may be declared by Act of Parliament to form part of the territory of Grenada, Carriacou and Petite Martinique.”.

Change of the name of the State from “Grenada” to “Grenada, Carriacou and Petite Martinique”

5. Wherever in the Constitution, or the Constitution Order or any other of the constitutional instruments, or in any written law other than the constitutional instruments, there appears as the name of the State the word “Grenada” that word shall be deleted and there shall be substituted in each case as the name of the State the words “Grenada, Carriacou and Petite Martinique”.

Consequential amendment to the Interpretation and General Provisions Act

6. The definition of “Grenada” in section 3 of the Interpretation and General Provisions Act, Chapter 153 is amended by deleting the words “includes Carriacou and Petit Martinique” and substituting the words “means Grenada, Carriacou and Petite Martinique”.

Alteration of section 107 of the Constitution

7. Section 107 of the Constitution is altered in subsection (1) by deleting the words “Petit Martinique” and substituting the words “Petite Martinique”.

**PART III
TRANSITIONAL****Transitional**

8. Provisions in laws and official documents in existence at the commencement of this Act referring to “Grenada” shall, as from the commencement of this Act, be deemed to be referring to “Grenada, Carriacou and Petite Martinique”.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate

CONSTITUTION OF GRENADA (RIGHTS AND FREEDOMS)**(AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The various *clauses* of the Bill for the *Constitution of Grenada (Rights and Freedoms) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for three objects and reasons. One is to refine the provisions of the Chapter of the Constitution protecting fundamental rights and freedoms (“Bill of Rights”). Another is to insert in the Constitution a new Chapter 1A on Directive Principles of State Policy. The other is to insert in the Constitution a new Chapter 1B on Gender Equality *Clause 1(2)* says the Act shall be read and construed as altering the Constitution. The supreme law clause would be moved from the back in section 106 to the front in section 1(2), by *clauses 3 and 23*.

The Bill would increase the kinds of conduct which would constitute discrimination prohibited by the Constitution. New grounds would be conduct related to disability, ethnicity, language, religion and social class; *clause 3(a)* on section 1; *clause 9* on section 13. This is in line with the CARICOM Charter of Civil Society 1997 (“CARICOM Charter”) article II (1).

It would be spelt out that freedom of expression includes “freedom of the press” and other media, *clause 4(b)* on section 1; *clause 8* on section 10. This accords with the CARICOM Charter article VIII (2).

The “due process of law” would be guaranteed, *clause 4(c)* on section 1; *clause 7* on section 8; *clause 12*. This is in line with the CARICOM Charter article IV (2).

The right to communicate with a lawyer without delay after being arrested or detained would be specified, *clause 5*.

There would be specific protection of intellectual property rights, *clause 6*.

Equality as to birth in or out of wedlock would be assured, *clause 11* for new section 13A.

There would be the right of the child to education, *clause 11* for new section 13B.

Freedom of association would be related to “political parties”, *clause 9*.

The right to vote would be made a human right, *clause 11* for new section 13C.

A new Chapter 1A on Directive Principles of State Policy would set out principles for the protection of children, *Clause 14* in section 18F. This comes from the CARICOM Charter art XIII.

They protect the physically challenged, the disabled, *Clause 14* in section 18G. These come from the CARICOM Charter art XIV.

They protect rights of the family, **Clause 14** in section 18H. These come from the CARICOM Charter art XVI.

They protect the environment, **Clause 14** in section 18B, 18C. These reflect the CARICOM Charter art XXIII.

They call for protection against climate change and natural disasters, **clause 14** in and 18D, 18E.

They require the State to aim at enhancing the supply of food, water and health facilities, **clause 14** in section 18I. These reflect the CARICOM Charter art XXI.

They would call upon the **Government to exercise fiscal responsibility, clause 14** in sections 18L, 18M. Compare the CARICOM Charter art XVII (5) (A).

The State would be called upon to domesticate relevant treaties, **clause 14** in section 18N.

Authorities would be required to be guided in the discharge of their functions by these principles **clause 14** in section 18O.

Gender Equality is addressed from 18O to 18T, by **Clause 14**. There would be protection for women, in section 18P, coming from the CARICOM Charter art XII. The State would be called upon to consider domesticating relevant treaties, on section 18Q. Parliament would be called upon to correct inequalities, in section 18R. Political parties would be obliged to promote gender equality, in section 18S.

It would be clarified that citizenship of the Commonwealth is citizenship of Grenada, **clauses 15 to 20**.

The Constitution would be made more gender sensitive; there would be more gender inclusion. References to the masculine, “he”, would be replaced by references to the masculine and the feminine, “he and she”; **clause 21**.

Clause 2 defines the expressions “Constitutions”, “constitutional instruments” and “Constitution Order”.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the Gazette, **clause 1(3)**.

.....
A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

CONSTITUTION OF GRENADA (RIGHTS AND FREEDOMS)**(AMENDMENT) BILL, 2016****ARRANGEMENT OF CLAUSES****PART I
PRELIMINARY**

1. Short title, commencement and alteration of the Constitution
2. Interpretation

**PART II
ALTERATIONS OF THE CONSTITUTION**

3. Alteration of Chapter 1 of the Constitution
4. Alteration of section 1 of the Constitution
5. Alteration of section 3 of the Constitution
6. Insertion of section in the Constitution
7. Alteration of section 8 of the Constitution
8. Alteration of section 10 of the Constitution
9. Alteration of section 11 of the Constitution
10. Alteration of section 13 of the Constitution
11. Insertion of sections in the Constitution
12. Insertion of section in the Constitution
13. Alteration of section 16 of the Constitution
14. Insertion of sections in the Constitution
15. Alteration of section 25 of the Constitution
16. Alteration of section 26 of the Constitution
17. Alteration of section 27 of the Constitution

18. Alteration of section 30 of the Constitution
19. Alteration of section 31 of the Constitution
20. Alteration of section 34 of the Constitution
21. Gender inclusion
22. Alteration of section 101 of the Constitution
23. Fundamental essentials of the Constitution

CONSTITUTION OF GRENADA (RIGHTS AND FREEDOMS)**(AMENDMENT) BILL, 2016****GRENADA****ACT NO. 2016**

AN ACT to alter the Constitution of Grenada to make better provision for the rights and freedoms of the individual.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY****Short title, commencement and alteration of the Constitution**

1. (1) This Act may be cited as the

CONSTITUTION OF GRENADA (RIGHTS AND FREEDOMS)
(AMENDMENT) ACT, 2016.

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General by Proclamation published in the *Gazette*; and different dates may be appointed for the various provisions of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“**Constitution**” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“**Constitutional instruments**” includes the—

- (a) Grenada Constitution Order 1973;
- (b) Constitution of Grenada;
- (c) West Indies Associated States Supreme Court Order 1967;
- (d) West Indies Associated States (Appeals to Privy Council) Order 1967; and

- (e) West Indies Associated States (Appeals to Privy Council) (Grenada) Order.

“**Constitution Order**” means the Grenada Constitution Order 1973;

PART II

ALTERATIONS OF THE CONSTITUTION

Alteration of Chapter 1 of the Constitution

3. Chapter 1 of the Constitution is altered as follows—
- (a) by deleting the heading “PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS” where it appears and substituting therefor the heading—“FOUNDATIONAL”;
- (b) by inserting after the heading “FOUNDATIONAL” the following—

“PART 1

The State and its Supreme Law

The State

1. Grenada shall be a sovereign democratic State founded on the principles of parliamentary democracy enshrined in this Constitution in which the basis of government is the will of the people.

This Constitution is supreme law

1A. This Constitution is the supreme law of Grenada and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.”;

PART 2*Protection of Fundamental Rights and Freedoms*"; and

- (c) by renumbering section 1 as section "1B".

Alteration of section 1 of the Constitution

4. Section 1 of the Constitution is altered—

- (a) by deleting the words "race, place of origin, political opinions, colour, creed or sex" where they appear and substituting the words "colour, creed, disability, ethnicity, language, place of birth, national or social origin, political opinions, race, religion, sex or social class";
- (b) in paragraph (b), by deleting the word "expression" where it appears and substituting the words "expression (including freedom of the press and other media)"; and
- (c) by deleting the words "public interest" where they appear and substituting the words "public interest and being limitations which are in accordance with the due process of law".

Alteration of section 3 of the Constitution

5. Section 3 of the Constitution is altered by repealing subsection (2) and substituting the following—

"(2) Any person who is arrested or detained shall have—

- (a) the right to be informed, without delay, promptly, at the time of his arrest or detention, of the reason or reasons for his arrest or detention in a language that he understands; and
- (b) the right, without delay, promptly, after being arrested or detained, to retain, instruct and hold communication with a legal representative of his own choice and to be informed of that right."

Insertion of section in the Constitution

6. The Constitution is altered by inserting after section 6 the following section—

"Protection of intellectual property rights

6A. (1) Every person shall have the right to enjoy intellectual property rights.

(2) The State shall support, promote and protect the intellectual property rights of the people of Grenada.

(3) In this section ‘intellectual property’ includes works of creation of an intellectual, artistic or cultural nature whether in word, in picture, in drawing or in any other form of presentation.”.

Alteration of section 8 of the Constitution

7. Section 8 of the Constitution is altered—

(a) in subsection (1) by deleting the words “established by law” where they appear and substituting the words “established by law and in accordance with the due process of law”; and

(b) in subsection (2) by inserting after paragraph (b) the following—

“(ba) shall be informed, immediately after being charged, that he has a right to remain silent, and that if he makes any statement it may be used in a court as evidence against him;” and

(c) in subsection (8), by deleting the words “within a reasonable time” where they appear and substituting the words “within a reasonable time and in accordance with the due process of law”.

Alteration of section 10 of the Constitution

8. Section 10 of the Constitution is altered by inserting after subsection (1) the following—

“(1A) The freedom protected by subsection (1) of this section shall include freedom of the press and other media”.

Alteration of section 11 of the Constitution

9. Section 11 of the Constitution is altered in subsection (1) by deleting the words “trade unions” where they appear and substituting the words “political parties, trade unions”.

Alteration of section 13 of the Constitution

10. Section 13 of the Constitution is amended—

(a) by deleting subsection (1) and substituting the following—

“(1) Subject to the provisions of subsections (4), (5) and (7) of this section and in the public interest—

(a) no law shall make any provision that is discriminatory either of itself or in its effect; and

(b) all persons shall be equal before the law, and shall be entitled to the equal protection of the law.”;

-
- (b) in subsection (2) by deleting the words “public authority.” where they appear and substituting the words “public authority; all persons shall be treated equally and humanely by every public authority.”; and
 - (c) in subsection (3) by deleting the words “race, place of origin, political opinions, colour, creed or sex” where they appear and substituting the words “colour, creed, disability, ethnicity, language, place of birth, place of origin, political opinions, race, religion, sex or social class”.

Insertion of sections in the Constitution

11. The Constitution is altered by inserting after section 13 the following—

“Equality as to birth in or out of wedlock

13A. (1) All persons, whether born in or out of wedlock, and whether born prior to the enactment of this section or not, are born equal, have equal status and are entitled to equal rights; so that in terms of status at birth a child is a child.

(2) Nothing contained in subsection (1) of this section shall be taken to affect rights vested at the commencement of this section.

Right of child to public funded education

13B. (1) Every child up to sixteen years of age who is a citizen of Grenada shall have the right to public funded education in educational institutions owned or funded by the State.

(2) The right conferred by subsection (1) of this section shall not imply a right to public funded education at a specified educational institution.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision for standards or qualifications, not being standards or qualifications which are discriminatory within the meaning of subsection (3) of section 13 of this Constitution.

(4) Every child with a disability shall have the right to public funded education in accordance with his special needs up to eighteen years of age.

(5) In this section, the right to public funded education requires the State to pay tuition fees and other such school fees for every child referred to in this section.

Right of Vote

13C. There shall be guaranteed the right of every citizen of Grenada—

- (a) who is qualified to be registered as an elector for elections to the House of Representatives, to be so registered; and
- (b) who is so registered, to vote in such elections which shall be free and fair.”.

Insertion of section in the Constitution

12. The Constitution is altered the inserting after section 15 the following new section—

“Right to due process of law

15A. Subject to sections 14 and 15 of this Constitution, no person shall be deprived of, or otherwise subject to limitations of, the rights and freedoms guaranteed by sections 2 to 15 (inclusive) of this Constitution without the protection of the law and except by due process of law.”.

Alteration of section 16 of the Constitution

13. Section 16 of the Constitution is altered by deleting the words “sections 2 to 15 (inclusive)” where they appear and substituting the words “sections 2 to 15A (inclusive)”.

Insertion of sections in the Constitution

14. The Constitution is altered by inserting after section 18 the following—

“CHAPTER 1A**DIRECTIVE PRINCIPLES OF STATE POLICY****Duty of the State to protect the natural resources**

18A. The State has a duty to protect the natural resources of the country for the benefit of the people.

Duty of the State to protect the environment

18B. The State has a duty to protect and preserve the environment; and not let it suffer degradation.

Right of the people to healthy environment

18C. (1) Everyone has the right to an environment that is not harmful to his health or well-being.

(2) It shall not be an infringement of a person’s right under subsection (1) of this section if, by reason only of an allergic condition or other peculiarity on his part the environment is harmful to his health or well-being.

Protection against climate change

18D. The State has a duty to protect the country against adverse effects of climate change.

Duty to promote preparedness for natural disasters

18E. The State has a duty to promote awareness of, and preparedness for, natural disasters.

Protection of children

18F. Every child has the right—

- (a) not to be compelled to perform or render service harmful to his physical or mental health, upbringing, education or social development;
- (b) to be protected against economic or other exploitation, physical or mental violence, injury, neglect or abuse including sexual abuse;
- (c) where appropriate, having regard to relevant factors including his age, and mental and physical development, to be consulted and to have his views represented personally or by an independent person before the courts and other agencies or bodies which deal with the welfare of the child.

Right of persons who are challenged physically, visually, aurally or mentally

18G. (1) Persons who are duly certified as being challenged physically, visually, aurally and or mentally have a right to an enabling environment to develop their talents so that they may contribute to national development.

(2) Every person so challenged has the right—

- (a) not to be discriminated against on the basis of his disability;
- (b) to be afforded equal opportunities in all fields of endeavour and to be allowed to develop his full potential; in accordance with the principle of reasonable accommodation; and
- (c) to be accorded respect for his human dignity so as to enjoy a life as normal and full as possible.

Rights of the family

18H. (1) The right to have a family, and to engage in family life, shall be respected.

(2) The State, recognising the family as the fundamental unit of society, shall endeavour to ensure—

- (a) the fulfilment of the necessary conditions for the promotion of family life and effective parenting skills, bearing in mind the importance of the role of each parent;

- (b) the full development and protection of the family, including the extended family.

Aiming at enhancing food, water and health facilities

18I. Subject to the resources in and available to the State, the State should aim at enhancing the supply of food, potable water and health facilities.

Right to expressions of culture

18J. Every person has a right to expressions of culture that are free of interference by the State; subject only to such regulation as is necessary for protecting the rights and freedoms of others and the public interest.

Right to access information

18K. There shall be freedom of access to information regarding the State; subject only to overriding public interests such as the protection of national security.

Government to strive to exercise fiscal responsibility

18L. The Government should strive to exercise fiscal responsibility so as not to unduly burden the people financially.

Relevant international human rights treaties should be incorporated into domestic law where appropriate

18M. (1) Grenada having acceded to certain international human rights treaties and conventions which protect and reinforce the inalienable equal and developmental rights of citizens, Parliament should consider taking appropriate steps to have such treaties and conventions incorporated into the domestic law of Grenada; taking into account any reservations Grenada may have made to such treaties and conventions.

Directive principles to guide organs of the State and other public entities

18N. (1) Subject to subsection (2) of this section, and subject to the availability of resources, and to protection of the public interest, it is the duty of the organs of the State, namely, Parliament, the Executive and the Courts, other institutions of the State, other public authorities or public bodies, functionaries and entities to be guided in the discharge of their functions by the principles set out in this Chapter; for these are directive principles of state policy.

(2) Parliament may provide for any of the principles set out in this Chapter to be enforceable in any court or tribunal; and, unless Parliament so provides in respect of any such principle, no principle set out in this Chapter shall be enforceable in any court or tribunal.

(3) The expression “public interest” in subsection (1) of this section refers to defence, public safety, public order, public morality and public health, as well as the protection of the rights and freedoms of other persons.

CHAPTER 1B**GENDER EQUALITY****Gender and sex discrimination**

18O. (1) There shall be gender equality—

- (a) both men and women shall be entitled to equal rights and status in all spheres of life, especially in economic, educational, political, civic and social activities;
- (b) both men and women shall be entitled to equal access to academic, vocational and professional training; to equal opportunities in employment and promotion; to equal remuneration for work of equal value; and to equal access to justice;
- (c) both men and women shall have equal opportunities to be elected or appointed to public office and to be eligible for appointment to positions of decision-making bodies at all levels of the society; and
- (d) both men and women shall have the right to legal protection, including just and effective remedies, against domestic violence, sexual abuse and sexual harassment.

Protection of women

18P. Women shall have the right not to be discriminated against by reason of marital status, pregnancy or such other characteristic feminine attribute.

State to domesticate treaties promoting gender equality

18Q. Grenada having acceded to certain international treaties and conventions which promote gender equality, Parliament should consider whether such treaties and conventions should be incorporated into the domestic law of Grenada; taking into account any reservations Grenada may have made to such treaties and conventions.

Parliament to correct gender inequalities

18R. Parliament may enact laws suitable to correct disparities and inequalities between men and women.

Political parties to promote gender equality

18S. Political parties shall strive to promote and pursue gender equality in—

- (a) nominating candidates for elections of persons as members of democratic institutions including the House of Representatives; and

- (b) influencing the appointment of persons as members of the Senate.

Definition of gender and “gender equality”

18T. In this Chapter—

- (a) “**gender**” is the range of characteristics pertaining to, and differentiating between, male and female; and
- (b) “**gender equality**” reflects the view that men and women should receive equal treatment and should not be discriminated against based on gender.”.

Alteration of section 25 of the Constitution

15. Section 25 of the Constitution is altered in paragraph (a) by inserting before the word “Commonwealth” where it appears the words “citizen of Grenada or otherwise a”.

Alteration of section 26 of the Constitution

16. Section 26 of the Constitution is altered in subsection (1) (a) by deleting the words “or state” where they appear and substituting the words “or state, that is, a power or state other than Grenada or another Commonwealth country”.

Alteration of section 27 of the Constitution

17. Section 27 of the Constitution is altered in subsection (2) (b) by inserting before the word “Commonwealth” where it appears the words “citizen of Grenada and ceases also to be otherwise a”.

Alteration of section 30 of the Constitution

18. Section 30 of the Constitution is altered in paragraph (a) by inserting before the word “Commonwealth” where it appears the words “citizen of Grenada or otherwise a”.

Alteration of section 31 of the Constitution

19. Section 31 of the Constitution is altered in subsection (1) (a) by deleting the words “or state” and substituting the words “or state, that is, a power or state other than Grenada or another Commonwealth country”.

Alteration of section 34 of the Constitution

20. Section 34 of the Constitution is altered in subsection (5) paragraph (a) (ii) by inserting before the word “Commonwealth” where it appears the words “citizen of Grenada or otherwise a”.

Gender inclusion

21. Wherever in the Constitution or any other constitutional instrument there appears any of the words “he”, “him” and “his” each of those words shall be deleted and there shall be substituted respectively the words “he or she”, “him or her” and “his or her”.

Alteration of section 101 of the Constitution

22. Section 101 of the Constitution is altered in subsection (1) by inserting the words “18N,” after the word “sections” where it appears.

Fundamental essentials of the Constitution

23. The Constitution is altered by repealing section 106 and replacing it as follows—

“Rule of Law, Separation of Powers, and Independence of the Judiciary

106. There shall be recognised, respected and adhered to by all organs of the State, namely, Parliament, the Executive and the Courts, institutions of the state, other public authorities or public bodies, functionaries and entities: the rule of law; the separation of powers as provided for by this Constitution; and in particular the independence of the Judiciary which must always be protected from Parliament and the Executive; as fundamental essentials of freedom under the law.”

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate