

**CHAPTER 128A  
GRENADA CONSTITUTION ACT**

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• Act • Subsidiary Legislation •

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**ACT**

S.I. 2155 of 1973

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
  2. Revocations and establishment of Constitution.
- Schedule Grenada Constitution

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**CHAPTER 128A  
GRENADA CONSTITUTION ACT**

**An Act to provide for the Constitution of Grenada.**

[S.I. 2155 of 1973.]

[7th February, 1974.]

**1. Short title and commencement**

- (1) This Order may be cited as the Grenada Constitution Act.
- (2) This Act came into force on 7th February, 1974.

**2. Revocations and establishment of Constitution**

- (1) The Grenada Constitution Order, 1967, and the Grenada Constitution (Amendment) Order, 1973, are revoked.
- (2) The Constitution of Grenada set out in the Schedule to this Act comes into force on the 7th day of February, 1974.

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**Schedule**

GRENADA CONSTITUTION ACT

*Grenada Constitution*

[Section 2(2).]

ARRANGEMENT OF SECTIONS

PART I

*Protection of Fundamental Rights and Freedoms*

1. Fundamental rights and freedoms.
2. Protection of right to life.
3. Protection of right to personal liberty.
4. Protection from slavery and forced labour.
5. Protection from inhuman treatment.
6. Protection from deprivation of property.
7. Protection from arbitrary search or entry.
8. Provisions to secure protection of law.
9. Protection of freedom of conscience.
10. Protection of freedom of expression.
11. Protection of freedom of assembly and association.
12. Protection of freedom of movement.
13. Protection from discrimination on the grounds of race, etc.
14. Derogations from fundamental rights and freedoms under emergency powers.
15. Protection of persons detained under emergency laws.
16. Enforcement of protective provisions.
17. Declaration of emergency.
18. Interpretation and savings.

## PART II

### *Governor-General*

19. Establishment of office of Governor-General.
20. Oaths to be taken by Governor-General.
21. Acting Governor-General.
22. Deputy to Governor-General.

## PART III

### *Parliament*

23. Establishment of Parliament.
24. Composition of Senate.
25. Qualifications for appointment as Senator.
26. Disqualifications for appointment as Senator.
27. Tenure of office of Senator.
28. President and Deputy President of Senate.
29. House of Representatives.
30. Qualifications for membership of House of Representatives.
31. Disqualifications for membership of House of Representatives.
32. Election of members of House of Representatives.
33. Tenure of office of members of House of Representatives.
34. Speaker and Deputy Speaker.
35. Supervisor of Elections.
36. Clerks to Houses of Parliament and their staff.
37. Determination of questions as to membership of Parliament.
38. Power to make laws.
39. Alteration of this Constitution and certain other laws.
40. Oath by members of Parliament.
41. Presiding in Houses of Parliament.
42. Quorum.
43. Voting.
44. Unqualified persons sitting or voting.
45. Mode of exercise of legislative power.
46. Restrictions with regard to certain financial measures.
47. Restriction on powers of Senate as to money Bills.

- 48. Restriction on powers of Senate as to Bills other than money Bills.
- 49. Provisions relating to sections 46, 47 and 48.
- 50. Regulation of procedure in Houses of Parliament.
- 51. Sessions of Parliament.
- 52. Prorogation and dissolution of Parliament.
- 53. General elections.
- 54. Constituencies.
- 55. Constituency Boundaries Commission.
- 56. Review of constituency boundaries.

#### PART IV

##### *The Executive*

- 57. Exercise of executive authority of Grenada.
- 58. Ministers.
- 59. Cabinet of Ministers.
- 60. Allocation of portfolios to Ministers.
- 61. Performance of functions of Prime Minister during absence or illness.
- 62. Exercise of Governor-General's functions.
- 63. Governor-General to be informed concerning matters of government.
- 64. Parliamentary Secretaries.
- 65. Oaths to be taken by Ministers, etc.
- 66. Leader of the Opposition.
- 67. Permanent secretaries.
- 68. Secretary to the Cabinet.
- 69. Constitution of offices, etc.
- 70. Attorney-General.
- 71. Director of Public Prosecutions.
- 72. Prerogative of mercy.
- 73. Advisory Committee on the Prerogative of Mercy.
- 74. Functions of Advisory Committee.

#### PART V

##### *Finance*

- 75. Consolidated Fund.
- 76. Withdrawals from Consolidated Fund or other public funds.
- 77. Authorisation of expenditure from Consolidated Fund by Appropriation law.
- 78. Authorisation of expenditure in advance of appropriation.
- 79. Contingencies Fund.
- 80. Remuneration of certain officers.
- 81. Public debt.
- 82. Director of Audit.

#### PART VI

##### *The Public Service*

- 83. Public Service Commission.
- 84. Appointment, etc., of public officers.
- 85. Appointment, etc., of permanent secretaries and certain other officers.
- 86. Director of Public Prosecutions.
- 87. Director of Audit.

- 88. Appointment, etc., of magistrates, registrars and legal officers.
- 89. Police Force.
- 90. Public Service Board of Appeal.
- 91. Appeals in discipline cases.
- 92. Pensions laws and protection of pensions rights.
- 93. Power to withhold pensions, etc.

## PART VII

### *Citizenship*

- 94. Persons who become citizens on 7th February, 1974.
- 95. Persons entitled to be registered as citizens.
- 96. Persons born in Grenada on or after 7th February, 1974.
- 97. Persons born outside Grenada on or after 7th February, 1974.
- 98. Marriage to citizen of Grenada.
- 99. Powers of Parliament.
- 100. Interpretation.

## PART VIII

### *Judicial Provisions*

- 101. Original jurisdiction of High Court in constitutional questions.
- 102. Reference of constitutional questions to High Court.
- 103. Appeals to Court of Appeal.
- 104. Appeals to Her Majesty in Council.
- 105. Courts Order.

## PART IX

### *Miscellaneous*

- 106. Supreme law.
- 107. Local government.
- 108. Certain questions not to be enquired into in any court.
- 109. Resignations.
- 110. Re-appointment and concurrent appointments.
- 111. Interpretation.
- Appendix 1 Provisions of the Constitution and Courts Order referred to in Section 39(5)
- Appendix 2 Rules relating to Constituencies
- Appendix 3 Forms of Oath

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## GRENADA CONSTITUTION ACT

Whereas the people of Grenada—

- (a) have affirmed that their nation is founded upon principles that acknowledge the fatherhood and supremacy of God and man's duties toward his or her fellow man;
- (b) recognise that, inasmuch as spiritual development is of supreme importance to human existence, and the highest expression thereof, it is their aspiration to serve that end with all their strength and resources;
- (c) firmly believe in the dignity of human values and that all men are endowed by the Creator with equal and inalienable rights, reason, and conscience; that rights and duties are correlatives in every social and political activity of man;

and that while rights exalt individual freedom, duties express the dignity of that freedom;

- (d) express their respect for the rule of law; and, since moral conduct constitutes the noblest flowering of their culture and their plural heritage, regard it as the duty of every man always to hold it in high respect;
- (e) reiterate that the ideal of free men enjoying freedom from fear and want can be best achieved if conditions are created whereby everyone may enjoy his or her economic, social and political, civil and cultural rights;
- (f) desire that their Constitution should reflect the above mentioned principles and beliefs which represent those high ideals upon which their nation is founded, and make provision for ensuring the protection in Grenada of fundamental rights and freedoms:

Now therefore the following provisions shall have effect as the Constitution of Grenada.

## PART I

### *Protection of Fundamental Rights and Freedoms*

#### **1. Fundamental rights and freedoms**

Whereas every person in Grenada is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association;
- (c) protection for the privacy of his or her home and other property and from deprivation of property without compensation; and
- (d) the right to work,

the provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in these provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

#### **2. Protection of right to life**

(1) No person shall be deprived of his or her life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of Grenada of which he or she has been convicted.

(2) A person shall not be regarded as having been deprived of his or her life in contravention of this section if he or she dies as the result of the use, to such extent and in such circumstances as are permitted by law, of force such as is reasonably justifiable—

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny; or
- (d) in order to prevent the commission by that person of a criminal offence,

or if he or she dies as the result of a lawful act of war.

### 3. Protection of right to personal liberty

(1) No person shall be deprived of his or her personal liberty save as may be authorised by law in any of the following cases, that is to say—

- (a) in execution of the sentence or order of a court, whether established for Grenada or some other country, in respect of a criminal offence of which he or she has been convicted;
- (b) in execution of the order of the High Court or the Court of Appeal punishing him or her for contempt of that court or of another court or tribunal;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him or her by law;
- (d) for the purpose of bringing him or her before a court in execution of the order of a court;
- (e) upon reasonable suspicion of his or her having committed, or being about to commit, a criminal offence under the law of Grenada;
- (f) under the order of a court, or with the consent of his or her parent or guardian, for his or her education or welfare during any period ending not later than the date when he or she attains the age of eighteen years;
- (g) for the purpose of preventing the spread of an infectious or contagious disease;
- (h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his or her care or treatment or the protection of the community;
- (i) for the purpose of preventing the unlawful entry of that person into Grenada, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Grenada, or for the purpose of restricting that person while he or she is being conveyed through Grenada in the course of his or her extradition or removal as a convicted prisoner from one country to another; or
- (j) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Grenada, or prohibiting him or her from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person with a view to the making of any such order or relating to such an order after it has been made, or to such extent as may be reasonably justifiable for restraining that person during any visit that he or she is permitted to make to any part of Grenada in which, in consequence of any such order, his or her presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he or she understands, of the reasons for his or her arrest or detention.

(3) Any person who is arrested or detained—

- (a) for the purpose of bringing him or her before a court in execution of the order of a court; or
- (b) upon reasonable suspicion of his or her having committed, or being about to commit a criminal offence under the law of Grenada,

and who is not released, shall be brought without undue delay before a court.

(4) Where any person is brought before a court in execution of the order of a court in any proceedings or upon suspicion of his or her having committed or being about to

commit an offence, he or she shall not be thereafter further held in custody in connection with those proceedings or that offence save upon the order of a court.

(5) If any person arrested or detained as mentioned in subsection (3)(b) of this section is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him or her, he or she shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he or she appears at a later date for trial or for proceedings preliminary to trial.

(6) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person or from any other person or authority on whose behalf that other person was acting.

(7) For the purposes of subsection (1)(a) of this section a person charged before a court with a criminal offence under the law of Grenada in respect of whom a special verdict has been returned that he or she was guilty of the act or omission charged but was insane when he or she did the act or made the omission shall be regarded as a person who has been convicted of a criminal offence, and the detention of that person in consequence of such a verdict shall be regarded as detention in execution of the order of a court.

#### **4. Protection from slavery and forced labour**

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression “forced labour” does not include—
  - (a) any labour required in consequence of the sentence or order of a court;
  - (b) labour required of any person while he or she is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he or she is detained;
  - (c) any labour required of a member of a disciplined force in pursuance of his or her duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour which that person is required by law to perform in place of such service;
  - (d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

#### **5. Protection from inhuman treatment**

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Grenada immediately before the coming into operation of this Constitution.

#### **6. Protection from deprivation of property**

(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except

where provision is made by a law applicable to that taking of possession or acquisition for the prompt payment of full compensation.

(2) Every person having an interest in or right over property which is compulsorily taken possession of or whose interest in or right over any property is compulsorily acquired shall have a right of direct access to the High Court for—

- (a) the determination of his or her interests or right, the legality of the taking of possession or acquisition of the property, interest or right and the amount of any compensation to which he or she is entitled; and
- (b) the purpose of obtaining prompt payment of that compensation:

Provided that if Parliament so provides in relation to any matter referred to in paragraph (a) of this subsection the right of access shall be by way of appeal (exercisable as of right at the instance of the person having the interest in or right over the property) from a tribunal or authority, other than the High Court, having jurisdiction under any law to determine that matter.

(3) The Chief Justice may make rules with respect to the practice and procedure of the High Court or any other tribunal or authority in relation to the jurisdiction conferred on the High Court by subsection (2) of this section or exercisable by the other tribunal or authority for the purposes of that subsection (including rules with respect to the time within which applications or appeals to the High Court or applications to the other tribunal or authority may be brought).

(4) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he or she has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his or her choice outside Grenada.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (4) of this section to the extent that the law in question authorises—

- (a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgement of a court or pending the determination of civil proceedings to which he or she is a party; or
- (b) the imposition of reasonable restrictions on the manner in which any amount of compensation is to be remitted.

(6) 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—

- (a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property, interest or right—
  - (i) in satisfaction of any tax, rate or due,
  - (ii) by way of penalty for breach of the law or forfeiture in consequence of a breach of the law,
  - (iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract,
  - (iv) in the execution of judgements or orders of a court in proceedings for the determination of civil rights or obligations,
  - (v) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or likely to be injurious to the health of human beings, animals or plants,
  - (vi) in consequence of any law with respect to the limitation of actions, or
  - (vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, for

the purposes of the carrying out thereon of work of soil conservation or the conservation of other natural resources or work relating to agricultural development or improvement (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out),

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of any of the following property (including an interest in or right over property), that is to say—

- (i) enemy property,
- (ii) property of a deceased person, a person of unsound mind or a person who has not attained the age of eighteen years, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein,
- (iii) property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property, or
- (iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust.

(7) Nothing contained in or done under the authority of any law enacted by Parliament shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision for the compulsory taking of possession of any property, or the compulsory acquisition of any interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no monies have been invested other than monies provided by Parliament or by any other legislature established for Grenada.

## **7. Protection from arbitrary search or entry**

(1) Except with his or her own consent, no person shall be subjected to the search of his or her person or his or her property or the entry by others on his or her premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources or the development or utilisation of any property for a purpose beneficial to the community;
- (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons;
- (c) that authorises an officer or agent of the Government of Grenada, a local government authority or a body corporate established by law for public purposes to enter on the premises of any person in order to inspect those premises or any thing thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those

premises and that belongs to that Government, authority or body corporate, as the case may be; or

- (d) that authorises, for the purpose of enforcing the judgement or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order,

and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

## **8. Provisions to secure protection of law**

(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Every person who is charged with a criminal offence—

- (a) shall be presumed to be innocent until he or she is proved or has pleaded guilty;
- (b) shall be informed as soon as reasonably practicable, in a language that he or she understands and in detail, of the nature of the offence charged;
- (c) shall be given adequate time and facilities for the preparation of his or her defence;
- (d) shall be permitted to defend himself or herself before the court in person or, at his or her own expense, by a legal representative of his or her own choice;
- (e) shall be afforded facilities to examine in person or by his or her legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his or her behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and
- (f) shall be permitted to have without payment the assistance of an interpreter if he or she cannot understand the language used at the trial of the charge,

and except with his or her own consent the trial shall not take place in his or her absence unless he or she so conducts himself or herself as to render the continuance of the proceedings in his or her presence impracticable and the court has ordered him or her to be removed and the trial to proceed in his or her absence:

Provided that, in such circumstances as may be prescribed by law, the trial may take place in the absence of the person charged so long as no punishment of death or imprisonment (other than imprisonment in default of payment of a fine) is awarded in the event of his or her conviction.

(3) When a person is tried for any criminal offence, the accused person or any person authorised by him or her in that behalf shall if he or she so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgement a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he or she has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he or she could have been convicted at the trial

for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he or she shows that he or she has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other authority, the case shall be given a fair hearing within a reasonable time.

(9) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other authority, including the announcement of the decision of the court or other authority, shall be held in public.

(10) Nothing in subsection (9) of this section shall prevent the court or other authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

- (a) may by law be empowered to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings; or
- (b) may by law be empowered or required to do in the interests of defence, public safety or public order.

(11) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

- (a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;
- (b) subsection (2)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds; or
- (c) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him or her shall in sentencing him or her to any punishment take into account any punishment awarded him or her under that disciplinary law.

(12) In the case of any person who is held in lawful detention the provisions of subsections (1), (2)(d) and (e) and (3) of this section shall not apply in relation to his or her trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(13) In this section, “criminal offence” means a criminal offence under the law of Grenada.

## **9. Protection of freedom of conscience**

(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of conscience, including freedom of thought and of religion, freedom to change his or her religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his or her religion or belief in worship, teaching, practise and observance.

(2) Except with his or her own consent (or, if he or she is a person under the age of eighteen years, the consent of his or her guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his or her own.

(3) Every religious community shall be entitled, at its own expense to establish and maintain places of education and to manage any place of education which it wholly maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any places of education which it wholly maintains or in the course of any education which it otherwise provides.

(4) No person shall be compelled to take any oath which is contrary to his or her religion or belief or to take any oath in a manner which is contrary to his or her religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

- (a) in the interests of defence, public safety, public order, public morality or public health; or
- (b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(6) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

## **10. Protection of freedom of expression**

(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his or her correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television; or
- (c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority therefor is shown not to be reasonably justifiable in a democratic society.

## **11. Protection of freedom of assembly and association**

(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of assembly and association, that is to say, his or her right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his or her interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons; or
- (c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

## **12. Protection of freedom of movement**

(1) No person shall be deprived of his or her freedom of movement, that is to say, the right to move freely throughout Grenada, the right to reside in any part of Grenada, the right to enter Grenada, the right to leave Grenada and immunity from expulsion from Grenada.

(2) Any restriction on a person's freedom of movement that is involved in his or her lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) for the imposition of restrictions on the movement or residence within Grenada of any person or on any person's right to leave Grenada that are reasonably required in the interests of defence, public safety or public order;
- (b) for the imposition of restrictions on the movement or residence within Grenada or on the right to leave Grenada of persons generally or any class of persons in the interests of defence, public safety, public order, public morality or public health and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society;
- (c) for the imposition of restrictions, by order of a court, on the movement or residence within Grenada of any person or on any person's right to leave Grenada either in consequence of his or her having been found guilty of a criminal offence under the law of Grenada or for the purpose of ensuring that he or she appears before a court at a later date for trial of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his or her extradition or lawful removal from Grenada;
- (d) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Grenada;
- (e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Grenada;

- (f) for the imposition of restrictions upon the movement or residence within Grenada or on the right to leave Grenada of any public officer;
- (g) for the removal of a person from Grenada to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law of Grenada of which he or she has been convicted; or
- (h) for the imposition of restrictions on the right of any person to leave Grenada that are reasonably required in order to secure the fulfilment of any obligations imposed on that person by law and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(4) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than three months after the order was made or three months after he or she last made such a request, as the case may be, his or her case shall be reviewed by an independent and impartial tribunal presided over by a person appointed by the Chief Justice from among persons who are entitled to practise as a barrister or a solicitor in Grenada.

(5) On any review by a tribunal in pursuance of subsection (4) of this section of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expediency of the continuation of that restriction to the authority by whom it was ordered and, unless it is otherwise provided by law, that authority shall be obliged to act in accordance with any such recommendations.

### **13. Protection from discrimination on the grounds of race, etc.**

(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the appropriation of public revenues or other public funds;
- (b) with respect to person who are not citizens of Grenada; or
- (c) whereby persons of any such description as is mentioned in subsection (3) of this section may be subject to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, place of origin, political opinions, colour, creed or sex) to be required of

any person who is appointed to or to act in any office in the public service, any office in a disciplined force, any office in the service of a local government authority or in any office in a body corporate established by law for public purposes.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 7, 9, 10, 11 and 12 of this Constitution, being such a restriction as is authorised by section 7(2), 9(5), 10(2), 11(2) or 12(3)(a), (b) or (h), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

#### **14. Derogations from fundamental rights and freedoms under emergency powers**

Nothing contained in or done under the authority of a law enacted by Parliament shall be held to be inconsistent with or in contravention of section 3 or 13 of this Constitution to the extent that the law authorises the taking during any period of public emergency of measures that are reasonably justifiable for dealing with the situation that exists in Grenada during that period.

#### **15. Protection of persons detained under emergency laws**

(1) When a person is detained by virtue of any such law as is referred to in section 14 of this Constitution the following provisions shall apply, that is to say—

- (a) he or she shall, as soon as reasonably practicable and in any case not more than seven days after the commencement of his or her detention, be furnished with a statement in writing in a language that he or she understands specifying in detail the grounds upon which he or she is detained;
- (b) not more than fourteen days after the commencement of his or her detention, a notification shall be published in the *Gazette* stating that he or she has been detained and giving particulars of the provision of law under which his or her detention is authorised;
- (c) not more than one month after the commencement of his or her detention and thereafter during his or her detention at intervals of not more than six months, his or her case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among persons who are entitled to practise as a barrister or a solicitor in Grenada;
- (d) he or she shall be afforded reasonable facilities to consult a legal representative of his or her own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person; and
- (e) at the hearing of his or her case by the tribunal appointed for the review of his or her case he or she shall be permitted to appear in person or by a legal representative of his or her own choice.

(2) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his or her detention to the authority by which it was ordered but, unless it is

otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(3) Nothing contained in subsection (1)(d) or (e) of this section shall be construed as entitling a person to legal representation at public expense.

## **16. Enforcement of protective provisions**

(1) If any person alleges that any of the provisions of sections 2 to 15 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him or her (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

- (a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; and
- (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section,

and may make such declarations or orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 2 to 15 (inclusive) of this Constitution:

Provided that the High Court may decline to exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court (other than the Court of Appeal, the High Court or a court martial) any question arises as to the contravention of any of the provisions of sections 2 to 15 (inclusive) of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his or her opinion, the raising of the question is merely frivolous or vexatious.

(4) Where any question is referred to the High Court in pursuance of subsection (3) of this section, the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal to the Court of Appeal or to Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, of Her Majesty in Council.

(5) Parliament may confer upon the High Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(6) The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred on it by or under this section (including rules with respect to the time within which applications may be brought and references shall be made to the High Court).

## **17. Declaration of emergency**

(1) The Governor-General may, by Proclamation which shall be published in the *Gazette*, declare that a state of emergency exists for the purposes of this Part.

(2) Every declaration of emergency shall lapse—

- (a) in the case of a declaration made when Parliament is sitting, at the expiration of a period of seven days beginning with the date of publication of the declaration; and

- (b) in any other case, at the expiration of a period of twenty-one days beginning with the date of publication of the declaration unless it has in the meantime been approved by a resolution of both Houses of Parliament.

(3) A declaration of emergency may at any time be revoked by the Governor-General by Proclamation which shall be published in the *Gazette*.

(4) A declaration of emergency that has been approved by a resolution of the Houses of Parliament in pursuance of subsection (2) of this section shall, subject to the provisions of subsection (3) of this section, remain in force so long as the resolution of both those Houses remains in force and no longer.

(5) A resolution of a House of Parliament passed for the purposes of this section shall remain in force for six months or such shorter period as may be specified therein:

Provided that any such resolution may be extended from time to time by a further such resolution, each extension not exceeding six months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a resolution of that House.

(6) A resolution of a House of Parliament for the purposes of subsection (2) of this section and a resolution of a House extending any such resolution shall not be passed unless it is supported by the votes of a majority of all the members of the House.

(7) Any provision of this section that a declaration of emergency shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such declaration whether before or after that time.

(8) The Governor-General may summon the Houses of Parliament to meet for the purposes of subsection (2) of this section notwithstanding that Parliament then stands dissolved, and the persons who were members of the Senate and the House of Representatives immediately before the dissolution shall be deemed, for those purposes, still to be members of those Houses but, subject to the provisions of sections 28(3) and 34(4) of this Constitution (which relate to the election of the President of the Senate and the Speaker of the House of Representatives), a House of Parliament shall not, when summoned by virtue of this subsection, transact any business other than debating and voting upon a resolution for the purposes of subsection (2) of this section.

## **18. Interpretation and savings**

(1) In this Part, unless the context otherwise requires—

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law having jurisdiction in Grenada other than a court established by a disciplinary law, and includes Her Majesty in Council and in sections 2 and 4 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force” means—

- (a) a naval, military or air force;
- (b) the Police Force; or
- (c) a prison service;

“legal representative” means a person entitled to be in or to enter Grenada and entitled to practise as a barrister in Grenada or, except in relation to proceedings before a court in which a solicitor has no right of audience, entitled to practise as a solicitor in Grenada;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In this Part “a period of public emergency” means any period during which—

- (a) Her Majesty is at war; or
- (b) a declaration of emergency is in force under section 17 of this Constitution.

(3) In relation to any person who is a member of a disciplined force raised under a law enacted by Parliament or by any other legislature established for Grenada, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part other than sections 2, 4 and 5 of this Constitution.

(4) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid, and lawfully present in Grenada, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part.

## PART II

### *Governor-General*

#### **19. Establishment of office of Governor-General**

There shall be a Governor-General of Grenada who shall be appointed by Her Majesty and shall hold office during Her Majesty’s pleasure and who shall be Her Majesty’s representative in Grenada.

#### **20. Oaths to be taken by Governor-General**

A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and the oath of office.

#### **21. Acting Governor-General**

(1) During any period when the office of Governor-General is vacant or the holder of the office of Governor-General is absent from Grenada or is for any other reason unable to perform the functions of his or her office those functions shall be performed by such person as Her Majesty may appoint.

(2) Before assuming the functions of the office of Governor-General any such person as aforesaid shall make the oaths directed by section 20 of this Constitution to be made by the Governor-General.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor-General if the holder of the office of Governor-General or some other person having a prior right to perform the functions of that office has notified him or her that he or she is about to assume or resume those functions.

(4) The holder of the office of Governor-General shall not, for the purposes of this section, be regarded as absent from Grenada or as unable to perform the functions of his or her office—

- (a) by reason that he or she is in passage from one part of Grenada to another; or
- (b) at any time when there is a subsisting appointment of a deputy under section 22 of this Constitution.

#### **22. Deputy to Governor-General**

(1) Whenever the Governor-General—

- (a) has occasion to be absent from the seat of Government but not from Grenada;

- (b) has occasion to be absent from Grenada for a period which he or she considers, acting in his or her own deliberate judgement, will be of short duration; or
- (c) is suffering from an illness which he or she considers, acting in his or her own deliberate judgement, will be of short duration,

he or she may, acting in accordance with the advice of the Prime Minister, appoint any person in Grenada to be his or her deputy during such absence or illness and in that capacity to perform on his or her behalf such of the functions of the office of Governor-General as may be specified in the instrument by which he or she is appointed.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and, subject to the provisions of this Constitution, a deputy shall conform to and observe all instructions that the Governor-General, acting in his or her own deliberate judgement, may from time to time address to him or her or her:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court of law.

(3) A person appointed as deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he or she is appointed, and his or her appointment may be revoked at any time by the Governor-General, acting in accordance with the advice of the Prime Minister.

### PART III

#### *Parliament*

#### **23. Establishment of Parliament**

There shall be a Parliament of Grenada which shall consist of Her Majesty, a Senate and a House of Representatives.

#### **24. Composition of Senate**

(1) The Senate shall consist of thirteen members (in this Constitution referred to as “Senators”) who shall be appointed by the Governor-General in accordance with this section.

(2) Of the Senators—

- (a) seven shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister;
- (b) three shall be appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition; and
- (c) three shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted the organisations or interests which the Prime Minister considers the Senators should be selected to represent.

#### **25. Qualifications for appointment as Senator**

Subject to the provisions of section 26 of this Constitution, a person shall be qualified to be appointed as a Senator if, and shall not be so qualified unless, he or she—

- (a) is a Commonwealth citizen who has attained the age of eighteen years;

- (b) has either resided in Grenada for a period of twelve months immediately before the date of his or her appointment or is domiciled and resident in Grenada at that date; and
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with sufficient proficiency to enable him or her or her to take an active part in the proceedings of the Senate.

## 26. Disqualifications for appointment as Senator

(1) No person shall be qualified to be appointed as a Senator if he or she—

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Grenada;
- (c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Grenada;
- (d) is under sentence of death imposed on him or her or her by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever named called) exceeding twelve months imposed on him or her or her by such a court or substituted by competent authority for some other sentence imposed on him or her or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (e) subject to such exceptions and limitations as may be prescribed by Parliament, has any such interest in any such government contract as may be prescribed.

(2) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with the election of members of the House of Representatives or is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such period (not exceeding five years) following his or her conviction or, as the case may be, following the report of the court as may be so prescribed, to be appointed as a Senator.

(3) No person shall be qualified to be appointed as a Senator who is a member of the House of Representatives.

(4) Parliament may provide that, subject to such exceptions and limitations, if any, as Parliament may prescribe, a person shall not be qualified to be appointed as a Senator if—

- (a) he or she holds or is acting in any office or appointment (either individually or by reference to a class of public office or appointment);
- (b) he or she belongs to any of the armed forces of the Crown or to any class of person that is comprised in any such force; or
- (c) he or she belongs to any police force or to any class of person that is comprised in any such force.

(5) For the purposes of subsection (1)(d) of this section—

- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

(6) In subsection (1)(e) of this section, “government contract” means any contract made with the Government of Grenada or with a department of that Government or with an officer of that Government contracting as such.

## **27. Tenure of office of Senator**

(1) A Senator shall vacate his or her seat in the Senate at the next dissolution of Parliament after his or her appointment.

(2) A Senator shall also vacate his or her seat in the Senate—

- (a) if he or she is absent from the sittings of the Senate for such period and in such circumstances as may be prescribed in the rules of procedure of the Senate;
- (b) if he or she ceases to be a Commonwealth citizen;
- (c) if, with his or her consent, he or she is nominated as a candidate for election to the House of Representatives or if he or she is elected to be a member of that House;
- (d) subject to the provisions of subsection (3) of this section, if any other circumstances arise that, if he or she were not such a member, would cause him or her or her to be disqualified to be appointed as such by virtue of section 26(1) of this Constitution or of any law enacted in pursuance of subsection (2) or (4) of that section; or
- (e) if the Governor-General, acting in accordance with the advice of the Prime Minister in the case of a Senator appointed under section 24(2)(a) or (c) of this Constitution or in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed under paragraph (b) of that subsection, declares the seat of that Senator to be vacant.

(3) (a) If any circumstances such as are referred to in subsection (2)(d) of this section arise because any Senator is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted or reported guilty of an offence relating to elections and if it is open to the Senator to appeal against the decision (either with the leave of a court or other authority or without such leave), he or she shall forthwith cease to perform his or her functions as a Senator but, subject to the provisions of this section, he or she shall not vacate his or her seat until the expiration of a period of thirty days thereafter:

Provided that the President of the Senate may, at the request of the Senator, from time to time, extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

(b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he or she shall forthwith vacate his or her seat.

(c) If at any time before the Senator vacates his or her seat such circumstances aforesaid cease to exist, his or her seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he or she may resume the performance of his or her functions as a Senator.

## **28. President and Deputy President of Senate**

(1) When the Senate first meets after it has been dissolved and before it proceeds to the despatch of any other business, it shall elect a Senator, not being a Minister or a

Parliamentary Secretary, to be President of the Senate; and whenever the office of President is vacant otherwise than by reason of a dissolution of the Senate, the Senate shall elect another Senator to fill that office.

(2) When the Senate first meets or after it has been dissolved, it shall, as soon as practicable, elect a Senator, not being a Minister or a Parliamentary Secretary, to be Deputy President; and whenever the office of Deputy President becomes vacant, the Senate shall, as soon as convenient, elect another Senator to fill that office.

(3) No business shall be transacted in the Senate (other than the election of a President) at any time when the office of President is vacant.

(4) A person shall vacate the office of President or Deputy President of the Senate—

(a) if he or she ceases to be a Senator:

Provided that the President shall not vacate his or her office by reason only that he or she has ceased to be a Senator on a dissolution of Parliament until the Senate first meets after that dissolution;

(b) if he or she is appointed to be a Minister or a Parliamentary Secretary; or

(c) in the case of the Deputy President, if he or she is elected to be President.

(5) (a) If, by virtue of section 27(3) of this Constitution, the President or Deputy President of the Senate is required to cease to perform his or her functions as a Senator he or she shall also cease to perform his or her functions as President or Deputy President, as the case may be, and those functions shall, until he or she vacates his or her seat in the Senate or resumes the performance of the functions of his or her office, be performed—

(i) in the case of the President, by the Deputy President or, if the office of Deputy President is vacant or the Deputy President is required to cease to perform his or her functions as a Senator by virtue of section 27(3) of this Constitution, by such Senator (not being a Minister or a Parliamentary Secretary) as the Senate may elect for the purpose,

(ii) in the case of the Deputy President, by such Senator (not being a Minister or a Parliamentary Secretary) as the Senate may elect for the purpose;

(b) If the President or Deputy President resumes the performance of his or her functions as a Senator, in accordance with the provisions of section 27(3)(c) of this Constitution, he or she shall also resume the performance of his or her functions as President or Deputy President, as the case may be.

## **29. House of Representatives**

(1) The House of Representatives shall consist of such number of members as corresponds with the number of constituencies for the time being established for Grenada under section 56 of this Constitution, who shall be elected in accordance with the provisions of section 32 of this Constitution.

(2) If a person who is not a member of the House of Representatives is elected to be Speaker of the House he or she shall, by virtue of holding the office of Speaker, be a member of the House.

## **30. Qualifications for membership of House of Representatives**

Subject to the provisions of section 31 of this Constitution, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be so qualified unless, he or she—

(a) is a Commonwealth citizen who has attained the age of eighteen years;

- (b) has resided in Grenada for a period of twelve months immediately before the date of his or her nomination for election or is domiciled and resident in Grenada at that date; and
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with sufficient proficiency to enable him or her or her to take an active part in the proceedings of the House.

### **31. Disqualifications for membership of House of Representatives**

(1) No person shall be qualified to be elected as a member of the House of Representatives if he or she—

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Grenada;
- (c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Grenada;
- (d) is under sentence of death imposed on him or her or her by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him or her or her by such a court or substituted by competent authority for some other sentence imposed on him or her or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended; or
- (e) subject to such exceptions and limitations as may be prescribed by Parliament, has any such interest in any such government contract as may be prescribed.

(2) Parliament may provide that a person shall not be qualified to be elected as a member of the House of Representatives if he or she holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election to the House or the compilation of any register of voters for the purposes of such an election.

(3) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with the election of members of the House of Representatives or is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such period (not exceeding five years) following his or her conviction or, as the case may be, following the report of the court as may be so prescribed, to be elected as a member of the House.

(4) Parliament may provide that, subject to such exceptions and limitations, if any, as Parliament may prescribe, a person shall not be qualified to be elected as a member of the House of Representatives if he or she—

- (a) holds or is acting in any public office or appointment (either individually or by reference to a class of public office or appointment);
- (b) belongs to any of the armed forces of the Crown or to any class of person that is comprised in any such force; or
- (c) belongs to any police force or to any class of person that is comprised in any such force.

(5) For the purposes of subsection (1)(d) of this section—

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

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

(6) In subsection (1)(e) of this section, “government contract” means any contract made with the Government of Grenada or with a department of that Government or with an officer of that Government contracting as such.

### **32. Election of members of House of Representatives**

(1) Each of the constituencies into which Grenada is divided in accordance with the provisions of section 56 of this Constitution shall return one member to the House of Representatives who shall be directly elected in such manner as may, subject to the provisions of this Constitution, be prescribed by or under any law.

(2) (a) Every Commonwealth citizen who has attained the prescribed age and who possesses such qualifications relating to residence or domicile in Grenada as Parliament may prescribe shall, unless he or she is disqualified by Parliament from registration as a voter for the purposes of elections of members of the House of Representatives, be entitled to be registered as such a voter under any law in that behalf, and no other person may be so registered.

(b) Every person who is registered as aforesaid in any constituency shall, unless he or she is disqualified by Parliament from voting in that constituency in any election of members of the House of Representatives, be so entitled to vote, in accordance with the provisions of any law in that behalf, and no other person may so vote.

(c) The prescribed age for the purposes of this subsection shall be the age of eighteen years.

(3) In any election of members of the House of Representatives the votes shall be given by ballot in such manner as not to disclose how any particular person votes.

### **33. Tenure of office of members of House of Representatives**

(1) A member of the House of Representatives shall vacate his or her seat in the House at the next dissolution of Parliament after his or her election.

(2) A member of the House of Representatives shall also vacate his or her seat in the House—

- (a) if he or she is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the rules of procedure of the House;
- (b) if he or she ceases to be a Commonwealth citizen; or
- (c) subject to the provisions of subsection (3) of this section, if any other circumstances arise that, if he or she were not such a member, would cause him or her or her to be disqualified to be elected as such by virtue of section 31(1) of this Constitution or of any law enacted in pursuance of subsection (2), (3) or (4) of that section.

(3) (a) If any circumstances such as are referred to in subsection (2)(c) of this section arise because any member of the House of Representatives is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted or reported guilty of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he or she shall forthwith cease to perform his or her functions as a member of the House but, subject to the provisions of this section, he or she shall not vacate his or her seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time, extend that period for further periods of thirty days to enable the member to pursue an

appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he or she shall forthwith vacate his or her seat.

(c) If at any time before the member of the House vacates his or her seat such circumstances aforesaid cease to exist, his or her seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he or she may resume the performance of his or her functions as a member of the House.

### **34. Speaker and Deputy Speaker**

(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House; and if the office of Speaker falls vacant at any time before the next dissolution of Parliament, the House shall elect another person to that office.

(2) The Speaker may be elected either from among the members of the House of Representatives who are not Ministers or Parliamentary Secretaries, or from among persons who are not members of the House of Representatives:

Provided that a person who is not a member of the House of Representatives shall not be elected as Speaker if—

- (a) he or she is not a Commonwealth citizen; or
- (b) he or she is a person disqualified for election as a member of the House of Representatives by virtue of section 31(1) of this Constitution or any law enacted in pursuance of subsection (2), (3) or (4) of that section.

(3) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister or a Parliamentary Secretary, to be Deputy Speaker of the House, and if the office of Deputy Speaker falls vacant at any time before the next dissolution of Parliament, the House shall, as soon as convenient, elect another such member to that office.

(4) No business shall be transacted in the House of Representatives (other than the election of a Speaker) at any time when the office of Speaker is vacant.

(5) A person shall vacate the office of Speaker—

- (a) in the case of a Speaker elected from among persons who are not members of the House—
  - (i) when the House first meets after any dissolution or Parliament,
  - (ii) if he or she ceases to be a Commonwealth citizen, or
  - (iii) if any circumstances arise that would cause him or her or her to be disqualified for election as a member of the House of Representatives by virtue of section 31(1) of this Constitution or any law enacted in pursuance of subsection (2), (3) or (4) of that section; or
- (b) in the case of a Speaker elected from among the members of the House—
  - (i) if he or she ceases to be a member of the House:

Provided that the Speaker shall not vacate his or her office by reason only that he or she has ceased to be a member of the House on a

dissolution of Parliament, until the House first meets after the dissolution, or

(ii) if he or she is appointed to be a Minister or a Parliamentary Secretary.

(6) A person shall vacate the office of Deputy Speaker—

- (a) if he or she ceases to be a member of the House;
- (b) if he or she is appointed to be a Minister or a Parliamentary Secretary; or
- (c) if he or she is elected to be Speaker.

(7) (a) If, by virtue of section 33(3) of this Constitution, the Speaker or Deputy Speaker is required to cease to perform his or her functions as a member of the House of Representatives he or she shall also cease to perform his or her functions as Speaker or Deputy Speaker, as the case may be, and those functions shall, until he or she vacates his or her seat in the House or resumes the performance of the functions of his or her office, be performed—

- (i) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant or the Deputy Speaker is required to cease to perform his or her functions as a member of the House of Representatives by virtue of section 33(3) of this Constitution, by such member of the House (not being a Minister or a Parliament Secretary) as the House may elect for the purpose,
- (ii) in the case of the Deputy Speaker, by such member of the House (not being a Minister or a Parliamentary Secretary) as the House may elect for the purpose.

(b) If the Speaker or Deputy Speaker resumes the performance of his or her functions as a member of the House, in accordance with the provisions of section 33(3) of this Constitution, he or she shall also resume the performance of his or her functions as Speaker or Deputy Speaker, as the case may be.

### **35. Supervisor of Elections**

(1) There shall be a Supervisor of Elections whose duty it shall be to exercise general supervision over the registration of voters in elections of the members of the House of Representatives and over the conduct of such elections.

(2) The functions of the office of Supervisor of Elections shall be exercised by the person holding or acting in such public office as may for the time being be designated in that behalf by the Governor-General acting in his or her own deliberate judgement.

(3) A person shall not enter upon the duties of the office of Supervisor of Elections until he or she has taken and subscribed the oath of allegiance and the oath of office.

(4) For the purposes of the exercise of his or her functions under subsection (1) of this section, the Supervisor of Elections may give such directions as he or she considers necessary or expedient to any registering officer, presiding officer or returning officer relating to the exercise by that officer of his or her functions under any law regulating the registration of voters or the conduct of elections, and any officer to whom directions are given under this subsection shall comply with those directions.

(5) The Supervisor of Elections may, whenever he or she considers it necessary or expedient so to do, report to the House of Representatives on the exercise of his or her functions under the foregoing provisions of this section; he or she shall submit every such report to the Minister for the time being responsible for matters relating to the election of members of the House of Representatives and that Minister shall, not later than seven days after the House first meets after he or she has received the report, lay it before the House.

(6) In the exercise of his or her functions under the foregoing provisions of this section, the Supervisor of Elections shall not be subject to the direction or control of any other person or authority.

(7) The Supervisor of Elections shall exercise such other functions in relation to elections (whether to the House of Representatives or to local government authorities) as may be prescribed by or under any law enacted by Parliament.

### **36. Clerks to Houses of Parliament and their staff**

(1) There shall be a clerk to the Senate and a Clerk to the House of Representatives:

Provided that the offices of Clerk to the Senate and Clerk to the House of Representatives may be held by the same person.

(2) Subject to the provisions of any law enacted by Parliament, the office of Clerk of each House of Parliament and the members of his or her staff shall be offices in the public service.

### **37. Determination of questions as to membership of Parliament**

(1) The High Court shall have jurisdiction to hear and determine any question whether—

- (a) any person has been validly appointed as a Senator;
- (b) any person has been validly elected as a member of the House of Representatives;
- (c) any person who has been elected as Speaker of the House of Representatives from among persons who were not members thereof was qualified to be so elected or has vacated the office of Speaker;
- (d) any Senator or member of the House of Representatives has vacated his or her seat or is required, under the provisions of section 27(3) or 33(3) of this Constitution, to cease to perform any of his or her functions as a Senator or member of the House of Representatives.

(2) An application to the High Court for the determination of any question under subsection (1)(a) of this section may be made by any person registered in a constituency as a voter in elections of members of the House of Representatives or by the Attorney-General, and an application to the High Court for the determination of any question under subsection (1)(b) of this section may be made by any person entitled to vote in the election to which the application relates or by any person who was a candidate in that election or by the Attorney-General and, if in either case it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(3) An application to the High Court for the determination of any question under subsection (1)(c) of this section may be made by any member of the House of Representatives or by the Attorney-General and if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(4) An application to the High Court for the determination of any question under subsection (1)(d) of this section may be made—

- (a) in the case of a Senator, by a member of the Senate, by any person registered in a constituency as a voter in elections of members of the House of Representatives or by the Attorney-General;
- (b) in the case of a member of the House of Representatives, by a member of that House or by any person registered in a constituency as a voter in elections of members of that House or by the Attorney-General,

and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(5) Parliament may make provision with respect to—

- (a) the circumstances and manner in which and the imposition of conditions upon which any application may be made to the High Court for the determination of any question under this section; and
- (b) the powers, practice and procedure of the High Court in relation to any such application.

(6) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1) of this section.

(7) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) of this section and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1) of this section.

(8) In the exercise of his or her functions under this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

### **38. Power to make laws**

Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Grenada.

### **39. Alteration of this Constitution and certain other laws**

(1) Parliament may alter any of the provisions of this Constitution or of the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, in the manner specified in the following provisions of this section.

(2) A Bill to alter this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, shall not be regarded as being passed by the House of Representatives unless on its final reading in that House the Bill is supported by the votes of not less than two-thirds of all the members of the House.

(3) An amendment made by the Senate to such a Bill that has been passed by the House of Representatives shall not be regarded as being agreed to by the House of Representatives for the purpose of section 48 of this Constitution unless such agreement is signified by resolution supported by the votes of not less than two-thirds of all the members of the House of Representatives.

(4) For the purposes of section 48(4) of this Constitution, an amendment of a Bill to alter this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, shall not be suggested to the Senate by the House of Representatives unless a resolution so to suggest the amendment has been supported by the votes of not less than two-thirds of all the members of the House of Representatives.

(5) A Bill to alter this section, Appendix 1 to this Constitution or any of the provisions of this Constitution specified in Part I of that Schedule or any of the provisions of the Courts Order specified in Part II of that Schedule or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, shall not be submitted to the Governor-General for his or her assent unless—

- (a) there has been an interval of not less than ninety days between the introduction of the Bill in the House of Representatives and the beginning of the proceedings in the House on the second reading of the Bill in that House;

- (b) after it has been passed by both Houses of Parliament or, in the case of a Bill to which section 48 of this Constitution applies, after its rejection by the Senate for the second time; and
- (c) the Bill has been approved on a referendum, held in accordance with such provision as may be made in that behalf by Parliament, by not less than two-thirds of all the votes validly cast on that referendum.

(6) Every person who, at the time when the referendum is held, would be entitled to vote in elections of members of the House of Representatives shall be entitled to vote on a referendum held for the purposes of this section in accordance with such procedures as may be prescribed by Parliament for the purposes of the referendum and no other person shall be entitled so to vote.

(7) The conduct of any referendum for the purposes of subsection (5) of this section shall be under the general supervision of the Supervisor of Elections and the provisions of section 35(4), (5) and (6) of this Constitution shall apply in relation to the exercise by the Supervisor of Elections or by any other officer of his or her functions with respect to a referendum as they apply in relation to the exercise of his or her functions with respect to elections of members of the House of Representatives.

(8) (a) A Bill to alter this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, shall not be submitted to the Governor-General for his or her assent unless it is accompanied by a certificate under the hand of the Speaker of the House of Representatives (or, if the Speaker is for any reason unable to exercise the functions of his or her office, the Deputy Speaker) that the provisions of subsection (2), (3) or (4), as the case may be, of this section have been complied with and, where a referendum has been held, by a certificate of the Supervisor of Elections stating the results of the referendum;

(b) the certificate of the Speaker or, as the case may be, the Deputy Speaker under this subsection shall be conclusive that the provisions of subsection (2), (3) or (4) of this section have been complied with and shall not be enquired into in any court of law.

(9) In this section—

- (a) references to this Constitution include references to any law that alters this Constitution;
- (b) references to the Courts Order are references to the West Indies Associated States Supreme Court Order, 1967, in so far as it has effect as part of the law of Grenada and include references to any law that alters that Order in so far as it has such effect;
- (c) references to section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, are references to that section in so far as it has effect as part of the law of Grenada and include references to any law that alters that section in so far as it has such effect;
- (d) references to altering this Constitution or the Courts Order or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967, as the case may be, or to altering any provision include references—
  - (i) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof,
  - (ii) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise, and
  - (iii) to suspending its operation for any period or terminating any such suspension.

#### **40. Oath by members of Parliament**

(1) Every member of a House of Parliament shall, before taking his or her seat in the House, take and subscribe before the House the oath of allegiance but a member may before taking that oath take part in the election of the President or Speaker of the House.

(2) Any person elected to the office of President of the Senate or Speaker of the House of Representatives shall, if he or she has not already taken and subscribed the oath of allegiance under subsection (1) of this section, take and subscribe that oath before the House before entering upon the duties of his or her office.

#### **41. Presiding in Houses of Parliament**

(1) There shall preside at any sitting of the Senate—

- (a) the President;
- (b) in the absence of the President, the Deputy President; or
- (c) in the absence of the President and the Deputy President, such member of the Senate (not being a Minister or a Parliamentary Secretary) as the Senate may elect for that purpose.

(2) There shall preside at any sitting of the House of Representatives—

- (a) the Speaker;
- (b) in the absence of the Speaker, the Deputy Speaker; or
- (c) in the absence of the Speaker and the Deputy Speaker, such member of the House (not being a Minister or a Parliamentary Secretary) as the House may elect for that purpose.

#### **42. Quorum**

(1) If at any sitting of either House of Parliament any member of the House who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding at the sitting ascertains that a quorum of the House is not present, the House shall be adjourned.

(2) For the purposes of this section—

- (a) a quorum of the House of Representatives shall consist of five members and of the Senate shall consist of four members;
- (b) the person presiding at the sitting of either House shall not be included in reckoning whether there is a quorum of the House present.

#### **43. Voting**

(1) Save as otherwise provided in this Constitution, any question proposed for decision in a House of Parliament shall be determined by a majority of the votes of the members present and voting.

(2) The President or other member presiding in the Senate and the Speaker or other member presiding in the House of Representatives shall not vote unless on any question the votes are equally divided, in which case, except as otherwise provided in this section, he or she shall have and exercise a casting vote:

Provided that in the case of the question of the final reading of a Bill such as is referred to in section 39(2) of this Constitution a Speaker or other member presiding in the House of Representatives who is an elected member of the House shall have an original vote but no casting vote.

(3) A Speaker elected from among persons who are not members of the House of Representatives shall have neither an original nor a casting vote and if, upon any question

before the House when such Speaker is presiding, the votes of the members are equally divided, the motion shall be lost.

#### **44. Unqualified persons sitting or voting**

(1) Any person who sits or votes in either House of Parliament knowing or having reasonable grounds for knowing that he or she is not entitled to do so shall be guilty of an offence and liable to a fine not exceeding one hundred dollars, or such other sum as may be prescribed by Parliament, for each day on which he or she so sits or votes in the House.

(2) Any prosecution for an offence under this section shall be instituted in the High Court and shall not be so instituted except by the Director of Public Prosecutions.

#### **45. Mode of exercise of legislative power**

(1) The power of Parliament to make laws shall be exercised by Bills passed by the Senate and the House of Representatives (or in the cases mentioned in sections 47 and 48 of this Constitution by the House of Representatives) and assented to by the Governor-General on behalf of Her Majesty.

(2) When a Bill is submitted to the Governor-General for assent in accordance with the provisions of this Constitution he or she shall signify that he or she assents or that he or she withholds assent.

(3) When the Governor-General assents to a Bill that has been submitted to him or her or her in accordance with the provisions of this Constitution the Bill shall become law and the Governor-General shall thereupon cause it to be published in the *Gazette* as law.

(4) No law made by Parliament shall come into operation until it has been published in the *Gazette* but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

#### **46. Restrictions with regard to certain financial measures**

(1) A Bill other than a money Bill may be introduced in either House of Parliament; a money Bill shall not be introduced in the Senate.

(2) Except on the recommendation of the Governor-General signified by a Minister, neither House of Parliament shall—

- (a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—
  - (i) for the imposition of taxation or the alteration of taxation otherwise than by reduction,
  - (ii) for the imposition of any charge upon the Consolidated Fund or any other public fund of Grenada or the alteration of any such charge otherwise than by reduction,
  - (iii) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Grenada of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal,
  - (iv) for the composition or remission of any debt due to the Government of Grenada; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

#### **47. Restriction on powers of Senate as to money Bills**

(1) If a money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to the Senate, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General for his or her assent notwithstanding that the Senate has not consented to the Bill.

(2) There shall be endorsed on every money Bill when it is sent to the Senate the certificate of the Speaker signed by him or her or her that it is a money Bill; and there shall be endorsed on any money Bill that is submitted to the Governor-General for assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him or her or her that it is a money Bill and the provisions of that subsection have been complied with.

#### **48. Restriction on powers of Senate as to Bills other than money Bills**

(1) This section applies to any Bill other than a money Bill that is passed by the House of Representatives in two successive sessions (whether or not Parliament is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions.

(2) A Bill to which this section applies shall, on its rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be submitted to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill:

Provided that—

- (a) the foregoing provisions of this subsection shall not have effect unless at least six months have elapsed between the date on which the Bill is passed by the House of Representatives in the first session and the date on which it is passed by the House of Representatives in the second session;
- (b) a Bill such as is referred to in section 39(5) of this Constitution shall not be submitted to the Governor-General for his or her assent unless the provisions of that subsection have been complied with and the power conferred on the House of Representatives by this subsection to resolve that a Bill shall not be presented to the Governor-General for assent shall not be exercised in respect of such a Bill.

(3) For the purposes of this section a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Representatives to be necessary owing to the time that has elapsed since the date of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(4) The House of Representatives may, if it thinks fit, on the passage through the House of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the House; but the exercise of this power by the House shall not affect the operation of this section in the event of the rejection of the Bill in the Senate.

(5) There shall be inserted in any Bill that is submitted to the Governor-General for assent in pursuance of this section any amendments that are certified by the Speaker to have been made in the Bill by the Senate in the second session and agreed to by the House.

(6) There shall be endorsed on any Bill that is presented to the Governor-General for assent in pursuance of this section the certificate of the Speaker signed by him or her or her that the provisions of this section have been complied with.

#### **49. Provisions relating to sections 46, 47 and 48**

(1) In sections 46, 47 and 48 of this Constitution, “money Bill” means a public Bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this subsection the expressions “taxation”, “debt”, “public money” and “loan” do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

(2) For the purposes of section 48 of this Constitution, a Bill shall be deemed to be rejected by the Senate if—

- (a) it is not passed by the Senate without amendment; or
- (b) it is passed by the Senate with any amendment which is not agreed to by the House of Representatives.

(3) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any function conferred on him or her or her by section 47 or 48 of this Constitution or subsection (1) of this section, that function may be performed by the Deputy Speaker.

(4) Any certificate of the Speaker or Deputy Speaker given under section 48 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court of law.

(5) Before giving any certificate under section 47 or 48 of this Constitution the Speaker or Deputy Speaker, as the case may be, shall consult the Attorney-General.

#### **50. Regulation of procedure in Houses of Parliament**

(1) Subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure and may in particular make rules for the orderly conduct of its own proceedings.

(2) Each House of Parliament may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after any general election) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

(3) Parliament may, for the purpose of the orderly and effective discharge of the business of the Senate and the House of Representatives, make provision for the powers, privileges and immunities of those Houses and the committees and the members thereof.

#### **51. Sessions of Parliament**

(1) Each session of Parliament shall be held at such place within Grenada and shall commence at such time as the Governor-General may by Proclamation appoint.

(2) There shall be a session of Parliament once at least in every year, so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

## **52. Prorogation and dissolution of Parliament**

(1) The Governor-General may at any time prorogue or dissolve Parliament.

(2) Subject to the provisions of subsection (3) of this section Parliament, unless sooner dissolved, shall continue for five years from the date of the first sitting of Parliament after any dissolution and shall then stand dissolved.

(3) At any time when Her Majesty is at war, Parliament may extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) In the exercise of his or her powers to dissolve Parliament, the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that—

- (a) if the majority of all the members of the House of Representatives pass a resolution that they have no confidence in the Government of Grenada and the Prime Minister does not within three days either resign or advise a dissolution, the Governor-General, acting in his or her own deliberate judgement, may dissolve Parliament; and
- (b) if the office of the Prime Minister is vacant and the Governor-General, acting in his or her own deliberate judgement, considers that there is no prospect of his or her being able within a reasonable time to appoint to that office a person who can command the support of the majority of the members of the House of Representatives, the Governor-General shall dissolve Parliament.

## **53. General elections**

(1) A general election of members of the House of Representatives shall be held at such time within three months after any dissolution of Parliament as the Governor-General may appoint.

(2) As soon as practicable after every general election the Governor-General shall proceed under section 24 of this Constitution to the appointment of Senators.

## **54. Constituencies**

For the purpose 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.

## **55. Constituency Boundaries Commission**

(1) There shall be a Constituency Boundaries Commission for Grenada which shall consist of—

- (a) the Speaker, as Chairperson;
- (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, other than the Chairperson, if he or she is a Senator, a member of the House of Representatives or a public officer.

(3) Subject to the provisions of this section, a member of the Commission, other than the Chairperson, shall vacate his or her office—

- (a) at the next dissolution of Parliament after his or her appointment; or
- (b) if any circumstances arise that, if he or she were not a member of the Commission, would cause him or her to be disqualified for appointment as such.

(4) A member of the Commission other than the Chairperson may be removed from office but only for inability to discharge the functions thereof (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and he or she shall not be so removed 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 or her or her removal from office has been referred to a tribunal appointed under subsection (6) of this section and the tribunal has recommended to the Governor-General that he or she ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Prime Minister, in the case of a member appointed in accordance with subsection (1)(b) of this section, or the Leader of the Opposition, in the case of a member appointed in accordance with paragraph (c) of that subsection, represents to the Governor-General that the question of removal of a member of the Commission from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

- (a) the Governor-General shall appoint a tribunal, which shall consist of a Chairperson 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 any such court; and
- (b) 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 member of the Commission ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) The Commission may regulate its own procedure, and with the consent of the Prime Minister, 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.

(8) 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.

(9) 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.

## **56. Review of constituency boundaries**

(1) The Constituency Boundaries Commission shall, in accordance with the provisions of this section, review the number and boundaries of the constituencies into which Grenada is divided and submit to the Governor-General reports either—

- (a) showing the constituencies into which it recommends that Grenada should be divided in order to give effect to the rules set out in Appendix 2 to this Constitution; or
- (b) stating that, in the opinion of the Commission, no alteration is required to the existing number or boundaries of constituencies in order to give effect to the said rules.

(2) Reports under subsection (1) of this section shall be submitted by the Commission—

- (a) in the case of its first report after the day upon which this Constitution comes into operation, not more than five years from 25th August, 1971; and
- (b) in the case of any subsequent report, not less than two nor more than five years from the date of submission of its last report.

(3) As soon as may be after the Commission has submitted a report under subsection (1)(a) of this section, the Prime Minister shall lay before the House of Representatives for its approval the draft of an Order by the Governor-General for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft Order may make provision for any matters which appear to the Prime Minister to be incidental to or consequential upon the other provisions of the draft.

(4) Where any draft Order submitted to the House of Representatives under this section gives effect to any such recommendations with modifications, the Prime Minister shall lay before the House together with the draft Order a statement of the reasons for the modifications.

(5) If the motion for the approval of any draft Order laid before the House of Representatives under this section is rejected by the House, or is withdrawn by leave of the House, the Prime Minister shall amend the draft Order and lay the amended draft before the House.

(6) If any draft Order laid before the House of Representatives under this section is approved by resolution of the House, the Prime Minister shall submit it to the Governor-General who shall make an Order in terms of the draft; and that Order shall come into force upon the next dissolution of Parliament after it is made.

(7) The question of the validity of any Order by the Governor-General purporting to be made under this section and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any court of law.

## PART IV

### *The Executive*

#### **57. Exercise of executive authority of Grenada**

(1) The executive authority of Grenada is vested in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Grenada may be exercised on behalf of Her Majesty by the Governor-General either directly or through officers subordinate to him or her.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the Governor-General.

#### **58. Ministers**

(1) There shall be a Prime Minister of Grenada, who shall be appointed by the Governor-General.

(2) Whenever the Governor-General has occasion to appoint a Prime Minister he or she shall appoint a member of the House of Representatives who appears to him or her likely to command the support of the majority of the members of the House.

(3) There shall be, in addition to the office of Prime Minister, such other offices of Minister as may be established by Parliament or, subject to the provisions of any law enacted by Parliament, by the Governor-General, acting in accordance with the advice of the Prime Minister.

(4) Appointments to the office of Minister, other than the office of Prime Minister, shall be made by the Governor-General, acting in accordance with the advice of the Prime Minister, from among the Senators and the members of the House of Representatives.

(5) If occasion arises for making an appointment to the office of Prime Minister or any other Minister while Parliament is dissolved, then, notwithstanding any other provision of this section, a person who was a member of the House of Representatives immediately before the dissolution may be appointed as Prime Minister or any other Minister and a person who was a Senator immediately before the dissolution may be appointed as any Minister other than Prime Minister.

(6) The Governor-General may remove the Prime Minister from office—

- (a) if a resolution of no confidence in the Government of Grenada is passed by the majority of all the members of the House of Representatives and the Prime Minister does not within three days either resign from his or her office or advise a dissolution of Parliament; or
- (b) if, at any time between the holding of a general election of the members of the House of Representatives and the date on which the House first meets thereafter, the Governor-General considers that in consequence of changes in the membership of the House resulting from that election the Prime Minister will not be able to command the support of the majority of the members of the House.

(7) The office of any Minister shall become vacant—

- (a) if the holder of the office ceases to be a member of either House of Parliament otherwise than by reason of the dissolution of Parliament;
- (b) in the case of the Prime Minister, if, when the House of Representatives first meets after the dissolution of Parliament, he or she is not then a member thereof;
- (c) in the case of any other Minister, if, when the House of Representatives first meets after the dissolution of Parliament, he or she is not then a member of either House of Parliament; or
- (d) if, by virtue of section 27(3) or 33(3) of this Constitution, he or she is required to cease to perform his or her or her functions as a member of a House of Parliament.

(8) The office of a Minister other than the Prime Minister shall become vacant—

- (a) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
- (b) if the Prime Minister resigns from office within three days after the passage by the majority of all the members of the House of Representatives of a resolution of no confidence in the Government of Grenada or is removed from office under subsection (6) of this section; or
- (c) on the appointment of any person to the office of Prime Minister.

(9) In the exercise of the powers conferred upon him or her by subsections (2), (5) and (6) of this section the Governor-General shall act in his or her own deliberate judgement.

## **59. Cabinet of Ministers**

(1) There shall be a Cabinet of Ministers for Grenada which shall consist of the Prime Minister and the other Ministers.

(2) At any time when the office of Attorney-General is a public office, the Attorney-General shall be an *ex officio* member of the Cabinet in addition to the Ministers.

(3) The functions of the Cabinet shall be to advise the Governor-General in the government of Grenada and the Cabinet shall be collectively responsible to Parliament for any advice given to the Governor-General by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his or her office.

(4) The provisions of subsection (3) of this section shall not apply in relation to—

- (a) the appointment and removal from office of Ministers or Parliamentary Secretaries, the assignment of responsibility to any Minister under section 60 of this Constitution, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness;
- (b) the dissolution of Parliament; or
- (c) the matters referred to in section 72 of this Constitution (which relate to the prerogative of mercy).

## **60. Allocation of portfolios to Ministers**

The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the government of Grenada, including the administration of any department of government.

## **61. Performance of functions of Prime Minister during absence or illness**

(1) Whenever the Prime Minister is absent from Grenada or is by reason of illness unable to perform the functions conferred upon him or her by this Constitution, the Governor-General may authorise some other Minister to perform those functions (other than the functions conferred by this section) and that Minister may perform those functions until his or her authority is revoked by the Governor-General.

(2) The powers of the Governor-General under this section shall be exercised by him or her in accordance with the advice of the Prime Minister:

Provided that if the Governor-General, acting in his or her own deliberate judgement, considers that it is impracticable to obtain the advice of the Prime Minister owing to his or her absence or illness he or she may exercise those powers in his or her own deliberate judgement.

## **62. Exercise of Governor-General's functions**

(1) In the exercise of his or her functions the Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he or she is required by this Constitution or any other law to act in accordance with the advice of any person or authority other than the Cabinet or in his or her own deliberate judgement.

(2) During any period in which there is a vacancy in the office of Leader of the Opposition by reason of the fact that no person is both qualified for appointment to that office in accordance with this Constitution and willing to accept appointment, the Governor-General may act without the advice of the Leader of the Opposition and in his or her own deliberate judgement in the exercise of any power in respect of which it is provided in this Constitution that he or she shall act on the advice of the Leader of the Opposition.

(3) Nothing in subsection (1) of this section shall apply to the functions conferred upon the Governor-General by the following provisions of this Constitution—

- (a) paragraph (b) of the proviso to section 52(4) (which requires the Governor-General to dissolve Parliament in certain circumstances);
- (b) section 63 (which entitles the Governor-General to information);
- (c) sections 55(5), 66(4), 83(6), 86(7), 87(7) and 90(5) (which require the Governor-General to remove the holders of certain offices from office in certain circumstances).

### **63. Governor-General to be informed concerning matters of government**

The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Grenada and shall furnish the Governor-General with such information as he or she may request with respect to any particular matter relating to the government of Grenada.

### **64. Parliamentary Secretaries**

(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the Senators and members of the House of Representatives to assist Ministers in the performance of their duties:

Provided that, if occasion arises for making appointments while Parliament is dissolved, a person who was a Senator or a member of the House of Representatives immediately before the dissolution may be appointed as a Parliamentary Secretary.

(2) The office of a Parliamentary Secretary shall become vacant—

- (a) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
- (b) if the Prime Minister resigns from office within three days after the passage by the majority of all the members of the House of Representatives of a resolution of no confidence in the Government of Grenada or is removed from office under section 58(6) of this Constitution;
- (c) upon the appointment of any person to the office of Prime Minister;
- (d) if the holder of the office ceases to be a member of either House of Parliament otherwise than by reason of a dissolution of Parliament;
- (e) if, when the House of Representatives first meets after any dissolution of Parliament, he or she is not then a member of either House of Parliament; or
- (f) if, by virtue of section 27(3) or 33(3) of this Constitution, he or she is required to cease to perform his or her functions as a member of a House of Parliament.

### **65. Oaths to be taken by Ministers, etc.**

A Minister or a Parliamentary Secretary shall not enter upon the duties of his or her office unless he or she has taken and subscribed the oath of allegiance and the oath of office.

## **66. Leader of the Opposition**

(1) There shall be a Leader of the Opposition who shall be appointed by the Governor-General.

(2) Whenever there shall be occasion for the appointment of a Leader of the Opposition, the Governor-General, acting in his or her own deliberate judgement, shall appoint the member of the House of Representatives who appears to him or her to command the support of the largest number of members of the House in opposition to the Government.

(3) The Leader of the Opposition shall vacate his or her office—

- (a) if for any reason other than a dissolution of Parliament he or she ceases to be a member of the House of Representatives;
- (b) if when the House of Representatives first meets after any dissolution of Parliament he or she is not then a member of the House;
- (c) if by virtue of the provisions of section 33(3) of this Constitution he or she is required to cease to perform his or her functions as a member of the House of Representatives; or
- (d) if he or she is removed from office under the provisions of subsection (4) of this section.

(4) If it appears to the Governor-General, acting in his or her own deliberate judgement, that the Leader of the Opposition no longer commands the support of the largest number of members of the House in opposition to the Government, the Governor-General shall remove the Leader of the Opposition from office.

## **67. Permanent secretaries**

Where any Minister has been charged with responsibility for any department of government, he or she shall exercise general direction and control over that department; and, subject to such direction and control, every department of government shall be under the supervision of a public officer whose office is referred to in this Constitution as the office of a permanent secretary:

Provided that two or more departments of government may be placed under the supervision of one permanent secretary.

## **68. Secretary to the Cabinet**

(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) The Secretary to the Cabinet, who shall have charge of the Cabinet Office, shall be responsible, in accordance with such instructions as may be given to him or her by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may direct.

## **69. Constitution of offices, etc.**

Subject to the provisions of this Constitution and of any other law, the Governor-General may constitute offices for Grenada, make appointments to any such office and terminate any such appointment.

## **70. Attorney-General**

(1) There shall be an Attorney-General who shall be the principal legal adviser to the Government of Grenada.

(2) The office of Attorney-General shall be either a public office or the office of a Minister.

(3) At any time when the office of Attorney-General is a public office the same person may, if qualified, be appointed in accordance with the provisions of Part VI of this Constitution to hold or act in the office of Attorney-General and the office of Director of Public Prosecutions.

(4) Where the offices of Attorney-General and Director of Public Prosecutions are held by the same person, the following provisions of this Constitution shall have effect, in relation to that person, as if references therein to the Director of Public Prosecutions included references to the Attorney-General, that is to say, sections 80, 86(6), 86(7), 86(8), 86(9), 93 and 111(8), but the provisions of this subsection shall be without prejudice to the powers of Parliament or, subject to the provisions of any law, the Governor-General to determine that the office of Attorney-General shall cease to be a public office and become the office of a Minister.

## **71. Director of Public Prosecutions**

(1) There shall be a Director of Public Prosecutions whose office shall be a public office.

(2) The Director of Public Prosecutions shall have power in any case in which he or she considers it desirable to do so—

- (a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;
- (b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and
- (c) to discontinue at any stage before judgement is delivered any such criminal proceedings instituted or undertaken by himself, herself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him or her in person or through other persons acting under and in accordance with his or her general or special instructions.

(4) The powers conferred on the Director of Public Prosecutions by subsection (2)(b) and (c) of this section shall be vested in him or her to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purpose of this section, any appeal from a judgement in criminal proceedings before any court or any case stated or question of law reserved for the purpose of any such proceedings to any other court (including Her Majesty in Council) shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by subsection (2)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) In the exercise of the functions vested in him or her by subsection (2) of this section and by section 44 of this Constitution, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

## **72. Prerogative of mercy**

(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

- (a) grant a pardon, either free or subject to lawful conditions, to any person convicted of any offence;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or
- (d) remit the whole or any part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

(2) The powers of the Governor-General under subsection (1) of this section shall be exercised by him or her in accordance with the advice of such Minister as may for the time being be designated by the Governor-General, acting in accordance with the advice of the Prime Minister.

### **73. Advisory Committee on the Prerogative of Mercy**

(1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of—

- (a) the Minister for the time being designated under section 72(2) of this Constitution who shall be Chairperson;
- (b) the Attorney-General;
- (c) the chief medical officer of the Government of Grenada; and
- (d) three other members appointed by the Governor-General by instrument in writing under his or her hand.

(2) A member of the Committee appointed under subsection (1)(d) of this section shall hold his or her seat thereon for such period as may be specified in the instrument by which he or she was appointed:

Provided that his or her seat shall become vacant—

- (a) in the case of a person who at the date of his or her appointment was a Minister, if he or she ceases to be a Minister; or
- (b) if the Governor-General, by instrument in writing under his or her hand, so directs.

(3) The Committee may act notwithstanding any vacancy in its membership or the absence of any member 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.

(4) The Committee may regulate its own procedure.

(5) In the exercise of his or her functions under this section, the Governor-General shall act in accordance with the advice of the Prime Minister.

### **74. Functions of Advisory Committee**

(1) Where any person has been sentenced to death (otherwise than by a court-martial) for an offence, the Minister for the time being designated under section 72(2) of this Constitution shall cause a written report of the case from the trial judge (or, if a report cannot be obtained from that judge, a report on the case from the Chief Justice), together with such other information derived from the record of the case or elsewhere as he or she may require, to be taken into consideration at a meeting of the Advisory Committee on

the Prerogative of Mercy; and after obtaining the advice of the Committee he or she shall decide in his or her own deliberate judgement whether to advise the Governor-General to exercise any of his or her powers under section 72(1) of this Constitution.

(2) The Minister for the time being designated under section 72(2) of this Constitution may consult with the Advisory Committee on the Prerogative of Mercy before tendering advice to the Governor-General under section 72(1) of this Constitution in any case not falling within subsection (1) of this section but he or she shall not be obliged to act in accordance with the recommendation of the Committee.

## PART V

### *Finance*

#### **75. Consolidated Fund**

All revenues or other monies raised or received by Grenada (not being revenues or other monies that are payable, by or under any law for the time being in force in Grenada, into some other fund established for any specific purpose) shall be paid into and form a Consolidated Fund.

#### **76. Withdrawals from Consolidated Fund or other public funds**

(1) No monies shall be withdrawn from the Consolidated Fund except—

- (a) to meet expenditure that is charged upon the Fund by this Constitution or by any law enacted by Parliament; or
- (b) where the issue of those monies has been authorised by an Appropriation law or by a law made in pursuance of section 78 of this Constitution.

(2) Where any monies are charged by this Constitution or any law enacted by Parliament upon the Consolidated Fund or any other public fund, they shall be paid out of that fund by the Government of Grenada to the person or authority to whom payment is due.

(3) No monies shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those monies has been authorised by or under any law.

(4) Parliament may prescribe the manner in which withdrawals may be made from the Consolidated Fund or any other public fund.

#### **77. Authorisation of expenditure from Consolidated Fund by Appropriation law**

(1) The Minister for the time being responsible for finance shall cause to be prepared and laid before the House of Representatives in each financial year estimates of the revenues and expenditure of Grenada for the next following financial year.

(2) When the estimates of expenditure (other than expenditure charged upon the Consolidated Fund by this Constitution or by any law enacted by Parliament) have been approved by the House of Representatives, a Bill, known as an Appropriation Bill, shall be introduced in the House, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums, under separate votes for the several services required, to the purposes specified therein.

(3) If in respect of any financial year it is found—

- (a) that the amount appropriated by the Appropriation law to any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by that law; or

- (b) that any monies have been expended for any purpose in excess of the amount appropriated to that purpose by the Appropriation law or for a purpose to which no amount has been appropriated by that law,

a supplementary estimate, showing the sums required or spent, shall be laid before the House of Representatives and, when the supplementary estimate has been approved by the House, a supplementary Appropriation Bill shall be introduced in the House providing for the issue of such sums from the Consolidated Fund and appropriating them to the purposes specified therein.

#### **78. Authorisation of expenditure in advance of appropriation**

Parliament may make provision under which, if the Appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Minister for the time being responsible for finance may authorise the withdrawal of monies from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government of Grenada until the expiration of four months from the beginning of that financial year or the coming into operation of the law, whichever is the earlier.

#### **79. Contingencies Fund**

(1) Parliament may make provision for the establishment of a Contingencies Fund and for authorising the Minister for the time being responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall as soon as possible be laid before the House of Representatives and, when the supplementary estimate has been approved by the House, a supplementary Appropriation Bill shall be introduced as soon as possible in the House for the purpose of replacing the amount so advanced.

#### **80. Remuneration of certain officers**

(1) There shall be paid to the holders of the offices to which this section applies such salaries and such allowances as may be prescribed by or under a law enacted by Parliament.

(2) The salaries and allowances prescribed in pursuance of this section in respect of the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.

(3) The salary prescribed in pursuance of this section in respect of the holder of any office to which this section applies and his or her other terms of service (other than allowances that are not taken into account in computing, under any law in that behalf, any pension payable in respect of his or her service in that office) shall not be altered to his or her disadvantage after his or her appointment.

(4) When a person's salary or other terms of service depend upon his or her option, the salary or terms for which he or she opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him or her than any others for which he or she might have opted.

(5) This section applies to the offices of the Governor-General, member of the Public Service Commission, member of the Public Service Board of Appeal, the Director of Public Prosecutions and the Director of Audit.

(6) Nothing in this section shall be construed as prejudicing the provisions of section 92 of this Constitution (which protects pensions rights in respect of service as a public officer).

## **81. Public debt**

(1) All debt charges for which Grenada is liable shall be a charge on the Consolidated Fund.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of the debt created thereby.

## **82. Director of Audit**

(1) There shall be a Director of Audit whose office shall be a public office.

(2) It shall be the duty of the Director of Audit to audit and report on the public accounts of Grenada, the accounts of all officers and authorities of the Government of Grenada, the accounts of all courts in Grenada (including any accounts of the Court of Appeal or the High Court maintained in Grenada), the accounts of every Commission established by this Constitution and the accounts of the Clerk to the Senate and the Clerk to the House of Representatives.

(3) The Director of Audit and any officer authorised by him or her shall have access to all books, records, returns, reports and other documents which in his or her opinion relate to any of the accounts referred to in subsection (2) of this section.

(4) The Director of Audit shall submit every report made by him or her in pursuance of subsection (2) of this section to the Minister for the time being responsible for finance who shall, not later than seven days after the House of Representatives first meets after he or she has received the report, lay it before the House.

(5) The Director of Audit shall exercise such other functions in relation to the accounts of the Government of Grenada or the accounts of other authorities or bodies established by law for public purposes as may be prescribed by or under any law enacted by Parliament.

(6) In the exercise of his or her functions under subsections (2), (3) and (4) of this section, the Director of Audit shall not be subject to the direction or control of any other person or authority.

## **PART VI**

### *The Public Service*

## **83. Public Service Commission**

(1) There shall be a Public Service Commission for Grenada which shall consist of a Chairperson and four other members who shall be appointed as follows—

- (a) the Chairperson and two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister;
- (b) two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted the appropriate representative bodies:

Provided, however, that no appointment shall be made under this subsection unless the body consulted has been in agreement thereto.

(2) A person shall not be qualified to be appointed as a member of the Commission if—

- (a) he or she is a Senator or a member of the House of Representatives; or

(b) he or she is a judge of the Court of Appeal or the High Court or a public officer.

(3) A member of the Commission shall not, within the period of three years commencing with the day on which he or she last held or acted in the office of member of the Commission, be eligible for appointment to or to act in any public office.

(4) Subject to the provisions of this section, the office of a member of the Commission shall become vacant—

(a) at the expiration of three years from the date of his or her appointment; or

(b) if any circumstances arise that, if he or she were not a member of the Commission, would cause him or her to be disqualified to be appointed as such under subsection (2) of this section.

(5) A member of the Commission may be removed from office only for inability to exercise the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(6) A member of the Commission shall be removed from office by the Governor-General if the question of his or her removal from office has been referred to a tribunal appointed under subsection (7) of this section and the tribunal has recommended to the Governor-General that he or she ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the Prime Minister represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal which shall consist of a Chairperson and not less than two other members, selected by 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

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to him or her whether the member ought to be removed under this section.

(8) If the question of removing a member of the Commission has been referred to a tribunal under this section, the Governor-General, acting in accordance with the advice of the Prime Minister, may suspend that member from the exercise of the functions of his or her office and any such suspension may at any time be revoked by the Governor-General, acting in accordance with such advice as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that that member should not be removed.

(9) If the office of Chairperson of the Commission is vacant or if the person holding that office is for any reason unable to exercise the functions of his or her office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, they shall be exercised by such one of the other members of the Commission as may for the time being be designated in that behalf by the Governor-General, acting in accordance with the advice of the Prime Minister.

(10) If at any time any member of the Commission is acting as Chairperson or is for any reason unable to exercise the functions of his or her office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint a person who is qualified to be appointed as a member of the Commission to act as a member, and any person so appointed shall, subject to the provisions of subsection (5) of this section,

continue to act until the office in which he or she is acting has been filled or, as the case may be, until the holder thereof has resumed his or her functions or until his or her appointment to act has been revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

(11) A member of the Commission shall not enter upon the duties of his or her office until he or she has taken and subscribed the oath of allegiance and the oath of office.

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

(13) The Commission may by regulation or otherwise regulate its own procedure and, with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of the Government of Grenada for the purpose of the exercise of its functions.

(14) The Commission may, subject to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member 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.

(15) In this section, “the appropriate representative bodies” means the Grenada Civil Service Association and the Grenada Union of Teachers.

#### **84. Appointment, etc., of public officers**

(1) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office, and the power to grant leave, shall vest in the Public Service Commission.

(2) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Prime Minister, to any public officer.

(3) The provisions of this section shall not apply in relation to the following offices, that is to say—

- (a) any office to which section 85 of this Constitution applies;
- (b) the office of Director of Public Prosecutions;
- (c) the office of Director of Audit;
- (d) any office to which section 88 of this Constitution applies;
- (e) any office in the Police Force.

(4) No person shall be appointed under this section to or to act in any office of the Governor-General’s personal staff except with the concurrence of the Governor-General.

(5) Before any of the powers conferred by this section are exercised by the Public Service Commission or any other person or authority in relation to the Clerk of the Senate or the Clerk of the House of Representatives or a member of the staff of either of those Houses, the Commission or that person or authority shall consult with the President of the Senate or the Speaker of the House, as the case may be.

(6) Before the Public Service Commission or any other person or authority exercises its powers under this section to appoint to or to act in any public office any person who holds or is acting in any office the power to make appointments to which is vested by this Constitution in the Judicial and Legal Services Commission, the Public Service

Commission or that person or authority shall consult with the Judicial and Legal Services Commission.

(7) A public officer shall not be removed from office or subjected to any other punishment under this section on the grounds of any act done or omitted by him or her in the exercise of a judicial function conferred on him or her unless the Judicial and Legal Services Commission concurs therein.

(8) Every officer who is required to retire on abolition of his or her office or for the purpose of reorganisation of his or her Ministry or Department shall be entitled to pension and retiring benefits as if he or she had attained the compulsory retiring age.

#### **85. Appointment, etc., of permanent secretaries and certain other officers**

(1) This section applies to the offices of Secretary to the Cabinet, permanent secretary, head of a department of government and deputy head of a department of government.

(2) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or to act in offices to which this section applies (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the advice of the Public Service Commission:

Provided that—

- (a) the power to appoint a person to hold or act in an office of permanent secretary on transfer from another such office carrying the same salary shall vest in the Governor-General acting in accordance with the advice of the Prime Minister;
- (b) before the Public Service Commission tenders advice to the Governor-General with respect to the appointment of any person to hold an office to which this section applies (other than an appointment to an office of permanent secretary on transfer from another such office carrying the same salary) it shall consult with the Prime Minister and if the Prime Minister signifies his or her objection to the appointment of any person to the office, the Commission shall not advise the Governor-General to appoint that person.

(3) References in this section to a department of government do not include references to the department of the Attorney-General, the department of the Director of Public Prosecutions, the department of the Director of Audit or the Police Force.

#### **86. Director of Public Prosecutions**

(1) The Director of Public Prosecutions shall be appointed by the Governor-General acting in accordance with the advice of the Judicial and Legal Services Commission.

(2) If the office of Director of Public Prosecutions is vacant or if the Director of Public Prosecutions is for any reason unable to exercise the functions of his or her office, the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission, may appoint a person to act as Director of Public Prosecutions.

(3) A person appointed to act in the office of Director of Public Prosecutions shall, subject to subsections (5), (7), (8) and (9) of this section, cease so to act—

- (a) when a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he or she is acting resumes the functions of that office; or

(b) at such earlier time as may be prescribed by the terms of his or her appointment.

(4) A person shall not be qualified to be appointed to hold or act in the office of Director of Public Prosecutions unless—

(a) he or she is qualified to practise as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth; and

(b) he or she has been qualified for not less than five years to practise as an advocate or solicitor in such a court.

(5) Subject to the provisions of subsection (7) of this section, the Director of Public Prosecutions shall vacate his or her office when he or she attains the prescribed age.

(6) A person holding the office of Director of Public Prosecutions may be removed from office only for inability to exercise the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(7) The Director of Public Prosecutions shall be removed from office by the Governor-General if the question of his or her removal from office has been referred to a tribunal appointed under subsection (8) of this section and the tribunal has recommended to the Governor-General that he or she ought to be removed for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister or the Chairperson of the Judicial and Legal Services Commission represents to the Governor-General that the question of removing the Director of Public Prosecutions under this section ought to be investigated then—

(a) the Governor-General shall appoint a tribunal which shall consist of a Chairperson and not less than two other members, selected by 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

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to him or her whether the Director of Public Prosecutions ought to be removed under this section.

(9) If the question of removing the Director of Public Prosecutions has been referred to a tribunal under this section, the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission, may suspend the Director of Public Prosecutions from the exercise of the functions of his or her office and any such suspension may at any time be revoked by the Governor-General, acting in accordance with such advice as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Director of Public Prosecutions should not be removed.

(10) The prescribed age for the purposes of subsection (5) of this section is the age of fifty-five years or such other age as may be prescribed by Parliament:

Provided that any law enacted by Parliament, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Director of Public Prosecutions, shall not have effect in relation to that person unless he or she consents that it should have effect.

## **87. Director of Audit**

(1) The Director of Audit shall be appointed by the Governor-General acting in accordance with the advice of the Public Service Commission.

(2) If the office of Director of Audit is vacant or if the Director of Audit is for any reason unable to exercise the functions of his or her office, the Governor-General, acting in accordance with the advice of the Public Service Commission, may appoint a person to act as Director of Audit.

(3) Before tendering advice for the purposes of subsection (1) or (2) of this section, the Public Service Commission shall consult the Prime Minister.

(4) A person appointed to act in the office of Director of Audit shall, subject to subsections (5), (7), (8) and (9) of this section, cease so to act—

- (a) when a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he or she is acting resumes the functions of that office; or
- (b) at such earlier time as may be prescribed by the terms of his or her appointment.

(5) Subject to the provisions of subsection (7) of this section the Director of Audit shall vacate his or her office when he or she attains the prescribed age.

(6) A person holding the office of Director of Audit may be removed from office only for inability to exercise the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(7) The Director of Audit shall be removed from office by the Governor-General if the question of his or her removal from office has been referred to a tribunal appointed under subsection (8) of this section and the tribunal has recommended to the Governor-General that he or she ought to be removed for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister or the Chairperson of the Public Service Commission represents to the Governor-General that the question of removing the Director of Audit under this section ought to be investigated—

- (a) the Governor-General shall appoint a tribunal which shall consist of a Chairperson and not less than two other members, selected by 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
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to him or her whether the Director of Audit ought to be removed under this section.

(9) If the question of removing the Director of Audit has been referred to a tribunal under this section, the Governor-General, acting in accordance with the advice of the Public Service Commission, may suspend the Director of Audit from the exercise of the functions of his or her office and any such suspension may at any time be revoked by the Governor-General, acting in accordance with such advice as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Director of Audit should not be removed.

(10) The prescribed age for the purposes of subsection (5) of this section is the age of fifty-five years or such other age as may be prescribed by Parliament:

Provided that any law enacted by Parliament, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Director of Audit, shall not have effect in relation to that person unless he or she consents that it should have effect.

## **88. Appointment, etc., of magistrates, registrars and legal officers**

(1) This section applies to the offices of magistrate, registrar of the High Court and any public office in the department of the Attorney-General (including the public office of Attorney-General) or the department of the Director of Public Prosecutions (other than the office of Director) for appointment to which persons are required to be qualified to practise as a barrister or a solicitor in Grenada.

(2) The power to appoint persons to hold or act in offices to which this section applies (including the power to confirm appointments) and, subject to the provisions of section 70(4) of this Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission.

## **89. Police Force**

(1) Subject to the provisions of section 91 of this Constitution, the power to appoint a person to hold or act in the office of Chief of Police and the power to remove the Chief of Police from office shall vest in the Governor-General, acting in accordance with the advice of the Public Service Commission:

Provided that before the Public Service Commission tenders advice to the Governor-General with respect to the appointment of any person to hold the office of Chief of Police the Commission shall consult with the Prime Minister and if the Prime Minister signifies his or her objection to the appointment of any person to the office the Commission shall not advise the Governor-General to appoint that person.

(2) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the Police Force below the rank of Chief of Police but above the rank of Sergeant (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Public Service Commission.

(3) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the Police Force of or below the rank of Sergeant (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Chief of Police.

(4) The Chief of Police may, by directions given in such manner as he or she thinks fit and subject to such conditions as he or she thinks fit, delegate any of his or her powers under subsection (3) of this section to any other member of the Police Force.

(5) If provision is made by or under any law—

- (a) altering the ranks into which the Royal Grenada Police Force established by the Police Act is divided; or
- (b) establishing a police force other than the Royal Grenada Police Force or altering the ranks into which any such other police force is divided,

the Public Service Commission may, by Order published in the *Gazette*, specify some rank (other than the rank of Sergeant) in the Police Force or, as the case may be, in that other police force as being equivalent to the rank of Sergeant as it exists in the Royal Grenada Police Force under the law in force immediately before the coming into operation of this Constitution and the references in subsections (2) and (3) of this section to the rank of Sergeant shall then be construed as if they were, in relation to the Royal Grenada Police Force or, as the case may be, in relation to that other police force, references to the rank for the time being so specified.

## **90. Public Service Board of Appeal**

(1) There shall be a Public Service Board of Appeal for Grenada which shall consist of—

- (a) one member appointed by the Governor-General, acting in his or her own deliberate judgement, who shall be Chairperson;
- (b) one member appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; and
- (c) one member appointed by the Governor-General, acting in accordance with the advice of the appropriate representative bodies.

(2) A person shall not be qualified for appointment as a member of the Board if he or she is a Senator or a member of the House of Representatives.

(3) Subject to the provisions of this section, the office of a member of the Board shall become vacant—

- (a) at the expiration of three years from the date of his or her appointment; or
- (b) if any circumstances arise that, if he or she were not a member of the Board, would cause him or her to be disqualified to be appointed as such under subsection (2) of this section.

(4) A member of the Board may be removed from office only for inability to exercise the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(5) A member of the Board shall be removed from office by the Governor-General if the question of his or her removal from office has been referred to a tribunal appointed under subsection (6) of this section and the tribunal has recommended to the Governor-General that he or she ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Governor-General, acting in his or her own deliberate judgement, considers that the question of removing a member of the Board under this section ought to be investigated, then—

- (a) the Governor-General, acting in his or her own deliberate judgement, shall appoint a tribunal which shall consist of a Chairperson and not less than two other members, selected by 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
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to him or her whether the member ought to be removed under this section.

(7) If the question of removing a member of the Board has been referred to a tribunal under this section, the Governor-General, acting in his or her own deliberate judgement, may suspend that member from the exercise of the functions of his or her office and any such suspension may be at any time revoked by the Governor-General, acting as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that that member should not be removed.

(8) (a) If at any time any member of the Board is for any reason unable to exercise the functions of his or her office, the Governor-General may appoint a person who is qualified to be appointed as a member of the Board to act as a member, and any person so appointed shall, subject to the provisions of subsection (4) of this section, continue to act until the office in which he or she is acting has been filled or, as the case may be, until the holder thereof has resumed his or her functions or until his or her appointment to act has been revoked by the Governor-General;

(b) in the exercise of the powers conferred by this subsection the Governor-General shall act in his or her own deliberate judgement in any case where the member unable to exercise the functions of his or her office was appointed under subsection (1)(a) of this section, and in any case where the member of the Board unable to exercise the functions, of his or her office was appointed under subsection (1)(b) or (c) of this section the Governor-General shall act in accordance with the advice of the Prime Minister or the appropriate representative body, as the case may be.

(9) The Board shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority.

(10) In this section, “the appropriate representative body” has the meaning in section 83(15) of this Constitution.

## **91. Appeals in discipline cases**

(1) Subject to the provisions of this section, an appeal shall lie to the Public Service Board of Appeal from any of the following decisions at the instance of the person in respect of whom the decision is made—

- (a) any decision of the Governor-General, acting in accordance with the advice of the Public Service Commission, or any decision of the Public Service Commission to remove a public officer from office or to exercise disciplinary control over a public officer (including a decision made on appeal from or confirming a decision of any person to whom powers are delegated under section 84(2) of this Constitution);
- (b) any decision of any person to whom powers are delegated under section 84(2) of this Constitution to remove a public officer from office or to exercise disciplinary control over a public officer (not being a decision which is subject to appeal to or confirmation by the Public Service Commission);
- (c) any decision of the Public Service Commission to give such concurrence as is required by section 93(1) or (2) of this Constitution in relation to the refusal, withholding, reduction in amount or suspending of any pensions benefits in respect of an officer’s service as a public officer.

(2) Parliament may provide that where the power to exercise disciplinary control over any member of the Police Force (including the power to remove him or her from office) has been exercised under section 89(3) or (4) of this Constitution by any member of the Police Force (hereinafter referred to as “the disciplinary authority”), an appeal shall lie to the Public Service Board of Appeal, at the instance of the member of the Police Force in respect of whom it was so exercised, from the decision of the disciplinary authority:

Provided that Parliament or (in the case of the exercise of a power under section 89(4) of this Constitution) the Chief of Police may require appeals to be made to the Chief of Police before they are made to the Public Service Board of Appeal.

(3) Upon an appeal under subsection (1) of this section or any law enacted in pursuance of subsection (2) of this section the Board may affirm or set aside the decision appealed against or may make any other decision which the authority or person from whom the appeal lies could have made.

(4) Every decision of the Board shall require the concurrence of a majority of all its members.

(5) Subject to the provisions of subsection (4) of this section, the Board may by regulations make provision for—

- (a) the procedure of the Board;
- (b) the procedure in appeals under this section;

- (c) excepting from the provisions of subsection (1) of this section decisions in respect of public officers holding offices whose emoluments do not exceed such sum as may be prescribed by the regulations or such decisions to exercise disciplinary control, other than decisions to remove from office, as may be so prescribed.

(6) Regulations made under this section may, with the consent of the Prime Minister, confer powers or impose duties on any public officer or any authority of the Government of Grenada for the purpose of the exercise of the functions of the Board.

(7) The Board may, subject to the provisions of this section and to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member.

## **92. Pensions laws and protection of pensions rights**

(1) The law to be applied with respect to any pensions benefits that were granted to any person before this section comes into operation shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall—

- (a) in so far as those benefits are wholly in respect of a period of service as a judge or public officer that commenced before the date upon which this section comes into operation, be the law that was in force on the date upon which this section comes into operation; and
- (b) in so far as those benefits are wholly or partly in respect of a period of service as a judge or public officer that commenced after this section comes into operation, be the law in force on the date on which that period of service commenced,

or any law in force at a later date that is not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his or her case, the law for which he or she opts shall for the purposes of this section, be deemed to be more favourable to him or her than the other law or laws.

(4) All pensions benefits shall (except to the extent that they are charged upon and duly paid out of some other fund) be a charge on the Consolidated Fund.

(5) In this section, “pensions benefits” means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as judges or public officers or for the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) In this section, references to service as a judge are references to service as a judge of the Court of Appeal, a judge of the High Court or a judge of the Supreme Court established by the Windward Islands and Leeward Islands (Courts) Order in Council, 1959, and references to service as a public officer include service in an office established under section 12 of the Courts Order.

(7) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which such benefits that have been granted may be withheld, reduced in amount or suspended, and the law regulating the amount of any such benefits.

## **93. Power to withhold pensions, etc.**

(1) Where under any law any person or authority has a discretion—

- (a) to decide whether or not any pensions benefits shall be granted; or
- (b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the Public Service Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any pensions benefits that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him or her shall be the greatest amount for which he or she is eligible unless the Public Service Commission concurs in his or her being granted benefits of a smaller amount.

(3) The Public Service Commission shall not concur under subsection (1) or (2) of this section in any action taken on the ground that any person who holds or has held the office of judge of the Court of Appeal, judge of the High Court, Director of Public Prosecutions, or Director of Audit has been guilty of misbehaviour in that office unless he or she has been removed from that office by reason of such misbehaviour.

(4) Before the Public Service Commission concurs under subsection (1) or (2) of this section in any action taken on the ground that any person who holds or has held any office to which, at the time of such action, section 87 of this Constitution applies has been guilty of misbehaviour in that office, the Public Service Commission shall consult the Judicial and Legal Services Commission.

(5) Any person who is entitled to the payment of any pensions benefits and who is ordinarily resident outside Grenada may, within a reasonable time after he or she has received that payment, remit the whole of it (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his or her choice outside Grenada:

Provided that nothing in this subsection shall be construed as preventing—

- (a) the attachment, by order of a court, of any payment or part of any payment to which a person is entitled in satisfaction of the judgement of a court or pending the determination of any civil proceedings to which he or she is a party to the extent to which such attachment is permitted by the law with respect to pensions benefits that applies in the case of that person; or
- (b) the imposition of reasonable restrictions as to the manner in which any payment is to be remitted.

(6) In this section, “pensions benefits” means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as judges or public officers or for the widows, children, dependants or personal representatives of such persons in respect of such service.

(7) In this section, references to service as a judge are references to service as a judge of the Court of Appeal, a judge of the High Court or a judge of the Supreme Court established by the Windward Islands and Leeward Islands (Courts) Order in Council, 1959, and references to service as a public officer include service in an office established under section 12 of the Courts Order.

## PART VII

### *Citizenship*

#### **94. Persons who become citizens on 7th February, 1974**

(1) Every person who, having been born in Grenada, is on 6th February, 1974, a citizen of the United Kingdom and Colonies shall become a citizen of Grenada on 7th February, 1974.

(2) Every person who, on 6th February, 1974, is a citizen of the United Kingdom and Colonies—

- (a) having become such a citizen under the British Nationality Act, 1948, by virtue of his or her having been naturalised in Grenada as a British subject before that Act came into force; or
- (b) having become such a citizen by virtue of his or her having been naturalised or registered in Grenada under that Act,

shall become a citizen of Grenada on 7th February, 1974.

(3) Every person who, having been born outside Grenada, is on 6th February, 1974, a citizen of the United Kingdom and Colonies shall, if his or her father or mother becomes, or would but for his or her death have become, a citizen of Grenada by virtue of subsection (1) or (2) of this section, become a citizen of Grenada on 7th February, 1974.

#### **95. Persons entitled to be registered as citizens**

(1) Any person who, before 7th February, 1974, has been married to a person—

- (a) who becomes a citizen of Grenada by virtue of section 94 of this Constitution; or
- (b) who, having died before that date, would, but for his or her death, have become a citizen of Grenada by virtue of that section,

but whose marriage has been terminated by death or dissolution before that date shall be entitled, upon making application and if he or she is a British protected person or an alien taking the oath of allegiance, to be registered as a citizen of Grenada.

(2) Any person who, having been born outside Grenada, is on the 6th February, 1974, a citizen of the United Kingdom and Colonies and under age of eighteen years shall if his or her father or his or her mother becomes a citizen of Grenada on 7th February, 1974, by virtue of section 94(2) of this Constitution be entitled, upon application being made on his or her behalf by his or her parent or guardian before he or she attains the age of eighteen years or before such later date as may be prescribed by Parliament, to be registered as a citizen of Grenada.

(3) An application for registration under this section shall be made in such manner as may be prescribed, as respects that application, by Parliament.

#### **96. Persons born in Grenada on or after 7th February, 1974**

Every person born in Grenada on or after 7th February, 1974, shall become a citizen of Grenada at the date of his or her birth:

Provided that a person shall not become a citizen of Grenada by virtue of this section if at the time of his or her birth—

- (a) neither of his or her parents is a citizen of Grenada and his or her father or mother possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Grenada; or
- (b) his or her father or mother is a citizen of a country with which Grenada is at war and the birth occurs in a place then under occupation by that country.

#### **97. Persons born outside Grenada on or after 7th February, 1974**

A person born outside Grenada on or after 7th February, 1974, shall become a citizen of Grenada at the date of his or her birth if, at that date, his or her father or his or her mother is a citizen of Grenada otherwise than by virtue of this section or section 94(3) of this Constitution.

#### **98. Marriage to citizen of Grenada**

Any person who is married to a citizen of Grenada or who has been married to a person who was, during the subsistence of the marriage, a citizen of Grenada shall be entitled, upon making application in such manner as may be prescribed by or under a law enacted by Parliament, and if he or she is a British protected person or an alien taking the oath of allegiance, to be registered as a citizen of Grenada.

#### **99. Powers of Parliament**

(1) Parliament may make provision for the acquisition of citizenship of Grenada by persons who are not eligible or who are no longer eligible to become citizens of Grenada under the provisions of this Part.

(2) Parliament may make provision for depriving of his or her citizenship of Grenada any person who is a citizen of Grenada otherwise than by virtue of section 94, 96 or 97 of this Constitution.

(3) Parliament may make provision for the renunciation by any person of his or her citizenship of Grenada.

#### **100. Interpretation**

(1) In this Part—

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

“British protected person” means a person who is a British protected person for the purpose of the British Nationality Act, 1948, or any Act of the United Kingdom Parliament amending or replacing that Act.

(2) Any reference in this Part to the father of a person shall, in relation to a person born out of wedlock and not legitimated, be construed as a reference to the mother of that person.

(3) For the purposes of this Part, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(4) Any reference in this Part to the national status of the father of a person at the time of that person’s birth shall, in relation to a person born after the death of his or her father, be construed as a reference to the national status of the father at the time of the father’s death; and where that death occurred before 7th February, 1974 and the birth occurred on or after that date the national status that the father would have had if he or she had died on that date shall be deemed to be his or her national status at the time of his or her death.

### **PART VIII**

#### *Judicial Provisions*

#### **101. Original jurisdiction of High Court in constitutional questions**

(1) Subject to the provisions of sections 22(2), 39(8), 49(4), 56 and 108 of this Constitution, any person who alleges that any provision of this Constitution (other than a

provision of Part I) has been or is being contravened may, if he or she has a relevant interest, apply to the High Court for a declaration and for relief under this section.

(2) The High Court shall have jurisdiction on an application made under this section to determine whether any provision of this Constitution (other than a provision of Part I) has been or is being contravened and to make a declaration accordingly.

(3) Where the High Court makes a declaration under this section that a provision of this Constitution has been or is being contravened and the person on whose application the declaration is made has also applied for relief, the High Court may grant to that person such remedy as it considers appropriate, being a remedy available generally under the law of Grenada in proceedings in the High Court.

(4) The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred on the Court by or under this section, including provision with respect to the time within which any application under this section may be made.

(5) A person shall be regarded as having a relevant interest for the purpose of an application under this section only if the contravention of this Constitution alleged by him or her is such as to affect his or her interests.

(6) The right conferred on a person by this section to apply for a declaration and relief in respect of an alleged contravention of this Constitution shall be in addition to any other action in respect of the same matter that may be available to that person under any other enactment or any rule of law.

(7) Nothing in this section shall confer jurisdiction on the High Court to hear or determine any such question as is referred to in section 37 of this Constitution.

## **102. Reference of constitutional questions to High Court**

(1) Where any question as to the interpretation of this Constitution arises in any court of law established for Grenada (other than the Court of Appeal, the High Court or a court martial) and the court is of opinion that the question involves a substantial question of law, the court shall refer the question to the High Court.

(2) Where any question is referred to the High Court in pursuance of this section, the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, Her Majesty in Council.

## **103. Appeals to Court of Appeal**

Subject to the provisions of section 37(7) of this Constitution, an appeal shall lie from decisions of the High Court to the Court of Appeal as of right in the following cases—

- (a) final decisions in any civil or criminal proceedings on questions as to the interpretation of this Constitution;
- (b) final decisions given in exercise of the jurisdiction conferred on the High Court by section 16 of this Constitution (which relates to the enforcement of the fundamental rights and freedoms).

## **104. Appeals to Her Majesty in Council**

(1) Subject to the provisions of section 37(7) of this Constitution, an appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases—

- (a) where the matter in dispute on the appeal to Her Majesty in Council is of the value of fifteen hundred dollars or upwards or where the appeal involves

directly or indirectly a claim to or question respecting property or a right of the value of fifteen hundred dollars or upwards, final decisions in any civil proceedings;

- (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; and
- (d) such other cases as may be prescribed by Parliament.

(2) Subject to the provisions of section 37(7) of this Constitution, an appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases—

- (a) 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 Her Majesty in Council, decisions in any civil proceedings; and
- (b) such other cases as may be prescribed by Parliament.

(3) An appeal shall lie to Her Majesty in Council with the special leave of Her Majesty 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 law for the time being in force in Grenada.

## **105. Courts Order**

In this Part references to this Constitution shall be construed as including references to the Courts Order, which, subject to any provision made by Parliament under section 39 of this Constitution, shall continue to have effect as part of the law of Grenada and for that purpose—

- (a) the Supreme Court established by the Courts Order shall be styled the Supreme Court of Grenada and the West Indies Associated States;
- (b) references in the Courts Order to the Premier of Grenada shall be construed as references to the Prime Minister of Grenada.

## **PART IX**

### *Miscellaneous*

## **106. Supreme law**

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.

## **107. Local government**

(1) There shall be a Council for Carriacou and Petit Martinique, which shall be the principal organ of local government in those islands.

(2) The Council shall have such membership and functions as Parliament may prescribe.

## **108. Certain questions not to be enquired into in any court**

Where by this Constitution the Governor-General is required to perform any function in accordance with the advice of the Cabinet, the Prime Minister or any other Minister or the Leader of the Opposition, the question whether the Governor-General has received or acted in accordance with such advice shall not be enquired into in any court of law.

### **109. Resignations**

(1) Any person who is appointed or elected to any office established by this Constitution or any office of Minister established under this Constitution may resign from that office by writing under his or her hand addressed to the person or authority by whom he or she was appointed or elected:

Provided that—

- (a) the resignation of a person from the office of President or Deputy President of the Senate shall be addressed to the Senate;
- (b) the resignation of a person from the office of Speaker or Deputy Speaker of the House of Representatives shall be addressed to the House; and
- (c) the resignation of any person from the office of Senator or member of the House of Representatives shall be addressed to the President of the Senate or the Speaker of the House, as the case may be.

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

### **110. Re-appointments and concurrent appointments**

(1) Where any person has vacated any office established by this Constitution or any office of Minister established under this Constitution, he or she may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

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

### **111. Interpretation**

(1) In this Constitution, unless the context otherwise requires—

“Commonwealth citizen” has such meaning as Parliament may by law prescribe;

“dollars” means dollars in the currency of Grenada;

“financial year” means any period of twelve months beginning on 1st January in any year or such other date as Parliament may prescribe;

“*Gazette*” means any *Gazette* published by order of the Government of Grenada;

“law” includes any instrument having the force of law and any unwritten rule of law and “lawful” and “lawfully” shall be construed accordingly;

“Parliament” means the Parliament of Grenada;

“oath” includes affirmation;

“oath of allegiance” means the oath of allegiance set out in Appendix 3 to this Constitution;

“oath of office” means, in relation to any office, the oath for the due execution of that office set out in Appendix 3 to this Constitution;

“Police Force” means the Royal Grenada Police Force established by the Police Act and includes any other police force established by or under a law enacted by Parliament to succeed to the functions of the Royal Grenada Police Force;

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

“public officer” means a person holding or acting in any public office;

“public service” means, subject to the provisions of this section, the service of the Crown in a civil capacity in respect of the government of Grenada;

“session” means the period beginning when a House of Parliament first meets after Parliament has at any time been prorogued or dissolved and ending when Parliament is prorogued or when Parliament is dissolved without having been prorogued;

“sitting” means, in relation to a House of Parliament, the period during which the House is sitting continuously without adjournment and includes any period during which it is in committee.

(2) In this Constitution references to an office in the public service shall not be construed as including—

- (a) references to the office of President or Deputy President of the Senate, the Speaker or Deputy Speaker of the House of Representatives, the Prime Minister or any other Minister, a Parliamentary Secretary, a Senator or a member of the House of Representatives;
- (b) references to the office of a member of any Commission established by this Constitution, a member of the Advisory Committee on the Prerogative of Mercy or a member of the Public Service Board of Appeal;
- (c) references to the office of judge of the Court of Appeal or judge of the High Court;
- (d) save in so far as may be provided by Parliament, references to the office of a member of any other council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law.

(3) In this Constitution 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.

(4) In this Constitution references to the Courts Order have the meaning in section 39(9) of this Constitution.

(5) For the purposes of this Constitution, a person shall not be regarded as holding an office by reason only of the fact that he or she is in receipt of a pension or other like allowance.

(6) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his or her office shall be construed as including, to the extent of his or her authority, a reference to any person for the time being authorised to exercise the functions of that office.

(7) Except in the case where this Constitution provides for the holder of any office thereunder to be such person holding or acting in any other office as may for the time being be designated in that behalf by some specified person or authority, no person may, without his or her consent, be nominated for election to any office or be appointed to or to act therein.

(8) References in this Constitution to the power to remove a public officer from his or her office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

- (a) nothing in this subsection shall be construed as conferring on any person or authority the power to require the Director of Public Prosecutions or the Director of Audit to retire from the public service; and
- (b) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Public Service Commission.

(9) Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his or her office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified by or under that law.

(10) Where this Constitution vests in any person or authority the power to appoint any person to act in or to exercise the functions of any office if the holder thereof is himself or herself unable to exercise those functions no such appointment shall be called in question on the grounds that the holder of the office was not unable to exercise those functions.

(11) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has exercised those functions in accordance with this Constitution or any other law.

(12) Without prejudice to the provisions of section 32(3) of the Interpretation Act, 1889 (as applied by subsection (15) of this section), where any power is conferred by this Constitution to make any order, regulation or rule or give any direction or make any designation, the power shall be construed as including the power, exercisable in like manner and subject to the like conditions, if any, to amend or revoke any such order, regulation, rule, direction or designation.

(13) Any reference in this Constitution to a law made before the coming into operation of this Constitution shall, unless the context otherwise requires, be construed as a reference to that law as it had effect immediately before the coming into operation of this Constitution.

(14) Any reference in this Constitution to a law that amends or replaces any other law or any provision of any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, suspends, repeals, adds new provisions to or makes different provision in lieu of that other law or that provision.

(15) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the United Kingdom Parliament.

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## Appendix 1

### GRENADA CONSTITUTION ACT

### GRENADA CONSTITUTION

### PART I

#### *Provisions of the Constitution referred to in Section 39(5)*

- (i) Part I;

- (ii) sections 19, 21 and 57;
- (iii) sections 23, 24, 29, 32, 35, 37, 38, 45, 47, 48, 49, 51, 52, 53, 54, 55 and 56;
- (iv) section 71 and Part V;
- (v) Part VI (except sections 90 and 91);
- (vi) Part VIII (except section 104);
- (vii) section 111 in its application to any of the provisions mentioned in the foregoing items of this Appendix; or
- (viii) Appendix 2.

PART II

*Provisions of the Courts Order referred to in Section 39(5)*

- (ix) section 4, 5, 6, 8, 11, 18 or 19.

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**Appendix 2**

GRENADA CONSTITUTION ACT

GRENADA CONSTITUTION

RULES RELATING TO CONSTITUENCIES

[Section 56.]

All constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable, but the Commission may depart from this Rule to such extent as it considers expedient to take account of the following factors, that is to say—

- (a) the density of population, and in particular the need to ensure the adequate representation of sparsely-populated rural areas;
- (b) the means of communication;
- (c) geographical features;
- (d) the boundaries of administrative areas.

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**Appendix 3**

GRENADA CONSTITUTION ACT

GRENADA CONSTITUTION

*Forms of Oath*

[Section 111.]

*Oath of Allegiance*

I, ....., do swear [*or solemnly affirm*]  
that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs  
and Successors, according to law.  
So help me God. [*To be omitted in affirmation.*]

### *Oath of Office*

I, ....., do swear [*or solemnly affirm*] that I will faithfully execute the office of ..... without fear or favour, affection or ill-will and that in the execution of the functions of that office I will honour, uphold and preserve the Constitution of Grenada.

So help me God. [*To be omitted in affirmation*]

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## APPENDIX 2 TO THE SCHEDULE

### *Transitional Provisions*

#### **1. Existing laws**

(1) The existing laws shall, as from the commencement of the Constitution, be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution and the Courts Order.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this paragraph), that prescription or provision shall, as from the commencement of the Constitution, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Constitution and the Courts Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(3) *Omitted as spent*

(4) The provisions of this paragraph shall be without prejudice to any powers conferred by this Constitution or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(5) For the purposes of this paragraph, the expression “existing law” means any Act, Ordinance, law, rule, regulation, order or other instrument made in pursuance of (or continuing in operation under) the existing Constitution or the West Indies (Dissolution and Interim Commissioner) Order in Council, 1962 and having effect as part of the law of Grenada or of any part thereof immediately before the commencement of this Constitution.

#### **2. Parliament**

*Omitted as spent*

#### **3. First Cabinet**

*Omitted as spent*

#### **4. Existing public officers**

(1) Subject to the provisions of the Constitution, every person who immediately before the commencement of the Constitution holds or is acting in a public office shall, as from the commencement of the Constitution, continue to hold or act in the like office as if he or she had been appointed thereto in accordance with the provisions of the Constitution:

Provided that any person who under the existing Constitution or any existing law would have been required to vacate his or her office at the expiration of any period shall vacate his or her office at the expiration of that period.

(2) In this paragraph—

“existing Constitution” means the Constitution in force immediately before the commencement of this Order;

“existing law” has the meaning in paragraph 1(5) of this Appendix;

“public office” includes the office of a member of any Commission established by the existing Constitution, a member of the Advisory Committee on the Prerogative of Mercy so established or a member of the Public Service Board of Appeal so established.

## **5. Interpretation of Appendix**

(1) The provisions of section 111 of the Constitution shall apply for the purposes of interpreting this Appendix and otherwise in relation thereto as they apply for the purposes of interpreting and in relation to the Constitution.

(2) In this Appendix, “the Constitution” means the Constitution set out in the Schedule to this Act.

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## **CHAPTER 128A GRENADA CONSTITUTION ACT**

### **SUBSIDIARY LEGISLATION**

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#### *List of Subsidiary Legislation*

1. Constituency Boundaries Order
  2. Public Service Board of Appeal Regulations
  3. Public Service Commission Regulations
- 

#### **Constituency Boundaries Order**

SRO 10 of 1976

#### **ARRANGEMENT OF ORDER**

1. Citation.
  2. Number of Constituencies.
  3. Names, Descriptions and Boundaries of Constituencies.
- Schedule Names, Descriptions and Boundaries of Constituencies
- 

### **CONSTITUENCY BOUNDARIES ORDER**

#### **An Order to provide for Constituency Boundaries for Grenada.**

[Section 56. SRO 10 of 1976.]

[29th October, 1976.]

#### **1. Citation**

This Order may be cited as the Constituency Boundaries Order.

## **2. Number of Constituencies**

Grenada shall be divided into fifteen constituencies.

## **3. Names, Descriptions and Boundaries of Constituencies**

The names, descriptions and boundaries of the constituencies shall be as specified in the Schedule to this Order.

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### **Schedule**

#### **GRENADA CONSTITUTION ACT**

#### **CONSTITUENCY BOUNDARIES ORDER**

##### *Names, Descriptions and Boundaries of Constituencies*

#### **1. CONSTITUENCY OF CITY OF SAINT GEORGE'S**

The whole of the City of Saint George's

#### **2. CONSTITUENCY OF PARISH OF SAINT GEORGE NORTH-WEST**

That part of the Parish of Saint George bounded on the North by the Parish of Saint John from the sea to the intersection of the boundaries of the three Parishes of Saint George, Saint John and Saint Andrew; on the West by the sea from the point where the boundary between the Parishes of Saint George and Saint John meet the sea to the outlet of the Queen's Park Pumping Station; and on the South and East by an imaginary line from the sea at the outlet of the Queen's Park Pumping Station proceeding in a north-easterly direction to the top of the ridge and proceeding along the ridge to Mt. Melville, continuing along the same ridge to the point where the Belle Vue public road intersects with a road leading to the residence of Mr. Joslyn Ireland, then continuing along the road leading to Mr. Ireland's residence to its intersection with the Belle Vue/Mt. Moritz road, continuing along the ridge to a point where it meets the Beausejour River at a point approximately 200 ft. east of the New Hampshire Bridge, then continuing along the same river in a north-easterly direction and along the said river course right up to Willis, continuing along the said river which passes to the north of the Annandale Estate house and thence to its source and in a straight line to the intersection of the boundaries of the three parishes of Saint George, Saint John and Saint Andrew.

#### **3. CONSTITUENCY OF PARISH OF SAINT GEORGE NORTH-EAST**

That part of the Parish of Saint George bounded on the North by the imaginary line from the sea at the outlet of the Queen's Park Pumping Station to the intersection of the boundaries of the three Parishes of Saint George, Saint John and Saint Andrew being the Southern and Eastern boundary of the constituency of Saint George North-West; on the West by the sea from the outlet of the Queen's Park Pumping Station to the mouth of the Saint John River; on the South by that part of the northern boundary of the city of Saint George's from the mouth of the Saint John River to the junction of the Tempe Main Road with the Saint David Main Road, thence eastwards along the Saint David Main Road to the Park River; and on the East by that portion of the eastern boundary of the Parish of Saint George north of the bridge of the Saint David Main Road spanning the Park River (which is a tributary of the Chemin River) to the intersection of the boundaries of the three Parishes of Saint George, Saint John and Saint Andrew.

#### 4. CONSTITUENCY OF PARISH OF SAINT GEORGE SOUTH-EAST

That part of the Parish of Saint George bounded on the North by the Saint David Main Road and the boundary of the city of Saint George's from the junction of the Tempe Main Road and the Saint David Main Road along Lowthers Road thence along the Saint George's – Calivigny Road to the Southern Gate of the Botanical Gardens; on the West and South by the North-Western boundary of the constituency of Saint George South; and on the East by part of the boundary between the Parishes of Saint George and Saint David from the bridge of the Saint David's Main Road spanning the Park River to the point where the Calivigny/Westerhall Main Road crosses the Chemin River.

#### 5. CONSTITUENCY OF PARISH OF SAINT GEORGE SOUTH

That part of the Parish of Saint George bounded by a line beginning at the Southern Gate of the Botanical Gardens to where the road intersects the concrete drain, continuing along the Saint George's Main Road to its junction with the Belmont/Springs Road, continuing along the Springs/Woodlands Road through Woodlands on to the Upper Woburn junction (known as the cliff), continuing along the Calivigny/Westerhall Main Road to the Chemin River, which is the parish boundary between Saint David's and Saint George's and continuing eastwards along the Chemin River to the sea, continuing along the sea coast and including the off-shore islands of Point Saline and thence along the sea coast travelling in a northern direction to the point where the drain meets the sea behind the Regal Cinema and marking the present city boundary proceeding along the said drain to where it intersects the Saint George's/Grand Anse Main Road, thence on to the Southern Gate of the Botanical Gardens. This constituency also includes Hog Island and Calivigny Island.

#### 6. CONSTITUENCY OF PARISH OF SAINT JOHN

The Parish of Saint John excluding that portion of land adjoining the Parish of Saint Mark which said portion is bounded on the North by Sarah Hall River and an imaginary line from its source to the stone pillar on the Mount Cenis Mountains; on the South by the Maran River; on the East by an imaginary line from the said stone pillar on the Mount Cenis Mountains to the source of the Maran River; and on the West by the sea from the mouth of the Sarah Hall River to the mouth of the Maran River.

#### 7. CONSTITUENCY OF PARISH OF SAINT MARK

The Parish of Saint Mark together with the adjoining portion of land in the Parish of Saint John which said portion is bounded on the North by the Sarah Hall River and an imaginary line from its source to the stone pillar on the Mount Cenis Mountains; on the South by the Maran River; on the East by an imaginary line from the said stone pillar on the Mount Cenis Mountains to the source of the Maran River; and on the West by the sea from the mouth of the Sarah Hall River to the mouth of the Maran River.

#### 8. CONSTITUENCY OF PARISH OF SAINT PATRICK EAST

That part of the Parish of Saint Patrick bounded on the North and East by the Sea; on the South by the Parish boundary beginning at the mouth of the Antoine River and continuing westwards along the parish boundary to Observatory Causeway, continuing along the Parish boundary up to the point where the St. John's River crosses the Peggy's Whim lower road (near to Saint Mary's Anglican Church); and on the West by a line from the point where the Saint John's River crosses the Peggy's Whim lower road (near to Saint Mary's Anglican Church), proceeding northwards along the Peggy's Whim lower road to its junction with the Morne Fendue/Belmont 1st Class road near to the Health Centre; continuing Northwards along the said Morne Fendue/Belmont 1st Class road through Hermitage, Mt. Rich, Snell Hall to its junction with the St. Patrick's 1st Class road near Morne Fendue bridge, thence along the said St. Patrick's 1st Class road through Sauteurs town to Marli, thence along Mt. Rodney 3rd Class road to the Mt. Craven bridge (where the little St. Patrick's River intersects the said road), and thence northwards along

the said river to the sea in Sauteurs Bay. This constituency includes the Islets adjacent to the coast of the Parish of Saint Patrick including Isle de Rhonde.

#### 9. CONSTITUENCY OF PARISH OF SAINT PATRICK WEST

That part of the Parish of Saint Patrick bounded on the North by the sea; on the East by the Constituency of Saint Patrick East; on the South by part of the boundary between the Parishes of Saint Patrick and Saint Andrew from the point where the St. John's River crosses the Peggy's Whim lower road (near to St. Mary's Anglican Church) to the point where the boundaries of the Parishes of Saint Patrick, Saint Mark and Saint Andrew intersect; and on the West by the boundary between the Parishes of Saint Patrick and Saint Mark.

#### 10. CONSTITUENCY OF PARISH OF SAINT ANDREW NORTH-EAST

That part of the Parish of Saint Andrew bounded on the North by the Parish of Saint Patrick; on the West by the Parish of Saint Mark from the intersection of the boundaries of the Parishes of Saint Patrick, Saint Mark and Saint Andrew to the concrete pillar at the top of Mount Saint Catherine; on the South by the Great River from the sea to Paradise Bridge, and proceeding along the main road to Dunfermline Bridge, then continuing along the Simon River westwards through Boulogne Estate, Mt. Horne Estate and Springs Estate and continuing right up to its source, thence in a straight line to the concrete pillar on top of Mount Saint Catherine on the Parish boundary between Saint Andrew and Saint Mark; and on the East by the sea from the mouth of the Antoine River to the mouth of the Great River.

#### 11. CONSTITUENCY OF PARISH OF SAINT ANDREW NORTH-WEST

That part of the Parish of Saint Andrew bounded on the North by the southern boundary of the Constituency of Saint Andrew North-West from the Paradise Bridge to the concrete pillar at the top of Mount St. Catherine on the boundary between the Parishes of Saint Andrew and Saint Mark; on the West by part of the eastern boundary of the Parish of Saint Mark from the concrete pillar at the top of Mount St. Catherine, thence along the eastern boundary of the Parish of Saint John and the northern part of the eastern boundary of the Parish of Saint George; and on the South by the Great River west of Paradise Bridge to the centre of the Grand Etang thence in a straight line due west to the eastern boundary of the Parish of Saint George.

#### 12. CONSTITUENCY OF PARISH OF SAINT ANDREW SOUTH-WEST

That part of the Parish of Saint Andrew bounded on the North by the Great River from Paradise Bridge to the centre of the Grand Etang thence in a straight line due west to the eastern boundary of the Parish of Saint George; on the East by a line beginning at the Paradise Bridge southwards along the main road to the Canal road junction with Hill road, then continuing along Hill road to its junction with Salisbury road, then along Salisbury road to its junction with Gladstone/Noel's Hill main road, thence eastwards along Gladstone Road to its junction with Jubilee and Sendall Streets, then continuing eastwards along Sendall Street to its junction with the St. Andrew's main road, thence along the St. Andrew's main road to its junction with the Union road, then along Union road to its junction with Post Royal road near Haynes Gay's shop, thence along Post Royal road to its junction with Richmond/Grand Bacolet 1st Class road, thence along the Richmond/Grand Bacolet 1st Class road to its junction with Mt. Carmel road, thence along Mt. Carmel road to its junction with the St. Andrew's 1st Class road at Mt. Carmel Corner, thence southwards along the said St. Andrew's 1st Class road through Hope Estate to the St. Francis River on the South by the main course of the St. Francis River to its source at Mt. Lebanon, thence in a straight line due west to the boundary between the Parishes of Saint Andrew and Saint George.

#### 13. CONSTITUENCY OF PARISH OF SAINT ANDREW SOUTH-EAST

That part of the Parish of Saint Andrew bounded on the south by the boundary between the Parishes of Saint Andrew and Saint David; on the West by part of the boundary between the Parishes of Saint Andrew and Saint George from the point where the southern boundary of the constituency of Saint Andrew South-West meets the boundary between the Parishes of Saint Andrew and Saint George to the point of intersection of the boundaries of the Parishes of Saint Andrew, Saint George and Saint David; on the North by the Great River from the sea to Paradise Bridge and by the eastern and southern boundaries of the Constituency of Saint Andrew South-West; and on the East by the sea from the mouth of the Great River to the point where the boundary between the Parishes of Saint David and Saint Andrew meets the sea.

#### 14. CONSTITUENCY OF PARISH OF SAINT DAVID

The whole of the Parish of Saint David.

#### 15. CONSTITUENCY OF CARRIACOU

The Islands of Carriacou and Petit Martinique and the neighbouring Islets included within the State of Grenada excepting the Islets included in the constituency of Parish of Saint Patrick East.

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### **Public Service Board of Appeal Regulations**

SRO 6 of 1976

#### ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Notice and Grounds of Appeal.
4. Time Limit for Appealing.

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### **PUBLIC SERVICE BOARD OF APPEAL REGULATIONS**

#### **Regulations to provide for the Public Service Appeal Board.**

[Section 91. SRO 6 of 1976.]

[27th August, 1976.]

#### **1. Citation**

These Regulations may be cited as the Public Service Board of Appeal Regulations.

#### **2. Definitions**

In these Regulations—

“Board” means the Public Service Board of Appeal constituted under the provisions of section 90 of the Constitution;

“Constitution” means the Grenada Constitution set out in the Schedule to the Grenada Constitution Act.

#### **3. Notice and Grounds of Appeal**

(1) Every appeal to the Board by virtue of the provisions of section 91 of the Constitution shall be brought by notice in writing (hereinafter called “notice of appeal”).

(2) Every notice of appeal shall contain a reference to the decision appealed against and shall specify the grounds of appeal.

(3) The grounds of appeal shall set out concisely and under distinct heads the grounds upon which the appellant intends to rely at the hearing of the appeal and shall be numbered consecutively.

(4) Six copies of the notice of appeal (including the grounds of appeal) shall be delivered to the Secretary of the Public Service Board of Appeal at the Office of the Public Service Commission, St. George’s, Grenada.

#### **4. Time Limit for Appealing**

(1) Except with special leave for good cause shown to the satisfaction of the Board, no appeal by any public officer pursuant to the provisions of section 91(1) of the Constitution shall be entertained unless the notice of appeal (including the grounds of appeal) is delivered to the Secretary of the Public Service Board of appeal within twenty-eight days after the date on which the decision appealed against is communicated to the officer concerned.

(2) Notwithstanding the provisions of subregulation (1) of this Regulation, no appeal by any member of the Police Force pursuant to the provisions of section 91(2) of the Constitution shall be entertained unless the notice of appeal (including the grounds of appeal) is delivered to the Secretary of the Public Service Board of Appeal within seven days after the date on which the decision appealed against is communicated to the member of the Police Force concerned.

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### **Public Service Commission Regulations**

SRO 27 of 1969

#### **ARRANGEMENT OF REGULATIONS**

##### **PART I**

###### *Interpretation*

1. Citation.
2. Definitions.

##### **PART II**

###### *Public Service Commission*

3. Oath of members.
4. Oath of office of staff.
5. Meetings.
6. Procedure, quorum and voting.
7. Decisions otherwise than at meeting.
8. Duties of Chief Personnel Officer.
9. Consultation.
10. Attendance and production of documents.
11. Influencing decisions of Commission.

### PART III

#### *Appointments, Promotions and Transfers*

12. Appointments, promotions and transfers.
13. Supervision of training.
14. Supervision of recruitment.
15. Selection Boards.
16. Recommendations for filling public offices.
17. Advertisement of vacant office.
18. Appointments by competition.
19. Principles of selection for promotion.
20. Seniority and seniority lists.
21. Seniority in cases not provided.
22. Commencing pay.
23. Submission of recommendations for acting appointments.
24. Principles of selection to an acting appointment as prelude to substantive appointment.
25. Acting appointment otherwise than as prelude to substantive appointment.
26. Applications by officers for appointment to act in public offices.
27. Transfers of Permanent Secretaries.
28. Transfers of particular officers other than Permanent Secretaries.
29. Transfers of public officers other than particular officers.
30. Transfers from one district or parish to another.
31. Date of appointment.
32. Medical examination on appointment.

### PART IV

#### *Confidential Reports*

33. Annual Confidential Reports.
34. Adverse reports.
35. Value of Confidential Reports.

### PART V

#### *Probationary Service and Termination of Appointments*

36. Construction of "officer".
37. Probationary service.
38. Principles to be observed while officer on probation.

### PART VI

#### *Resignations, Retirements and Termination of Appointments*

39. Construction.
40. Resignations.
41. Abandonment of office.
42. Report of compulsory retirement age.
43. Compulsory retirement.
44. Voluntary retirement.
45. Retirement in public interest.
46. Termination of appointment for abolition of office or for facilitating improvement in organisation of a Ministry or Department.
47. Medical Boards.
48. Unfit officers.

49. Reasons for termination of appointment.

## PART VII

### *Conduct*

50. Construction.  
51. General conduct.  
52. Duties of officer.  
53. Discourtesy.  
54. Absence without leave.  
55. Wilful refusal to perform duties.  
56. Activities outside service.  
57. Officer not to call public meeting or participate in certain public meetings.  
58. Officer not to publish information.  
59. Officer not to allow interview on questions of public policy.  
60. Officer not to publish comment on national or local matters.  
61. Reference to Permanent Secretary.  
62. Officer not to contribute, edit or manage newspaper.  
63. Rules relating to broadcast talks.  
64. Indebtedness.  
65. Bankruptcy.  
66. Officer not to solicit intervention.  
67. Gifts or rewards.  
68. Exceptions.  
69. Bribery.  
70. Legal proceedings.  
71. Application to initiate legal proceedings to be in writing.  
72. Grounds for refusal of application.  
73. Officer to report criminal charge.  
74. Misconduct defined.

## PART VIII

### *Discipline*

75. Construction.  
76. Functions respecting discipline.  
77. Regulations to govern disciplinary proceedings.  
78. Grounds for criminal prosecution.  
79. No disciplinary proceedings while criminal proceedings pending.  
80. Interdiction.  
81. Copies of evidence of enquiries.  
82. Disciplinary action after acquittal of criminal charge.  
83. Officer convicted of a criminal charge.  
84. Non-payment of emoluments on conviction of criminal charge.  
85. Disciplinary penalties.  
86. Suspension of increments.  
87. Proceedings for misconduct not warranting dismissal of pensionable officers.  
88. Proceedings for dismissal.  
89. Discipline of non-pensionable officers and temporary officers.

## PART IX

### *Employees*

90. Special provision for employees.

91.	Application of preceding Parts to employees.
92.	Conditions of appointment and letters of appointment.
93.	Employees to comply with departmental instructions.
94.	Confidential reports.
95.	Probationary service.
96.	Transfers to other districts.
97.	Interdiction.
98.	Penalties.
99.	Power of summary dismissal.
100.	Proceedings in respect of misconduct not warranting dismissal.
101.	Proceedings for dismissal.
102.	Procedure in respect of misconduct warranting dismissal.
103.	Finding of Commission.
104.	Holding of oral enquiry.
First Schedule	Forms: Oaths
Second Schedule	Provisions of Regulations applicable to employees
Third Schedule	Forms: Letters
Annex	

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## PUBLIC SERVICE COMMISSION REGULATIONS

### Regulations to provide for procedure by the Public Service Commission.

[Section 83. SRO 27 of 1969.]

[16th August, 1969.]

### PART I

#### *Interpretation*

#### 1. Citation

These Regulations may be cited as the Public Service Commission Regulations.

#### 2. Definitions

(1) In these Regulations, unless the context otherwise requires—

“acting appointment” means the appointment of a public officer to act in any public office other than the office to which he or she is substantively appointed, carrying a higher salary or salary scale;

“appointment” means the conferment of an office of emolument in the public service, whether or not subject to subsequent confirmation, upon a person not in the public service; the grant of permanent and pensionable terms of service in a public office to a person recruited and serving on contract terms of service or in an unestablished capacity in a pensionable or non-pensionable public office; the engagement in a public office of a person on contract terms of service for a further period of service on the conclusion of his or her previous period of engagement on contract terms in the same or other public office; the conferment of a public office by way of transfer; an acting appointment;

“Chairperson” means the person appointed under the provisions of section 83(1)(a) of the Constitution to be the Chairperson of the Commission or such member of the Commission as may for the time being be designated by the Governor-General, in

accordance with the provisions of section 83(9) of the Constitution, to exercise the functions of the office of Chairperson;

“Commission” means the Public Service Commission constituted under the provisions of section 83 of the Constitution;

“Constitution” means the Grenada Constitution set out in the Schedule to the Grenada Constitution Act;

“Department” means a Department not under the control of a Minister;

“emoluments” means the whole of an officer’s receipts from public funds but does not include fees, transport allowances, subsistence allowances or allowances for out-of-pocket expenses;

“*Gazette*” means the *Gazette* published by the order of the Government and includes supplements thereto and any *Extraordinary Gazette* so published;

“Head of Department” means the person in charge of the appropriate Department of the public service;

“member” means any person appointed under the provisions of section 83(1) of the Constitution to be a member of the Commission, and includes any person appointed to act as such under the provisions of section 83(10) of the Constitution;

“misconduct” has the meaning assigned to it by regulation 74;

“oath of allegiance” and “oath of office” have the same meanings as are respectively assigned to these expressions in section 111 of the Constitution;

“office” means public office;

“office in the public service” shall be construed in like manner as in section 111 of the Constitution; and the expression “officer in the public service” shall be construed accordingly;

“officer” means public officer;

“particular office” means any office to which section 85 of the Constitution applies; and the expression “particular officer” shall be construed accordingly;

“Permanent Secretary” means the Permanent Secretary of the appropriate Ministry;

“prescribed form” means the appropriate form as may from time to time be prescribed by the Commission;

“promotion” means the conferment upon a person in the public service of a public office to which is attached a higher salary or higher salary scale than that attached to the public office to which he or she was last substantively appointed;

“public office” means—

- (a) any office in the public service to which section 84 of the Constitution applies;
- (b) subject to section 89(1) of the Constitution, the office of Chief of Police; and
- (c) any office to which section 89(2) of the Constitution applies;

“public officer” means any person holding or acting in any public office;

“public service” shall have the same meaning as that assigned to it in section 111 of the Constitution;

“salary” means basic salary;

“seniority” means the relative seniority of officers and shall be determinable and shall be regarded as having always been determinable in the manner provided by regulations 20 and 21 of these Regulations;

“transfer” means the conferment, whether permanently or otherwise, of some public office, other than that to which the officer was last substantively appointed, not being a promotion; but the posting of an officer referred to in regulation 29(2) of these Regulations in the circumstances mentioned therein shall not be regarded as a transfer for the purposes of these Regulations.

(2) Where any doubt or difficulty arises as to the application or construction of these Regulations, that doubt or difficulty may be referred by the Chief Personnel Officer to the Commission for its determination, and the Commission may determine the matter so referred to it.

(3) Where by any provision of these Regulations a Permanent Secretary or Head of Department is required to do an act, he or she shall not be under any obligation to do that act with respect to himself or herself, unless the Commission otherwise directs him or her in writing.

(4) Nothing in any provision of these Regulations shall be construed so as to derogate from any provision of the Constitution.

(5) Subject to the provisions of the Constitution, the Commission may, from time to time, revoke, modify or add to these Regulations.

## PART II

### *The Public Service Commission*

#### **3. Oath of members**

A member of the Commission shall not enter upon the duties of his or her office until he or she has taken and subscribed the oath of allegiance and the oath of office set out in Appendix 3 to the Constitution.

#### **4. Oath of office of staff**

(1) Subject to the provisions of subregulation (2) of this Regulation, every person appointed to the staff of the Commission shall before entry upon his or her duties, take the oath or make the affirmation set out in the First Schedule to these Regulations.

(2) A person appointed to the staff of the Commission before the date of the commencement of these Regulations shall, if he or she has not already done so, take the oath or make the affirmation aforesaid within one month from the date of the commencement of these Regulations.

#### **5. Meetings**

The Commission shall meet as often as may be necessary or expedient for the purpose of performing its functions and such meetings shall be held at such places and at such times as the Chairperson shall determine.

#### **6. Procedure, quorum and voting**

(1) The Chairperson shall preside at meetings of the Commission.

(2) The Commission may, subject to the provisions of these Regulations, act notwithstanding any vacancy in its membership or the absence of any member 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.

(3) At any meeting of the Commission three members present (including the Chairperson) shall constitute a quorum.

(4) Any member of the Commission who dissents from a decision may require that his or her dissent and reasons for dissenting be recorded in the minutes.

(5) All decisions of the Commission may be signified under the hand of the Chairperson, or of any member of the Commission authorised by the Commission to act in that behalf or of the Chief Personnel Officer.

## **7. Decisions otherwise than at meeting**

Notwithstanding the provisions of regulation 6, but subject to the proviso to regulation 6(2), matters may also be decided by the Commission without a meeting by circulation of the relevant papers among the members; but if on circulation of the papers relating to any matter a difference of opinion arises among the members, or if any member so requires, the matter shall be reserved for discussion at a meeting.

## **8. Duties of the Chief Personnel Officer**

It shall be the duty of the Chief Personnel Officer to—

- (a) submit, whether in writing or orally, matters for the decision of the Commission;
- (b) attend all meetings of the Commission;
- (c) carry out the decisions of the Commission;
- (d) ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission;
- (e) ensure that minutes of all meetings of the Commission and of all decisions arrived at under regulation 7 shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof; and
- (f) be responsible generally, for matters relating to the functions of the Commission.

## **9. Consultation**

The Commission, in considering any matter or question, may consult with any person in the public service or any other person or authority.

## **10. Attendance and production of documents**

(1) It shall be the duty of every person in the public service and of every authority of the Government of Grenada, when required so to do by the Commission, to attend and give evidence before the Commission in relation to any matter or question before it, and to produce any official document relating to such matter.

(2) Any public officer including a particular officer who, without reasonable cause fails to comply with the provisions of subregulation (1) of this Regulation shall be guilty of misconduct, and the Commission may institute disciplinary proceedings against him or her.

## **11. Influencing decisions of Commission**

(1) No person in the public service shall, otherwise than in the course of his or her duty, directly or indirectly by himself, herself or by any other person, in any manner

whatever, influence or attempt to influence any decision of the Commission or of the Chairperson or of any member.

(2) Subject to the provisions of this Regulation, any public officer including a particular officer who commits a breach of the provisions of subregulation (1) of this Regulation shall be guilty of misconduct, and the Commission may institute disciplinary proceedings against him or her.

(3) Nothing in this Regulation shall prohibit a person in the public service from supplying any information or assistance to the Commission upon the request of the Commission.

### PART III

#### *Appointments, Promotions and Transfers*

#### **12. Appointments, promotions and transfers**

In this Part, except where the context otherwise requires, reference to a public office and to a public officer shall, subject to the provisions of the Constitution, be construed as including reference to a particular office and to a particular officer respectively.

#### **13. Supervision of training**

In order to perform its functions the Commission shall supervise the selection of persons for admission to public offices, for the grant of study leave and for the award of scholarships for special training for public offices.

#### **14. Supervision of recruitment**

In order to discharge its duties the Commission shall exercise supervision over and approve all schemes for appointment to any public office by examination, for award of scholarships for special training for public offices, and over all other methods of recruitment including the appointment and the procedure of Boards for the selection of candidates.

#### **15. Selection Boards**

(1) The Commission may, from time to time, appoint one or more Selection Boards to assist in the selection of candidates for appointment to public offices and the composition of any such Board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

(2) On consideration of any report of a Selection Board, the Commission may, in its discretion, summon for interview any of the candidates recommended by such Board.

#### **16. Recommendations for filling public offices**

(1) As soon as it is known that a vacancy will occur in a public office the Permanent Secretary or Head of Department shall communicate thereon to the Chief Personnel Officer in writing and shall make his or her recommendation regarding the filling of the vacancy.

(2) The Chief Personnel Officer may send, from time to time, to the Permanent Secretary or Head of Department a statement of existing vacancies in his or her Ministry or Department (as the case may require) requesting early recommendations for appointing a person to hold the office.

## **17. Advertisement of vacant office**

(1) Where the Commission considers that there is no suitable public officer for the appointment to a vacant office or that having regard to the duties of that office or of the qualifications, experience and merit of officers already in the public service, it would be advantageous and in the best interest of the public service that the services of a person not already in that service be acquired, the Commission may authorise the advertisement of such vacancy by publication in the *Gazette* or in such other manner as the Commission may direct.

(2) Without prejudice to the provisions of the preceding paragraph, the Chief Personnel Officer may, from time to time, by circular memorandum give notice of vacancies which exist in public offices.

(3) Any public officer may make application for appointment to any vacant office including a vacant office advertised pursuant to paragraph (1) of this Regulation, but the failure to apply for any such vacancy shall not prejudice the consideration of the claims of all eligible officers. Applications by public officers for appointment to a vacant office shall be forwarded to the Chief Personnel Officer through the appropriate Permanent Secretary or Head of Department.

## **18. Appointments by competition**

Where, in the opinion of the Commission it is possible so to do and it is in the best interest of the public service, the Commission may direct that any appointment to a vacant office shall be made from within the public service by competition.

## **19. Principles of selection for promotion**

(1) In considering the eligibility of officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with the relative efficiency of such officers, and, in the event of an equality of efficiency of two or more officers, the Commission shall give consideration to the relative seniority of the officers available for promotion to the vacancy.

(2) The Commission, in considering the eligibility of officers under subregulation (1) for an appointment on promotion, shall attach greater weight to—

- (a) seniority, where promotion is to be an office that involves work of a routine nature; or
- (b) merit and ability where promotion is to an office that involves work of progressively greater and higher responsibility and initiative than is required for an office specified in subparagraph (a).

(3) In the performance of its functions under subregulations (1) and (2), the Commission shall take into account as respects each officer—

- (a) his or her fitness;
- (b) the position of his or her name on the seniority list;
- (c) any special qualifications;
- (d) any special courses of training that he or she may have undergone (whether at the expense of Government or otherwise);
- (e) the evaluation of his or her overall performance as reflected in annual staff reports by any Permanent Secretary, Head of Department or other senior officer under whom the officer worked during his or her service;
- (f) any letters of commendation or special reports in respect of any special work done by the officer;
- (g) the duties of which he or she has had knowledge;

- (h) the duties of the office for which he or she is a candidate;
- (i) any specific recommendation of the Permanent Secretary or the Head of Department for filling the particular office;
- (j) any previous employment of his or her in the public service, or otherwise;
- (k) any special reports for which the Commission may call;
- (l) his or her devotion to duty.

(4) In addition to the requirements prescribed in subregulations (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to the office in question.

## **20. Seniority and seniority lists**

(1) The Chief Personnel Officer shall keep up-to-date seniority lists of all officers holding offices in the several grades prescribed from time to time.

(2) The Permanent Secretary or Head of Department shall keep in the prescribed form, up-to-date seniority lists of all officers holding office in the several grades in his or her Ministry or Department for the purpose of making recommendations for promotions and acting appointments.

(3) The seniority of officers shall, subject to the next following regulation, be determined as follows—

- (a) as between officers of the same grade—
  - (i) by reference to the dates on which they respectively entered the grade,
  - (ii) if any officers entered that grade on the same day by reference to their seniority on the day immediately preceding that day,
  - (iii) if any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages;
- (b) as between officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades;
- (c) as between officers of different grades on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate:

Provided that when assessing the seniority of a pensionable public officer, service by himself, herself or any other person in a non-pensionable capacity shall not be taken into account.

(4) Where officers have been appointed to public offices by competitive examination and are appointed to the same grade at the same salary with effect from the same date, the relative seniority of such officers shall be determined according to their respective performance in such examinations.

## **21. Seniority in cases not provided**

In any case not covered by these Regulations the Commission shall determine the seniority of an officer.

## **22. Commencing pay**

The Commission may recommend payment to an officer of a commencing pay at an incremental point higher than the minimum in the scale attached to the office to which he or she is to be appointed or promoted.

### **23. Submission of recommendations for acting appointments**

(1) The Permanent Secretary or Head of Department shall submit, well in advance, recommendations for acting appointments so as to permit of their consideration by the Commission before the date on which the acting appointment is to become effective. But the Commission may relax the provisions of this Regulation in cases of illness or in exceptional circumstances.

(2) In submitting recommendations for acting appointments, Permanent Secretaries and Heads of Departments shall state the reasons why officers, if any are being passed over.

### **24. Principles of selection to acting appointment as prelude to substantive appointment**

(1) The Permanent Secretary or Head of Department shall ensure that any recommendation made to the Commission as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 19 (Principles of selection for promotion).

(2) The provisions of subregulation (1) of this Regulation shall not be construed so as to give an officer any special claim to any substantive appointment.

### **25. Acting appointment otherwise than as prelude to substantive appointment**

Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall, as a general rule, be the senior officer in the Ministry or Department eligible for such acting appointment, and any officer so appointed shall be expected to assume and discharge the duties and responsibilities of the office to which he or she is appointed to act.

### **26. Applications by officers for appointment to act in public offices**

(1) Any officer may apply to the Commission, through the appropriate senior officer, if any, for appointment to act in an office whether as a prelude to a substantive appointment or not and the appropriate senior officer, if any, shall forward such application through the Chief Personnel Officer in its original form.

(2) Notwithstanding the provisions of the preceding regulation, as a general rule an acting appointment shall not be made where the holder of an office is unable to perform the functions of that office (for any cause) and where such inability is or is likely to be of short duration.

### **27. Transfers of Permanent Secretaries**

The power to appoint a person to hold or act in an office of Permanent Secretary on transfer from another such office carrying the same salary shall be exercised in accordance with the provisions of the proviso to section 85(2) of the Constitution (namely by the Governor-General acting in accordance with the advice of the Prime Minister).

### **28. Transfers of particular officers other than Permanent Secretaries**

Particular officers, other than Permanent Secretaries, shall be transferred by order of the Governor-General acting in accordance with the advice of the Commission.

## **29. Transfers of public officers other than particular officers**

(1) Public officers, other than particular officers shall, subject to the provisions of this Regulation, be transferred by the Commission by order in writing.

(2) The posting of public officers (other than particular officers) between duty posts in the same Ministry or Department carrying the same nomenclature, grade and salary shall be made by the appropriate Permanent Secretary or Head of Department.

## **30. Transfers from one district or parish to another**

(1) So far as practicable, reasonable notice of transfer shall be given to an officer where it is proposed to transfer him or her from an office in a parish or district to another office in another parish or district.

(2) An officer whose transfer has been ordered pursuant to regulation 28 or 29 from an office in a parish or district to another office in another parish or district may, within three days from the date of his or her receipt of the order of transfer, or within such extended period as the Commission may in exceptional cases allow, make representations to the Commission, through his or her appropriate senior officer, if any, for a review of such transfer.

(3) The appropriate senior officer, if any, shall forward forthwith to the Commission any representation received by him or her under subregulation (2) of this Regulation together with his or her own comments thereon.

(4) The Commission shall consider all representations and comments received by it pursuant to the preceding provisions of this Regulation and shall communicate its decision in writing.

(5) Where, pursuant to the provisions of subregulation (2) of this Regulation, representations for a review have been duly made to the Commission by an officer, and where a decision of the Commission thereon is still pending, that officer shall not be required, unless the Commission directs otherwise in writing, to assume the duties of the office with respect to which he or she has made such representations.

(6) Any officer who fails to comply with a decision of the Commission under paragraph (4) of this Regulation, or with a direction of the Commission under subregulation (5) of this Regulation, shall be guilty of misconduct and the Commission may institute or cause to be instituted disciplinary proceedings against him or her for such failure.

## **31. Date of appointment**

(1) The date of appointment to an office shall normally be the date on which the officer assumes substantively the duties of the office to which he or she has been appointed.

(2) The date of appointment on promotion shall be such date as the Commission shall specify.

(3) If an officer is selected for appointment outside Grenada the date of appointment shall be the date specified in the letter of appointment.

## **32. Medical examination on appointment**

(1) A candidate selected for first appointment to the public service shall undergo a medical examination by a Government medical officer and shall not be confirmed in his or her appointment unless and until he or she has been passed as medically fit.

(2) The Permanent Secretary or Head of Department within whose Ministry or Department the candidate has been assigned shall make appropriate arrangements for the

new appointee to be medically examined as soon as practicable after the assumption of duty.

(3) A medical officer who examines a new appointee shall submit his or her medical report on the prescribed form to the Chief Personnel Officer under confidential cover as soon as practicable after the examination.

(4) The Chief Personnel Officer shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report of a new appointee shall be strictly confidential and treated as such, and any officer who communicates the details of any such medical report to any other person except the officer to whom they relate, or otherwise than in the course of his or her duty, shall be guilty of misconduct.

## PART IV

### *Confidential Reports*

#### **33. Annual Confidential Reports**

(1) A Permanent Secretary or Head of Department shall forward to the Chief Personnel Officer in each year on or before the 1st day of February a Confidential Report in respect of every officer and of every particular officer who served in his or her Ministry or Department during the whole or part of the previous year.

(2) A Confidential Report shall cover the period of twelve months (or such shorter period as may be relevant) immediately preceding the 1st day of February of any year.

(3) In the preparation of a Confidential Report a Permanent Secretary or Head of Department shall be guided by his or her own deliberate judgement and shall in such report—

- (a) make an unbiased assessment of the officer's performance and conduct; and
- (b) give an indication of the future prospects of the officer for promotion.

(4) A Confidential Report shall be in such form as may from time to time be prescribed by the Commission.

#### **34. Adverse reports**

In order that an officer to whom regulation 33 applies may be given opportunity to correct any shortcomings which he or she may show during the course of his or her period of service to be reported on under this Part, a Permanent Secretary or Head of Department shall—

- (a) as and when such shortcomings are noticed, inform the officer or cause him or her to be informed thereof in writing; and
- (b) when adverse markings are included in a Confidential Report on an officer, inform him or her or cause him or her to be informed thereon in writing before he or she submits the report to the Chief Personnel Officer.

#### **35. Value of Confidential Reports**

A Confidential Report made in respect of an officer pursuant to regulation 33 shall form an important consideration for determining his or her eligibility for promotion.

## PART V

### **36. Construction of “officer”**

In this Part, except where the context otherwise requires, references to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular officer.

### **37. Probationary service**

(1) Except as otherwise provided in this Part, on first appointment to the public service or on promotion in the service from a non-pensionable to a pensionable office, an officer shall be required to serve on probation for a period of two years unless a shorter period is specified in his or her letter of appointment.

(2) At the end of the first six months and of each succeeding twelve months of the probationary period Permanent Secretaries and Heads of Departments shall submit to the Chief Personnel Officer a report on every officer so appointed or promoted on probation in their Ministries or Departments. One month before the end of every probationary period the Permanent Secretary or Head of Department shall submit a further report and a recommendation—

- (a) that the officer be confirmed in the appointment;
- (b) that the probationary period be extended;
- (c) that the officer’s services be terminated; or
- (d) that the officer revert to his or her former post, if any.

(3) Subject to the provisions of these Regulations, the appointment on probation of an officer may, at any time during the period of probation and without any reason given, be terminated upon one month’s notice in writing or upon payment of one month’s salary in lieu of notice:

Provided that the Governor-General, or the Commission (as may be appropriate) may specify a longer period of notice where it is reasonable to do so.

### **38. Principles to be observed while officer on probation**

The following principles shall be observed for the treatment of an officer during his or her period of probation—

- (a) the officer on probation shall be given an opportunity to learn his or her work and be tested as to his or her suitability for it;
- (b) he or she shall be accorded all possible facilities for acquiring experience in his or her duties;
- (c) he or she shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the service permit, he or she shall be assigned to duty only where such observation is possible; and
- (e) if at any time during his or her period of probation he or she exhibits tendencies which render it doubtful that he or she is likely to become fit for confirmation in his or her appointment, these shall at once be drawn to his or her attention in writing by the Permanent Secretary or Head of Department and he or she shall be given such assistance as may be possible to enable him or her to correct his or her shortcomings.

### **39. Construction**

(1) In this Part, except where the context otherwise requires, references to an office and to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular office and to a particular officer respectively.

(2) A reference in any provision of this Part to the exercise of a function by the Commission shall, as respects the exercise of that function with respect to a particular officer, be construed as a reference to its exercise by the Governor-General acting in accordance with the advice of the Commission.

### **40. Resignations**

(1) An officer who wishes to resign from the public service shall give to the Governor-General (through the Chief Personnel Officer in the case of a particular officer) or to the Commission through the Chief Personnel Officer in any other case, notice in writing of his or her intention at least one month before the date on which he or she wishes to relinquish his or her appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) An officer who fails without reasonable cause to comply with paragraph (1) of this Regulation shall, unless the Commission directs otherwise, forfeit all leave and the benefits and privileges in respect of leave to which he or she would otherwise have been eligible.

(3) An officer shall not be entitled to withdraw his or her notice of resignation after such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

### **41. Abandonment of office**

(1) An officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his or her office and thereupon the office becomes vacant and the officer ceases to be an officer.

(2) The provisions of this Regulation shall not be construed so as to derogate from any other provision of these Regulations.

### **42. Report of compulsory retirement age**

(1) The Permanent Secretary or the Head of Department shall inform the Chief Personnel Officer of all officers in his or her Ministry or Department who are within one year of the compulsory retirement age.

(2) In this Regulation reference to the compulsory retirement age means any age prescribed from time to time by law on or after the attainment of which an officer may be required (with or without any approval) to retire from the public service.

### **43. Compulsory retirement**

(1) The Commission may, at any time, but subject however to subregulation (3) of this Regulation, require an officer who has attained the compulsory retirement age to retire from the public service as from such date as it may fix.

(2) Where it appears to the Permanent Secretary or the Head of Department that an officer in his or her Ministry or Department who has attained the compulsory retirement age ought to be required to retire from the public service, the Permanent Secretary or the Head of the Department (as the case may be) shall advise such officer accordingly in writing and report the matter together with his or her reasons therefor for consideration by

the Commission, and the Commission shall, subject to the provisions of subregulation (3) of this Regulation determine whether or not that officer ought to be required to retire and, where appropriate, the date of such retirement:

Provided that the provisions of this paragraph shall not be construed so as to derogate from the power of the Commission to require any officer to retire in the absence of a report made to it under this paragraph.

(3) Any officer required to retire pursuant to the provisions of this Regulation shall be afforded a reasonable opportunity to submit to the Commission any representations he or she may wish to make regarding his or her proposed retirement.

(4) In this Regulation references to the compulsory retirement age have the meaning in regulation 42(2) of these Regulations.

#### **44. Voluntary retirement**

(1) An officer who has attained the prescribed age may apply—

- (a) to the Governor-General through the Chief Personnel Officer, in the case of a particular officer; or
- (b) to the Commission through the Chief Personnel Officer, in any other case,

for permission to retire from the public service, and shall in his or her application state the grounds on which it is based; and the Commission shall determine whether or not the application ought to be granted and the date of such retirement.

(2) In this Regulation reference to the prescribed age means the age of fifty years or such other age as may, from time to time, be prescribed by law for voluntary retirement from the public service.

#### **45. Retirement in public interest**

(1) Notwithstanding the provisions of any other regulation, where it is represented to the Commission or the Commission considers it desirable in the public interest that any officer ought to be required to retire from the public service on grounds which cannot suitably be dealt with under any of these Regulations the Commission shall call for a full report from the Head of every Ministry or Department, if any, in which the officer has served during the last preceding ten years:

Provided that, in the case of an officer who has himself or herself been the Head of a Ministry or of a Department within the relevant period of ten years, such report shall be dispensed with; and the Commission may act on any other suitable grounds.

(2) If, after considering such reports (if any) and giving the officer an opportunity of submitting a reply to the grounds on which his or her retirement is contemplated, and having regard to the conditions of the public service, the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest so to do the Commission shall require the officer to retire from the public service, whereupon retirement shall take effect upon such date as the Commission shall fix.

#### **46. Termination of appointment for abolition of office or for facilitating improvement in organisation of Ministry or Department**

(1) Where an office, being one of a number of like offices, has been abolished but one or more than one such office remains, the Permanent Secretary or Head of Department shall, subject to subregulation (4) of this Regulation, make a report thereon to the Chief Personnel Officer for consideration by the Commission, and shall recommend with his or her reasons therefor, which officer shall be retired or removed from the public service in consequence of such abolition.

(2) Where it is necessary to retire or remove an officer from the public service for the purpose of facilitating improvement in the organisation of a Department or Ministry to which he or she belongs in order to effect greater efficiency or economy, the Permanent Secretary or Head of Department shall, subject to subregulation (4) of this Regulation, make a report thereon to the Chief Personnel Officer for consideration by the Commission, and shall recommend with his or her reasons therefor, which officer shall be retired or removed from the public service in consequence of such organisation.

(3) Where a Permanent Secretary or Head of Department makes any recommendation under paragraph (1) or (2) of this Regulation, the Permanent Secretary or Head of Department shall, subject to subregulation (4) of this Regulation, at the same time, notify the officer concerned in writing of his or her recommendations and such officer may, within seven days of the receipt of the notification, make representations thereon.

(4) Where the office which has been abolished is the office of a Permanent Secretary or that of a Head of Department, or where the officer to be retired is himself or herself a Permanent Secretary or a Head of Department then, in every such case, reports under subregulations (1) and (2) of this Regulation shall be dispensed with; and the Commission may act on such facts and circumstances as it sees fit:

Provided however that the officer concerned shall be given a reasonable opportunity to make representations to the Commission.

(5) Where an officer makes representations in respect of recommendations made under subregulations (1) and (2) of this Regulation, the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

(6) Notwithstanding the provisions of this Regulation, the Commission may, after consideration of any representations made by an officer under this Regulation, instead of retiring or removing him or her from the public service, transfer him or her to another public office not lower in status or emoluments than that which he or she holds or held (as the case may be).

#### **47. Medical Boards**

(1) A Medical Board shall be held whenever it is necessary for an officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill-health, or in any case or class of cases in which the Commission directs.

(2) An officer may be required by the Commission to undergo a medical examination at any time.

(3) An officer who is required to undergo a medical examination shall submit himself or herself to be examined by a Medical Board at such time and place as the Permanent Secretary or the Head of Department may direct on behalf of the Board.

(4) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by a Medical Board, falls sick and in consequence is unable to perform his or her duties, the Commission may direct that the period during which he or she is unable to perform his or her duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining whether or not he or she should be retired on grounds of ill-health, the Permanent Secretary or Head of Department (or the Chief Personnel Officer in the case of a particular officer) shall make a recommendation to this effect to the Commission and where there is a medical record of the officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Permanent Secretary or Head of Department, shall submit, with his or her recommendation under subregulation (5), a detailed confidential report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the officer concerned.

#### **48. Unfit officers**

An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he or she is eligible or two months' leave, whichever is the greater, as from the date on which he or she is notified of his or her unfitness for further duty.

#### **49. Reasons for termination of appointment**

The services of an officer may be terminated only for one or more of the following reasons—

- (a) where the officer holds a permanent appointment (whether pensionable or non-pensionable)—
  - (i) on dismissal or removal in consequence of disciplinary proceedings,
  - (ii) on compulsory retirement,
  - (iii) on voluntary retirement,
  - (iv) on retirement for medical reasons,
  - (v) on retirement in the public interest,
  - (vi) on resignation,
  - (vii) on abolition of his or her office,
  - (viii) on compulsory retirement for the purpose of facilitating improvement in the organisation of his or her Ministry or Department,
  - (ix) abandonment of office under regulation 41;
- (b) where the officer holds a temporary appointment—
  - (i) on the expiry or other termination of an appointment for a specified period,
  - (ii) where the office itself is of a temporary nature and is no longer necessary,
  - (iii) on the termination of appointment by notice under regulation 37(3) in the case of an officer on probation,
  - (iv) on the termination of appointment by reasonable notice in the case of an officer holding a non-pensionable office,
  - (v) on dismissal or removal in consequence of disciplinary proceedings,
  - (vi) ill-health,
  - (vii) on resignation,
  - (viii) abandonment of office under regulation 41;
- (c) where an officer is on contract his or her services shall be terminated in accordance with the terms of the contract.

## PART VII

### *Conduct*

#### **50. Construction**

(1) In this Part, except where the context otherwise requires, references to a public office and to a public officer shall, subject to the provisions of the Constitution and of these Regulations, be construed as including references to a particular office and to a particular officer respectively.

(2) Subject to subregulation (3) of this Regulation, a reference in any provision of this Part to the exercise of a function by the Commission, a Permanent Secretary or a Head of Department shall, as respects the exercise of that function with respect to a particular officer, be construed as a reference to its exercise by the Governor-General acting in accordance with the advice of the Commission.

(3) Where by a provision of this Part an officer is required to refer or to report a matter to the Permanent Secretary or to the Head of Department that provision shall, in any case where the officer required to make the reference or report is himself or herself the Permanent Secretary or Head of Department, be construed as requiring the reference or report (as the case may be) to be made by such officer to the Commission.

#### **51. General conduct**

An officer shall conduct himself or herself at all times in such a manner as not to bring the public service into disrepute.

#### **52. Duties of officer**

(1) An officer shall discharge the duties of the office to which he or she is appointed and any other related duties that the Permanent Secretary or Head of Department may, at any time, call upon him or her to discharge.

(2) In the discharge of his or her duties, an officer shall be courteous and polite both to other public officers and to members of the public.

#### **53. Discourtesy**

An officer who is discourteous or impolite to other public officers or to members of the public shall be guilty of misconduct.

#### **54. Absence without leave**

(1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) An officer shall not leave Grenada without the permission in writing of the Chief Personnel Officer after consultation with the Permanent Secretary or Head of Department.

#### **55. Wilful refusal to perform duties**

An officer who wilfully refuses to perform his or her duties or who wilfully omits to perform his or her duties, shall be guilty of misconduct.

#### **56. Activities outside service**

(1) Except in the case of part-time officers, an officer's whole time is at the disposal of the Government. Accordingly—

- (a) an officer may not at any time engage in any activity which would in any way tend to impair his or her usefulness as an officer, nor may he or she engage in any occupation or undertaking which might in any way conflict with the interest of his or her Ministry or Department or be inconsistent with his or her position as an officer;
- (b) an officer shall not, without the prior approval of the Commission, engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration;
- (c) notwithstanding that prior approval may have been given, the Commission may at any time after notice to the officer and after holding an inquiry prohibit an officer from—
  - (i) engaging in any trade, professional, commercial agricultural or industrial undertaking,
  - (ii) undertaking private work for remuneration, if the Commission is of the opinion that the officer's activity tends to impair his or her usefulness as an officer or conflicts with the interests of his or her Ministry or Department or is inconsistent with his or her position as an officer;
- (d) within a period of thirty days after his or her first appointment to the public service, an officer shall disclose in writing to the Commission particulars of any investment or shareholding which he or she possesses in any company carrying on business inside or outside Grenada and also of any direct interest which he or she has in any professional, commercial, agricultural or industrial undertaking in or outside Grenada;
- (e) an officer who invests in or acquires shares in any company carrying on business in or outside Grenada or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside Grenada, shall within a period of thirty days thereafter inform the Commission;
- (f) whenever the Commission is of the opinion that an officer's performance of his or her duties is likely to be influenced by the fact that he or she owns shares or investments in any company, or he or she has direct interest in any professional, commercial, agricultural or industrial undertaking, the Commission may require the officer to dispose of such shares, investment or interest within such period as the Commission may specify or may transfer the officer to other duties. If the officer, on being required to dispose of such shares, investment or interest fails to do so within the specified period, he or she shall be guilty of misconduct;
- (g) an officer while he or she is on leave shall not accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration; the Commission may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities aforementioned. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

#### **57. Officer not to call public meeting or participate in certain public meetings**

An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public petition regarding the actions of the Government. Nothing in these Regulations shall affect an officer's right to participate actively in any meeting

called, or sign any petition prepared by his or her staff association on matters with which the staff association is competent to deal.

#### **58. Officer not to publish information**

(1) An officer shall not make public or communicate to the Press or to an individual, or, make private copies of documents, papers or information of which he or she may have become possessed in his or her official capacity, unless his or her duties require him or her to do so.

(2) An officer who contravenes any of the provisions of any relevant enactment relating to official secrets, shall be guilty of misconduct notwithstanding that he or she may be charged with an offence under any such enactment.

#### **59. Officer not to allow interview on questions of public policy**

An officer, whether on duty or on leave of absence, shall not allow himself or herself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Grenada or of any other country unless his or her official duties require him or her to do so.

#### **60. Officer not to publish comment on national or local matters**

(1) An officer shall not, without permission of the Permanent Secretary or Head of Department, broadcast on the radio or television or publish in any other manner any statement which may reasonably be regarded as being in the nature of a personal comment on any national, local, political or administrative matter unless his or her official duties require him or her to do so.

(2) An officer may, with the permission of the Permanent Secretary, or Head of Department publish, in his or her own name, articles relating to other subjects of general interest or give broadcast talks on the radio or television on such subjects.

#### **61. Reference to Permanent Secretary**

In any case of doubt as to the propriety of any proposed publication or broadcast, an officer shall refer the matter to the Permanent Secretary or the Head of Department.

#### **62. Officer not to contribute, edit or manage newspaper**

Except in the case of the official organs of staff associations or professional associations, an officer shall not, without express permission in writing of the Commission, act as editor of any newspaper, or take part directly or indirectly in the management of a newspaper, or contribute anonymously thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government.

#### **63. Rules relating to broadcast talks**

Broadcast talks by officers shall be governed by the following rules—

- (a) no question of payment either to the officer employed in the preparation or delivery of a lecture or talk, or to the Ministry or Department which he or she represents shall arise in connection with lectures or talks, which are necessary or desirable in order to enable a Ministry or Department to carry out its recognised duties to the community. No payment shall be made to an officer in respect of broadcast lectures or talks on subjects which are a part of the duties imposed on him or her to enable a department to perform its normal functions;

- (b) lectures or talks which are not necessary for departmental purposes may be given by officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Ministry or Department to which the officer belongs, or if the broadcaster is to be announced by his or her departmental title, the prior authority is required with the object of ensuring—
- (i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of an officer, and
  - (ii) that the standing of the speaker is sufficient to justify the delivery by him or her of a lecture under his or her departmental title.

Subject to these conditions, and to the due observance of any professional rule that may be in force as to the acceptance of remuneration for such services, it shall be open to an officer to make his or her own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

#### **64. Indebtedness**

(1) An officer who incurs indebtedness to the extent that it impairs his or her efficiency or that it has brought or is likely to bring the public service or the service of which he or she is a member, into disrepute, shall be guilty of misconduct.

(2) An officer shall not be a party to an accommodation bill.

(3) The Commission may require an officer to authorise deductions from his or her pay for the repayment of any debts due to Government and the officer shall comply with such requirements:

Provided that the officer shall be first afforded a reasonable opportunity to make representations to the Commission as to why the requirement should not be made and as to the amount of such deduction.

#### **65. Bankruptcy**

(1) An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days' report that fact to the Commission.

(2) An officer who fails to report under subregulation (1) shall be guilty of misconduct.

#### **66. Officer not to solicit intervention**

An officer shall not solicit the intervention or influence of members of the House of Representatives or the Senate, Ministers, members of the Commission, or members of the community to support or advance his or her individual claims in the service.

#### **67. Gifts or rewards**

Except with the permission of the Commission, an officer shall not accept any gifts or rewards from any member of the public or from any organisation for services rendered in the course of his or her official duties.

#### **68. Exceptions**

Notwithstanding regulation 67, an officer may accept a present offered by—

- (a) a representative of a foreign Government, on the occasion of an official visit to that country;
- (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;
- (c) other officers in his or her Ministry or Department on the occasion of his or her marriage, or on retirement, or on transfer.

#### **69. Bribery**

An officer who is offered a bribe shall immediately refer the matter to the Permanent Secretary or Head of Department who shall report the matter to the Police and the Commission.

#### **70. Legal proceedings**

An officer who desires to initiate legal proceedings on his or her own behalf against another officer, or against a member of the public, with respect to any matter which arose out of and in the course of the execution of his or her duty, shall apply to the Commission for permission so to proceed.

#### **71. Application to initiate legal proceedings to be in writing**

An application under regulation 70 shall be in writing and shall be addressed to the Chief Personnel Officer for transmission to the Commission and forwarded through the Permanent Secretary or Head of Department of the Ministry or Department to which the officer is assigned, or if the Permanent Secretary or Head of Department is the applicant, directly to the Chief Personnel Officer.

#### **72. Grounds for refusal of application**

The Commission may refuse the application under regulation 70, if the Commission is of the opinion that proceedings would be—

- (a) contrary to the best interest of public policy;
- (b) detrimental to discipline and the good reputation of the public service or, of the particular service of which the officer is a member.

#### **73. Officer to report criminal charge**

(1) An officer who is charged by a member of the public with a criminal offence shall report the matter forthwith to the Permanent Secretary or Head of Department for the information of the Commission.

(2) Where an officer is charged by the Police with a criminal offence the Chief of Police shall report the matter to the Permanent Secretary or Head of Department (or where appropriate to the Chief Personnel Officer) for the information of the Commission.

(3) An officer who fails to comply with the provisions of this Regulation shall be guilty of misconduct.

(4) Where an officer who is charged by the Police with a criminal offence fails without reasonable excuse to attend Court on the date fixed for hearing, the Commission may direct that such officer shall not receive any pay or allowance.

#### **74. Misconduct defined**

- (1) An officer who without reasonable excuse does an act which—

- (a) amounts to failure to perform in a proper manner any duty imposed upon him or her as such;
- (b) contravenes any of the provisions of these Regulations;
- (c) contravenes any provision of an enactment relating to his or her official duties, conduct or obligations; or
- (d) is otherwise prejudicial to the efficient conduct of the service or tends to bring that service into disrepute, shall be guilty of misconduct and shall be liable to such punishment as is prescribed in regulation 85.

(2) Without prejudice to the generality of the provisions of subparagraph (1), an officer who—

- (a) is persistently unpunctual;
- (b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order;
- (c) is drunk on duty;
- (d) is inefficient or incompetent through causes which appear to be within his or her own control;
- (e) is guilty of any immoral or obscene or disorderly conduct in office;
- (f) performs his or her duties in a negligent manner;
- (g) having made or subscribed an oath or affirmation for the purposes of his or her office does or says anything in violation of that oath or affirmation;
- (h) uses without the consent given personally, of the Permanent Secretary or Head of Department, any property or facilities provided for the purposes of the public service or of the service of which he or she is a member for some purposes not connected with his or her official duties;
- (i) engages in any gainful occupation outside the public service without consent of the Commission;
- (j) is convicted of any criminal charge involving dishonesty, fraud, moral turpitude or is convicted of a criminal charge and sentenced to imprisonment without the option of a fine;
- (k) writes letters to the press, publishes books or articles or circulates leaflets setting forth his or her views on matters of national or local party political controversy;
- (l) speaks in public on matters of party political controversy or speaks at political meetings or heckles at such meetings; or
- (m) participates in the meetings of any party political organisation while on duty, while on official business or while wearing official uniforms,

shall be guilty of misconduct and shall be liable to such punishment (as may be appropriate) as is prescribed by regulation 85 or by any other regulation.

(3) Without prejudice to the generality of the provisions of subregulation (1), an officer who holds any office whatsoever in any political organisation or serves as a member of a Committee thereof or engages in canvassing in support of or against any political candidate shall be guilty of misconduct and shall be liable to such punishment (as is appropriate) as is prescribed by regulation 85 or by any other regulation.

## PART VIII

### *Discipline*

*(General)*

#### **75. Construction**

(1) In this Part, except where the context otherwise requires, references to an officer shall, subject to the provisions of the Constitution, be construed as including references to a particular officer.

(2) A reference in any provision of this Part to the exercise of a function by the Commission shall, as respects the exercise of that function with respect to a particular officer, be construed as a reference to its exercise by the Governor-General acting in accordance with the advice of the Commission.

(3) Where the office of Attorney-General is not a public office, reference in this Part to the Attorney-General shall be construed to mean the Director of Public Prosecutions.

#### **76. Functions respecting discipline**

(1) The Commission shall deal with disciplinary proceedings against officers in the light of reports from Permanent Secretaries and Heads of Departments, or otherwise.

(2) Subject to subregulation (3) of this Regulation, where the Commission is of the opinion that disciplinary proceedings ought to be instituted against an officer, the Commission may institute such proceedings.

(3) Where an offence against any law appears to have been committed by an officer the Commission before acting under subregulation (2) of this Regulation shall obtain the advice of the Attorney-General as to whether criminal proceedings ought to be instituted against the officer concerned; and if the Attorney-General advises that criminal proceedings ought to be so instituted the Commission shall not initiate disciplinary proceedings, if any, before the determination of any criminal proceedings so instituted.

#### **77. Regulations to govern disciplinary proceedings**

(1) Any report of misconduct shall be made to the Chief Personnel Officer and dealt with under this Part of these Regulations as soon as possible after the time of its occurrence:

Provided that this subregulation shall not be construed so as to derogate from the power of the Commission to receive or to act upon a report submitted to it in any other manner.

(2) Any case not covered by this Part shall be reported to the Chief Personnel Officer and the Commission may issue such instructions thereon as it sees fit, and the case shall be dealt with accordingly.

#### **78. Grounds for criminal prosecution**

Where upon a disciplinary enquiry under this Part an offence against any law appears to have been committed by an officer the person or persons conducting the inquiry shall suspend the inquiry and report the matter to the Commission who, unless criminal proceedings have already been taken against the officer, shall obtain the advice of the Attorney-General as to whether criminal proceedings ought to be instituted; and if the Attorney-General advises that criminal proceedings ought not to be taken the Commission may direct that the inquiry be continued.

#### **79. No disciplinary proceedings while criminal proceedings pending**

(1) Where criminal proceedings have been instituted in any Court against an officer, disciplinary proceedings upon any grounds arising out of the criminal charge shall not be taken or continued against him or her until after the Court has given judgement and the

time allowed for an appeal from the judgement has expired; and where an officer after conviction has appealed, proceedings for his or her dismissal shall not be taken until after the withdrawal or determination of the appeal.

(2) Nothing in this Regulation shall prevent the officer being interdicted from duty pursuant to regulation 80 of these Regulations.

### **80. Interdiction**

(1) Where there have been or are about to be instituted against an officer—

- (a) disciplinary proceedings; or
- (b) criminal proceedings,

and where the Commission is of the opinion that the public interest requires that that officer should forthwith cease to perform the functions of his or her office, the Commission shall interdict him or her from the performance of such functions.

(2) An officer so interdicted shall, subject to the provisions of regulation 84 be permitted to receive such proportion of the salary of his or her office, not being less than one-half, as the Commission shall think fit.

(3) If disciplinary proceedings against any such officer result in his or her exculpation, he or she shall be entitled to the full amount of the salary which he or she would have received if he or she had not been interdicted, but if the proceedings result in any punishment other than dismissal the officer shall be allowed such salary as the Commission may think fit.

(4) An officer who is under interdiction from duty may not leave Grenada without the permission of the Commission.

### **81. Copies of evidence of enquiries**

An officer in respect of whom a disciplinary enquiry is to be held shall be entitled without charge to him or her to receive copies of or to be allowed access to any documentary evidence relied on for the purpose of the enquiry. He or she shall also be given upon request for purposes of an appeal to the Public Service Board of Appeal a copy of the evidence (including copies of documents tendered in evidence) after the enquiry is closed.

### **82. Disciplinary action after acquittal of criminal charge**

An officer acquitted in any Court of a criminal charge shall not be dismissed or otherwise punished in respect of any charge of which he or she has been acquitted, but nothing in this Regulation shall prevent his or her being dismissed or otherwise punished in respect of any other charge arising out of his or her conduct in the matter, unless such other charge is substantially the same as that in respect of which he or she has been acquitted.

### **83. Officer convicted of a criminal charge**

If an officer is convicted in any Court of a criminal charge, the Commission may apply for and consider the relevant proceedings of that Court, and if the Commission is of the opinion that in the interest of the public service the officer ought to be dismissed or subjected to some lesser punishment in respect of the offence of which he or she has been convicted the Commission may thereupon dismiss or award such other punishment to the officer without the institution of any disciplinary proceedings under these Regulations:

Provided that where the offence of which an officer has been convicted does not involve dishonesty, fraud or moral turpitude, such officer shall not be punished as

aforesaid unless he or she has been notified of the intention so to do and unless he or she has been afforded reasonable opportunity to make representations thereon.

#### **84. Non-payment of emoluments on conviction of criminal charge**

An officer convicted of a criminal charge involving dishonesty, fraud or moral turpitude or convicted of a criminal charge and sentenced to imprisonment shall not receive any of his or her emoluments after the date of such conviction pending consideration of his or her case by the Commission.

#### **85. Disciplinary penalties**

(1) The penalties which may be imposed by the Commission on an officer against whom a disciplinary charge has been established are—

- (a) dismissal;
- (b) reduction in rank, that is, removal to another grade with an immediate reduction in salary;
- (c) deferment of increment, that is, postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (d) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;
- (e) fine; or
- (f) reprimand.

(2) A fine shall not in any case exceed one-half of an officer's salary and, in every case, in determining the amount of a fine, due regard shall be had to the economic circumstances of the officer.

(3) Where a fine is imposed the amount of such fine shall be deducted from the salary of the officer by such instalments as may be specified by the Commission at the time the penalty is imposed.

#### **86. Suspension of increments**

(1) An increment shall not be suspended, except on the authority of the Commission in manner provided by this Regulation.

(2) The grant of an increment may be suspended for—

- (a) lack of efficiency;
- (b) unsatisfactory service or conduct; or
- (c) failure to pass a requisite examination conditional to the grant of the officer's increment.

(3) Where, subject to subregulation (1) of this Regulation, a Permanent Secretary or Head of Department considers that for any of the reasons specified in subregulation (2)(a) or (b) of this Regulation an officer's increment ought not to be granted he or she shall notify the officer in writing at least one month before the date on which the increment is due of the reasons for which he or she considers that the increment ought not to be granted, and report the matter to the Chief Personnel Officer for the decision of the Commission as to whether the payment of the increment ought to be made on the date on which becomes due and the officer may, within seven days of the receipt of such notification, make representations in writing, through the Permanent Secretary or Head of Department, to the Commission.

(4) Where the Commission after considering any representation by an officer made under subregulation (3) of this Regulation, supports the recommendation of the

Permanent Secretary or Head of Department, the Commission shall notify the officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under subregulation (4) of this Regulation the payment of an increment, subject to subregulation (6), for a period not exceeding six months.

(6) Where the Commission suspends an increment under subregulation (4) for a specified period, the Permanent Secretary or Head of Department shall, not less than thirty days before the expiry of the period, make a report on such officer and if in the opinion of the Commission—

- (a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date from which it is granted;
- (b) the report does not justify the payment of the increment, the Commission may suspend the payment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to an officer under this Regulation, the suspension shall not affect the officer's incremental date.

### *Proceedings*

#### **87. Proceedings for misconduct not warranting dismissal of pensionable officers**

(1) Where—

- (a) it is represented to the Commission that a pensionable officer has been guilty of misconduct; and
- (b) the Commission is of the opinion that the misconduct alleged is not so serious as to warrant proceedings under regulation 88 with a view to dismissal,

the Commission may cause an investigation to be made into the matter in such manner as it may think proper; and the officer shall be entitled to know the whole case made against him or her, and shall be given an adequate opportunity of making his or her defence.

(2) If the Commission is of the opinion that the allegation is proved, it may inflict such punishment, as prescribed in regulation 85, other than dismissal, as may seem just.

#### **88. Proceedings for dismissal**

(1) Subject to the provisions of these Regulations an officer may be dismissed only in accordance with the procedure prescribed by this Regulation.

(2) The following procedure shall apply to an investigation with a view to the dismissal of a pensionable officer—

- (a) subject to subregulation (3) of this Regulation, the Commission (after consultation with the Attorney-General if necessary) shall cause the officer to be notified in writing of the charge and to be called upon to state in writing before a specified day (which day shall allow a reasonable interval for the purpose) any grounds upon which he or she relies to exculpate himself or herself;
- (b) if (from whatever cause) the officer does not furnish such a statement within the time so specified, or if he or she fails to exculpate himself or herself, the Commission shall appoint to enquire into the matter a Committee consisting of one or more persons. Where the salary of the officer on the date of charge is three thousand six hundred dollars or more the Chairperson shall be a Judge, Magistrate, or legal officer, or some other person possessing legal qualification; the Committee shall be selected with due regard to the

standing of the officer concerned and to the nature of the charges made against him or her. The head of the officer's department shall not be a member of the Committee;

- (c) the Committee shall inform the officer charged that on a day specified the Committee will enquire into the charges and that he or she will be required to appear before the Committee and defend himself or herself;
- (d) if witnesses are examined by the Committee the officer shall be given an opportunity of putting questions to the witnesses on his or her own behalf, and no documentary evidence shall be used against him or her unless he or she has previously been supplied with a copy thereof or given access thereto;
- (e) the Committee may in its discretion permit the officer charged or the person or authority preferring the charges to be represented by a public officer or by a solicitor or counsel, and may at any time, subject to such adjournment as in the circumstances may be necessary, withdraw such permission, so, however, that where the Committee permits the person or authority preferring the charges to be represented the officer charged shall be given the like permission;
- (f) the hearing of an inquiry may be adjourned from time to time as may appear necessary for due hearing thereof;
- (g) if the officer does not attend the hearing of the charge, without good reason, the hearing may be proceeded with and concluded in his or her absence, but if good reason is given to the Committee by or on behalf of the officer why the officer is unable to attend the hearing, the hearing shall be postponed or adjourned as the case may be;
- (h) if during the course of the enquiry further grounds of dismissal are disclosed, and the Commission thinks fit to proceed against the officer upon such grounds, the Commission shall cause the officer to be furnished with the written charge and the same steps shall be taken as those prescribed by this Regulation in respect of the original charge;
- (i) if having heard the evidence in support of the charge the Committee is of the opinion that that evidence is insufficient it may report accordingly to the Commission without calling upon the officer for his or her defence;
- (j) the Committee shall furnish to the Commission a report of its findings together with a copy of the evidence and all material documents relating to the case; if the Commission is of the opinion that the report should be amplified in any respect or that further enquiry is desirable, it may refer the matter back to the Committee for further enquiry and report accordingly;
- (k) upon the Committee's report the Commission shall impose, in accordance with regulation 85, such penalty as it deems fit;
- (l) where a penalty imposed by the Commission is open to an appeal to the Public Service Board of Appeal, the Chief Personnel Officer shall, at the same time as the imposition of the penalty is communicated to the officer affected by it, give him or her notice in writing that the imposition of the penalty is open to such appeal.

(3) Where owing to the absence of the officer it is not practicable to comply with the provisions of subregulation (2)(a) of this Regulation these provisions shall be dispensed with.

(4) Where an officer charged under this Regulation admits in writing the facts giving rise to the charge, it shall not be necessary to hold an enquiry or investigation under this Regulation unless in the opinion of the Commission such enquiry or investigation is

likely to find such circumstances as may modify the view taken of and the punishment to be imposed for the offence.

#### **89. Discipline of non-pensionable officers and temporary officers**

(1) Where it is considered necessary to institute disciplinary proceedings against a non-pensionable public officer in respect of whom the power of the Commission to exercise disciplinary control has not been delegated, or to institute proceedings for the retirement of such officer from the public service, such proceedings shall be in the form appropriate to a pensionable public officer.

(2) Where it is reported to the Commission that a temporary public officer has been guilty of misconduct, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the officer concerned shall be entitled to know the whole case made against him or her and shall be given an adequate opportunity of making his or her defence; and if the Commission is of the opinion that such officer ought to be dismissed from the public service the Commission may dismiss him or her accordingly: nothing in this subregulation shall be construed so as to derogate from the power of the Commission to terminate the services of any such officer by notice or by payment of salary in lieu of notice.

### **PART IX**

#### *Employees*

#### **90. Special provision for employees**

(1) The power of the Commission to appoint persons to hold or act in offices in the public service to which this Part applies (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall be exercisable by the Commission in accordance with the provisions of this Part.

(2) This Part applies to all officers the maximum annual salary of which is not more than one thousand three hundred and eighty dollars (and a person who holds or acts in any such office is hereinafter referred to as an "employee").

#### **91. Application of preceding Parts to employees**

(1) Save as is otherwise provided in subregulation (2) of this Regulation, the Regulations contained in the preceding Parts of these Regulations shall not apply to employees.

(2) The regulations mentioned in the Second Schedule to these Regulations (being regulations contained in the preceding Parts of these Regulations) shall apply to employees.

#### **92. Conditions of appointment and letters of appointment**

(1) In making any appointment the Commission shall select the person in accordance with any conditions for the time being in force in relation to candidates for the particular post.

(2) Every employee shall on appointment receive an appropriate letter of appointment which may be in Form I, II or III of the Third Schedule hereto.

#### **93. Employees to comply with departmental instructions**

Every employee shall comply with all lawful departmental instructions and orders and shall perform any lawful functions in respect of which the Permanent Secretary, Head of Department or Chief Personnel Officer (as the case may be) may think it desirable to employ him or her in the public interest.

#### **94. Confidential reports**

The Commission shall in each year cause to be furnished to it by such senior officer as it may designate confidential reports upon all employees for the twelve months preceding the 1st day of April.

#### *Probationary Service and Termination of Appointment*

#### **95. Probationary service**

Every employee shall, on first permanent appointment to the public service, be required to serve a probationary period not exceeding two years, but his or her probationary period may be reduced and he or she may be confirmed in the appointment at any time after twelve months' service if the Commission is satisfied that the performance of the employee has been of so high a standard that no useful purpose would be served by further delaying confirmation. During the probationary period of any employee, his or her appointment may without enquiry or reason given to him or her be terminated by the authorised officer, in the case of a weekly-paid employee on two weeks' notice in writing or payment of two weeks' salary in lieu thereof, and in the case of an employee paid on an annual basis, on one month's notice in writing or payment of one month's salary in lieu thereof.

#### **96. Transfers to other districts**

So far as practicable, reasonable notice of transfer shall be given to an employee where it is proposed to transfer him or her from an office in a parish or district to another office in another parish or district.

#### **97. Interdiction**

(1) Where there have been or are about to be instituted against an employee—

- (a) disciplinary proceedings; or
- (b) criminal proceedings,

or where the Commission becomes aware of any misconduct on the part of an employee and considers it desirable in the public interest that such employee should forthwith cease to perform the functions of his or her office, the Commission may forthwith interdict such employee from the performance of those functions.

(2) An employee so interdicted shall during the period of interdiction be permitted to receive such proportion not being less than one-half of his or her salary, as the Commission may decide.

(3) If the disciplinary proceedings against any such employee result in his or her exculpation, he or she shall be entitled to the full amount of the salary which he or she would have received if he or she had not been interdicted; but if the proceedings result in any punishment other than dismissal the employee shall be allowed such salary as the Commission may in the circumstances think appropriate.

#### **98. Penalties**

(1) The penalties which may be imposed by the Commission on an employee where a disciplinary charge has been established are—

- (a) dismissal;
- (b) reduction in rank, that is, removal to another salary scale or grade with an immediate reduction in salary;
- (c) deferment of increment, that is, postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (d) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;
- (e) fines not exceeding one-half of one month's salary, or, in the case of an employee paid on a weekly basis, not exceeding two weeks' salary, due regard being had in every case in determining the amount of a fine to the economic circumstances of the employee; or
- (f) reprimand.

(2) Where a fine is imposed it shall be deducted from the salary of the employee by such instalments as may be specified at the time the penalty is imposed.

(3) Where a decision of the Commission under subregulation (1) of this Regulation or under regulation 99, 100 or 103 is open to an appeal to the Public Service Board of Appeal, the Chief Personnel Officer shall at the same time as he or she communicates that decision to the employee affected by it, also give him or her notice in writing that the decision is open to such appeal.

#### **99. Power of summary dismissal**

The Commission may summarily dismiss an employee in the circumstances and with effect from the date hereinafter respectively specified—

- (a) where he or she is absent from Grenada without permission, with effect from the date of his or her departure from Grenada;
- (b) where he or she is absent from duty without permission for seven days, with effect from the first day of such absence;
- (c) where he or she does not reply to charges on or before the date on which his or her reply should be received (including any extension granted), with effect from such date;
- (d) where he or she fails to attend an enquiry into charges against him or her (including any adjournment granted) with effect from the date of such failure;
- (e) where he or she is convicted of a criminal charge involving dishonesty, fraud or moral turpitude or is sentenced to imprisonment on conviction of a criminal charge, with effect from the date of such conviction:

Provided that the power of dismissal shall not be exercised in any case falling under paragraph (c) or (d) of this paragraph if the Commission is satisfied that owing to illness or other reasonable cause the employee was prevented from replying to such charges, or from attending such enquiry.

#### **100. Proceedings in respect of misconduct not warranting dismissal**

(1) If it is represented to the Commission that an employee (other than a temporary employee) has been guilty of misconduct and the Commission is of opinion that the misconduct alleged is not so serious as to warrant proceedings with a view to dismissal, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the employee shall be entitled to know the whole case made against him or her and shall be given adequate opportunity of making his or her defence.

(2) If the Commission is of opinion that the allegation is proved, it may impose upon the employee such penalty, in accordance with regulation 98 (other than dismissal) as may seem just.

#### **101. Proceedings for dismissal**

(1) Subject to regulations 95 and 98 an employee (other than a temporary employee) may be dismissed only in accordance with the procedure prescribed by regulations 102, 103 and 104.

(2) If it is represented to the Commission that a temporary employee has been guilty of misconduct, the Commission may cause an investigation to be made into the matter in such manner as it may think proper, and the temporary employee shall be entitled to know the whole case made against him or her and shall be given an adequate opportunity of making his or her defence; and if the Commission is of opinion that the temporary employee ought to be dismissed it may dismiss the temporary employee; nothing in this paragraph shall be construed so as to derogate from the power of the Commission to terminate the services of a temporary employee by notice or payment of salary in lieu of notice.

(3) The Commission may in lieu of dismissal of an employee (other than a temporary employee) impose some lesser penalty such as reduction in rank, withholding or deferment of increment, or fine or reprimand, or if the proceedings disclose ground for so doing the Commission may retire the employee from office in the public interest, and regulation 45 shall apply accordingly.

#### **102. Procedure in respect of misconduct warranting dismissal**

The following procedure shall apply to an investigation with a view to dismissal of an employee (other than a temporary employee)—

The Commission shall as soon as practicable cause to be delivered to the employee written charges specifying the nature of the offences and informing the employee in writing—

- (a) that a written reply to the charges and any observations the employee may desire to make thereon must be received by the Commission within seven days (or such longer period as the Commission may permit) of the delivery of the written charges;
- (b) that the employee may attach to the written reply statements from his or her witnesses; and
- (c) that the employee may elect in his or her written reply either to have the charges dealt with by the Commission on the basis of the written reply and the statements, if any, of the employee's witnesses, or to have an oral enquiry before such person as the Commission may appoint for the purpose; and that if no election is made the employee will be presumed to have elected to have the charges dealt with on the basis of the written reply.

#### **103. Finding of Commission**

(1) Where an oral enquiry is not held, the Commission shall consider the charges, the written reply and the statements, if any, and shall find as a fact whether or not any of the charges has been established.

(2) If it finds that the charges have not been established, it shall so inform the employee in writing.

(3) If it finds that any of the charges has been established, it shall so inform the employee in writing and shall also inform the employee of the penalty to be imposed upon him or her.

**104. Holding of oral enquiry**

(1) An oral enquiry shall be held by such officer (not being an officer personally involved in the circumstances leading to the charges) as the Commission may appoint.

(2) The time and place of the oral enquiry shall be communicated to the employee in writing by the officer holding the enquiry and it shall be the responsibility of the employee to see that his or her witnesses, if any, attend the enquiry; but if any such witness is in the public service, on application by the employee to the officer holding the enquiry such witness shall be allowed time to attend the enquiry.

(3) Where it is decided to hold an oral enquiry, the employee shall be entitled to receive free copies of the statements of witnesses to be called in support of the charges and shall also be furnished with copies of, or given permission to inspect, any documents to be used in support of the charges.

(4) At an oral enquiry the officer holding the enquiry may in his or her discretion permit the person or authority preferring the charges or the employee to be represented by an officer or other employee in the public service or by a solicitor or counsel and may at any time, subject to such adjournment as in the circumstances may be necessary, withdraw such permission, so however that where the officer holding the enquiry permits the person or authority preferring the charges to be represented the employee charged shall be given the like permission.

(5) At an oral enquiry the officer holding the enquiry shall first hear the evidence in support of the charges, and permit the employee charged or his or her representative to put questions to the witnesses, and shall then hear the evidence of the employee and his or her witnesses, who may be questioned. Notes of the proceedings shall be taken.

(6) The officer holding the enquiry shall find as a fact whether or not any of the charges has been established, and shall report his or her findings to the Commission.

(7) The Commission shall consider the findings and shall take action in accordance with the provisions of regulation 103(2) and (3).

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**First Schedule**

*Forms: Oaths*

**FORM I**

**GRENADA CONSTITUTION ACT**

**PUBLIC SERVICE COMMISSION REGULATIONS**

*Oath of Allegiance*

[Regulation (3).]

I, ..... , do swear (or solemnly affirm) that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

So help me God. (To be omitted in affirmation)

Sworn/Declared before me this ..... day of ..... , 20.....

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**FORM II**

GRENADA CONSTITUTION ACT  
PUBLIC SERVICE COMMISSION REGULATIONS

*Oath of Office*  
[Regulation 4(1).]

I, ....., do swear (or solemnly affirm) that I will faithfully execute the duties of the office of Chairperson/Member of the Public Service Commission without fear or favour, affection or ill-will and that in the execution of the functions of that office I will know, uphold and preserve the Constitution of Grenada.  
So help me God. (To be omitted in affirmation)  
Sworn/Declared before me this ..... day of ....., 20.....

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FORM III

GRENADA CONSTITUTION ACT  
PUBLIC SERVICE COMMISSION REGULATIONS

*Oath or Affirmation of Officer of the Commission*  
[Regulation 4(2).]

I, ....., do swear (or solemnly affirm) that I will not directly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/...../.....to the said Commission.  
So help me God.  
Sworn/Declared before me this ..... day of ....., 20.....

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**Second Schedule**

GRENADA CONSTITUTION ACT  
PUBLIC SERVICE COMMISSION REGULATIONS

*Provisions of Regulations applicable to employees*  
[Regulation 91(2).]

Regulation	Marginal Note
2(1) .....	Interpretation
19 .....	Principles of selection for promotion
20(3) .....	Determination of seniority
31 .....	Date of appointment
32 .....	Medical examination on appointment
38 .....	Principles to be observed while officer on probation
40 .....	Resignations
42 .....	Report of compulsory retirement
43 .....	Compulsory retirement
44 .....	Voluntary retirement
45 .....	Retirement in public interest

46	.....	Abolition of office
47	.....	Medical Boards
48	.....	Unfit officers
49(c)	.....	Services on contract
Part VII	.....	Conduct
78	.....	Grounds for criminal prosecution
79	.....	No disciplinary action while criminal proceedings pending
81	.....	Copies of evidence of enquiries
82	.....	Disciplinary action after acquittal of criminal charge
83	.....	Officer convicted of criminal charge
84	.....	Non-payment of emoluments on conviction of criminal charge
86	.....	Suspension of increments.

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**Third Schedule**

*Forms: Letters*

FORM I

GRENADA CONSTITUTION ACT

PUBLIC SERVICE COMMISSION REGULATIONS

*Letter of Appointment of an Employee on the Pensionable Establishment*

[Regulation 92(2).]

Sir,

I am directed by .....

to inform you that, pursuant to the power vested in him or her/it for that purpose, he or she/it has appointed you to the post of ..... in the ..... on the following conditions—

- (a) your appointment takes effect from the ..... day of ..... and will be on (two) years' probation and during the probationary period your appointment may be terminated at any time without any enquiry or reason being assigned;
- (b) you will be required to pass a medical examination as to your physical fitness conducted by a medical officer in the public service;
- (c) the salary payable to you will be at the rate of a ..... week/year in the scale of ..... a week/year and your salary will be payable weekly/monthly;
- (d) you will be subject to the provisions of the Public Service Commission Regulations, in force from time to time, governing the discipline and conditions of service of employees, and, so far as they are applicable, the Establishment Code, Financial Regulations and other instructions from time to time in force;
- (e) you will be required to comply with all departmental instructions and lawful orders issued to you and to discharge any duties upon which the Permanent Secretary/Head of Department may think it desirable to employ you in the interests of the Service.

Yours truly,

for .....

*Note.*— Delete and initial words that are not applicable.

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FORM II

GRENADA CONSTITUTION ACT

PUBLIC SERVICE COMMISSION REGULATIONS

*Letter of Appointment of an Employee not on the Pensionable Establishment*

[Regulation 92(2).]

Sir,

I am directed by .....  
to inform you that, pursuant to the power vested in him or her/it for that purpose he or she/it has appointed you to the post of ..... on the non-pensionable establishment in the ..... on the following conditions—

- (a) your appointment takes effect from the ..... day of ..... and will be on (two) years' probation and during the probationary period your appointment may be terminated at any time without any enquiry or reason being assigned;
- (b) you will be required to pass a medical examination as to your physical fitness conducted by a medical officer in the public service;
- (c) your appointment will confer no right to appointment on the pensionable establishment of the public service of Grenada;
- (d) the salary payable to you will be at the rate of ..... a week/year in the scale of ..... a week/year and will be payable weekly/monthly;
- (e) you will be subject to the provisions of the Public Service Commission Regulations, in force from time to time governing the discipline and conditions of service of employees and, so far as they are applicable, the Establishment Code, Financial Regulations and other instructions from time to time in force;
- (f) you will be required to comply with all departmental instructions and lawful orders issued to you and to discharge any duties upon which the Permanent Secretary/Head of Department may think it desirable to employ you in the interests of the Service.

Yours truly,

for .....

*Note.*— Delete and initial words that are not applicable.

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FORM III

GRENADA CONSTITUTION ACT

PUBLIC SERVICE COMMISSION REGULATIONS

*Letter of Appointment of a Temporary Employee*

Sir,

I am directed by .....  
to inform you that, pursuant to the power vested in him or her/it for that purpose, he or she/it has appointed you temporarily to the post of ..... in the ..... on the following conditions—

- (a) your temporary appointment takes effect from the day of ....., 20 ....., and will be terminable on ..... weeks/months notice in writing on either side/and will determine on the day of ....., 20 .....
- (b) the salary payable to you will be at the rate of ..... a week/year and will be paid weekly/fortnightly/monthly;
- (c) you will be subject to the provisions of the Public Service Commission Regulations, in force from time to time, governing the discipline and conditions of service of employees and, so

far as they are applicable, the Establishment Code, Financial Regulations and other instructions from time to time in force;

- (d) you will be required to comply with all departmental instructions and lawful orders issued to you and to discharge any duties upon which the Permanent Secretary/Head of Department may think it desirable to employ you in the interests of the Service.

Yours truly,

for .....

*Note.*— Delete and initial words that are not applicable.

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## **Annex**

*(Preamble)*

### **84. Appointment, etc., of public officers**

(1) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office, and the power to grant leave shall vest in the Public Service Commission.

(2) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Prime Minister, to any public officer.

(3) The provisions of this section shall not apply in relation to the following offices, that is to say—

- (a) any office to which section 85 of this Constitution applies;
- (b) the office of Director of Public Prosecution;
- (c) the office of Director of Audit;
- (d) any office to which section 88 of this Constitution applies;
- (e) any office in the Police Force.

(4) No person shall be appointed under this section to or to act in any office on the Governor-General's personal staff except with the concurrence of the Governor-General.

(5) Before any of the powers conferred by this section are exercised by the Public Service Commission or any other person or authority in relation to the Clerk of the Senate or the Clerk of the House of Representatives or a member of the staff of either of those Houses, the Commission or that person or authority shall consult with the President of the Senate or the Speaker of the House, as the case may be.

(6) Before the Public Service Commission or any other person or authority exercises its powers under this section to appoint to or to act in any public office any person who holds or is acting in any office the power to make appointments to which is vested by this Constitution in the Judicial and Legal Services Commission, the Public Service Commission or that person or authority shall consult with the Judicial and Legal Services Commission.

(7) A public officer shall not be removed from office or subjected to any other punishment under this section on the grounds of any act done or omitted by him or her in the exercise of a judicial function conferred on him or her unless the Judicial and Legal Services Commission concurs therein.

(8) Every officer who is required to retire on abolition of his or her office or for the purpose of reorganisation of his or her Ministry or Department shall be entitled to pension and retiring benefits as if he or she had attained the compulsory retiring age.

#### **85. Appointment, etc., of permanent secretaries and certain other officers**

(1) This section applies to the offices of Secretary to the Cabinet, permanent secretary, head of a department of government and deputy head of a department of government.

(2) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or to act in offices to which this section applies (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the advice of the Public Service Commission:

Provided that—

- (a) the power to appoint a person to hold or act in an office of permanent secretary on transfer from another such office carrying the same salary shall vest in the Governor-General acting in accordance with the advice of the Prime Minister;
- (b) before the Public Service Commission tenders advice to the Governor-General with respect to the appointment of any person to hold an office to which this section applies (other than an appointment to an office of permanent secretary on transfer from another such office carrying the same salary) it shall consult with the Prime Minister and if the Prime Minister signifies his or her objection to the appointment of any person to the office, the Commission shall not advise the Governor-General to appoint that person.

(3) References in this section to a department of government do not include references to the department of the Attorney-General, the department of the Director of Public Prosecutions, the department of the Director of Audit or the Police Force.

#### **89. Police Force**

(1) Subject to the provisions of section 91 of this Constitution, the power to appoint a person to hold or act in the office of Chief of Police and the power to remove the Chief of Police from office shall vest in the Governor-General, acting in accordance with the advice of the Public Service Commission:

Provided that before the Public Service Commission tenders advice to the Governor-General with respect to the appointment of any person to hold the office of Chief of Police the Commission shall consult with the Prime Minister and if the Prime Minister signifies his or her objection to the appointment of any person to the office the Commission shall not advise the Governor-General to appoint that person.

(2) Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the Police Force below the rank of Chief of Police but above the rank of Sergeant (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Public Service Commission.

#### **83.**

(13) The Commission may by regulation or otherwise regulate its own procedure and, with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of the Government of Grenada for the purpose of the exercise of its functions.

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