

CHAPTER 1.01

CONSTITUTION OF SAINT LUCIA

Revised Edition

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ACT

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CHAPTER 1.01 CONSTITUTION OF SAINT LUCIA

Editor's note: *This Constitution is Schedule 1 to the Saint Lucia Constitution Order 1978 of the United Kingdom*

WHEREAS the People of Saint Lucia—

- (a) affirm their faith in the supremacy of the Almighty God;
- (b) believe that all persons have been endowed equally by God with inalienable rights and dignity;
- © recognise that the enjoyment of these rights depends upon certain fundamental freedoms namely, freedom of the person, of thought, of expression, of communication, of conscience and of association;
- (d) maintain that these freedoms can only be safeguarded by the rule of law;
- © realise that human dignity requires respect for spiritual values; for private family life and property; and the enjoyment of an adequate standard of economic and social well-being dependent upon the resources of the State;

- (f) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to sub serve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;
- (g) express their commitment to democracy, in particular the principle of a government freely elected on the basis of universal adult suffrage;
- (h) consider that individually, each person has duties towards every other and to the community and is under obligation to observe and promote the rights, freedoms and values recognised in this constitution;
- (i) pledge their support for international peace and security, for friendly relations among nations and the promotion of universal respect for human rights and freedoms; and their co-operation in solving by peaceful means international problems of an economic, social or political character;
- (j) desire that this Constitution shall reflect and make provision for ensuring and protecting these rights, freedoms and values.

NOW, THEREFORE, the following provisions shall have effect as the Constitution of Saint Lucia:

CHAPTER I PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

1. Fundamental rights and freedoms

Whereas every person in Saint Lucia 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, equality before the law and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association; and
- © protection for his or her family life, his or her personal privacy, the privacy of his or her home and other property and from deprivation of property without compensation,

the provisions of this Chapter 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 those 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) A person shall not be deprived of his or her life intentionally save in execution of the sentence of a court in respect of a criminal offence under any law 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 if he or she dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force 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;

- © 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) A person shall not 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 consequence of his or her unfitness to plead to a criminal charge or in execution of the sentence or order of a court, whether established for Saint Lucia 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 the High Court or the Court of Appeal or of another court or tribunal;
- © 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;
- © upon a reasonable suspicion of his or her having committed, or being about to commit, a criminal offence under any law;
- (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 18 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 his or her unlawful entry into Saint Lucia, or for the purpose of effecting his or her expulsion, extradition or other lawful removal from Saint Lucia or for the purpose of restraining him or her while he or she is being conveyed through Saint Lucia 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 him or her to remain within a specified area within Saint Lucia, 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 him or her 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 him or her during any visit that he or she is permitted to make to any part of Saint Lucia 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 with reasonable promptitude and in any case no later than 24 hours after such arrest or detention be informed in a language that he or she understands of the reasons for his or her arrest or detention and be afforded reasonable facilities for private communication and consultation with a legal practitioner of his or her own choice and, in the case of a minor, with his or her parents or guardian.

(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 any law,

and who is not released, shall be brought before a court without undue delay and in any case not later than 72 hours after such arrest or detention.

(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) 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, and such conditions may include bail so long as it is not excessive.

(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:

Provided that a judge, a magistrate or a justice of the peace or an officer of a court or a police officer shall not be under any personal liability to pay compensation under this subsection in consequence of any act performed by him or her in good faith in the discharge of the functions of his or her office and any liability to pay any such compensation in consequence of any such act shall be a liability of the Crown.

(7) For the purposes of subsection (1)(a) a person charged before a court with a criminal offence 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 a 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;
- © 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 that 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 accident or natural 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 accident or natural calamity, for the purpose of dealing with that situation.

5. Protection from inhuman treatment

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

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 for a public purpose and 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 that 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) determining the nature and extent of that interest or right;
- (b) determining whether that taking of possession or acquisition was duly carried out in accordance with a law authorising the taking of possession or acquisition;
- © determining what compensation he or she is entitled to under the law applicable to that taking of possession or acquisition;
- (d) obtaining that compensation:

Provided that if Parliament so provides in relation to any matter referred to in paragraph (a) or (c) 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, subject to such provision as may have been made in that behalf by Parliament, with respect to the practice and procedure of any other tribunal or authority in relation to the jurisdiction conferred on the High Court by subsection (2) 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 in the form of a sum of money or, as the case may be, has received any such amount in some other form and has converted any of that amount into a sum of money, the whole of that sum of money (free from any deduction charge or tax made or levied in respect of its remission) to any country of his or her choice outside Saint Lucia.

(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) 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 judgment of a court or pending the determination of civil proceedings to which he or she is a party;
- (b) the imposition of reasonable restrictions on the manner in which any sum of money is to be remitted; or
- © the imposition of reasonable restrictions upon the remission of any sum of money in order to prevent or regulate the transfer to a country outside Saint Lucia of capital raised in Saint Lucia or in some other country or derived from the natural resources of Saint Lucia.

(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)—

- (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 any law or forfeiture in consequence of breach of any law,
 - (iii) as an incident of a lease, tenancy, mortgage, hypothec, charge, bill of sale, pledge or contract,
 - (iv) in the execution of judgments 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 18 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.

(8) In this section—

“property” means any land or other thing capable of being owned or held in possession and includes any right relating thereto, whether under a contract, trust or law or otherwise and whether present or future, absolute or conditional;

"acquisition", in relation to an interest in or right over property, means transferring that interest or right to another person or extinguishing or curtailing that interest or right.

7. Protection from arbitrary search or entry

(1) Except with his or her own consent, a person shall not 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;
- © that authorises an officer or agent of the Government, 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 anything 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 the Government or to that authority or body corporate, as the case may be; or
- (d) that authorises, for the purpose of enforcing the judgment 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;
- © 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 practitioner of his or her own choice;
- © 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,

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 the trial may take place in his or her absence in any case in which it is so provided by a law under which he or she is entitled to adequate notice of the charge and the date, time and place of the trial and a reasonable opportunity of appearing before the court.

(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 judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) A person shall not 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) A person who shows that he or she has been tried by a competent court for a criminal offence and either convicted or acquitted shall not 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) A person shall not be tried for a criminal offence if he or she shows that he or she has been pardoned for that offence.

(7) A person who is tried for a criminal offence shall not 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) Where the existence or extent of any civil right or obligation has been determined in proceedings in any court or before any other authority any party to those proceedings shall, if he or she so requires and subject to payment of such reasonable fee as may be prescribed by law, be entitled to obtain within a reasonable time after the judgment or other determination a copy of any record of the proceedings made by or on behalf of the court or other authority.

(10) 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.

(11) Nothing in subsection (10) shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and the legal practitioners representing them 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 18 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.

(12) 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) 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)© 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
- © subsection (5) 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.

(13) In the case of any person who is held in lawful detention the provisions of subsection (1), (2)(d), (2)© and (3) 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.

(14) In this section “criminal offence” means a criminal offence under a law.

9. Protection of freedom of conscience

(1) Except with his or her own consent, a person shall not 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, practice and observance.

(2) Except with his or her own consent (or, if he or she is a person under the age of 18 years, the consent of his or her guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not 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 which is not 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 maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided by that community whether or not it is in receipt of a government subsidy or other form of financial assistance designed to meet in whole or in part the cost of such course of education.

(4) A person shall not 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;
- (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; or
- © for the purpose of regulating educational institutions in the interests of the persons who receive or may receive instruction in them,

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, a person shall not 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
- © that imposes restrictions upon public officers that are reasonably required for the proper performance of their functions,

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.

11. Protection of freedom of assembly and association

(1) Except with his or her own consent, a person shall not 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 or to form or belong to political parties or other political associations.

(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
- © that imposes restrictions upon public officers that are reasonably required for the proper performance of their functions,

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) A person shall not be deprived of his or her freedom of movement that is to say, the right to move freely throughout Saint Lucia, the right to reside in any part of

Saint Lucia, the right to enter Saint Lucia, the right to leave Saint Lucia and immunity from expulsion from Saint Lucia.

(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 Saint Lucia of any person or on any person's right to leave Saint Lucia 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 Saint Lucia or on the right to leave Saint Lucia of persons generally or any class of persons in the interests of defence, public safety, public order, public morality or public health or, in respect of the right to leave Saint Lucia, of securing compliance with any international obligation of the Government particulars of which have been laid before the Senate and the House 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;
- © for the imposition of restrictions, by order of a court, on the movement or residence within Saint Lucia of any person or on any person's right to leave Saint Lucia either in consequence of his or her having been found guilty of a criminal offence under a law 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 Saint Lucia;
- (d) for the imposition of restrictions on the freedom of movement of any person who is not a citizen;
- © for the imposition of restrictions on the acquisition or use by any person of land or other property in Saint Lucia;
- (f) for the imposition of restrictions upon the movement or residence within Saint Lucia or on the right to leave Saint Lucia of any public officer that are reasonably required for the proper performance of his or her functions;
- (g) for the removal of a person from Saint Lucia 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 a law of which he or she has been convicted; or
- (h) for the imposition of restrictions on the right of any person to leave Saint Lucia 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) so requests at any time during the period of that restriction not earlier than 21 days after the order was made or 3 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 legal practitioners.

(5) On any review by a tribunal in pursuance of subsection (4) 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), 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), no person shall be treated in a discriminatory manner by any person or authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed 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) 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 persons who are not citizens;
- © for the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters which is the personal law of persons of that description;
- (d) whereby persons of any such description as is mentioned in subsection (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage that, 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) to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to or to act in any office or employment.

(6) Subsection (2) 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).

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

(8) Nothing contained in subsection (2) 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. Emergency powers

(1) Without prejudice to the powers of Parliament, but subject to the provisions of this section, where any period of public emergency exists, the Governor General may, due regard being had to the circumstances of any situation likely to arise or exist during such period, make regulations for the purpose of dealing with that situation and issue orders and instructions for the purpose of the exercise of any powers conferred

on him or her or any other person by any law referred to in subsection (3) or instrument made under this section or any such law.

(2) Without prejudice to the generality of subsection (1) regulations made under that subsection may make provision for the detention of persons.

(3) A law enacted by Parliament that is passed during a period of public emergency and is expressly declared to have effect only during that period or any regulation made under subsection (1) shall have effect even though inconsistent with sections 3 or 13 except in so far as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists 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 the following provisions shall apply, that is to say—

- (a) he or she shall, with reasonable promptitude and in any case not more than 7 days after the commencement of his or her detention, be informed in a language that he or she understands and in detail of the grounds upon which he or she is detained and furnished with a written statement in English specifying those grounds in detail;
- (b) not more than 14 days after the commencement of his or her detention, a notification shall be published in the Official 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;
- © 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 3 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 legal practitioners;
- (d) he or she shall be afforded reasonable facilities for private communication and consultation with a legal practitioner 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
- © 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 to be represented by a legal practitioner 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 (1)© 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 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); and

- (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3),

and may make such declarations and 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):

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 or 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), 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), 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) The High Court shall have such powers in addition to those conferred by this section as may be conferred upon it by Parliament for the purpose of enabling it 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 Official Gazette, declare that a state of emergency exists for the purposes of this Chapter.

(2) A proclamation under this section shall not be effective unless it contains a declaration that the Governor General is satisfied—

- (a) that a public emergency has arisen as a result of the imminence of a state of war between Saint Lucia and a foreign state;
- (b) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or
- © that action has been taken, or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life.

(3) 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 7 days beginning with the date of publication of the declaration; and
- (b) in any other case, at the expiration of a period of 21 days beginning with the date of publication of the declaration,

unless it has in the meantime been approved by resolutions of the Senate and the House.

(4) A declaration of emergency may at any time be revoked by the Governor General by proclamation that shall be published in the Official Gazette.

(5) A declaration of emergency that has been approved by resolutions of the Senate and the House in pursuance of subsection (3) shall remain in force so long as both those resolutions remain in force and no longer.

(6) A resolution of the Senate or the House passed for the purposes of this section shall remain in force for 12 months or such shorter period as may be specified therein.

However, any such resolution may be extended from time to time by a further such resolution, each extension not exceeding 12 months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a further resolution.

(7) A resolution of the House for the purposes of subsection (3) and a resolution of the House extending any such resolution shall not be passed in the House unless it is supported by the votes of a majority of all the members of the House.

(8) 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.

18. Interpretation and savings

(1) In this Chapter, 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 Saint Lucia other than a court established by a disciplinary law, and includes Her Majesty in Council and in sections 2 and 4 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;
- © a prison service; or
- (d) any such other force or service as may be prescribed by Parliament;

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

“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 Chapter “period of public emergency” means any period during which—

- (a) Her Majesty is at war; or
- (b) there is in force a proclamation by the Governor General declaring that a state of public emergency exists; or
- © there is in force a resolution of the House supported by the votes of not less than $\frac{2}{3}$ of all the members of the House declaring that democratic institutions in Saint Lucia are threatened by subversion.

(3) In relation to any person who is a member of a disciplined force of Saint Lucia, 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 Chapter other than sections 2, 4 and 5.

(4) In relation to any person who is a member of a disciplined force of a country other than Saint Lucia that is lawfully present in Saint Lucia, 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 Chapter.

CHAPTER II THE GOVERNOR GENERAL

19. Establishment of office

There shall be a Governor General of Saint Lucia who shall be a citizen appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Saint Lucia.

20. 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 Saint Lucia 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) 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.

(3) The holder of the office of Governor General shall not, for the purposes of this section, be regarded as absent from Saint Lucia 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 Saint Lucia to another; or
- (b) at any time when there is a subsisting appointment of a deputy under section 22.

21. Oaths

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.

22. Deputy to Governor General

(1) Whenever the Governor General—

- (a) has occasion to be absent from the seat of government but not from Saint Lucia;
- (b) has occasion to be absent from Saint Lucia for a period which he or she considers, acting in his or her own deliberate judgment, will be of short duration; or
- © is suffering from an illness which he or she considers, acting in his or her own deliberate judgment, will be of short duration,

he or she may, acting in accordance with the advice of the Prime Minister, appoint any person in Saint Lucia 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 judgment, may from time to time address to him 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.

CHAPTER III PARLIAMENT

PART 1 COMPOSITION OF PARLIAMENT

23. Establishment

There shall be a Parliament of Saint Lucia which shall consist of Her Majesty, a Senate and a House of Assembly.

The Senate

24. Composition

(1) The Senate shall consist of 11 Senators and such other Senators as may be temporarily appointed under section 28.

(2) Of the 11 Senators—

- (a) six 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
- © two shall be appointed by the Governor General, acting in his or her own deliberate judgment after he or she has consulted those religious, economic or social bodies or associations from which he or she considers that such Senators should be selected.

25. Qualifications

Subject to the provisions of section 26, 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 21 years;
(*Amended by Act 17 of 1980*)
- (b) has been ordinarily resident in Saint Lucia for a period of 5 years immediately before the date of his or her appointment; and
- © 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 to take an active part in the proceedings of the Senate.

26. Disqualifications

(1) No person shall be qualified to be appointed as a Senator if, at the date of his or her appointment, he or she—

- (a) is, by virtue of his or her own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (b) is a minister of religion (except in the case of an appointment under section 24(2)(c));
- © is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- (d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any such law;
- © is under sentence of death imposed on him or her by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him or her by such a court or substituted by competent authority for some other sentence imposed on him or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended; or
- (f) 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) If it is so provided by Parliament, 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 or who is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such period (not exceeding 5 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 or is nominated as a candidate for election to the House.

(4) If it is so provided by Parliament, and 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, at the date of his or her appointment—

- (a) he or she holds or is acting in any office or appointment (whether specified individually or by reference to a class of 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
- © he or she belongs to any police force or to any class of person that is comprised in any such force.

(5) In subsection (1)—

"contract" means any contract made with the Government or with a department of the Government or with an officer of the Government contracting as such;

"minister of religion" means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.

(6) For the purposes of subsection (1)©—

- (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 12 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.

27. Tenure of office

(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;
- © if, with his or her consent, he or she is nominated as a candidate for election to the House or if he or she is elected to be a member of the House;
- (d) subject to the provisions of subsection (3), if any other circumstances arise that, if he or she were not a Senator, would cause him or her to be disqualified to be appointed as such by virtue of section 26(1) or by virtue of any law enacted in pursuance of section 26(2) or 26(4); or
- © 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 in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed under section 24(2)(b) or in his or her own deliberate judgment after such consultation as is specified in section 24(2)(c) in the case of a Senator appointed under that paragraph, declares the seat of that Senator to be vacant.

(3)

- (a) If any circumstances such as are referred to in subsection (2)(d) 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 cease to perform his or her functions as a member of the Senate 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 30 days thereafter:

Provided that the President may, at the request of the Senator, from time to time, extend that period for further periods of 30 days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate 150 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 Senator, 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 vacate his or her seat.
- © If at any time before the Senator vacates his or her seat such circumstances as aforesaid cease to exist, his or her seat shall not become vacant on the expiration of the period referred to in paragraph (a) and he or she may resume the performance of his or her functions as a member of the Senate.

28. Inability

(1) If the Governor General considers that a Senator is, by reason of his or her illness or absence from Saint Lucia, unable to perform his or her functions as a member of the Senate the Governor General may—

- (a) declare that that Senator is so unable; and

- (b) appoint a person to be a Senator for the period of that Senator's inability to perform his or her functions.

(2) A Senator who has been declared, in accordance with the provisions of subsection (1), to be unable to perform his or her functions as a member of the Senate shall not take part in the proceedings of the Senate until he or she is declared by the Governor General again to be able to perform those functions.

(3) Without prejudice to the provisions of section 27 a Senator appointed under this section shall vacate his or her seat in the Senate when the Senator on account of whose inability to perform his or her functions he or she was appointed is again declared to be able to perform his or her functions or if that Senator vacates his or her seat.

(4) In the exercise of the powers conferred on him or her by this section the Governor General shall act—

- (a) in accordance with the advice of the Prime Minister in relation to a Senator appointed in pursuance of section 24(2)(a);
- (b) in accordance with the advice of the Leader of the Opposition in relation to a Senator appointed in pursuance of section 24(2)(b); and
- © in his or her own deliberate judgment after such consultation as is specified in section 24(2)© in relation to a Senator appointed in pursuance of section 24(2)©.

29. President and Deputy President

(1) When the Senate first meets after any dissolution of Parliament 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 Parliament, the Senate shall, not later than its second sitting after the vacancy has arisen, elect another Senator to fill that office.

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

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

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

(4)

- (a) If, by virtue of section 27(3)(a), the President or Deputy President is required to cease to perform his or her functions as a member of the Senate 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 member of the Senate by virtue of section 27(3), 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 member of the Senate, in accordance with the provisions of section 27(3)(c), he or she shall also resume the performance of his or her functions as President or Deputy President, as the case may be.

The House of Assembly

30. Composition

(1) The House shall consist of such number of members as corresponds with the number of constituencies established in accordance with the provisions of section 58, who shall be elected in accordance with the provisions of section 33.

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

(3) At any time when the office of Attorney General is a public office, the Attorney General shall, by virtue of holding or acting in that office, be a member of the House.

31. Qualifications for election

Subject to the provisions of section 32, a person shall be qualified to be elected as a member of the House if, and shall not be so qualified unless, he or she—

- (a) is a citizen of the age of 21 years or upwards;
- (b) was born in Saint Lucia and is domiciled and resident there at the date of his or her nomination or, having been born elsewhere, has resided there for a period of 12 months immediately before that date; and
- © is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him or her to take an active part in the proceedings of the House.

32. Disqualifications for election

(1) A person shall not be qualified to be elected as a member of the House (hereinafter in this section referred to as a member) if he or she—

- (a) is by virtue of his or her own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (b) is a minister of religion;
- © is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- (d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any such law;
- © is under sentence of death imposed on him or her by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him or her by such a court or substituted by competent authority for some other sentence imposed on him or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended; or
- (f) subject to such exceptions and limitations as may be prescribed by Parliament, has an interest in any government contract.

(2) If it is so provided by Parliament, a person shall not be qualified to be elected as a member 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 of members or the compilation of any register of voters for the purpose of electing members.

(3) If it is so provided by Parliament, a person who is convicted by any court of law of any offence that is prescribed by Parliament and that is connected with the election of members or who is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such period (not exceeding 7 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.

(4) A person shall not be qualified to be elected as a member if he or she is a Senator.

(5) If it is so provided by Parliament and subject to such exceptions and limitations (if any) as Parliament may prescribe, a person shall not be qualified to be elected as a member if—

- (a) he or she holds or is acting in any office or appointment (whether specified individually or by reference to a class of office or appointment);
- (b) he or she belongs to any of the armed forces of Saint Lucia or to any class of person that is comprised in any such force;
- © he or she belongs to any police force or to any class of person that is comprised in any such force; or
- (d) he or she has, within such period (not exceeding 3 years) as Parliament may prescribe, held or acted in any office or appointment the tenure of which would, by virtue of any provision made under this subsection, disqualify him or her for election as a member, being an office or appointment the emoluments of which exceed such amount as Parliament may prescribe.

(6) In subsection (1)—

“government contract” means any contract made with the Government or with a department of the Government or with an officer of the Government contracting as such;

“minister of religion” means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.

(7) For the purposes of subsection (1)©—

- (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 12 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.

33. Elections

(1) Each of the constituencies established in accordance with the provisions of section 58 shall return one member to the House 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 of the prescribed age who possesses such qualifications relating to residence or domicile in Saint Lucia as Parliament may prescribe shall, unless he or she is disqualified by Parliament from

registration as a voter for the purpose of electing members of the House, be entitled to be registered as such a voter in accordance with the provisions of 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, be entitled so to vote, in accordance with the provisions of any law in that behalf, and no other person may so vote.
- © For the purposes of this subsection the prescribed age shall be the age of 21 years or such lower age, not being less than 18 years, as Parliament may prescribe.

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

34. Tenure of office

(1) A member of the House (hereinafter in this section referred to as a member) shall vacate his or her seat in the House at the next dissolution of Parliament after his or her election.

(2) A member 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 citizen; or
- © subject to the provisions of subsection (3), if any other circumstances arise that, if he or she were not a member, would cause him or her to be disqualified to be elected as such by virtue of section 32(1) or of any law enacted in pursuance of section 32(2), 32(3) or 32(5).

(3)

- (a) If any circumstances such as are referred to in subsection (2)(c) arise because any member 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 of law or other authority or without such leave), he or she shall cease to perform his or her functions as a member 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 30 days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for further periods of 30 days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate 150 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 vacate his or her seat.
- © If at any time before the member 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) and he or she may resume the performance of his or her functions as a member.

(4) References in this section to a member do not include references to a Speaker who was elected from among persons who were not members of the House.

35. Speaker

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

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

Provided that a person who is not a member of the House 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 to be elected as a member by virtue of section 32(1) or 32(4) or by virtue of any law enacted in pursuance of section 32(2), 32(3) or 32(5).

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

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

- (a) in the case of a Speaker who was 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 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 becomes a member of the Cabinet or a Parliamentary Secretary;
- (b) in the case of a Speaker who was elected from among persons who were not members of the House—
 - (i) when the House first meets after any dissolution of Parliament,
 - (ii) if he or she ceases to be a Commonwealth citizen, or
 - (iii) if any circumstances arise that would cause him or her to be disqualified to be elected as a member by virtue of section 32(1) or 32(4) or by virtue of any law enacted in pursuance of section 32(2), 32(3) or 32(5).

(5) If, by virtue of section 34(3), the Speaker (being an elected member of the House) is required to cease to perform his or her functions as a member of the House he or she shall also cease to perform his or her functions as Speaker; and if the Speaker resumes the performance of his or her functions as a member of the House, in accordance with the provisions of that section, he or she shall also resume the performance of his or her functions as Speaker.

(6) At any time when, by virtue of section 34(3), the Speaker is unable to perform the functions of his or her office, 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 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 by virtue of that subsection, by such member of the House (not being a member of the Cabinet or a Parliamentary Secretary) as the House may elect for the purpose.

36. Deputy Speaker

(1) When the House first meets after any general election of members 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 member of the Cabinet 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 member of the House to that office.

(2) 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 becomes a member of the Cabinet or a Parliamentary Secretary; or
- © if he or she is elected to be Speaker.

(3) If, by virtue of section 34(3), the Deputy Speaker is required to cease to perform his or her functions as a member of the House he or she shall also cease to perform his or her functions as Deputy Speaker and if the Deputy Speaker resumes the performance of his or her functions as a member of the House, in accordance with the provisions of that section, he or she shall also resume the performance of his or her functions as Deputy Speaker.

(4) At any time when, by virtue of section 34(3), the Deputy Speaker is unable to perform the functions of his or her office, 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 by such member of the House (not being a member of the Cabinet or a Parliamentary Secretary) as the House may elect for the purpose.

37. Responsibility for elections

(1) The Electoral Commission shall be responsible for the registration of voters for the purpose of electing members of the House and for the conduct of elections of members of the House and shall have such powers and other functions relating to such registration and elections as may be prescribed by law.¹

(2) In the discharge of its functions the Electoral Commission shall be assisted by a Chief Elections Officer, whose office shall be a public office, and the Commission may give such directions as it considers necessary or expedient to the Officer, who shall comply with such directions or cause them to be complied with.

(3) For the purposes of the exercise of his or her functions under subsection (2), the Chief Elections Officer 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.

(4) The Electoral Commission may make such reports to the Governor General concerning the matters for which it is responsible under this section or any draft bill or instrument that is referred to it under section 52, as it may think fit and if the Commission so requests in any such report other than a report on a draft bill or instrument that report shall be laid before the House.

(5) Without prejudice to the provisions of subsection (2), in the exercise of his or her functions under this section the Chief Elections Officer shall not be subject to the direction or control of any other person or authority.

(6) The question whether the Chief Elections Officer has acted in accordance with the directions of the Electoral Commission shall not be enquired into in any court of law.

¹ See Elections Act.

38. Clerks of Senate and House of Assembly and their staff

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

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

(2) Subject to the provisions of any law enacted by Parliament the offices of Clerk of the Senate and Clerk of the House and the members of their staff shall be public offices.

39. Determination of questions of membership

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

- (a) any person has been validly elected as a member of the House;
- (b) any person has been validly appointed as a Senator;
- © any person who has been elected as Speaker from among persons who were not members of the House was qualified to be so elected or has vacated the office of Speaker;
- (d) any Senator or any elected member of the House has vacated his or her seat or is required, under the provisions of section 27(3) or 34(3), to cease to perform any of his or her functions as a member of the Senate or of the House.

(2) An application to the High Court for the determination of any question under subsection (1)(a) 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 at that election or by the Attorney General.

(3) An application to the High Court for the determination of any question under subsection (1)(b) or (1)(c) may be made by any registered voter or by the Attorney General.

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

- (a) by a registered voter or by the Attorney General; or
- (b) in relation to the Senate, by a Senator and in relation to the House, by a member of the House.

(5) If any application is made by a person other than the Attorney General to the High Court for the determination of any question under this section, the Attorney General may intervene and may then appear or be represented in the proceedings.

(6) 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 the powers, practice and procedure of the High Court in relation to any such application shall be regulated by such provision as may be made by Parliament.

(7) 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).

(8) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (7) 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).

(9) 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.

(10) In this section “registered voter” means a person registered as a voter in accordance with section 33(2)(a).

PART 2

LEGISLATION AND PROCEDURE OF PARLIAMENT

40. Power to make laws

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

41. Alteration of Constitution and Supreme Court Order

(1) Parliament may alter any of the provisions of this Constitution or of the Supreme Court Order in the manner specified in the following provisions of this section.

(2) A bill to alter this section, Schedule 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 Supreme Court Order specified in Part II of that Schedule shall not be regarded as being passed by the House unless on its final reading in the House the bill is supported by the votes of not less than $\frac{3}{4}$ of all the members of the House.

(3) A bill to alter any of the provisions of this Constitution or, as the case may be, of the Supreme Court Order other than those referred to in subsection (2) shall not be regarded as being passed by the House unless on its final reading in the House the bill is supported by the votes of not less than $\frac{2}{3}$ of all the members of the House.

(4) An amendment made by the Senate to a bill to which subsection (2) applies shall not be regarded as being agreed to by the House for the purposes of section 50 unless such agreement is signified by resolution supported by the votes of not less than $\frac{3}{4}$ of all the members of the House.

(5) An amendment made by the Senate to a bill to which subsection (3) applies shall not be regarded as being agreed to by the House for the purposes of section 50 unless such agreement is signified by resolution supported by the votes of not less than $\frac{2}{3}$ of all the members of the House.

(6) A bill to alter any of the provisions of this Constitution or the Supreme Court Order shall not be submitted to the Governor General for his or her assent—

- (a) unless there has been an interval of not less than 90 days between the introduction of the bill in the House and the beginning of the proceedings in the House on the second reading of the bill; and
- (b) if the bill provides for the alteration of this section, Schedule I to this Constitution or any of the provisions of this Constitution or the Supreme Court Order specified in that Schedule, unless after it has been passed by the Senate and the House or, in the case of a bill to which section 50 applies, after its rejection by the Senate for the second time, the bill has been approved on a referendum, held in accordance with such provision as may be made in that behalf by Parliament, by a majority of the votes validly cast on that referendum.

(7) The provisions of subsection (6)(b) shall not apply in relation to any bill to alter—

- (a) section 107 in order to give effect to any agreement between Saint Lucia and the United Kingdom concerning appeals from any court having jurisdiction in Saint Lucia to Her Majesty in Council;
- (b) any of the provisions of the Supreme Court Order in order to give effect to any international agreement to which Saint Lucia is a party relating to the Supreme Court or any other court (or any officer or authority having functions in respect of any such court) constituted in common for Saint Lucia and for other countries also parties to the agreement.

(8) Every person who, at the time when the referendum is held, would be entitled to vote for the purpose of electing members of the House 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.

(9) In any referendum for the purposes of this section the votes shall be given by ballot in such manner as not to disclose how any particular person votes.

(10) The conduct of any referendum for the purposes of this section shall be the responsibility of the Electoral Commission and the provisions of sections 37 and 52 shall apply in relation to the referendum as they apply in relation to elections of members of the House and legislation relating thereto.

(11)

- (a) A bill to alter any of the provisions of this Constitution or the Supreme Court Order 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 that the provisions of subsection (2), (3), (4) or (5), as the case may be, have been complied with and, where a referendum has been held in pursuance of subsection (6)(b), by a certificate under the hand of the Chief Elections Officer stating the results of the referendum.
- (b) The certificate of the Speaker under this subsection shall be conclusive that the provisions of subsection (2), (3), (4) or (5), as the case may be, have been complied with and shall not be enquired into in any court of law.
- © In this subsection references to the Speaker shall, if the person holding the office of Speaker is for any reason unable to perform the functions of his or her office and no other person is performing them, include references to the Deputy Speaker.

(12) In this section and Schedule I to this Constitution references to any of the provisions of this Constitution or the Supreme Court Order include references to any law that alters that provision.

42. Freedom of speech

Without prejudice to any provision made by Parliament relating to the powers, privileges and immunities of the Senate or the House and the committees thereof, or the privileges and immunities of the members and officers of the Senate or the House and of other persons concerned in the business of the Senate or the House or the committees thereof, no civil or criminal proceedings may be instituted against any member of the Senate or the House for words spoken before, or written in a report to, the Senate or the House or a committee thereof or by reason of any matter or thing brought by him or her therein by petition, bill, resolution, motion or otherwise.

43. Oath by Members

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

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

44. Presiding

There shall preside at any sitting of the Senate or the House—

- (a) the President or Speaker;

- (b) in the absence of the President or Speaker, the Deputy President or Deputy Speaker; or
- © in the absence of the President or Speaker and the Deputy President or Deputy Speaker, such member thereof (not being a member of the Cabinet or a Parliamentary Secretary) as the Senate or the House, as the case may be, may elect for that purpose.

45. Voting

(1) Save as otherwise provided in sections 17(7), 18(2), 41(2), 41(3), 41(4) and 41(5), any question proposed for decision in the Senate or the House shall be determined by a majority of the votes of the members present and voting.

(2) A question shall not be regarded as having been validly determined by a vote in the Senate or the House unless at least 6 members, or such greater number of members as Parliament may prescribe, take part in the voting.

(3) The reference to all the members of the House in sections 17(7), 18(2), 41(2), 41(3), 41(4) and 41(5) shall not include the Speaker if he or she was elected from among persons who were not members of the House.

(4) The President or other Senator presiding in the Senate and a Speaker who was elected from among the members of the House or other member presiding in the House shall not vote unless on any question the votes are equally divided, in which case he or she shall have and exercise a casting vote:

Provided that in the case of the question of the final reading of such a bill as is referred to in section 41(2) or 41(3) or the question of a motion for such a resolution as is referred to in section 41(4) or 41(5) a Speaker who was so elected or other member presiding in the House shall have an original vote but no casting vote.

(5) A Speaker who was elected from among persons who were not members of the House shall have neither an original nor a casting vote.

(6) If, upon any question before the House the votes of the members are equally divided and no casting vote may be exercised, the motion shall be lost.

46. Penalty for sitting if unqualified

(1) Any person who sits or votes in the Senate or the House 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 \$100, or such other sum as may be prescribed by Parliament, for each day on which he or she so sits or votes.

(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.

47. 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 (or in the cases mentioned in sections 49 and 50 by the House) and assented to by the Governor General.

(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.

(3) When the Governor General assents to a bill that has been submitted to him 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 Official Gazette as law.

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

48. Restrictions with regard to certain financial measures

(1) A bill other than a money bill may be introduced in the Senate or the House; a money bill shall not be introduced in the Senate.

(2) Except on the recommendation of the Governor General signified by a Minister, neither the Senate nor the House 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 Saint Lucia 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 Saint Lucia of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal, or
 - (iv) for the composition or remission of any debt due to the Crown; 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.

49. Restrictions on powers of Senate as to money bills

(1) If a money bill, having been passed by the House 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 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 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) the certificate of the Speaker signed by him or her that it is a money bill and the provisions of that subsection have been complied with.

50. Restrictions 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 in 2 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 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 6 months have elapsed between the date on which the bill is passed by the House in the first session and the date on which it is passed by the House in the second session;
- (b) a bill such as is referred to in section 41(2) or 41(3) 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 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 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 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 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 that the provisions of this section have been complied with.

51. Provision relating to ss. 49 and 50

(1) In sections 48, 49 and 50, "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 50, 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.

(3) In this section and sections 49 and 50 references to the Speaker shall, if the person holding the office of Speaker is for any reason unable to perform the functions of his or her office and no other person is performing them, include references to the Deputy Speaker.

(4) Any certificate of the Speaker given under section 49 or 50 shall be conclusive for all purposes and shall not be questioned in any court of law.

(5) Before giving any certificate under section 49 or 50 the Speaker shall consult the Attorney General.

52. Scrutiny of electoral legislation

Every proposed bill and every proposed regulation or other instrument having the force of law relating to the registration of voters for the purpose of electing members

of the House or to the election of members of the House shall be referred to the Electoral Commission and to the Chief Elections Officer at such time as shall give them sufficient opportunity to make comments thereon before the bill is introduced in the Senate or the House or, as the case may be, the regulation or other instrument is made.

53. Regulation of procedure

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

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

PART 3 SUMMONING, PROROGATION AND DISSOLUTION

54. Sessions

(1) Each session of Parliament shall be held at such place within Saint Lucia and shall begin at such time, not being later than 12 months from the end of the preceding session if Parliament has been prorogued or one month from the holding of a general election of members of the House if Parliament has been dissolved, as the Governor General shall appoint by Proclamation.

(2) Subject to the provisions of subsection (1), the sittings of the Senate or the House shall be held at such time and place as it may, by its rules of procedure or otherwise, determine.

55. Prorogation and dissolution

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

(2) Subject to the provisions of subsection (3) Parliament, unless sooner dissolved, shall continue for 5 years from the date of the first sitting of the House after any dissolution and shall then stand dissolved.

(3) At any time when Saint Lucia is at war, Parliament may extend the period of 5 years specified in subsection (2) for not more than 12 months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than 5 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 Prime Minister advises a dissolution and the Governor General, acting in his or her own deliberate judgment, considers that the government of Saint Lucia can be carried on without a dissolution and that a dissolution would not be in the interests of Saint Lucia, he or she may, acting in his or her own deliberate judgment, refuse to dissolve Parliament;
- (b) if a resolution of no confidence in the Government is passed by the House and the Prime Minister does not within 3 days either resign or advise a dissolution, the Governor General, acting in his or her own deliberate judgment, may dissolve Parliament; and
- © if the office of the Prime Minister is vacant and the Governor General, acting in his or her own deliberate judgment, considers that there is no prospect of his or her being able within a reasonable time to make an

appointment to that office, the Governor General shall dissolve Parliament.

(5) If, after a dissolution of Parliament and before the holding of a general election of members of the House, the Prime Minister advises the Governor General that, owing to the existence of a state of war or of a state of emergency in Saint Lucia, it is necessary to recall Parliament, the Governor General shall summon the Parliament that has been dissolved to meet, but, unless the life of Parliament is extended under the provision of subsection (3), the general election shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the date appointed for the nomination of candidates in the general election.

56. Holdings of elections

(1) A general election of members of the House shall be held at such time within 3 months after any dissolution of Parliament as the Governor General may appoint.

(2) Where the seat of a member of the House or a Senator falls vacant otherwise than by reason of a dissolution of Parliament—

- (a) if the vacant seat is that of a member of the House, a by-election shall be held; or
- (b) if the vacant seat is that of a Senator an appointment shall be made, to fill the vacancy within 3 months of the occurrence of the vacancy unless Parliament is sooner dissolved.

PART 4 CONSTITUENCY BOUNDARIES AND ELECTORAL COMMISSIONS

57. Constituency Boundaries Commission and Electoral Commission

(1) There shall be a Constituency Boundaries Commission and an Electoral Commission for Saint Lucia (each of which is hereinafter in this section referred to as a Commission).

(2) The Constituency Boundaries Commission 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
- © two members appointed by the Governor General, acting in accordance with the advice of the Leader of the Opposition.

(3) The Electoral Commission shall consist of—

- (a) a chairperson appointed by the Governor General, acting in his or her own deliberate judgment;
- (b) one member appointed by the Governor General, acting in accordance with the advice of the Prime Minister; and
- © one member appointed by the Governor General, acting in accordance with the advice of the Leader of the Opposition.

(4) A person shall not be qualified to be appointed as a member of a Commission if he or she is a Senator or member of the House or a public officer nor, in the case of the chairperson of the Electoral Commission, unless he or she holds one of the specified qualifications and has held one or other of those qualifications for a total period of not less than 7 years.

(5) Subject to the provisions of this section, a member of a Commission who has been appointed shall vacate his or her office—

- (a) when the House first meets after the next dissolution of Parliament after his or her appointment;
- (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.

(6) A member of a Commission who has been appointed 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.

(7) A member of a Commission who has been appointed 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) 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.

(8) If the Prime Minister, in the case of a member of the Constituency Boundaries Commission appointed in accordance with subsection (2)(b), or the Leader of the Opposition, in the case of a member of that Commission appointed in accordance with subsection (2)(c), represents to the Governor General or if, in the case of the chairperson of the Electoral Commission, the Governor General, acting in his or her own deliberate judgment, and, in the case of any other member of that Commission, the Governor General, acting after consultation with the Prime Minister and the Leader of the Opposition, considers 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 2 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 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.

(9) A 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 for the purpose of the discharge of its functions.

(10) A 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.

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

PART 5

DELIMITATION OF CONSTITUENCIES

58. Review of constituency boundaries

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

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

(2) Reports under subsection (1) shall be submitted by the Commission at intervals of not less than 3 nor more than 7 years:

Provided that a report under subsection (1)(b) shall not be submitted until the expiration of 6 years from the submission of the last report under that subsection.

(3) As soon as may be after the Commission has submitted a report under subsection (1)(a), the Prime Minister shall lay before the House 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 provisions for any matters that appear to the Prime Minister to be incidental to or consequential upon the other provisions of the draft.

(4) Where any such draft order 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 under this section is rejected by the House, or is withdrawn by leave of that 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 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 shall not be enquired into in any court of law.

(8) There shall be such provision as may be made by Parliament for an appeal to the High Court against a recommendation or statement made to the Governor General by the Commission in pursuance of subsection (1)(a) or (1)(b).

CHAPTER IV THE EXECUTIVE

59. Executive authority

(1) The executive authority of Saint Lucia is vested in the Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Saint Lucia 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.

60. Ministers of the Government

(1) There shall be a Prime Minister of Saint Lucia 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 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 of the Government 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.

(5) If occasion arises for making an appointment to the office of Prime Minister or any other Minister while Parliament is dissolved, then, notwithstanding the provisions of subsections (2) and (4), a person who was a member of the House 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 shall remove the Prime Minister from office if a resolution of no confidence in the Government is passed by the House and the Prime Minister does not within 3 days either resign from his or her office or advise the Governor General to dissolve Parliament.

(7) If, at any time between the holding of a general election of members of the House and the first meeting of the House 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 the Governor General may remove the Prime Minister from office.

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

- (a) if the holder of the office ceases to be a Senator or a member of the House otherwise than by reason of the dissolution of Parliament;
- (b) in the case of the Prime Minister, if, when the House first meets after the dissolution of Parliament, he or she is not then a member of the House;
- © in the case of any other Minister, if, when the House first meets after the dissolution of Parliament, he or she is not then a Senator or a member of the House; or
- (d) if, by virtue of section 27(3) or 34(3), he or she is required to cease to perform his or her functions as a Senator or a member of the House.

(9) 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 3 days after a resolution of no confidence in the Government has been passed by the House or is removed from office under subsection (6); or
- © on the appointment of any person to the office of Prime Minister.

(10) In the exercise of the powers conferred upon him or her by subsections (2), (5) and (7) the Governor General shall act in his or her own deliberate judgment.

61. Cabinet of Ministers

(1) There shall be a Cabinet of Ministers for Saint Lucia 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, by virtue of holding or acting in that office, be a 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 Saint Lucia 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) shall not apply in relation to—

- (a) the appointment and removal from office of Ministers and Parliamentary Secretaries, the assignment of responsibility to any Minister under section 62, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness;
- (b) the dissolution of Parliament; or
- © the matters referred to in section 74 (which relate to the prerogative of mercy).

62. 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, including the administration of any department of government:

Provided that responsibility for finance shall be assigned to a Minister who is a member of the House.

63. Performance of functions of Ministers during absence or illness

(1) Whenever the Prime Minister is absent from Saint Lucia or by reason of illness is 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) Whenever a Minister other than the Prime Minister is absent from Saint Lucia or is within Saint Lucia but by leave of the Governor General is not performing the functions of his or her office or by reason of illness is unable to perform those functions, the Governor General may authorize some other Minister to perform those functions or may appoint a Senator or a member of the House to be a temporary Minister in order to perform those functions; and that Minister may perform those functions until his or her authority or, as the case may be, his or her appointment is revoked by the Governor General or he or she vacates office as a Minister under section 60(8) or 60(9).

(3) 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 judgment, 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 without that advice and in his or her own deliberate judgment.

64. 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, or after consultation with, any person or authority other than the Cabinet:

Provided that the foregoing provisions of this subsection shall not apply where the Governor General is authorised to act in his or her own deliberate judgment in accordance with the following provisions of this Constitution—

- (a) section 57 (which relates to the Constituency Boundaries Commission and the Electoral Commission);
- (b) sections 60 and 63 (which relate to Ministers);
- © section 67 (which relates to the Leader of the Opposition);
- (d) section 86 (which relates to the appointment, etc., of public officers);
- © section 88 (which relates to the Chief Elections Officer); and
- (f) section 95 (which relates to the Public Service Board of Appeal).

(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, or if the Governor General, acting in his or her own deliberate judgment, considers that it is not practicable for him or her to obtain the advice of the Leader of the Opposition within the time within which it may be necessary for him or her to act, he or she may act without that advice and in his or her own deliberate judgment in the exercise of any power conferred upon him or her by this Constitution in respect of which it is provided that he or she shall act on the advice of, or after consultation with, the Leader of the Opposition.

(3) Nothing in subsection (1) shall require the Governor General to act in accordance with the advice of the Cabinet or a Minister in exercise of the functions conferred upon him or her by the following provisions of this Constitution—

- (a) the paragraph to section 55(4) (which requires the Governor General to dissolve Parliament in certain circumstances);
- (b) section 60(6) (which requires the Governor General to remove the Prime Minister from office in certain circumstances);
- © section 65 (which entitles the Governor General to information);
- (d) sections 57(7), 67(5), 85(6), 88(7), 89(8), 90(7), 92(6), 95(5), 110(7) and 118(8) (which require the Governor General to remove the holders of certain offices from office in certain circumstances).

65. 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 Saint Lucia 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 Saint Lucia.

66. 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, the oath of office and the oath of secrecy.

67. Leader of the Opposition

(1) There shall (except at times when there are no members of the House who do not support the Government) be a Leader of the Opposition who shall be appointed by the Governor General.

(2) Whenever there is occasion for the appointment of a Leader of the Opposition the Governor General shall appoint the member of the House who appears to him or her most likely to command the support of a majority of the members of the House who do not support the Government: or, if no member of the House appears to him or her to command such support, the member of the House who appears to him or her to command the support of the largest single group of members of the House who do not support the Government.

(3) If occasion arises to appoint a Leader of the Opposition during the period between a dissolution of Parliament and the day on which the ensuing election of members of the House is held, an appointment may be made as if Parliament had not been dissolved.

(4) The office of Leader of the Opposition shall become vacant—

- (a) if he or she ceases to be a member of the House otherwise than by reason of a dissolution of Parliament;
- (b) if, when the House first meets after a dissolution of Parliament, he or she is not then a member of the House;
- © if, under the provisions of section 34(3), he or she is required to cease to perform his or her functions as a member of the House; or
- (d) if he or she is removed from office by the Governor General under the provisions of subsection (5).

(5) If it appears to the Governor General that the Leader of the Opposition is no longer able to command the support of a majority of the members of the House who do not support the Government or (if no member of the House appears to him or her to be able to command such support) the support of the largest single group of members of the House who do not support the Government, he or she shall remove the Leader of the Opposition from office.

(6) The powers of the Governor General under this section shall be exercised by him or her in his or her own deliberate judgment.

68. 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 the members of the House to assist Ministers in the performance of their duties:

Provided that if occasion arises for making an appointment while Parliament is dissolved, a person who was a Senator or a member of the House 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 3 days after a resolution of no confidence in the Government has been passed by the House or is removed from office under section 60(7);
- © upon the appointment of any person to the office of Prime Minister;
- (d) if the holder of the office ceases to be a Senator or a member of the House otherwise than by reason of a dissolution of Parliament;
- © if, when the House first meets after the dissolution of Parliament, he or she is not then a Senator or a member of the House; or
- (f) if, by virtue of section 27(3) or 34(3), he or she is required to cease to perform his or her functions as a member of the Senate or a member of the House.

69. 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 2 or more government departments may be placed under the supervision of one permanent secretary.

70. 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.

71. Constitution of offices, etc

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

72. Attorney General

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

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

(3) At any time when the office of Attorney General is a public office the same person may, if qualified, be appointed 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 as if references therein to the Director included references to the Attorney General, that is to say, sections 87, 89(5), 89(6), 89(7), 89(8), 89(9), 89(10), 98(3) and 124(8)(a); but the provisions of this subsection shall be without prejudice to the powers of Parliament or, subject to the provisions of any law enacted by Parliament, the Governor General to determine that the office of Attorney General shall be the office of a Minister.

73. Control 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 so to do—

- (a) to institute and undertake criminal proceedings against any person before any court of law (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
- © to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or herself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) 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.

² By Statutory Instrument 41/1997, the office of Attorney General was declared a public office "with effect from 15 June 1997."

(4) The powers conferred on the Director of Public Prosecutions by subsections (2)(b) and (2)(c) 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 purposes of this section any appeal from a judgment 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)© 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 powers vested in him or her by subsection (2) and section 46, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

74. Prerogative of mercy

(1) The Governor General may—

- (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;
- © 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) shall be exercised by him or her in accordance with the advice of the Committee established by section 75.

75. Committee on Prerogative of mercy

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

- (a) such Minister as may be designated by the Governor General, who shall be chairperson;
- (b) the Attorney General;
- © the chief medical officer of the Government; and
- (d) not more than 3 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) 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.

76. Procedure in capital cases

Where any person has been sentenced to death (otherwise than by a court-martial) for an offence, the Minister designated under section 75(1) shall cause a written report of the case from the trial judge (or the Chief Justice, if a report from the trial judge cannot be obtained), 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 Committee on the Prerogative of Mercy, so that the Committee may advise the Governor General whether to exercise any of his or her powers under section 74(1).

CHAPTER V FINANCE

77. Consolidated Fund

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

78. Withdrawals from Consolidated Fund or other public funds

- (1) No moneys 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 moneys has been authorised by an appropriation law or by a law made in pursuance of section 80.

(2) Where any moneys 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 to the person or authority to whom payment is due.

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

(4) There shall be such provision as may be made by Parliament prescribing the manner in which withdrawals may be made from the Consolidated Fund or any other public fund.

79. Authorisation of expenditure from Consolidated Fund by appropriation law

(1) The Minister responsible for finance shall cause to be prepared and laid before the House before, or not later than 30 days after, the commencement of each financial year estimates of the revenues and expenditure of Saint Lucia for that 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, 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) A supplementary estimate showing the sums required or spent shall be laid before the House 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 moneys 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.

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.

80. Authorisation of expenditure in advance of appropriation

There shall be such provision as may be made by Parliament 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 responsible for finance may authorise the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of 4 months from the beginning of that financial year or the coming into operation of the law, whichever is the earlier.

81. Contingencies Fund

(1) There shall be such provision as may be made by Parliament for the establishment of a Contingencies Fund and for authorising the Minister 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 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.

82. 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), 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 Teaching Service Commission, member of the Public Service Board of Appeal, the Director of Public Prosecutions, the Director of Audit, the Parliamentary Commissioner, the Deputy Parliamentary Commissioner and the Chief Elections Officer.

(6) Nothing in this section shall be construed as prejudicing the provisions of section 97 (which protects pension rights in respect of service as a public officer).

83. Public debt

(1) All debt charges for which Saint Lucia 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 amortization 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.

84. Audit of public accounts, etc

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

(2) The Director of Audit shall—

- (a) satisfy himself or herself that all moneys that have been appropriated by Parliament and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it; and
- (b) at least once in every year audit and report on the public accounts of Saint Lucia, the accounts of all officers and authorities of the Government, the accounts of all courts of law in Saint Lucia (including any accounts of the Supreme Court maintained in Saint Lucia), the accounts of every Commission established by this Constitution and the accounts of the Parliamentary Commissioner, the Clerk of the Senate and the Clerk of the House.

(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).

(4) The Director of Audit shall submit every report made by him or her in pursuance of subsection (2) to the Minister responsible for finance who shall, not later than 7 days after the House first meets after he or she has received the report, lay it before the House.

(5) If the Minister fails to lay a report before the House in accordance with the provisions of subsection (4) the Director of Audit shall transmit copies of that report to the Speaker who shall, as soon as practicable, present them to the House.

(6) The Director of Audit shall exercise such other functions in relation to the accounts of the Government 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.

(7) In the exercise of his or her functions under subsections (2), (3), (4) and (5), the Director of Audit shall not be subject to the direction or control of any other person or authority.

CHAPTER VI THE PUBLIC SERVICE

PART 1
THE PUBLIC SERVICE COMMISSION

85. Public Service Commission

(1) There shall be a Public Service Commission for Saint Lucia (hereinafter in this section referred to as the Commission) which shall consist of a chairperson and not less than 2 nor more than 4 other members, who shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister:

Provided that the Prime Minister shall consult the Leader of the Opposition before tendering any advice to the Governor General for the purposes of this subsection.

(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;
- (b) he or she is, or has at any time during the 3 years preceding his or her appointment been, a judge of the Supreme Court or a public officer.

(3) A member of the Commission shall not, within the period of 3 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 3 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).

(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) 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 2 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 holder of 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 other member of the Commission as may be designated by the Governor General, acting in accordance with the advice of the Prime Minister.

(10) If at any time there are less than 2 members of the Commission besides the chairperson or if any such member 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 (4), 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 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.

86. Appointment etc., of public officers

(1) The power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), and, subject to the provisions of section 96, 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.

(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) 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 87 applies;
- (b) the office of Chief Elections Officer;
- © the office of Director of Public Prosecutions;
- (d) the office of Director of Audit;
- © any office to which section 91, 93 or 94 applies.

(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, acting in his or her own deliberate judgment.

(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 or a member of their staff, the Commission or that person or authority shall consult with the President or the Speaker, as the case may be.

(6) 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 a member of the staff of the Parliamentary Commissioner or the Chief Elections Officer, the Commission or that person or authority shall consult with the Commissioner or, as the case may be, the Officer.

(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.

PART 2

APPOINTMENTS, ETC., TO PARTICULAR OFFICES

87. 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, deputy head of a department of government, any office designated by the Public Service Commission as an office of a chief professional adviser to a department of government and any office designated by the Commission, after consultation with the Prime Minister, as an office the holders of which are required to reside outside Saint Lucia for the proper discharge of their functions or as an office in Saint Lucia whose functions relate to external affairs.

(2) The power to appoint persons to hold or to act in offices to which this section applies (including the power to confirm appointments) and, subject to the provisions of section 96, 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.

However—

- (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;
- © in relation to any office of Ambassador, High Commissioner or other principal representative of Saint Lucia in any other country or accredited to any international organization the Governor General shall act in accordance with the advice of the Prime Minister, who shall, before tendering any such advice in respect of any person who holds any public office to which appointments are made by the Governor General on the advice of or after consultation with some other person or authority, consult that person or authority.

(3) References in this section to a department of government shall not include the office of the Governor General, the department of the Attorney General, the department of the Director of Public Prosecutions, the department of the Director of

Audit, the department of the Parliamentary Commissioner, the department of the Chief Elections Officer or the Police Force.

88. Chief Elections Officer

(1) The Chief Elections Officer (hereinafter in this section referred to as Officer) shall be appointed by the Governor General, acting after consultation with the Electoral Commission.

(2) If the office of the Officer is vacant or if the holder of that office is for any reason unable to exercise the functions of his or her office, the Governor General, acting after consultation with the Electoral Commission, may appoint a person to act as Officer.

(3) A person shall not be qualified to be appointed to hold the office of the Officer unless he or she holds such qualifications (if any) as may be prescribed by Parliament.

(4) A person appointed to act in the office of the Officer shall, subject to the provisions of subsections (5), (7) and (8), 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 (6), the Officer shall vacate his or her office when he or she attains the prescribed age.

(6) A person holding the office of the Officer 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 Officer 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) 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 Governor General, acting in his or her own deliberate judgment, considers that the question of removing the Officer 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 2 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 Officer ought to be removed under this section.

(9) If the question of removing the Officer has been referred to a tribunal under this section, the Governor General, acting in his or her own deliberate judgment, may suspend the Officer 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 as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor General that the Officer should not be removed.

(10) The prescribed age for the purposes of subsection (5) is the age of 55 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 Officer, shall not

have effect in relation to that person unless he or she consents that it should have effect.

89. 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 holder of that office 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.

(3) Before tendering advice for the purposes of subsection (1) or (2), the Judicial and Legal Services Commission shall consult the Prime Minister.

(4) A person shall not be qualified to be appointed to hold the office of Director of Public Prosecutions unless he or she holds one of the specified qualifications and has held one or other of those qualifications for a total period of not less than 7 years.

(5) A person appointed to act in the office of Director of Public Prosecutions shall, subject to the provisions of subsections (6), (8), (9) and (10), 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.

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

(7) 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.

(8) 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 (9) and the tribunal has recommended to the Governor General that he or she ought to be removed for inability as aforesaid or for misbehaviour.

(9) 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 2 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 ought to be removed under this section.

(10) 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 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 should not be removed.

(11) The prescribed age for the purposes of subsection (6) is the age of 55 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.

(12) The Judicial and Legal Services Commission shall consult the Prime Minister before it tenders any advice to the Governor General under this section in its application to the Attorney General by virtue of section 72(4).

90. 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 holder of that office 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.

(3) Before tendering advice for the purposes of subsection (1) or (2), 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 the provisions of subsections (5), (7), (8) and (9), 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) 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) 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 2 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 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 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 should not be removed.

(10) The prescribed age for the purposes of subsection (5) is the age of 55 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.

91. Appointment, etc. of magistrates, registrars and legal officers

(1) This section applies to the offices of magistrate, registrar of the High Court and assistant registrar of the High Court, to any public office in the department of the Attorney General (other than the public office of Attorney General) or in the department of the Parliamentary Commissioner, the department of the Chief Elections Officer (other than the office of Officer) or the department of the Director of Public Prosecutions (other than the office of Director) for appointment to which persons are required to hold one or other of the specified qualifications and such other offices connected with the courts as Parliament may prescribe.

(2) The power to appoint persons to hold or act in offices to which this section applies (including the power to confirm appointments) shall vest in the Judicial and Legal Services Commission.

(3) Subject to the provisions of section 96, the power to exercise disciplinary control over persons holding or acting in offices to which this section applies and the power to remove such persons from office shall vest in the Judicial and Legal Services Commission.

PART 3 THE TEACHING SERVICE COMMISSION

92. Teaching Service Commission

(1) There shall be a Teaching Service Commission for Saint Lucia (hereinafter in this section referred to as the Commission) which shall consist of a chairperson and not less than 2 nor more than 4 other members, who shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister:

Provided that the Prime Minister shall consult the Leader of the Opposition before tendering any advice to the Governor General for the purposes of this subsection.

(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;
- (b) he or she is, or has at any time during the 3 years preceding his or her appointment been, a judge of the Supreme Court or a public officer.

(3) A member of the Commission shall not, within the period of 3 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 3 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).

(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) 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 2 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 holder of 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 other member of the Commission as may be designated by the Governor General, acting in accordance with the advice of the Prime Minister.

(10) If at any time there are less than 2 members of the Commission besides the chairperson or if any such member 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 (4), 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 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 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.

93. Appointment, etc., of teachers

(1) 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 96, 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 Teaching Service Commission.

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

(3) This section applies to any office in the public service, the duties of which are wholly or mainly concerned with teaching in schools or with the administration of schools, not being an office to which section 87 applies.

PART 4 THE POLICE

94. Police Force

(1) The power to appoint a person to hold or act in the office of Commissioner of Police and, subject to the provisions of section 96, the power to remove the Commissioner from office shall vest in the Governor General, acting in accordance with the advice of the Public Service Commission:

Provided that before the Commission tenders advice to the Governor General with respect to the appointment of any person to hold the office of Commissioner 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) The power to appoint persons to hold or act in offices in the Police Force below the rank of Commissioner of Police but above the rank of Inspector (including the power to confirm appointments), and, subject to the provisions of section 96, 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) The power to appoint persons to hold or act in offices in the Police Force of or below the rank of Inspector (including the power to confirm appointments), and, subject to the provisions of section 96, 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 Commissioner of Police.

(4) The Commissioner 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) to any other member of the Police Force.

(5) A police 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 any judicial function conferred on him or her unless the Judicial and Legal Services Commission concurs therein.

(6) In this section references to the rank of Inspector shall, if the ranks within the Police Force are altered (whether in consequence of the reorganization or replacement of an existing part of the Force or the creation of an additional part) be construed as references to such rank or ranks as may be specified by the Public Service Commission by order published in the Official Gazette, being a rank or ranks that in the opinion of the Commission most nearly correspond to the rank of Inspector as it existed before the alteration.

PART 5
THE PUBLIC SERVICE BOARD OF APPEAL

95. Public Service Board of Appeal

(1) There shall be a Public Service Board of Appeal for Saint Lucia (hereinafter in this section and in section 96 referred to as the Board) which shall consist of—

- (a) one member appointed by the Governor General, acting in his or her own deliberate judgment, who shall be the Chairperson;
- (b) one member appointed by the Governor General, acting in accordance with the advice of the Prime Minister; and
- © two members 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 and a person shall not be qualified for appointment under subsection (1)© unless he or she is or has been a public officer.

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

- (a) at the expiration of 3 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).

(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) 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 considers that the question of removing a member of the Board 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 2 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 of 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 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 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) 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), continue to act 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.

(9) In the exercise of the powers conferred upon him or her by subsections (6), (7) and (8) the Governor General shall, in the case of a member of the Board appointed under subsection (1)(b), act in accordance with the advice of the Prime Minister and shall in any other case act in his or her own deliberate judgment.

(10) 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.

(11) In this section "the appropriate representative bodies" means the Saint Lucia Civil Service Association and the Police Association or such other bodies as may be designated by the Governor General, acting in accordance with the advice of the Prime Minister, as representing the interests of public officers and of police officers.

96. Appeals in discipline cases

(1) This section applies to—

- (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 or of the Teaching 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 86(2) or 93(2));
- (b) any decision of any person to whom powers are delegated under section 86(2) or 93(2) 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 or the Teaching Service Commission);
- © if it is so provided by Parliament, any decision of the Commissioner of Police under section 94(3), or of a person to whom powers are delegated under section 94(4), to remove a police officer from office or to exercise disciplinary control over a police officer;
- (d) such decisions with respect to the discipline of any military, naval or air force of Saint Lucia as may be prescribed by Parliament.

(2) Subject to the provisions of this section, an appeal shall lie to the Board from any decision to which this section applies at the instance of the public officer or member of the naval, military or air force in respect of whom the decision is made:

Provided that in the case of any such decision as is referred to in subsection (1)©, an appeal shall lie in the first instance to the Commissioner of Police if it is so provided by Parliament or, if it is not so provided, if the Commissioner so requires.

(3) Upon an appeal under 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), the Board may by regulation make provision for—

- (a) the procedure of the Board;
- (b) the procedure in appeals under this section; or
- © excepting from the provisions of subsection (2) 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 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.

PART 6 PENSIONS

97. Pensions laws and protection of pensions rights

(1) The law to be applied with respect to any pension benefits that were granted to any person before the commencement of this Constitution 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 pension benefits (not being benefits to which subsection (1) applies) shall—

- (a) in so far as those benefits are wholly in respect of a period of service as a judge or officer of the Supreme Court or a public officer that commenced before the commencement of this Constitution, be the law that was in force at such commencement; and
- (b) in so far as those benefits are wholly or partly in respect of a period of service as a judge or officer of the Supreme Court or a public officer that commenced after the commencement of this Constitution, 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 2 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 pension benefits shall (except to the extent that they are by law charged upon and duly paid out of some other fund) be a charge on the Consolidated Fund.

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

(6) References in this section to the law with respect to pension 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 any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

98. Power to withhold pensions, etc

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

- (a) to decide whether or not any pension 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 pension 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 subsection (2) in any action taken on the ground that any person who holds or has held the office of judge of the Supreme Court, Director of Public Prosecutions, Director of Audit or Chief Elections Officer 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 subsection (2) 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 91 applies has been guilty of misbehaviour in that office, the Public Service Commission shall consult the Judicial and Legal Services Commission.

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

CHAPTER VII CITIZENSHIP

99. Persons who become citizens on 22 February 1979

(1) Every person who, having been born in Saint Lucia, is immediately before the commencement of this Constitution a citizen of the United Kingdom and Colonies shall become a citizen at such commencement.

(2) Every person who, immediately before the commencement of this Constitution, is a citizen of the United Kingdom and Colonies—

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

shall become a citizen at such commencement.

(3) Every person who, having been born outside Saint Lucia, is immediately before the commencement of this Constitution 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 or the renunciation of his or her citizenship of the United Kingdom and Colonies have become, a citizen by virtue of subsection (1) or (2), become a citizen at such commencement.

(4) Every woman who, having been married to a person who becomes, or but for his death or the renunciation of his citizenship of the United Kingdom and Colonies would have become, a citizen by virtue of subsection (1), (2) or (3), is a citizen of the United Kingdom and Colonies immediately before the commencement of this Constitution shall become a citizen at such commencement.

100. Persons born in Saint Lucia on or after 22 February 1979

Every person born in Saint Lucia after the commencement of this, Constitution shall become a citizen at the date of his or her birth:

Provided that a person shall not become a citizen 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 Saint Lucia and his or her father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Saint Lucia; or
- (b) his or her father is a citizen of a country with which Saint Lucia is at war and the birth occurs in a place then under occupation by that country.

101. Persons born outside Saint Lucia on or after 22 February 1979

A person born outside Saint Lucia after the commencement of this Constitution shall become a citizen at the date of his or her birth if, at that date, his or her father or mother is a citizen otherwise than by virtue of this section or section 99(3).

102. Registration

(1) The following persons shall be entitled, upon making application, to be registered as citizens—

- (a) any woman who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;
- (b) any person who, being a Commonwealth citizen, is ordinarily resident in Saint Lucia at the commencement of this Constitution, having been so resident for the period of 7 years immediately preceding such commencement;
- © any person who, having been a citizen has renounced his or her citizenship in order to qualify for the acquisition or retention of the citizenship of another country;
- (d) any person who, but for having renounced his or her citizenship of the United Kingdom and Colonies in order to qualify for the acquisition or retention of the citizenship of another country, would have become a citizen at the commencement of this Constitution;
- © any woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) or who was married to a person who, at any time during the period during which they were married to each other, was entitled to be registered as a citizen under any such paragraph;
- (f) any woman who, before the commencement of this Constitution, has been married to a person—
 - (i) who becomes a citizen by virtue of section 99, or
 - (ii) who, having died before such commencement, would but for his death have become a citizen by virtue of that section,

but whose marriage has been terminated by death or dissolution before such commencement.

(2) The following persons shall, upon making application, be entitled to be registered as citizens—

- (a) any man who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;
- (b) any person who, being a Commonwealth citizen, is and for 7 years previous to his or her application has been ordinarily resident in Saint Lucia;
- © any man who is married to any such person as is mentioned in subsection (1)(b), (1)(c) or (1)(d) or who was married to a person who, at any time during the period during which they were married too each other, was entitled to apply to be registered as a citizen under any such paragraph;

- (d) any person under the age of 21 years who is the stepchild or child adopted in a manner recognised by law of a citizen or is the child, stepchild or child so adopted of a person who is or would but for his or her death have been entitled to be registered as a citizen under subsection (l):

Provided that if it is so provided by Parliament an application for registration as a citizen under this subsection may, in such circumstances as may be prescribed by Parliament in the interests of defence, public safety or public order, be refused by the Minister responsible for the matter in any case in which he or she is satisfied that there are reasonable grounds for refusing the application.

(3) An application under this section shall be made in such manner as may be prescribed, as respects that application, by or under a law enacted by Parliament and in the case of a person to whom subsection (2)(d) applies, it shall be made on his or her behalf by his or her parent or guardian:

Provided that if any such person is or has been married, he or she may make the application himself or herself.

(4) Every person who, being a British protected person, an alien or, if it is so prescribed by Parliament, a citizen of any country within the Commonwealth that does not form part of Her Majesty's dominions and having reached the age of 21 years, applies for registration under this section shall, before such registration, take the oath of allegiance.

103. Acquisition, deprivation and renunciation

There shall be such provision as may be made by Parliament for—

- (a) the acquisition of citizenship by persons who are not eligible or who are no longer eligible to become citizens under the provisions of this Chapter;
- (b) depriving of his or her citizenship any person who is a citizen otherwise than by virtue of section 99, 100 or 101;
- © the renunciation by any person of his or her citizenship.

104. Interpretation

(1) In this Chapter—

"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 purposes of the British Nationality Act 1948 of the United Kingdom;

"the British Nationality Act 1948 of the United Kingdom" includes any Act of the Parliament of the United Kingdom altering that Act.

(2) For the purposes of this Chapter, 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.

(3) Any reference in this Chapter 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 the commencement of this Constitution and the birth occurred after such commencement the national status that the father would have had if he had died immediately after such commencement shall be deemed to be his national status at the time of his death.

CHAPTER VIII JUDICIAL PROVISIONS

105. Original Jurisdiction of High Court in constitutional questions

(1) Subject to the provisions of sections 22(2), 37(6), 41(11), 58(7), 117(8), 121(3) and 124(10), any person who alleges that any provision of this Constitution (other than a provision of Chapter I thereof) 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 Chapter I thereof) 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 any law 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 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 39.

106. 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 Saint Lucia (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.

107. Appeals to Court of Appeal

Subject to the provisions of section 39(8), 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 (which relates to the enforcement of the fundamental rights and freedoms); and
- © such other cases as may be prescribed by Parliament.

108. Appeals to Her Majesty in Council

(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases—

- (a) final decisions in any civil proceedings where the matter in dispute on the appeal to Her Majesty in Council is of the prescribed value or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the prescribed value or upwards;
- (b) final decisions in proceedings for dissolution or nullity of marriage;
- © 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) 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) decisions in any civil proceedings where in the opinion of the Court of Appeal the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to Her Majesty in Council; 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 other law.

(5) In this section the prescribed value means the value of \$1500 or such other value as may be prescribed by Parliament.

(6) This section shall be subject to the provisions of section 39(7).

109. Interpretation

In this Chapter references to the contravention of any provision of, or the interpretation of, this Constitution shall be construed as including references to the contravention of any provision of, or the interpretation of, the Supreme Court Order.

CHAPTER IX PARLIAMENTARY COMMISSIONER

110. Appointment, etc., of Commissioner

(1) There shall be a Parliamentary Commissioner for Saint Lucia who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any other occupation for reward.

(2) The Parliamentary Commissioner shall be appointed by the Governor General, acting after consultation with the Prime Minister and the Leader of the Opposition, for a term not exceeding 5 years.

(3) Before entering upon the duties of his or her office, the Parliamentary Commissioner shall take and subscribe the oath of office before the Speaker.

(4) Subject to the provisions of subsection (7) the Parliamentary Commissioner shall vacate his or her office at the expiration of the term for which he or she was appointed:

Provided that he or she shall vacate his or her office—

- (a) if he or she is appointed as a Senator or with his or her consent he or she is nominated as a candidate for election to the House; or
- (b) if he or she is appointed to any other office of emolument or engages in any other occupation for reward.

(5) If the office of Parliamentary Commissioner becomes vacant, an appointment to fill the office shall be made within 90 days of the occurrence of the vacancy:

Provided that the House may by resolution extend that period for further periods not exceeding in the aggregate 150 days.

(6) A person holding the office of Parliamentary Commissioner 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 Parliamentary Commissioner 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) 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 Governor General, acting after consultation with the Prime Minister and the Leader of the Opposition, considers that the question of removing the Parliamentary Commissioner 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 2 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 Commissioner ought to be removed under this section.

(9) If the question of removing the Parliamentary Commissioner has been referred to a tribunal under this section, the Governor General, acting after consultation with the Prime Minister and the Leader of the Opposition, may suspend the Commissioner 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 as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the Governor General that the Commissioner should not be removed.

111. Deputy Parliamentary Commissioner

(1) There shall be a Deputy Parliamentary Commissioner and the provisions of section 110 shall apply in relation to the Commissioner and his or her office as they apply in relation to the Parliamentary Commissioner and his or her office.

(2) The Deputy Parliamentary Commissioner shall assist the Parliamentary Commissioner in the performance of the functions of his or her office and whenever that office is vacant or the holder of the office is for any reason unable to perform those functions, the Deputy Parliamentary Commissioner shall perform those functions.

112. Functions of Commissioner

(1) Subject to the provisions of this section and sections 113 and 114, the principal function of the Parliamentary Commissioner shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.

(2) The Parliamentary Commissioner shall be provided with a staff adequate for the efficient discharge of his or her functions and the offices of the members of his or her staff shall be public offices.

(3) The Parliamentary Commissioner may investigate any such matter in any of the following circumstances—

- (a) where a complaint is duly made to the Commissioner by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;
- (b) where a Senator or a member of the House requests the Commissioner to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice; and
- © in any other circumstances in which the Commissioner considers that he or she ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

(4) The authorities other than departments of government to which this section applies are—

- (a) local authorities or other bodies established for purposes of the public service or of local government;
- (b) authorities or bodies the majority of whose members are appointed by the Governor General or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;
- © any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of the Government; and
- (d) such other authorities as may be prescribed by Parliament.

113. Restrictions on matters for investigation

(1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Parliamentary Commissioner shall not inquire into or question the policy of the Minister in accordance with which the decision was made.

(2) The Parliamentary Commissioner shall have power to investigate complaints of administrative injustice under section 112 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage, corruption in the public service, but he or she shall not undertake any investigation into specific charges of corruption against individuals.

(3) Where in the course of an investigation it appears to the Parliamentary Commissioner that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he or she shall report the matter to the appropriate authority with his or her recommendation as to any further investigation he or she may consider proper.

(4) The Parliamentary Commissioner shall not investigate—

- (a) any action in respect of which the complainant has or had
 - (i) a remedy by way of proceedings in a court of law, or
 - (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court of law; or
- (b) any such action, or action taken with respect to any matter, as is described in schedule 3 to this Constitution.

(5) Notwithstanding the provisions of subsection (4) the Parliamentary Commissioner—

- (a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court of law if satisfied that in the particular circumstances it is not reasonable to expect him or her to take or to have taken such proceedings;
- (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 16 (which relates to the enforcement of the fundamental rights and freedoms).

114. Discretion of Commissioner

In determining whether to initiate, continue or discontinue an investigation, the Parliamentary Commissioner shall, subject to the provisions of sections 112 and 113, act in his or her discretion and, in particular and without prejudice to the generality of this discretion, the Commissioner may refuse to initiate or may discontinue an investigation where it appears to him or her that—

- (a) a complaint relates to action of which the complainant has knowledge for more than 12 months before the complaint was received by the Commissioner;
- (b) the subject matter of the complaint is trivial;
- © the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

115. Report on investigation

(1) Where a complaint or request for an investigation is duly made and the Parliamentary Commissioner decides not to investigate the matter or where he or she decides to discontinue an investigation of the matter, he or she shall inform the person who made the complaint or request of the reasons for his or her decision.

(2) Upon the completion of an investigation the Parliamentary Commission shall inform the department of government or the authority concerned of the results of the investigation and if he or she is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he or she shall inform the department of government or the authority of the reasons for his or her opinion and make such recommendations as he or she thinks fit.

(3) The Parliamentary Commissioner may in his or her original recommendations, or at any later stage if he or she thinks fit, specify the time within which the injustice should be remedied.

(4) Where the investigation is undertaken as a result of a complaint or request, the Parliamentary Commissioner shall inform the person who made the complaint or request of his or her findings.

(5) Where the matter is in the opinion of the Parliamentary Commissioner of sufficient public importance or where the Commissioner has made a recommendation under subsection (2) and within the time specified by him or her no sufficient action has been taken to remedy the injustice, then the Commissioner shall make a special report to the Senate and the House on the case.

(6) The Parliamentary Commissioner shall make annual reports to the Senate and the House on the performance of his or her functions which shall include statistics in such form and in such detail as may be prescribed by law of the complaints received by him or her and the results of his or her investigations.

116. Power to obtain evidence

(1) The Parliamentary Commissioner shall have the powers of the High Court to summon witnesses to appear before him or her and to compel them to give evidence

on oath and to produce documents relevant to the proceedings before him or her and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

(2) The Parliamentary Commissioner shall have power to enter and inspect the premises of any department of government or any authority to which section 112 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his or her functions.

117. Prescribed matters concerning Commissioner

(1) There shall be such provision as may be made by Parliament—

- (a) for regulating the procedure for the making of complaints and requests to the Parliamentary Commissioner and for the exercise of his or her functions;
- (b) for conferring such powers on the Commissioner and imposing duties on persons in connection with the due performance of his or her functions; and
- © generally for facilitating the performance by the Commissioner of his or her functions.

(2) The Parliamentary Commissioner may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or her or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Commissioner.

(3) The Parliamentary Commissioner may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information.

(4) No complainant may be required to pay any fee in respect of his or her complaint or request or for any investigation to be made by the Parliamentary Commissioner.

(5) No proceedings, civil or criminal, may lie against the Parliamentary Commissioner, or against any person holding an office or appointment under him or her, for anything he or she may do or report or say in the course of the exercise or intended exercise of the functions of the Commissioner under this Constitution, unless it is shown that he or she acted in bad faith.

(6) The Parliamentary Commissioner, and any person holding office or appointment under him or her, may not be called to give evidence in any court of law, or in any proceedings of a judicial nature, in respect of anything coming to his or her knowledge in the exercise of his or her functions.

(7) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any enquiry by or proceedings before the Parliamentary Commissioner under this Constitution shall be privileged in the same manner as if the enquiry or proceedings were proceedings in a court of law.

(8) No proceedings of the Parliamentary Commissioner may be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner shall be liable to be challenged, reviewed, quashed or called in question in any court of law.

CHAPTER X MISCELLANEOUS

118. The integrity Commission

(1) There shall be an Integrity Commission for Saint Lucia (hereinafter in this section referred to as the Commission) which shall consist of a chairperson and not

less than 2 nor more than 4 other members, who shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister:

Provided that the Prime Minister shall consult the Leader of the Opposition before tendering any advice to the Governor General for the purposes of this subsection.

(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;
- (b) he or she is, or has at any time during the 3 years preceding his or her appointment been, a judge of the Supreme Court or a public officer.

(3) A member of the Commission shall not, within the period of 3 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 3 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).

(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) 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 2 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 holder of 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 other member of the Commission as may be designated by the Governor General, acting in accordance with the advice of the Prime Minister.

(10) If at any time there are less than 2 members of the Commission besides the chairperson or if any such member 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 (4), 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 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.

119. Declaration of assets

(1) The Integrity Commission shall obtain declarations in writing from time to time of their assets, liabilities and income from Senators and members of the House (including Ministers and Parliamentary Secretaries) and from the holders of such other offices as Parliament may prescribe.

(2) There shall be such provision as may be made by Parliament in relation to the due performance by the Commission of its functions under this section, including its powers, privileges, immunities and procedure and the security and confidentiality of the information it receives.

120. Supreme law

This Constitution is the supreme law of Saint Lucia and, subject to the provisions of section 41, 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.

121. Functions of Governor General

(1) Any reference in this Constitution to the functions of the Governor General shall be construed as a reference to his or her powers and duties in the exercise of the executive authority of Saint Lucia and to any other powers and duties conferred or imposed on him or her as Governor General by or under this Constitution or any other law.

(2) Where by this Constitution the Governor General is required to perform any function after consultation with any person or authority he or she shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(3) Where by this Constitution the Governor General is required to perform any function in accordance with the advice of, or after consultation with, any person or authority, the question whether the Governor General has so exercised that function shall not be enquired into in any court of law.

122. Resignations

(1) A Senator or a member of the House may resign his or her seat by writing under his or her hand addressed to the President or the Speaker, as the case may be, and the resignation shall take effect, and the seat shall accordingly become vacant, when the writing is received, as the case may be, by—

- (a) the President or Speaker;
- (b) if the office of President or Speaker is vacant or the President or Speaker is for any reason unable to perform the functions of his or her office and no other person is performing them, the Deputy President or Deputy Speaker; or
- © if the office of Deputy President or Deputy Speaker is vacant or the Deputy President or Deputy Speaker is for any reason unable to perform the functions of his or her office and no other person is performing them, the Clerk of the Senate or Clerk of the House.

(2) The President or the Deputy President or the Speaker or the Deputy Speaker may resign his or her office by writing under his or her hand addressed to the Senate or the House, as the case may be, and the resignation shall take effect, and the office shall accordingly become vacant, when the writing is received, as the case may be, by the Clerk of the Senate or Clerk of the House.

(3) Any person who has been appointed to an office established by this Constitution (other than an office to which subsection (1) or (2) applies) or any office of Minister established under this Constitution may resign that office by writing under his or her hand addressed to the person or authority by whom he or she was appointed and the resignation shall take effect, and the office shall accordingly become vacant—

- (a) at such time or on such date (if any) as may be specified in the writing; or
- (b) when the writing is received by the person or authority to whom it is addressed or by such other person as may be authorised to receive it, whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person or authority to whom the resignation is addressed consents to its withdrawal.

123. Re-appointment 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 2 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.

124. Interpretation

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

"citizen" means a citizen of Saint Lucia and "citizenship" shall be construed accordingly;

"Commonwealth citizen" has such meaning as Parliament may prescribe;

"dollars" means dollars in the currency of Saint Lucia;

"financial year" means any period of 12 months beginning on 1 January in any year or such other date as may be prescribed by law;

"the Government" means the Government of Saint Lucia;

"the House" means the House of Assembly;

"law" means any law in force in Saint Lucia or any part thereof, including any instrument having the force of law and any unwritten rule of law and "lawful" and "lawfully" shall be construed accordingly;

"Minister" means a Minister of the Government and includes a temporary Minister;

"Parliament" means the Parliament of Saint Lucia;

"oath" includes affirmation;

"oath of allegiance" means such oath of allegiance as may be prescribed by law;

"oath of office" means, in relation to any office, such oath for the due execution of that office as may be prescribed by law;

"oath of secrecy" means such oath of secrecy as may be prescribed by law;

"the Police Force" means the Royal Saint Lucia Police Force and includes any other police force established to succeed to the functions of the Royal Saint Lucia Police Force;

"President" and **"Deputy President"** mean the respective persons holding office as President and Deputy President of the Senate;

"public office" means any office of emolument in the public service;

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

"the public service" means, subject to the provisions of this section, the service in a civil capacity of the Government;

"session" means, in relation to the Senate or the House, the period beginning when it 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 the Senate or the House, the period during which it is sitting continuously without adjournment and includes any period during which it is in committee;

"Speaker" and **"Deputy Speaker"** means the respective persons holding office as Speaker and Deputy Speaker of the House.

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

- (a) references to the office of the President or Deputy President, the Speaker or Deputy Speaker, the Prime Minister or any other Minister, a Senator, a Parliamentary Secretary or a member of the House, the Parliamentary Commissioner or the Deputy Parliamentary Commissioner;
- (b) references to the office of a member of any Commission established by this Constitution or a member of the Advisory Committee on the Prerogative of Mercy or a member of the Public Service Board of Appeal;
- © references to the office of judge or officer of the Supreme 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—

- (a) references to the Supreme Court Order include references to any law in force in Saint Lucia altering that Order;
- (b) references to the Supreme Court, the Court of Appeal, the High Court and the Judicial and Legal Services Commission are references to the Supreme Court, the Court of Appeal, the High Court and the Judicial and Legal Services Commission established by the Supreme Court Order;
- © references to the Chief Justice have the same meaning as in the Supreme Court Order;
- (d) references to a judge of the Supreme Court are references to a judge of the High Court or the Court of Appeal and, unless the context otherwise requires, include references to a judge of the former Supreme Court of the Windward Islands and Leeward Islands; and
- © references to officers of the Supreme Court are references to the Chief Registrar and other officers of the Supreme Court appointed under the Supreme Court Order.

(4) In this Constitution “the specified qualifications” means the professional qualifications specified by or under any law, one of which must be held by any person before he or she may apply under that law to be admitted to practice as a barrister or a solicitor in Saint Lucia.

(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 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 be designated in that behalf by some other specified person or authority, no person may, without his or her consent, be nominated for election to any such office or be appointed to or to act therein or otherwise be selected therefor.

(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, the Director of Audit or the Chief Elections Officer 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 the 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 of law 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 of the United Kingdom (as applied by subsection (14)), 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) In this Constitution references to altering this Constitution or any other law, or any provision thereof, include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
- (b) to modifying it whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise; and
- © to suspending its operation for any period or terminating any such suspension.

(14) The Interpretation Act 1889 of the United Kingdom 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 Parliament of the United Kingdom.

Schedule 1

(Section 41)

TO THE CONSTITUTION

ALTERATION OF CONSTITUTION AND SUPREME COURT ORDER

PART I

PROVISIONS OF CONSTITUTION REFERRED TO IN SECTION 41(2)

- (i) Chapter I;
- (ii) sections 19, 20 and 59;
- (iii) sections 23, 24, 30, 33, 37, 39, 40, 47, 48, 49, 50, 51, 54, 55, 56, 57, 58 and 73;
- (iv) Chapter V;
- (v) sections 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 97 and 98;
- (vi) Chapter VIII;
- (vii) Chapter IX;
- (viii) section 124 in its application to any of the provisions mentioned in this Schedule; or
- (ix) Schedule 2.

PART II

PROVISIONS OF THE SUPREME COURT ORDER REFERRED TO IN SECTION 41(2)

(Sections 4, 5, 6, 8, 11, 18 and 19.)

Schedule 2

(Section 58)

TO THE CONSTITUTION

RULES CONCERNING CONSTITUENCIES

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 principle 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; and
- (d) the boundaries of administrative areas.

Schedule 3

(Section 113)

TO THE CONSTITUTION

MATTERS NOT SUBJECT TO INVESTIGATION BY PARLIAMENTARY COMMISSIONER

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government and the Government of any country or territory other than Saint Lucia or any international organisation.
2. Action taken in any country or territory outside Saint Lucia by or on behalf of any officer representing or acting under the authority of the Government.
3. Action taken under any law relating to extradition or fugitive offenders.
4. Action taken for the purposes of investigating crime or of protecting the security of Saint Lucia.
5. The commencement or conduct of civil or criminal proceedings before any court of law having jurisdiction in Saint Lucia or before any international court or tribunal.
6. Any exercise of the prerogative of mercy.
7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 112 applies but not being transactions for or relating to—
 - (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
 - (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could have been acquired compulsorily.
8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed by law.
9. Any matter relating to any person who is or was a member of the armed forces of Saint Lucia in so far as the matter relates to—
 - (a) the terms and conditions of his or her service as such; or
 - (b) any order, command, penalty or punishment given to or affecting him or her in his or her capacity as such.

10. Any action which by virtue of any provision of this Constitution may not be enquired into by any court of law.

CHAPTER 1.01 CONSTITUTION OF SAINT LUCIA

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. House of Assembly Review of Constituency Boundaries Order – Section 58
 2. House of Assembly (Review of Constituency Boundary) Order – Section 58
 3. House of Assembly (Review of Constituency) Order – Section 58
 4. Public Service Board of Appeal Regulations
 5. Saint Lucia Constitution Order 1978
 6. Letters Patent Instituting Saint Lucia
 7. Public Service Commission (Disciplinary Proceedings) Regulations
 8. Proclamation for Declaration of State of Emergency
 9. Constitution of Saint Lucia (State of Emergency) Regulations
-

House of Assembly Review of Constituency Boundaries Order – Section 58

(Statutory Instrument 39/1973)

Statutory Instrument 39/1973 .. in force 30 November 1973 (S.I. 42/1973)

ARRANGEMENT OF ORDERS

1. Citation
 2. Number of Constituencies
 3. Application of Order
- Schedule
-

HOUSE OF ASSEMBLY REVIEW OF CONSTITUENCY BOUNDARIES ORDER – SECTION 58

Commencement [30 November 1973]

WHEREAS under subsection 2 of the Constitution provision is made for the appointment of a Standing Committee of the House (hereinafter referred to as the Committee) for the purpose of keeping under review—

- (a) the number of constituencies into which Saint Lucia is divided; and
- (b) the boundaries of such constituencies:

AND WHEREAS under subsection 4 of section 49 of the Constitution the Committee is further charged with the responsibility of submitting to the House a report of its recommendations:

AND WHEREAS in accordance with subsection (4) of section 49 of the Constitution the Committee on 9 November 1973 submitted to the House a report in which it recommends that Saint Lucia be divided into 17 constituencies, the boundaries of which are delineated in the Schedule of the said Report:

AND WHEREAS it is Provided by subsection (7) of section 49 of the Constitution that as soon as practicable after the submission of any report the Minister shall lay before the House for its approval a draft of an Order to be made by the Governor for giving effect to the Report whether with or without modifications to the recommendations contained in the report:

AND WHEREAS a draft of this Order giving effect to recommendations contained in the report of the Committee was laid before the House for its approval by the Minister designated for this purpose on 30 November 1973 and was approved by resolution of the House on 30 November 1973:

1. Citation

This Order may be cited as the House of Assembly (Review of Constituency Boundaries) Order.

2. Number of Constituencies

Saint Lucia is hereby divided into 17 constituencies; the boundaries whereof are defined in the Schedule to this Order.

3. Application of Order

An electoral district as provided for by section 3 of the House of Assembly Elections Act shall mean a constituency as defined in this Order.

Schedule

ELECTORAL DISTRICTS

GROS-ISLET NORTH

- EAST: Commencing at Casimi Point and thence in a northerly and westerly direction along the east coast to point Hardy.
- NORTH: Thence in a westerly direction along the coast to Cap point.
- WEST: Thence in a southerly direction along the coast and including "Pigeon Point" to a point on Choc Beach.
- SOUTH: Thence in an easterly direction along the Castries—Gros-Islet Highway to its junction with the Union Road thence along the Union Road to the Union Bridge, thence along the Grand Riviere Road to the eastern end of the straight and thence by a straight line to the most western bend of Mornier Road. Thence in an easterly direction along the Mornier Road to its most easterly bend and thence by a straight line to the point of commencement.

GROS-ISLET SOUTH

- NORTH: Commencing at Casimi Point thence by a straight line to the most eastern bend of Monier Road. Thence in a westerly direction along Monier road to its most western bend, and thence by a straight line to the eastern end of the straight of the Grand Riviere Road thence to the Union Bridge and thence along the Union Road to its junction with the Castries—Gros-Islet Highway and thence in a westerly direction along the Castries—Gros-Islet Highway to Choc Beach.
- WEST: Thence in a southerly direction along Choc Beach and Vigie Beach to the mouth of La Clery Ravine.
- SOUTH: Thence along Ravine La Clery to its source, thence by a straight line to the junction of the Morne Dudon—Balata and Bocage-Morne Dudon Roads, thence along the Morne Dudon—Balata Roads to the Girard River Bridge, thence in a south-easterly direction along the Girard River and Ravine Fontellio to the junction of Girard, Fond Cannie and Fond Assau Roads, thence by a straight line on a south-easterly direction to Piton Flore, thence in an easterly direction along the Dauphin—Dennery quarter boundary to the mouth of Louvet River.
- EAST: Thence in a northerly direction along the coast to the point of commencement.

CASTRIES NORTH EAST

- NORTH: Commencing at the mouth of Ravine La Clery thence in a westerly direction along the coast to point 51 on Vigie Peninsular.
- WEST: Thence in a southerly direction to D'Estress Point.
- SOUTH: Thence in a south-easterly direction along the said Vigie Peninsular and Trou

Garnier to a point at the seashore and on the western prolongation of the southern boundary of "Sans Soucis Development", thence in an easterly direction along the said boundary and its prolongation to a point at the eastern edge of Calvary Road, thence in a southerly direction along the said road to the bridge and thence in an easterly direction along Canal de la Pansee to a point on the right bank of the said Canal and at a distance of 160 French feet from the Chaussee.

WEST: Thence in a south-westerly direction along a line running parallel to the Chaussee and at a distance of 160 French feet from the said Chaussee to a point on Leslie Land Road.

SOUTH: Thence in a south-easterly direction along the said Leslie Land Road and Girard Road to the Bocage—Morne Dudon Road.

EAST: Thence along the said Bocage—Morne Dudon Road to its junction with the Morne Dudon—Balata Road, thence by a straight line to the source of Ravine La Clery and thence along the said Ravine La Clery to the point of commencement.

CASTRIES EAST

WEST: Commencing at a point on the southern side of the Bridge over the Castries River at the prolongation of Manoel Street thence in a southerly direction along the eastern side of the link road leading from Morne Road, thence in a southerly and westerly direction along the eastern side of the said Morne Road to Combomere Road and thence in a south-westerly direction along the said Combomere Road to Red Tape Lane.

SOUTH: Thence in an easterly direction along the northern side of the said Red Tape Lane to the eastern side of Roberts Roads thence in a south-easterly direction along the said road to Victoria Road thence in an easterly direction along the northern side of the said Victoria Road and Guesneau Road to the Fond Cannie Road and thence in a north-easterly direction along the western side of the Fond Cannie Road to the junction of the Fond Cannie, Fond Assau and Babonneau Road.

NORTH: Thence by a straight line in a north-westerly direction to the source of Ravine Fontellio, thence along the said Ravine and the Girard River to the bridge on the Morne Dudon—Balata Road and thence in a westerly direction along the said road to the Morne Dudon—Bocage Road.

WEST: Thence along the said road to Girard Road.

NORTH: Thence in a north-westerly direction along the Girard and Leslie Land Roads to a point lying on a line running parallel to the Chaussee and 160 French feet therefrom.

WEST: Thence in a south-westerly direction along the said line to the Marchand Bridge.

NORTH: Thence along the northern side of the Castries River to the point of commencement.

CASTRIES CENTRAL

NORTH: Commencing at a point on the right bank of Canal de La Pansee and at a distance of 160 French feet from the Chaussee thence in a westerly direction along the said Canal to the bridge, thence in a north-westerly direction along the western edge of Calvary Road to a point on the eastern prolongation of the southern boundary of "Sans Soucis Development" and thence along the said prolongation and the southern boundary of "Sans Soucis Development" to a point at the seashore.

WEST: Thence along the Reclamation Wharf to the mouth of the Parris Drain and thence along the shore and the public Wharves to the mouth of the Castries River.

SOUTH: Thence along the said River to the Marchand Bridge.

EAST: Thence in a north-easterly direction along a line running parallel to the Chaussee and at a distance of 160 French feet therefrom to the point of commencement.

CASTRIES SOUTH

NORTH: Beginning at the Bridge over the Castries River on the prolongation of Manoel Street then westerly along the Castries River to the river mouth thence north-westerly along the coast to Tapion Point.

WEST: Thence southerly along the coast to the mouth of the Roseau River.

SOUTH: Thence westerly along the Roseau River to Roseau Bridge.

EAST: Thence north-easterly along the main road from Roseau to Castries back to the point of beginning.

ANSE-LA-RAYE/CANARIES

WEST: Beginning at a point being the intersection of the southern bank of the Roseau

River with Roseau Bay thence in a south-westerly direction along the coast to the mouth of the Mahaut River.

SOUTH, EAST & NORTH: Thence in an easterly direction along the Mahaut River thence easterly across the Canaries—Soufriere main road and the Ravine Duval Road to the Anse-la-Rayé Quarter Boundary thence along the various courses of the said Anse-la-Rayé Quarter Boundary back to the point of commencement.

SOUFRIERE

WEST: Beginning at the mouth of the Mahaut River thence along the coast in a southerly direction to the mouth of the L'Ivrogne River.

SOUTH: Thence in a north-easterly direction along the Soufriere—Choiseul quarter boundary to its intersection with the Union Vale-St. Remy Road thence northerly along the St. Remy Road to its junction with the Choiseul—Soufriere main road thence easterly along the Choiseul—Soufriere main road to its junction with the Morne Bonin—Fond St. Jacques Road.

EAST: Thence northerly along the Morne Bonin—Fond St. Jacques Road to the junction of Bois D'Inde Road and Morne Bonin—Fond St. Jacques Road, thence along Bois D'Inde Road to its terminus, thence north-westerly along a track passing west of Esperance Estate to Migney River, thence northward along Migney River to its intersection with the Fond St. Jacques—La Perle Road to its intersection with Ravine Toraille, thence north-easterly along Ravine Toraille to its source thence in a straight line to the intersection of Ravine Desraches with the Soufriere—Anse-la-Rayé quarter boundary thence along the said quarter boundary to a point where the Canaries River joins to the said quarter boundary.

NORTH: Thence westerly along the said quarter boundary to the intersection of Ravine Claire with the Canaries River thence westerly across the Ravine Duval Road and the Canaries—Soufriere main road to the source of the Mahaut River thence westerly along the Mahaut River to the point of beginning.

CHOISEUL

SOUTH: Commencing at the mouth of the L'Ivrogne River thence in a south-easterly direction along the coast of the mouth of the Doree River.

EAST: Thence in a north-easterly direction along the Doree River to a part where it leaves the Choiseul—Laborie quarter boundary thence north-westerly and north-easterly along the Choiseul—Vieux-Fort quarter boundary thence south-easterly along the Vieux-Fort-Soufriere quarter boundary to its intersection with the Micoud quarter boundary thence north-easterly and north-westerly along the Soufriere quarter boundary to its intersection with the Roseau River.

NORTH: Thence south-westerly and north-westerly along the Soufriere quarter boundary to its intersection with Ravine Desraches.

WEST: Thence south-westerly in a straight line to the source of Ravine Toraille, thence south-westerly along Ravine Toraille to its intersection with the Fond St. Jacques—Morne Bonin Road, thence southward along the Migney River to a track, thence along the track passing west of Esperance Estate to Bois D'Inde road, thence along Bois D'Inde road to the junction of Bois D'Inde Road and Etang—Fond St. Jacques road; thence westerly along the Soufriere—Choiseul main road to its intersection with the St. Remy—Union Vale Road thence southerly along the St. Remy Road to its intersection with the Soufriere—Choiseul quarter boundary thence south-westerly along the said quarter boundary to the point of commencement.

LABORIE

NORTH: Commencing at the junction of the Micoud—Vieux-Fort quarter boundary thence north-westerly along the Choiseul—Vieux-Fort quarter boundary to the junction of Choiseul—Laborie quarter boundary.

WEST: Thence in a south-westerly direction along the Choiseul—Laborie quarter boundary to the mouth of Doree River.

SOUTH: Thence south-easterly along the coast to the mouth of the Black Bay River.

EAST: Thence along Ravine Languedoc to its source thence in a north-easterly direction by a straight line to the second bend of Ravine Rozette north St. Jude's Hospital thence in a northerly direction along Ravine Rozette to its source, thence north-easterly by a straight line the Grace Belle Vue Road junction, thence in a north-westerly and northerly direction to the most north-easterly point on the Grace Woodlands Roads thence in a north-westerly direction to and along the Grande Riviere du Vieux-Fort to the point of commencement.

VIEUX-FORT SOUTH

NORTH: Commencing at the mouth of the St. Urbain River thence along the said River to the St. Urbain Bridge, thence along the Micoud—Vieux-Fort Road to the

junction of the old Micoud—Vieux-Fort Road and the Beane Field Road thence in an easterly direction by a straight line to the intersection of Ravine Rozette and Resource Road, thence northward along Ravine Rozette and Resource Road, thence northward along Ravine Rozette to the second bend of the Ravine north of St. Jude's Hospital thence in a westerly direction by a straight line to the source of Ravine Languedoc.

WEST: Thence southward along Ravine Languedoc to the mouth.

SOUTH & EAST: Thence along the coast to the point of commencement.

VIEUX-FORT NORTH

NORTH: Commencing at the mouth of the Canelles River thence along the said River to its intersection with the Vieux-Fort—Micoud quarter boundary, thence in a north-westerly direction along the said quarter boundary to the junction of Soufriere—Micoud quarter boundary.

WEST: Thence southward by straight line to the source of the Grande Riviere Du Vieux-Fort, thence along the said River to Woodlands thence south and along the Grace—Woodlands Road in a southerly direction to the junction of Grace—Belle Vue Road, thence south-westerly by a straight line to the source of Ravine Rozette, thence along the said Ravine Rozette to its intersection with the Resource Road.

SOUTH: Thence easterly by a straight line to the junction of the Beane Field Road and the old Micoud—Vieux-Fort Road, thence along the Micoud—Vieux-Fort Road in a north-easterly direction to the St. Urbain Bridge thence in a south-easterly direction along Ravine St. Urbain to the coast.

EAST: Thence in a northerly direction along the coast to the point of commencement.

MICOUD SOUTH

NORTH: Beginning at the mouth of the Riviere des Trois Islets thence westerly along the said Riviere des Trois Islets to its source thence south westerly to the intersection of the Praslin River with the first of its southern tributaries thence north-westerly along the said Praslin River to its source thence northerly by the shortest distance to the Dennery Praslin quarter boundary.

WEST: Thence south westerly along the Dennery—Praslin quarter boundary to the intersection of the Dennery—Praslin and Castries quarter boundaries thence south-westerly along the Castries—Praslin quarter boundary to the intersection of the Castries—Soufriere—Praslin quarter boundaries thence south-easterly along the Soufriere—Micoud quarter boundary to its intersection with the Troumassee River.

SOUTH: Thence south-easterly along the Troumassee River to the Coast.

EAST: Thence in a northerly direction along the coast back to the point of beginning.

MICOUD NORTH

NORTH: Beginning at the mouth of the Louvet River being the north-eastern corner of the Dennery quarter boundary thence in a westerly direction along the said Dennery quarter boundary to Piton Flore.

WEST: Thence in a south-westerly direction along the said Dennery quarter boundary to its most southerly point.

SOUTH: Thence in a north-easterly direction along the said Dennery quarter boundary to a point being the shortest distance to the source of the Praslin River thence south-easterly along the said Praslin River to its intersection with the last of its southern tributaries thence westerly to the source of Riviere des Trois Islets thence easterly along the said Riviere des Trois Islets to the river mouth.

EAST: Thence northerly along the coast back to the point of beginning.

DENNERY SOUTH

NORTH: Commencing at the mouth of the Grande Riviere DuMabouya thence along the said River to its second tributary (counting westward from the sea), thence along the said tributary to its source thence in a southerly direction by a straight line to Glavier thence in a westerly direction along the Bois Joly Road to its terminus thence by a straight line to the most eastern bend of the St. Joseph Road, thence in a south-westerly direction along the said St. Joseph Road to the next prominent bend thence by a straight line in a westerly direction to Mount La Combe.

WEST: Thence along Barre D'Isle Ridge in a southerly direction to the junction of the Dennery—Praslin quarter boundary.

SOUTH: Thence along the said quarter boundary to the source of the Praslin River thence along the said Praslin River to its mouth.

EAST: Thence in a northerly direction along the coast to the point of commencement.

DENNERY NORTH

NORTH: Commencing at a point on the mouth of the Louvet River thence along the Louvet River and the Dennery—Dauphin quarter boundary to Piton Flore.

WEST: Thence in a southerly direction along the Barre D’Isle Bridge to Mount La Combe.

SOUTH: Thence by a straight line in an easterly direction to the most western bend of the St. Joseph Road, thence in a north-easterly direction along the St. Joseph Road to the next prominent bend thence in an easterly direction along a straight line to the terminus of the Bois Jolly Road, thence along Bois Jolly Road to Glavier, thence by a straight line in a northerly direction to the source of the second tributary of the Grand Riviere DuMabouya to its mouth.

EAST: Thence in a northerly direction along the coast to the point of commencement.

CASTRIES SOUTH EAST

NORTH: Commencing at a point on Piton Flore thence along the Forrestiere—Derriere Fort Road to its intersection with the Main Road from Castries to Roseau.

WEST: Thence south-westerly along the Castries—Roseau Main Road to its intersection with the Roseau River, thence south-easterly along the Roseau River to its intersection with the Soufriere and Anse-la-Raye quarter boundary.

SOUTH: Thence south-easterly along the Soufriere—Castries quarter boundary to the Castries—Praslin quarter boundary.

EAST: Thence along the Barre De L’Isle Ridge to the point of commencement.

House of Assembly (Review of Constituency Boundary) Order – Section 58

(Statutory Instrument 9/1987)

Statutory Instrument 9/1987 .. in force 11 March 1987 (S.I. 11/1987)

ARRANGEMENT OF ORDERS

1. Citation
 2. Review of Constituency Boundaries
- Schedule

HOUSE OF ASSEMBLY (REVIEW OF CONSTITUENCY BOUNDARY) ORDER – SECTION 58

Commencement [11 March 1987]

WHEREAS under section 58(1) of the Saint Lucia Constitution Order 1978 of the United Kingdom it is provided *inter alia* that the Constituency Boundaries Commission (hereinafter referred to as the Commission) shall review the number and boundaries of the constituencies into which Saint Lucia is divided;

AND WHEREAS under the said subsection the Commission is further charged with the responsibility of submitting to the Governor General a report of its recommendations;

AND WHEREAS it is provided by section 58(3) of the Constitution that as soon as practicable after the submission of a report by the Commission the Governor General shall make a draft Order for giving effect, whether with or without modifications, to the recommendations contained in the report;

AND WHEREAS a draft of this Order giving effect to the recommendations contained in the report of the Committee was laid before the House for its approval by the Minister designated for this purpose on 3 February 1987 and was approved by resolution of the House on 3 February 1987;

1. Citation

This Order may be cited as the House of Assembly (Review of Constituency Boundary) Order 1987.

2. Review of Constituency Boundaries

The boundaries of the electoral districts of "Soufriere", "Choiseul - Fond St. Jacques", and "Laborie - Saltibus" have been reviewed and the boundaries defined in the Schedule are substituted therefor.

Schedule

ELECTORAL DISTRICTS

SOUFRIERE

- West: Commencing at the mouth of the Mahaut River, thence along the coast in a southerly direction to the mouth of the L'Ivronge River.
- South: Thence in a north-easterly direction along the said river to its intersection with the Union Vale — St. Remy Road, thence along the said road to its junction with the Choiseul — Soufriere main road and thence along the said main road to the Etangs — Fond St. Jacques Road.
- East: Thence north-easterly and south-easterly along the Etangs — Beausejour Road to its intersection with the Soufriere — Choiseul quarter boundary, thence in a north-easterly direction along the said Soufriere — Choiseul quarter boundary to its intersection with the Choiseul — Vieux-Fort quarter boundary, thence south-easterly along the Soufriere — Vieux-Fort quarter boundary to its intersection with the Soufriere — Micoud quarter boundary, thence north-easterly and north-westerly along the said Micoud — Soufriere quarter boundary to its intersection with the Roseau River.
- North: Thence north-westerly and westerly along the said quarter boundary to the intersection of Ravine Claire with the Canaries River, thence westerly across the Ravine Duval and the Canaries — Soufriere main road to the Mahaut River, thence westerly along the Mahaut River to the point of commencement.

CHOISEUL

- South: Commencing at the mouth of the L'Ivronge River, thence in a south-easterly direction along the coast to the mouth of the Piaye River.
- East: Thence in a north-easterly direction along the Piaye River to a point where it intersects the Daban — Warwick Road, thence along the said road to its intersection with the Vieux-Fort — Laborie quarter boundary to its intersection with the Choiseul — Vieux-Fort quarter boundary, thence north-easterly and north-westerly along the said Choiseul — Vieux-Fort quarter boundary to its intersection with the Choiseul — Soufriere quarter boundary.
- North: Thence north-westerly along the Choiseul — Soufriere quarter boundary to its intersection with the Motet — Beausejour Road, thence in a south-westerly direction along the Etangs — Beausejour Road to its intersection with the St. Remy Road.
- West: Thence along the St. Remy — Union Vale Road to its intersection with the L'Ivronge River and thence in a south-westerly direction along the said L'Ivronge River to the point of commencement.

LABORIE

- North: Commencing at the junction of the Micoud — Vieux-Fort quarter boundary, thence north-westerly along the Soufriere — Vieux-Fort quarter boundary to the junction of the Choiseul — Vieux-Fort quarter boundary.
- West: Thence south-easterly along the Choiseul — Vieux-Fort quarter boundary to the point where it intersects the Laborie — Vieux-Fort quarter boundary, thence along the said Laborie — Vieux-Fort quarter boundary to its intersection with the Warwick — Daban Road, thence south-westerly along the said Warwick — Daban Road to its intersection with the Piaye river, thence southerly along the Piaye River to the mouth of the said Piaye River.
- South: Thence south-easterly along the coast to the mouth of the Black Bay River.
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House of Assembly (Review of Constituency) Order – Section 58

(Statutory instrument 51/2001)

Statutory Instrument 51/2001 .. in force 12 November 2001 (S.I. 123/2001)

ARRANGEMENT OF ORDERS

1. Citation
 2. Review of Constituency Boundaries
- Schedule
-

HOUSE OF ASSEMBLY (REVIEW OF CONSTITUENCY) ORDER – SECTION 58

Commencement [12 November 2001]

WHEREAS under section 58(1) of the Saint Lucia Constitution Order 1978 of the United Kingdom it is provided *inter alia* that the Constituency Boundaries Commission (hereinafter referred to as the Commission) shall review the number and boundaries of the constituencies into which Saint Lucia is divided;

AND WHEREAS under the said subsection the Commission is further charged with the responsibility of submitting to the Governor General a report of its recommendations;

AND WHEREAS it is provided by section 58(3) of the Constitution that as soon as practical after the submission of a report by the Commission the Governor General shall make a draft Order for giving effect, whether with or without modifications, to the recommendations contained in the report;

AND WHEREAS a draft of this Order giving effect to the recommendations contained in the report of the Committee was laid before the House for its approval by the Minister designated for this purpose on 20 March 2001 and was approved with modifications by Resolution of the House on 20 March 2001;

1. Citation

This Order may be cited as the House of Assembly (Review of Constituency Boundary) Order.

2. Review of Constituency Boundaries

The boundaries of the electoral districts of

- (a) Castries Central
- (b) Castries North-East
- (c) Castries North-West/Babonneau;
- (d) Castries East;
- (e) Vieux Fort South;
- (f) Vieux-Fort North;
- (g) Dennery South;
- (h) Dennery North

have been reviewed and the boundaries defined in the Schedule are substituted therefor.

Schedule

ELECTORAL DISTRICTS

CASTRIES CENTRAL

- North:** Commencing at the junction of L'Anse Road and John Compton Highway, thence in a westerly direction following the highway to its end at Pointe St. Victor.
- West:** Thence from Pointe St. Victor following the coast along Petit Carenage, westerly then easterly along Pointe Seraphine. Thence following the coast of Trou Gamier, the reclamation wharf to the mouth of the Parris drain and thence along the shore of the Port Authority wharves to the mouth of the Castries River.
- South:** Thence along the Castries River to the Marchand Bridge. Thence continuing along the Castries River to its link with a wide drain which underpasses at a bridge on the Water Works Road.
- East:** Thence from the said bridge at Water Works Road to a wide drain leading to a footpath and thence to Cedars Road. Thence in a westerly direction to a point where a drain between Lastic Hill and the St. Joseph's Convent meets with Cedars Road.
- Thence along the said drain to the point where it meets the Bois Patat Road. Thence in a westerly direction along the said road to the Morne Doudon Road. Thence in an easterly direction along the Morne Doudon Road to its intersection with the Morne Doudon -La Pensee Road. Thence turning left in a westerly direction onto the La Pensee Road and turning into an unnamed Road at the third sharp bend on the said road. Thence along the unnamed road to its end. Thence to an imaginary line to the source of a ravine leading to the Vide Bouteille Road.
- Thence along the said Vide Bouteille Road in a westerly direction to the point where L'Anse Road intersects with it.
- Thence along the said road in a northerly direction to the point of commencement at the John Compton Highway.

CASTRIES NORTH

- North:** Commencing at Grand Riviere Road junction with Allan Bousquet Highway. Thence along the Allan Bousquet Highway to its junction with the Castries – Gros Islet Highway.
- Thence in a northerly direction along the said highway to the Choc Bridge. Thence along the Choc River in a westerly direction to its mouth.
- Thence along the Choc beach coast in a south-westerly direction to Vigie beach.
- West:** Thence Kiwanis beach, thence along the coast in a northerly then westerly direction to D'Estrees Point. Thence along the coast to Pointe St. Victor. Thence along the Airport Highway to its junction with John Compton Highway.
- Thence in a north easterly direction along the said highway to its junction with L'Anse Road.
- Thence along L'Anse Road to its junction with the Vide Bouteille-Calvary Road.
- Thence in an easterly direction along the said road to a point at the second sharp bend, where a ravine meets the Vide Bouteille Road.
- Thence along the ravine to its source. Thence an imaginary line to an unnamed road at La Pensee. Thence along this unnamed road to the La Pensee main road. Thence in a north easterly direction along the said road to its link with the La Pensee-Morne Doudon road. Thence along the said road to its link with the Mome Doudon main road.
- Thence descending the said road in a westerly direction to the second access road to Bois Patat.
- Thence along the Bois Patat Road to a point where a ravine links with it. Thence along the said ravine between Lastic Hill and the St. Joseph's Convent to Cedars Road.
- Thence along the said road to a footpath 12 yards from the St. Joseph's Convent Road.
- Thence along the said footpath to a wide drain underpassing a bridge at the Waterworks Road, 50 yards from the Entrepot Schools.
- South:** Thence along the Waterworks Road to a tributary from the Castries River at the intersection of Sunbilt, Bocage and Chabot.

Thence along the said tributary in a north easterly direction to its source.

Thence an imaginary line from the source to the junction of Bocage – Morne Doudon and Balata – Bocage Roads.

Thence from the junction an imaginary line to the source of a tributary linking the Girard River.

Thence along the Girard River to a bridge at the Morne Doudon-Balata Road.

East: Thence continuing along the river in a northerly direction to the Union Agricultural Station bridge. Thence along the road of the Union Agricultural Station to the Allan Bousquet Highway and the point of commencement.

BABONNEAU

North: Commencing at the Cassimi Point, thence by a straight line to the most eastern bend of the Monier Road. Thence in a westerly direction along Monier Road to its most western bend, and thence by a straight line to the eastern bend of the straight of the Grand Riviere Road to its junction with the Allan Bousquet Highway.

West: Thence in a southerly direction along the Allan Bousquet Highway to the point where the Union Agricultural Station Road meets it. Thence along the said road to the bridge.

Thence along the Girard River, to the Balata-Morne Doudon Road Bridge, thence along the said river to the bridge at the Bocage-Girard Road. Thence along the Girard River to its source at the base of the Guesneau-Fond Cannie Road, 100 yards before the first bend of the said road.

South: Thence northeasterly along the Guesneau-Fond Cannie Road to the junction with the Fond Cacao Road, thence along the Fond Cacao Road to its end. Thence in a straight imaginary line in a south-easterly direction to Piton Flore, thence in an Easterly direction along the Dauphin-Dennery Quarter boundary to the mouth of the Louvet River.

East: Thence in a northerly direction along the coast to the point of commencement.

CASTRIES EAST

West: Commencing at a point on the southern side of the Bridge over the Castries River at the Prolongation at Manoel Street, thence in a southerly direction along the Castries side of the link road leading from Morne Road, thence in a southerly and westerly direction along the Castries side of the said Morne Road to Combermere Road and thence in a southerly direction along the said Combermere Road to Red Tape Lane.

South: Thence in an easterly direction along the northern side of Roberts Road. Thence in a southeasterly direction along the said road to Victoria Road. Thence in an easterly direction along the northern side of the said Victoria Road and Guesneau Roads to the Guesneau-Fond Cannie Road.

East: Thence at approximately 100 yards before the first bend on the Guesneau-Fond Cannie Road, a straight line in a northerly direction to a source of a tributary of the Girard River. Thence along the Girard River to the point where it meets the Bocage-Girard Road. Thence continuing along the Girard River to a point where it links with a tributary coming from the top of Morne Doudon. Thence along the said tributary to its source. Thence a straight imaginary line to the junction of Bocage, Morne Doudon and Balata-Bocage Roads.

North: Thence from the said junctions a straight imaginary line in a south westerly direction to the source of a tributary intersecting with the Castries River. Thence along the said tributary to its underpass at the Water Works Road before its intersection with the Castries River. Thence following the Water Works Road to a bridge about 50 yards after the Entrepot Schools. Thence from the said bridge to a wide drain linking with the Castries River. Thence along the said river to the Castries Bridge and continuing to the point of commencement.

VIEUX-FORT SOUTH

North: Commencing at the mouth of Ravine St. Urbain, thence along the said Ravine to St. Urbain Bridge, thence along the Micoud/Vieux-Fort High road to the junction of the old Micoud/Vieux-Fort High Road and the Beane Field Road. Thence in a westerly direction by a straight line to the intersection of Ravine Rozette and La Resource Road. Thence northward along Ravine Rozette to its intersection at a bridge on the Augier Road.

Thence along the said road to its junction with the St. Jude Hospital Road. Thence in a northwesterly direction along the said road to its junction with the Augier Main Road and the Augier/St. Jude Road. Thence along the Augier Main Road to a bridge. Thence in a southerly direction along a gorge to

Languedoc River.

West: Thence southward along Ravine Languedoc to its mouth.

South East: Thence along the coast to the point of commencement.

VIEUX-FORT NORTH

North: Commencing at the mouth of the Canelles River, thence along the said river to its intersection with the Vieux Fort/Micoud quarter boundaries. Thence in a northwesterly direction along the said quarter boundary to the junction of Soufriere/Micoud quarter boundary.

West: Thence southward by a straight line to the source of the Grande Riviere Du Vieux Fort, thence along the said river to Woodlands, thence south and along the Grace/Woodlands Road in a southerly direction to the road junction at Grace, thence southwesterly by a straight line to the source at Ravine Rozette. Thence along the said Ravine to its intersection with Aubrier Road Bridge, thence continuing along the Ravine to the La Resource Road.

South: Thence easterly by a straight line to the junction of the Beane Field Road and the old Micoud/Vieux Fort Road in a northern easterly direction to the St. Urbain Bridge and thence in a southeasterly direction along Ravine St. Urbain to its mouth.

East: Thence in a northerly direction along the coast to the point of commencement.

DENNERY SOUTH

North: Commencing at Trou Cadet point, thence westerly along the Au Leon/Louvet Road to a point before the first pronounced bend, thence a straight line in a southerly direction to the source of a ravine between Lumiere and La Pelle. Thence along the ravine to its intersection with the La Pelle/Lumiere Road. Thence along the said road in a southwesterly direction to its junction with La Ressource/ Au Leon Roads. Thence southerly along the La Ressource Main Road to its junction with the East Coast Road. Thence along the East Coast Road, in a southerly direction to a bridge. Thence along the Grande Riviere Du Mabouya to its second tributary. Thence along the said tributary to its source, thence in a southerly direction by a straight line to Glavier, thence in a westerly direction along the said St. Joseph Road and the next prominent bend and thence by a straight line in a westerly direction to Mount La Combe.

West: Thence along Barre De L'Isle Ridge in a southerly direction to the junction of the Dennerly/Praslin quarter boundary.

South: Thence along the said quarter boundary to the source of its second tributary, thence by a straight line to the source of Riviere Des Trois Islets to its mouth.

East: Thence in a northerly direction along the coast to the point of commencement.

DENNERY NORTH

North: Commencing at a point on the mouth of the Louvet River, thence along the Louvet River and the Dennerly/Dauphin quarter boundary to Piton Flore.

West: Thence in a southerly direction along the Barre De L'Isle Ridge to Mount La Combe.

South: Thence by a straight line in an easterly direction to the most western bend of the St. Joseph Road, thence in a northeasterly direction along the St. Joseph Road to the next prominent bend, thence in a easterly direction along a straight line to the terminus of the Bois Joli Road. Thence along Bois Joli Road to Glavier, thence by a straight line in a northerly direction to the source of the second tributary of the Grande Riviere Du Mabouya. Thence along the said tributary of the Mabouya Riviere to the bridge at the East Coast Road. Thence along the said road to its junction with the La Ressource Main Road. Thence along the said road to its junction with the La Pelle/Lumiere Road. Thence along the said road to the bridge at the third tributary, between La Pelle and Lumiere.

East: Thence along the tributary of its source. Thence a straight line in a northerly direction to a point before the first prominent bend on the Au Leon/Louvet Road. Thence along the said road to Trou Cadet Point. Thence along the coast to the point of commencement.

Public Service Board of Appeal Regulations

(Statutory Instrument 21/1982)

ARRANGEMENT OF REGULATIONS

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Appendix A

Appendix B

PUBLIC SERVICE BOARD OF APPEAL REGULATIONS – SECTION 96

Commencement [27 March 1982.]

PART 1 PRELIMINARY

1. Citation

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

2. Definition

In these Regulations, unless the context otherwise requires—

"appellant" means a public officer who has brought an appeal;

"Board" means the Public Service Board of Appeal constituted by section 95 of the Constitution;

"chairperson" means the chairperson of the Board;

"Constitution" means the Constitution of Saint Lucia;

"establishment officer" means the public officer performing the functions of permanent secretary (Personnel);

"officer" means public officer;

"public officer" has the meaning assigned to it by section 124(1) of the Constitution;

"public service" has the meaning assigned to it by section 124(1) of the Constitution;

"representative" means a public officer or a person entitled to practice as a legal practitioner in Saint Lucia; or any person so chosen by the appellant;

"secretary" means the person performing the functions of the office of secretary of the Board.

PART 2 PROCEDURE AT MEETINGS

3. Meetings

Subject to these Regulations, the Board may meet for the despatch of business, adjourn and otherwise regulate their meetings, as they think fit. Meetings shall be held at such place and time and on such days as the chairperson may determine.

4. Special Meetings

The chairperson shall call a special meeting of the Board within 4 days of receipt of a written requisition for that purpose addressed to him or her by any 2 members of the Board.

5. Notice of Meetings and presiding at Meetings

(1) The Secretary shall give to every member of the Board notice of a meeting of the Board 48 hours before the time appointed for holding the meeting.

(2) The chairperson shall preside at meetings of the Board. If at any meeting the chairperson is not present within 15 minutes of the time appointed for holding the meeting the members present may choose one among themselves to preside at that meeting.

6. Quorum

The chairperson and 2 other members of the Board shall form the quorum. In the absence of the chairperson 3 other members of the Board shall form a quorum.

7. Voting

Questions arising at any meeting of the Board shall be decided by a majority of votes.

8. Minutes

The secretary shall attend every meeting of the Board and shall keep minutes thereof in such form as the chairperson may direct. Minutes shall be confirmed at a subsequent meeting.

PART 3 APPEALS

9. Right of Appeal

Subject to regulation 10 of these Regulations, an appeal shall lie to the Board from any of the decisions mentioned in section 96(5)(c) of the Constitution at the instance of the public officer in respect of whom the decision is made.

10. Exemption from Appeal

An appeal shall not lie to the Board from a decision mentioned in section 96(5)(c) of the Constitution where—

- (a) that decision is in respect of an officer holding a non-pensionable office whose emoluments do not exceed \$2,400 per year; or
- (b) the only reason for the appeal from that decision is that it is too severe, except where such decision is a decision—
 - (i) to remove an officer from his or her office, or
 - (ii) to appoint him or her to an office whose emoluments are less than the emoluments of the office which he or she held immediately before the relevant decision.

11. Notice of Appeal and Reasons

(1) An appeal to the Board shall be by notice in writing signed by the appellant or by his or her representative.

(2) Every notice of appeal shall be dated as of the day on which it is signed and shall state—

- (a) the name of the appellant;
- (b) his or her office;
- (c) the date of the decision from which he or she desires to appeal;
- (d) the person or authority from whose decision he or she desires to appeal;
- (e) the date on which he or she received notice of that decision;
- (f) the decision which he or she seeks from the Board;
- (g) an address to which any notice or other document may be sent to him or her by or on behalf of the Board; and
- (h) the reasons in detail for the appeal.

(3) A notice of appeal may be in the form set out in Appendix "A" to these Regulations.

12. Bringing Appeal

Subject to regulation 30 of these Regulations, an appeal to the Board shall be brought if the appellant gives to the secretary, not later than 21 days after the day on which the decision from which he or she desires to appeal is given, a notice of appeal in accordance with regulation 11 of these Regulations.

13. Giving Notice of Appeal

(1) The secretary shall publish in the Gazette an address where notices of appeal may be given to him or her under these Regulations.

(2) A notice of appeal shall be given to the secretary either personally, or by sending it by post to the address published under regulation 13(1) and in such a case is considered to be effected by properly addressing, preparing and posting a letter containing the notice, and to have been effected at the time at which such letter was so posted.

14. Notifications of Appeal

Upon receiving a notice of appeal, the secretary, shall as soon as practicable—

- (a) enter on the notice the date of receipt;
- (b) inform the chairperson of his or her receipt of the same; and
- (c) send a copy of the notice to—
 - (i) the establishment officer,
 - (ii) the secretary of the Public Service Commission,
 - (iii) where the appellant is not a permanent secretary or head of a department of Government, to the permanent secretary of the Ministry to which the appellant is attached or to his or her head of department, as the case may be;
- (d) notify the appellant in writing of the receipt of the notice of appeal and of the date of such receipt.

15. The Record

As soon as possible after he or she has received a copy of a notice of appeal, the secretary of the Public Service Commission shall send to the secretary 5 copies of each of the following documents (hereinafter referred to as the record)—

- (a) the charges relating to the appeal;
- (b) the proceedings at any inquiry held on the aforesaid charges (including statements of the Appellant and of witnesses, if any);
- (c) the documents and exhibits if any, produced at the said inquiry;
- (d) the report of the person who held the said inquiry;
- (e) the decision appealed against; and
- (f) any other document required by the Board.

16. Transmitting Record

(1) As soon as possible after he or she has received the record relating to an appeal, the secretary shall send one copy thereof to each of the following persons—

- (a) the chairperson;
- (b) every other member of the Board entitled to sit for the purpose of hearing and determining the appeal;
- (c) the establishment officer; and
- (d) the appellant.

(2) The appellant's copy of the record shall be sent to him or her either by handing it to him or her personally, or by sending it by registered post to him or her to the address supplied by him or her under regulation 11(2)(g) and, in such a case, shall be deemed to be effected by properly addressing and posting to him or her a sealed envelope containing a copy of the record.

(3) The establishment officer's copy of the record is considered to be duly sent to him or her either by handing it to him or her personally, or by properly addressing to him or her a sealed envelope enclosing a copy of the record and by leaving the same at his or her office with an officer attached thereto.

PART 4

SITTINGS ON APPEALS AND DECISIONS

17. Definition

"Member" in relation to an appeal means a member of the Board entitled to sit for the purpose of hearing and determining that appeal; and

"Board" in relation to an appeal means the member of the Board entitled to sit for the purpose of hearing and determining that appeal.

18. Constitution of Board for Appeals

A sitting of the Board for the purpose of hearing and determining an appeal shall be duly constituted if the members of the Board sitting on that appeal shall comprise—

- (a) the chairperson and all the members;
- (b) the chairperson and one member; or
- (c) two members (neither of whom is the chairperson).

19. Decisions

Every decision of the Board in an appeal shall be in writing and shall require the concurrence of—

- (a) a majority of all the members sitting on that appeal where the Board is constituted by 3 members;
- (b) all the members sitting on that appeal, where the Board is constituted by 2 members.

20. Chairperson to preside at sittings

Whenever the chairperson sits on an appeal, he or she shall preside at the sitting.

21. Time and place of sittings

(1) Sittings of the Board for the hearing and determination of appeals shall be held at such times and at such places as the chairperson may appoint.

(2) Sittings of the Board shall be held in private.

22. Publication of sittings

The Secretary shall, whenever practicable, cause notice of the day, time and place of every sitting of the Board to be published in the Gazette at least 7 days before the commencement of the sitting.

23. Notices of hearings of Appeals

(1) The Secretary shall give to every Appellant notice in writing of the day, time and place of the hearing of his or her appeal at least 7 days before the commencement of the hearing.

(2) A notice under this regulation shall be given to an appellant either personally or by sending it by registered post to the address supplied by him or her under regulation 11(2)(g) and, in such a case, is considered to be effected by properly addressing and posting to him or her a sealed envelope containing the notice.

(3) A notice under this regulation shall be given to the establishment officer either personally, or by properly addressing to him or her a sealed envelope containing the notice and by leaving the same at his or her office with an officer attached thereto.

24. Adjournments

The Board may adjourn its proceedings as it considers fit.

25. Appearance of Appellant

In proceedings before the Board an appellant shall appear either in person or by a representative.

26. Respondent

In every appeal the establishment officer shall be the respondent and in proceedings before the Board he or she may appear either in person or by a representative.

27. Absence of Appellant at hearing

If at the hearing of an appeal an appellant fails to appear either in person or by a representative, the Board may either adjourn the appeal, or strike it out, or dismiss it, or proceed to hear it in the absence of the appellant as it appears to the Board to be just and proper.

28. Appeals by way of re-hearing

(1) Subject to the provisions of section 96(3) of the Constitution and of this regulation, an appeal to the Board shall be by way of re-hearing.

(2) Despite the provisions of regulation 28(1), proceedings before the Board shall, as a rule, be a re-hearing on the documents constituting the record of appeal (referred to in regulation 15 of these Regulations).

(3) For the purpose of an appeal the Board may, if it thinks it necessary or expedient so to do—

- (a) order any public officer to produce any document, exhibit and other thing connected with the proceedings and production of which appears to the Board to be necessary for the determination of the appeal;
- (b) order any public officer to attend and be examined before the Board whether that officer was or was not called to be examined before the person or authority, if any, which inquired into the charges laid against the Appellant.

29. Notification of decisions

(1) As soon as possible after the Board has decided an appeal, the Secretary shall send a copy of the decision to—

- (a) the appellant;
- (b) (where the appellant is not a permanent secretary or head of a department of Government) the permanent secretary of the Ministry to which the appellant is attached or to his or her Head of Department, as the case may be;
- (c) the establishment officer;
- (d) the Director of Finance and Planning, where he or she is not an officer to whom notice is required to be given under 1(b) of this regulation;
- (e) the secretary of the Public Service Commission.

(2) A copy of a decision of the Board shall be sent to an Appellant either by delivering it to him or her personally or by posting it to him or her in the manner provided by regulation 23(3).

(3) A copy of a decision required under this Regulation to be sent to any officer other than an Appellant shall be deemed to be duly sent to that officer if it is delivered to him or her personally or if it is left for him or her in the manner provided by Regulation 23(4).

30. Extension of time to appeal

(1) The Board may extend the time within which an appeal shall be brought under these Regulations.

(2) An application to extend the time within which an appeal shall be brought under these Regulations shall be in writing and the provisions of the preceding Regulations of this Part relating to appeals shall, with necessary modifications, apply to an application under this regulation in the same way as they apply to notices of appeal and to the proceedings in appeals.

(3) An application to extend the time within which an appeal shall be brought may be in the form set out in Appendix "B" to these Regulations.

(4) Where the Board extends the time within which an appeal shall be brought, the application to extend such time shall be treated as a notice of appeal.

31. Procedure in matters provided for

Subject to the provisions of the Constitution and of these Regulations, the procedure in appeals shall be determined by the members of the Board.

32. Failure of Officers to abide by these Regulations

Any officer who is required by these Regulations or by the Board to do any act or to produce any document, exhibit or other thing or to attend or to be examined before the Board and who without reasonable cause, fails or neglects so to do, is guilty of misconduct.

Appendix A

(Regulation 11(3))

SAINT LUCIA

Between:

Appellant

And

The Establishment Officer

The Permanent Secretary, Education
The Commissioner of Police

Respondent

NOTICE OF APPEAL

1. Take notice that (1)
a public officer holding/acting in the office of (2) being
dissatisfied with the decision of (3) dated
..... 20 that (4)
..... hereby appeals to the Public Service Board of Appeal for the reasons
set out in paragraph 2 and will at the hearing of the appeal seek a decision of the Board that
(5)

2. *Reasons for Appeal:*

(Insert FULLY here the reasons for the Appeal)

- (1)
(2)
(3) etc

3. All notices or other documents relating to this appeal may be sent to me addressed as follows—

Dated this day of 20.....

To: The Secretary,

The Public Service Board of Appeal

Delete where inapplicable

- (1) Name of Appellant.
(2) Insert office.
(3) Insert designation of person or authority whose decision is appealed against.
(4) Insert the substance of the decision appealed against.
(5) State the decision sought from the Board.
(6) Insert address fully.

Appendix B

Regulation 30(3)

SAINT LUCIA.

Between:

Appellant

And

The Establishment Officer
The Permanent Secretary, Education
The Commissioner of Police

Respondent

APPLICATION TO EXTEND TIME WITHIN WHICH TO APPEAL

Take notice that ¹ a public officer holding/acting in the office of ²
..... intends to apply to the Public Service Board of Appeal to extend
the time within which I may appeal against the decision of
³

2. *And further take Notice* that the reasons for this application are as follows—⁴

- (1)
(2)
(3)
(4) etc.

3. *And further take Notice that* the reasons for which I desire to appeal against the said decision are as follows—⁵

- (1)
(2)
(3)..... etc.

4. All notices or other documents relating to this application may be sent to me addressed⁶ as follows—

Dated this day of 20

.....

Appellant.

To: The Secretary,

The Public Service Board of Appeal

Delete where inapplicable.

(1) Name of Appellant.

(2) Insert office.

(3) Insert designation of person or authority giving the decision against which the appeal is brought.

(4) Insert fully here reasons for the application

(5) State fully the reasons for which it is desired to appeal against the decision.

(6) Insert address fully.

Saint Lucia Constitution Order 1978

(Statutory Instrument 1978 No. 1901 (UK))

Statutory Instrument 1978 No. 1901 (U.K.) .. in force 22 February 1979

ARRANGEMENT OF ORDERS

1. Citation and commencement
 2. Revocation
 3. Establishment of Constitution
- Schedule 1
Schedule 2

SAINT LUCIA CONSTITUTION ORDER 1978

Made — — — — — 20 December 1978

Coming into Operation 22 February 1979

Commencement [22 February 1979]

At the Court at Buckingham Palace, the 20 December 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas the status of association of Saint Lucia with the United Kingdom is to terminate on 22 February 1979 and it is necessary to establish a new constitution for Saint Lucia upon its attainment of fully responsible status within the Commonwealth:

And whereas the Associated State of Saint Lucia has, by a resolution passed in the House of Assembly thereof on 24 October 1978, requested and consented to the making of this Order for that purpose:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by section 5(4) of the West Indies Act 1967³, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

1. Citation and commencement

- (1) This Order may be cited as the Saint Lucia Constitution Order 1978.
- (2) This Order shall come into operation on 22 February 1979.

2. Revocation

The Saint Lucia Constitution Order 1967⁴, which made provision for the constitution of the Associated State of Saint Lucia, is revoked.

3. Establishment of Constitution

The Constitution of Saint Lucia set out in Schedule 1 to this Order shall come into effect in Saint Lucia at the commencement of this Order subject to the transitional provisions set out in Schedule 2 to this Order.

N. E. Leigh,

Clerk of the Privy Council.

Schedule 1 to the Order

THE CONSTITUTION OF SAINT LUCIA

Editor's note: *Schedule 1 to the Order is the Constitution of Saint Lucia. It appears at the beginning of this Chapter.*

Schedule 2 to the Order

TRANSITIONAL PROVISIONS

ARRANGEMENT OF PARAGRAPHS

1. Discharge of Governor General's functions
2. Existing laws
4. Ministers and Parliamentary Secretaries
5. Office of Attorney General
6. Existing public officers
7. Oaths
8. Supreme Court Order
9. Appeals Order
10. Protection from inhuman treatment
11. Commonwealth citizen
12. Interpretation

1. Discharge of Governor General's functions

Until such time as a person has assumed office as Governor General having been appointed as such in accordance with section 19 of the Constitution, the person who immediately before the commencement of the Constitution held office as Governor of Saint Lucia (or, if there is no such person, the person who was then acting as Governor) shall discharge the functions of the office of Governor General.

³ 1967 c. 4.

⁴ S.I. 1967/229.

2. 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 Supreme Court 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 section), 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 Supreme Court 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) The Governor General may by order made at any time before 31 December 1980 make such alterations to any existing law as may appear to him or her to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution and the Supreme Court Order or otherwise for giving effect or enabling effect to be given to those provisions.
- (4) The provisions of this paragraph shall be without prejudice to any powers conferred by the Constitution or by any other law upon any person or authority to make provision for any matter, including the alteration of any existing law.
- (5) For the purposes of this paragraph, the expression "existing law" means any Act, Ordinance, rule, regulation, order or other instrument made in pursuance of or continued in force by or under the former Constitution and having effect as a law immediately before the commencement of the Constitution.

3. Parliament

- (1) Until other constituencies are established for Saint Lucia by order in pursuance of section 58 of the Constitution and the order has come into effect there shall, for the purposes of the election of members of the House, be 17 constituencies having the same boundaries as the constituencies into which Saint Lucia is divided immediately before the commencement of the Constitution for the purpose of the election of elected members of the House under the former Constitution and those constituencies shall be deemed to have been established under that section.
- (2) The persons who, immediately before the commencement of the Constitution, are elected members of the House under the former Constitution shall, as from the commencement of the Constitution, be deemed to have been elected in pursuance of the provisions of section 33 of the Constitution in the respective constituencies corresponding to the constituencies by which they were returned to the House and shall hold their seats in the House in accordance with the provisions of the Constitution.
- (3) The persons who, immediately before the commencement of the Constitution, are nominated members of the House under the former Constitution shall vacate their seats in the House at the commencement of the Constitution but shall be eligible for appointment as Senators in pursuance of the provisions of section 24 of the Constitution.
- (4) The persons who, immediately before the commencement of the Constitution, are respectively the Speaker and the Deputy Speaker and the Leader of the Opposition shall be deemed as from the commencement of the Constitution to have been elected as Speaker and Deputy Speaker

or, as the case may be, appointed as leader of the Opposition in accordance with the provisions of the Constitution and shall hold office in accordance with those provisions.

- (5) Until Parliament otherwise provides, any person who holds or acts in any office the holding of which would, immediately before the commencement of the Constitution, have disqualified him or her for membership of the House under the former Constitution shall be disqualified to be elected as a member of the House or appointed as a Senator as though provisions in that behalf had been made in pursuance of sections 26 and 32 of the Constitution.
- (6) The rules of procedure of the House under the former Constitution as in force immediately before the commencement of the Constitution shall, until it is otherwise provided by the House under section 53(1) of the Constitution be the rules of procedure of the House but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.
- (7) Subject to the provisions of section 55 of the Constitution, Parliament shall, unless sooner dissolved, stand dissolved on 6 June 1979 (that is to say, 5 years from the first sitting of the House after the last dissolution of Parliament under the former Constitution).
- (8) For the purposes of section 58(2) of the Constitution, a report of the Constituency Boundaries Commission shall be deemed to have been submitted on 19 November 1973 (that is to say, the date of the submission of the last report of the Standing Committee of the House under section 49 of the former Constitution).

4. Ministers and Parliamentary Secretaries

- (1) The person who, immediately before the commencement of the Constitution, holds the office of Premier under the former Constitution shall as from the commencement of the Constitution, hold office as Prime Minister as if he or she had been appointed thereto under section 60 of the Constitution.
- (2) The persons who, immediately before the commencement of the Constitution, hold office as Ministers (other than the Premier) or as Parliamentary Secretaries under the former Constitution shall, as from the commencement of the Constitution hold the like offices as if they had been appointed thereto under section 60 or 68 of the Constitution.
- (3) Any person holding the office of Prime Minister or other Minister by virtue of the provisions of sub-paragraphs (1) and (2) of this paragraph who, immediately before the commencement of the Constitution, was charged under the former Constitution with responsibility for any matter or any department of government, shall, as from the commencement of the Constitution, be deemed to have been assigned responsibility for that matter or department under section 62 of the Constitution.

5. Office of Attorney General

Until Parliament or, subject to the provisions of any law enacted by Parliament, the Governor General, acting in accordance with the advice of the Prime Minister, otherwise decides, the office of Attorney General shall be a public office.⁵

6. Existing public officers

⁵ By statutory instrument 41/1997, the office of Attorney General was declared a public office "with effect from 15 June 1997."

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 under the former Constitution shall, as from the commencement of the Constitution, continue to hold or act in that office or the corresponding office established by the Constitution as if he or she had been appointed thereto in accordance with the provisions of the Constitution:

Provided that any person who under the former Constitution or any other law in force immediately before such commencement 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.

7. Oaths

Until such time as the oath of allegiance, the oath of secrecy or, in relation to any office, the oath of office is prescribed by law, that oath may be taken in the form prescribed immediately before the commencement of the Constitution.

8. Supreme Court Order

The West Indies Associated States Supreme Court Order 1967 ⁶, in so far as it has effect as a law, may be cited as the Supreme Court Order and for the purposes of the Order or any other law—

- (a) the Supreme Court established by that Order shall, unless Parliament otherwise provides, be styled the Eastern Caribbean Supreme Court; and
- (b) references in that Order to the Premier of Saint Lucia or to the Premier of any other independent state shall be construed as references to the Prime Minister of Saint Lucia or, as the case may be, to the Prime Minister of that other state.

9. Appeals Order

The West Indies Associated States (Appeals to Privy Council) Order 1967 ⁷ may, in its application to Saint Lucia, be cited as the Saint Lucia Appeals to Privy Council Order and shall, to the extent that it has effect as a law, have effect as if the expression "Courts Order" included any law altering the Supreme Court Order and as if section 3 were revoked.

10. Protection from inhuman treatment

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of section 5 of the Constitution to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Saint Lucia immediately before 1 March 1967 (being the date on which Saint Lucia became an associated state).

11. Commonwealth citizen

Until such time as Parliament otherwise prescribes, the expression "Commonwealth citizen" shall have the meaning assigned to it by the British Nationality Act 1948 or any Act of the Parliament of the United Kingdom altering that Act.

12. Interpretation

⁶ S.I. 1967/223.

⁷ S.I. 1967/224.

(1) In this Schedule—

“the Constitution” means the Constitution set out in Schedule I of this Order;

“the former Constitution” means the Constitution in force immediately before the commencement of this Order.

(2) The provisions of section 124 of the Constitution shall apply for the purposes of interpreting this Schedule and otherwise in relation thereto as they apply for the purposes of interpreting and in relation to the Constitution.

Letters Patent Instituting Saint Lucia

Gazette Notice 963/1986 .. in force 13 December 1986

Gazette Notice 964/1986 .. in force 13 December 1986

Gazette Notice 965/1986 .. in force 13 December 1986

Gazette Notice 971/1986 .. in force 13 December 1986

Gazette Notice 972/1986 .. in force 13 December 1986

Gazette Notice 975/1986 .. in force 13 December 1986

LETTERS PATENT INSTITUTING SAINT LUCIA

HONOURS AND DECORATIONS

Having received advice of the issue by Her Majesty The Queen of a Warrant under the sign manual authorising The Governor-General to sign and seal with the Public Seal of Saint Lucia Letters Patent in Her Name and on Her behalf instituting Saint Lucia Honours and Decorations to take effect from the 13th day of December, 1986, His Excellency The Governor General has accordingly signed and sealed the following Letters Patent:

LETTERS PATENT ESTABLISHING THE ORDER OF SAINT LUCIA

SAINT LUCIA

By His Excellency Sir Allen Lewis, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Grand Cross of the Royal Victorian Order, Knight Bachelor, Queen’s Counsel, Governor-General of Saint Lucia.

ELIZABETH THE SECOND, by the Grace of God Queen of Saint Lucia and of Her Other Realms and Territories, Head of the Commonwealth.

TO ALL to whom these Presents shall come.

GREETING:

WHEREAS it is desirable that there be established a Saint Lucian society of honour for the purpose of according recognition to citizens of Saint Lucia and other persons for achievement, for acts of bravery or for meritorious service:

KNOW YOU that we by these Presents, do establish a society of honour to be known as the “Order of Saint Lucia”:

AND WE DO ordain that the Order shall consist of the Sovereign, Our Governor General of Saint Lucia and such members and honorary members as shall be appointed in accordance with the Constitution of the Order:

AND WE DO further ordain that the Constitution of the Order shall be the Constitution set out in the Schedule:

AND WE DO hereby command that a seal be immediately engraven, that that seal shall be the Seal of the Order, that the Regulations of the Order shall be signed by Our

Governor-General of Saint Lucia and sealed with the Seal of the Order, and that the Regulations so signed and sealed shall have the same force and effect as if they had been recited in these Our Letters Patent and given under the Public Seal of Saint Lucia.

IN WITNESS whereof we have caused these Our Letters to be made Patent.

Given under the Public Seal of Saint Lucia at Castries this 13th day of December, One thousand nine hundred and eighty-six, in the Thirty-fifth year of Our Reign.

BY HER MAJESTY'S COMMAND

JOHN G. M. COMPTON,

Prime Minister.

Schedule

CONSTITUTION OF THE ORDER OF SAINT LUCIA

1. A Society of Honour, for the purpose of according recognition to citizens of Saint Lucia and other persons for achievement, for acts of bravery or for meritorious service is established in Saint Lucia to be known as the Order of Saint Lucia.

2. The Order shall consist of the Sovereign, the Governor General as Chancellor, and the holders of awards in the following Grades:

I — Grand Cross;

II — Saint Lucia Cross;

III — Medal of Honour in classes of Gold and Silver;

IV — Medal of Merit in classes of Gold and Silver;

V — Les Pitons Medal in classes of Gold, Silver and Bronze;

VI — National Service Cross;

VII — National Service Medal.

3. The Sovereign of Saint Lucia shall be Head of the Order.

OFFICERS AND COMMITTEE OF THE ORDER

4.

(1) The Governor General, who by virtue of his Office shall be Chancellor of the Order, shall be charged with the administration of the Order, and in his custody shall be confided the Seal of the Order, which he shall affix to all Statutes, Ordinances and Instruments according to the Regulations touching the issue of every of the said instruments.

(2) In the absence of the Governor General, the person for the time being performing the functions of the office of Governor General shall discharge the functions of Chancellor of the Order.

(3) The Private Secretary to the Governor General shall be Secretary of the Order and shall maintain the records of the Order, arrange for investitures and perform such other functions in respect of the Order as the Governor General shall direct from time to time.

5.

(1) There shall be a standing National Awards Committee for the Order hereinafter called "the Committee" comprised of:

- (a) a citizen of Saint Lucia appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition who shall be chairperson of the Committee.
- (b) the chairperson of the Public Service Commission.
- (c) the chairperson of the Teaching Service Commission.
- (d) the Commissioner of Police.
- (e) three persons representative of the General Public appointed by the Governor General of whom 2 shall be appointed on the advice of the Prime Minister and one on the advice of the Leader of the Opposition. Such appointment shall be for a period not exceeding 3 years from the date of appointment but the persons shall be eligible for reappointment.
- (f) A member of the Committee appointed under subparagraph (a) of this section shall hold office for a period not exceeding 3 years from the date of appointment but shall be eligible for reappointment.

(2) The Committee shall have a Secretary who shall be appointed by the Prime Minister.

(3) A vacancy in the membership of the Committee shall not preclude the Committee from carrying out its functions.

LETTERS PATENT INSTITUTING THE SAINT LUCIA PUBLIC SERVICES LONG SERVICE MEDAL

SAINT LUCIA

By His Excellency Sir Allen Lewis, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Grand Cross of the Royal Victorian Order, Knight Bachelor, Queen's Counsel, Governor-General of Saint Lucia.

ELIZABETH THE SECOND, by the Grace of God Queen of Saint Lucia and of Her Other Realms and Territories, Head of the Commonwealth.

TO ALL to whom these Presents shall come.

GREETING:

WHEREAS it is desirable that there be instituted a Saint Lucian Medal for the purpose of according recognition to persons who render long and faithful service in certain occupations:

KNOW YOU that we do by these Presents institute a Medal to be designated and styled the "Saint Lucia Public Services Long Service Medal":

AND WE DO ordain that the award of the Saint Lucia Public Services Long Service Medal shall be governed by the Services Long Service Medal Regulations 1986 set out in the Schedule.

IN WITNESS whereof we have caused these Our Letters to be made Patent.

Given under the Public Seal of Saint Lucia at Castries this 13th day of December, One thousand nine hundred and eighty-six, in the Thirty-fifth year of Our Reign.

BY HER MAJESTY'S COMMAND

JOHN G. M. COMPTON,

Prime Minister.

Schedule

REGULATIONS GOVERNING THE AWARD OF THE SAINT LUCIA PUBLIC SERVICES
LONG SERVICE MEDAL

SHORT TITLE

1. These regulations may be cited as the Services Long Service Medal Regulations.

DESIGN OF MEDAL

2. The design of the Services Long Service Medal and of clasps to the Medal shall be as prescribed.

CONDITIONS FOR AWARD OF MEDAL

3. The following persons are eligible for the award of the Services Long Service Medal:

- (a) members of the Royal Saint Lucia Police Force
- (b) members of the Saint Lucia Fire Service
- (c) members of the Prisons Service
- (d) members of the Saint Lucia Civil Service
- (e) members of the Saint Lucia Teaching Service

4. (1) The Services Long Service Medal may not be awarded to a person unless since he or she attained the age of 18 years.

- (a) he or she has served diligently and has been of exemplary conduct for a continuous period of 15 years in one of the capacities mentioned in regulation 3; or
- (b) he or she has served diligently and has been of exemplary conduct in 2 or more of those capacities for successive periods amounting in the aggregate to not less than 15.

(2) A clasp to the Services Long Service Medal may be awarded after the completion of a further continuous period of service of 10 years in any of the capacities mentioned in regulation 3, and an additional clasp may be awarded after the completion, of each further period of 5 years' continuous service.

5. The award of the Services Long Service Medal or a clasp to the Medal may be made by the Governor General on the recommendation of—

- (a) the Commissioner of Police, in the case of a member of the Royal Saint Lucia Police Force;
- (b) the Chief Fire Officer, in the case of a member of the Saint Lucia Fire Service;
- (c) the Superintendent of Prisons, in the case of a member of the Prisons Service;
- (d) the chairperson of the Public Service Commission, in the case of a member of the Civil Service;
- (e) the chairperson of the Teaching Service Commission, in the case of the Teaching Service;

With in each case the approval of the administrative head of the Ministry of the Government charged with responsibility for the particular service.

WEARING OF MEDAL

6. The manner of wearing the Service Long Service Medal shall be as determined by the Governor General.

SOCIETY OF HONOUR ORDER OF SAINT LUCIA

The public is hereby notified of the establishment as from 13th December, 1986, of a Society of Honour to be known as the Order of Saint Lucia.

The Order which has as its Head, Her Majesty, with the Governor General as Chancellor, is divided into 7 Grades, among which 2 would be divided into 2 classes and one (1) into 3 classes.

The Grades are as follows—

The Grand Cross

The Saint Lucia Cross

The Medal of Honour in classes of Gold and Silver

The Medal of Merit in classes of Gold and Silver

The Les Pitons Medal in Gold, Silver and Bronze

The National Service Cross

The National Service Medal

The Grand Cross is for award only to a person appointed to the office of Governor General.

The recipient of the Grand Cross will be entitled to have the letters "GCSL" placed after his or her name on all occasions when the use of such letters is customary, and also to the use of the title His or Her Excellency before his or her name.

The Saint Lucia Cross is to be awarded to persons who have rendered distinguished and outstanding service of national importance to this country.

A recipient of the Saint Lucia Cross will be entitled to have the letters "SLC" placed after his or her name and also to the use of the title Honourable before his or her name immediately on publication of the award.

A Medal of Honour is to be awarded to persons rendering "eminent service of national importance" or performing an outstanding brave or humane act to a national of Saint Lucia or of another country.

A person to whom the Medal of Honour is awarded is entitled to have the letters "SLMH" placed after his or her name on all occasions when the use of such letters is customary.

The Medal of Merit is to be restricted to persons contributing long and meritorious service in the Arts, Science, Literature and other such fields.

A recipient will be entitled to have the letters "SLMM" placed after his or her name.

The Les Pitons Medal in any of its 3 classes is to be awarded for long and meritorious service to Saint Lucia tending to promote loyal public service, national welfare or inculcating and strengthening community spirit. The recipient will be entitled to have the letters "SLPM" placed after his or her name.

The National Service Cross and the National Service Medal are intended for members of the Royal Saint Lucia Police Force, the Fire Service, the Prison Service and Cadet Corps.

The Cross is to be awarded to commissioned ranks of the Police Force, the Fire and Prison Services for loyal and devoted service beneficial to Saint Lucia. A recipient is entitled to have the letters "NSC" placed after his or her name. The medal is to be awarded to any member of the said bodies and to commissioned officers of a Cadet Corps for "outstanding and meritorious service".

Public Service Commission (Disciplinary Proceedings) Regulations
(Statutory Instrument 37/2017)

Statutory Instrument 37/2017 .. in force 2 May 2017

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Application
4. Allegation of an act of misconduct
5. Suspension
6. Investigation
7. Disciplinary proceedings
8. Criminal investigation or criminal proceedings
9. Disciplinary proceedings arising out of acquittal of criminal charge
10. Disciplinary proceedings arising out of proven criminal charge
11. Hearing
12. Hearing in absence of public officer
13. Penalty
14. Decision and right of appeal
15. Record of disciplinary proceedings
16. Temporary and fixed term contract appointments
17. Service
18. Transitional provisions

PUBLIC SERVICE COMMISSION (DISCIPLINARY PROCEEDINGS)
REGULATIONS – SECTION 85(13)

Commencement [2 May 2017]

1. Citation

These Regulations may be cited as the Public Service Commission (Disciplinary Proceedings) Regulations.

2. Interpretation

In these Regulations—

“act of misconduct” means—

- (a) a breach of an enactment, staff order or lawful oral or written directions given to a public officer; or
- (b) a breach of an implied term of the contract of employment of the public officer;
- (c) conduct that brings the reputation of the public service into disrepute;

“appointment” means the conferment of an office of emolument in the public service on a public officer;

“assignment” means the movement of a public officer from one Ministry or Department to another Ministry or Department or within a Ministry or Department for a specified period not exceeding six months for a particular purpose without affecting the substantive public office;

"Commission" means the Public Service Commission constituted under section 85 of the Constitution of Saint Lucia;

"demotion" means the appointment of a public officer to a public office to which is attached a lower salary and grade to the most recent substantive appointment of the public officer;

"Department" means an autonomous department that is not under the control of a Minister;

"Head of Department" means the person responsible for the management of a Department;

"hearing" means an inquiry before the Commission to determine an allegation of an act of misconduct;

"Ministry" means an organizational unit under the general direction and control of a Minister;

"particular office" means a public office specified under sections 87, 90 and 94(1) of the Constitution of Saint Lucia in respect of which the Commission is required to provide advice to the Governor General;

"particular officer" means a public officer specified under sections 87, 90 and 94(1) of the Constitution of Saint Lucia in respect of whom the Commission is required to provide advice to the Governor General;

"penalty" means a penalty specified under regulation 13;

"Permanent Secretary" means a public officer referred to in section 69 of the Constitution of Saint Lucia;

"public office" has the meaning assigned under section 124(1) of the Constitution of Saint Lucia;

"public officer" has the meaning assigned under section 124(1) of the Constitution of Saint Lucia;

"Public Service Board of Appeal" means the Public Service Board of Appeal constituted under section 95 of the Constitution of Saint Lucia;

"salary" means basic pay excluding allowances;

"Staff Order" means an administrative direction contained in the Public Service Staff Orders of Saint Lucia or a prerogative order made by the Governor General for the management of the public service;

"suspension" means a temporary removal of a public officer from the performance of the duties of his or her public office under regulation 5 or regulation 13;

"temporary appointment" includes the appointment of a person to a public office for a specified period;

"the public service" has the meaning assigned under section 124(1) of the Constitution of Saint Lucia.

3. Application

(1) Subject to sub-regulations (2) and (3), these Regulations do not apply to a particular officer.

(2) The Commission in giving its advice with respect to the exercise of disciplinary control under sections 87, 90 and 94(1) of the Constitution of Saint Lucia shall —

(a) apply where practicable, the procedures in these Regulations; and

- (b) ensure that no advice is tendered to the Governor General with respect to the exercise of disciplinary control or removal of a particular officer until the particular officer is given a reasonable opportunity to be heard.
- (3) The Commission when considering a matter under these Regulations shall —
 - (a) consider any policy pertaining to the management of the public service, and the values and objectives of the public service as prescribed;
 - (b) be guided by the principles of natural justice.

4. Allegation of an act of misconduct

An allegation of an act of misconduct must be —

- (a) submitted to the Commission;
- (b) in writing and be accompanied by supporting evidence.

5. Suspension

(1) Where an allegation of an act of misconduct by a public officer is submitted to the Commission under regulation 4, the Commission may suspend the public officer from duty on full salary by notice of suspension in writing, until conclusion of the disciplinary proceedings.

(2) Where the Commission is of the opinion that the public interest or the reputation of the public service requires, the Commission may suspend a public officer from duty on full salary by notice in writing until further notice.

(3) The effective date of suspension of the public officer is the date specified in the notice of suspension.

(4) A public officer who is suspended from duty under subregulation (1) or (2) shall —

- (a) on receipt of the notice of suspension, cease to report to his or her public office; and
- (b) make himself or herself available to the Commission until the conclusion of the disciplinary proceedings.

(5) Where a public officer is suspended from duty and proceeds on sick leave or maternity leave during the period of suspension, the suspension of the public officer ceases during the sick leave and maternity leave and the suspension of the public officer resumes immediately after the expiration of the sick leave or maternity leave.

6. Investigation

(1) Subject to subregulation (2), the Commission shall cause an investigation to be undertaken into the allegation of an act of misconduct —

- (a) on receipt of an allegation of an act of misconduct; or
- (b) after the public officer is suspended under regulation 5.

(2) The Commission shall not cause an investigation to be undertaken under subregulation (1) if the Commission is satisfied from the supporting evidence submitted to the Commission that there is a *prima facie* case.

7. Disciplinary proceedings

(1) The Commission may institute disciplinary proceedings against a public officer on an allegation of an act of misconduct.

(2) A court record or report of a commission established under the Commission of Inquiry Act or other inquiry established by Cabinet, may be used in determining whether or not proceedings should be instituted against a public officer.

(3) If the Commission institutes disciplinary proceedings under subregulation (1), it shall serve a notice in writing on the public officer.

(4) A notice under subregulation (3) must state —

- (a) the allegation of the act of misconduct; and
- (b) the particulars of the allegation under paragraph (a).

8. Criminal investigation or criminal proceedings

(1) Notwithstanding that a public officer is charged for an offence under an enactment or is the subject of police investigation or criminal proceedings have been instituted against that public officer, the charge, investigation or proceedings does not preclude the Commission from instituting disciplinary proceedings under these Regulations for an alleged act of misconduct which is in breach of his or her terms and conditions of employment.

(2) The Commission may institute disciplinary proceedings against a public officer who has appealed against a conviction arising out of criminal proceedings in relation to an alleged act of misconduct which is in breach of his or her terms and conditions of employment.

(3) These Regulations do not preclude the Commission from instituting disciplinary proceedings against a public officer for another act of misconduct arising out of his or her conduct resulting in the allegation referred to in sub-regulation (1).

9. Disciplinary proceedings arising out of acquittal of criminal charge

A public officer who is acquitted of a criminal charge in a court may have disciplinary proceedings instituted against him or her under these Regulations in respect of an allegation of an act of misconduct arising in respect of, or arising out of, that criminal charge.

10. Disciplinary proceedings arising out of proven criminal charge

(1) Where a public officer pleads guilty to a criminal charge, or is convicted of a criminal charge, the Commission may consider the court's finding and, if available, other court records in respect of that charge, and require the public officer to provide a written report on the matter and, where practicable, to appear before the Commission to show cause why the Commission should not impose a penalty.

(2) The Commission, after considering the representation of the public officer, may impose such penalty as it sees fit.

11. Hearing

(1) A public officer against whom disciplinary proceedings have been instituted shall be given a reasonable opportunity to be heard in accordance with the principles of natural justice in a hearing before the Commission.

(2) A hearing may be in writing or it may be oral.

(3) Where a hearing is oral, the public officer against whom the disciplinary proceedings have been instituted may be represented by an attorney-at-law or a person of his or her choice.

(4) A hearing must be conducted —

- (a) in private; and
- (b) with speed and efficiency.

(5) The standard of proof in a hearing is the balance of probabilities.

(6) In a hearing the Commission may make a decision, without regard to the rules of evidence specified in the Evidence Act or to other legal technicalities and form.

(7) In an oral hearing where a witness gives evidence, the public officer against whom disciplinary proceedings have been instituted shall have the opportunity to question that witness or to respond to evidence that is in writing.

(8) Documentary evidence must not be used against a public officer in a hearing unless the public officer has been supplied with a copy of, and has been given a reasonable opportunity to peruse the document before the hearing.

12. Hearing in absence of public officer

(1) Where, without good reason, the public officer against whom disciplinary proceedings have been instituted does not attend the oral hearing, the Commission may proceed and conclude the matter in his or her absence.

(2) Where good reason is given to the Commission by or on behalf of the public officer as to why he or she is unable to attend the hearing, the Commission may postpone the matter but not to the extent that quick and effective discipline is prejudiced.

13. Penalty

(1) At the conclusion of a hearing the Commission may impose one or more of the following as a penalty —

- (a) an oral warning;
- (b) a written warning;
- (c) a written reprimand;
- (d) the deferment, suspension or withholding of a performance based increment;
- (e) the suspension of the public officer from duty without salary and allowances;
- (f) the demotion of the public officer; and
- (g) the dismissal or removal of the public officer from the public service.

(2) The Commission may after taking into account the age, period and quality of service provided by the public officer, retire that public officer in the public interest in lieu of imposing a penalty.

(3) Where an act of misconduct results in the destruction or loss of Government property, the Commission may, in addition to a penalty imposed under subregulation (1), order the public officer by way of restitution, to pay the Government an amount equal to the value of repair or replacement of the item as indicated by appropriate invoices or receipts from the Permanent Secretary or Head of Department.

14. Decision and right of appeal

(1) The Commission shall, at the conclusion of a hearing, inform the public officer —

- (a) in writing of its finding and reason for the penalty imposed;
- (b) of the right to appeal to the Public Service Board of Appeal; and
- (c) of the time required by the Public Service Board of Appeal for making an application for an appeal.

(2) Where a public officer lodges an appeal with the Public Service Board of Appeal within the specified period, the penalty takes effect pending the determination of the appeal of the public officer by the Public Service Board of Appeal.

15. Record of disciplinary proceedings

(1) The Commission shall make a record of disciplinary proceedings.

(2) A record under subregulation (1) must include —

- (a) the allegation and related particular statement of evidence;
- (b) a transcript of the hearing, where applicable;
- (c) the finding of the Commission;
- (d) the reason for the finding; and
- (e) details of the penalty imposed.

(3) A record of the disciplinary proceedings must be made available to the public officer at his or her request.

16. Temporary and fixed term contract appointments

Where a public officer holds a public office on a temporary or fixed term contract appointment and termination of the appointment is contemplated on the grounds of an act of misconduct, the Commission shall request that public officer to make representations in writing or by personal appearance, before the Commission makes a decision.

17. Service

(1) A document required by these Regulations to be served on a public officer or any other person is so served —

- (a) by delivering the document to the public officer or other person personally; or
- (b) by preparing and posting the document as a registered letter to that public officer or other person at his or her last known address; or
- (c) by leaving the document at the last known place of abode of the public officer or with some other person who is apparently resident in that place and appears to be not less than 16 years of age; or
- (d) by serving it on the legal representative of the public officer or the legal representative of the person; or
- (e) by electronic means.

(2) Where a document that is required by these Regulations to be served is posted as a registered letter under subregulation (1)(b) the document, unless the contrary is proved, is deemed to be served at the time it is delivered to the public officer or other person.

18. Transitional provisions

(1) Where, at the commencement of these Regulations disciplinary proceedings are pending or not finally determined, the disciplinary proceedings are deemed to have been instituted, and continued, in accordance with these Regulations and the institution of proceedings are deemed to have complied with the procedures in these Regulations as if they had been instituted under these Regulations.

(2) Where, at the commencement of these Regulations, a hearing is being conducted in relation to disciplinary proceedings instituted against a public officer,

the determination of the hearings are deemed to be valid for the purposes of these Regulations as if it had been conducted and determined under these Regulations.

(3) Where a person is suspended at the commencement of these Regulations but no institution of disciplinary proceedings is in effect, that person is deemed to have been suspended under regulation 5 for the purpose of these Regulations.

Proclamation for Declaration of State of Emergency

Statutory Instrument 39/2020 .. (Revoked by S.I. 149/2020)

Statutory Instrument 40/2020 .. (Revoked by S.I. 149/2020)

Statutory Instrument 60/2020 .. (Revoked by S.I. 149/2020)

Statutory Instrument 78A/2020 .. (Revoked by S.I. 149/2020)

Statutory Instrument 27/2021 .. (Revoked by S.I. 162/2021)

Statutory Instrument 38/2021 .. (Revoked by S.I. 162/2021)

Statutory Instrument 77/2021 .. (Revoked by S.I. 162/2021)

Constitution of Saint Lucia (State of Emergency) Regulations

(Statutory Instrument 162/2021)

Statutory Instrument 28/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 42/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 58/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 63/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 117/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 120/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 124/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 134/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 146/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 149/2021 .. (Revoked by S.I. 162/2021)

Amended by S.I. 155/2021 .. (Revoked by S.I. 162/2021)

PROCLAMATION FOR REVOCATION OF DECLARATION OF STATE OF EMERGENCY – SECTION 17(1)

Commencement [14 October 2021]

BY HIS EXCELLENCY THE GOVERNOR GENERAL

A PROCLAMATION

SIR EMMANUEL NEVILLE CENAC

GCSL., GCMG.,

GOVERNOR GENERAL.

WHEREAS it is enacted by section 17(1) of the Constitution of Saint Lucia, that the Governor General may, by proclamation which shall be published in the *Gazette*, declare that a state of emergency exists for the purposes of Chapter 1 of the Constitution of Saint Lucia;

AND WHEREAS section 17(2) of the Constitution of Saint Lucia, provides that a proclamation under section 17(1) shall not be effective unless it contains a declaration that the Governor General is satisfied —

- (a) that a public emergency has arisen as a result of the imminence of a state of war between Saint Lucia and a foreign state;
- (b) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or
- (c) that action has been taken, or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life;

AND WHEREAS by virtue of section 17(1) and (2) of the Constitution of Saint Lucia, Cap. 1.01 the Governor General, by proclamation, declared a state of emergency for the purposes of Chapter 1 of the Constitution of Saint Lucia, published in the *Gazette* on the 3rd day of February, 2021 as the Constitution of Saint Lucia – Proclamation for Declaration of State of Emergency, Statutory Instrument, No. 27 of 2021;

AND WHEREAS by virtue of section 17(3) of the Constitution of Saint Lucia, Parliament, approved the declaration of a state of emergency that was published in the *Gazette* on the 3rd day of February, 2021 as Statutory Instrument No. 27 of 2021, by the Constitution of Saint Lucia – Resolution of Parliament Approving Declaration of State of Emergency, Statutory Instrument, No. 38 of 2021;

AND WHEREAS by virtue of section 17(6) of the Constitution of Saint Lucia, Parliament further extended for an additional period, the declaration of a state of emergency that was passed as Statutory Instrument, No. 38 of 2021, by the Constitution of Saint Lucia – Further Extension of Resolution of Parliament Approving Declaration of State of Emergency, Statutory Instrument, No. 77 of 2021;

AND WHEREAS it is enacted by section 17(4) of the Constitution of Saint Lucia, that a declaration of a state of emergency may at any time be revoked by the Governor General by Proclamation published in the *Gazette*;

NOW THEREFORE I, EMMANUEL NEVILLE CENAC, Governor General of Saint Lucia, by this Proclamation do hereby revoke the Constitution of Saint Lucia – Proclamation for Declaration of State of Emergency, Statutory Instrument, No. 27 of 2021.

GIVEN under my hand and the Public Seal of Saint Lucia at Government House in the City of Castries, in the State of Saint Lucia this 14th day of October, 2021 in the seventieth year of the Reign of Her Majesty Queen Elizabeth the Second.

GOD SAVE THE QUEEN
