

ABILL

ENTITLED

AN ACT to Repeal the Jamaica (Constitution) Order in Council 1962 and to provide for the legal recognition and operation of the Constitution of Jamaica notwithstanding the repeal of that Order in Council; to Amend the Constitution of Jamaica to provide for a non-monarchical Head of State, thereby establishing Jamaica as a republic; to make other amendments in respect of certain provisions of the Constitution of Jamaica; and to provide for connected matters.

[]

BE IT ENACTED by the Parliament and people of Jamaica, by and with the advice and consent of the Senate and the House of Representatives of Jamaica in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Constitution (Amendment) (Republic) Act, 2024.

Short title
and
commence-
ment.

(2) This Act shall come into operation on a date (hereinafter referred to as the appointed day) appointed by the Minister by notice published in the *Gazette*.

Repeal of the Jamaica (Constitution) Order in Council 1962, and saving of the Constitution of Jamaica.

2.—(1) Subject to the provisions of this section, the Jamaica (Constitution) Order in Council 1962 (hereinafter referred to as the Order in Council), is repealed.

(2) The Constitution of Jamaica (hereinafter referred to as the Constitution) in force immediately before the commencement of this Act shall continue in force and shall be read and construed as one with the amendments made thereto by this Act.

(3) The Statute Law Commissioners are hereby empowered to publish the Constitution of Jamaica as an Act comprised in Volume I of the Revised Laws of Jamaica.

(4) Nothing in this section shall affect the status as citizen of Jamaica of a person who immediately before the appointed day is a citizen of Jamaica, and nothing in this Act shall affect the right of any person who immediately before the appointed day was entitled to apply for Jamaican citizenship by virtue of any provision of the Order in Council in force before the appointed day.

Insertion of preamble in the Constitution.

3. The Constitution is amended by inserting immediately before Chapter 1 the following preamble—

“WE, THE PEOPLE OF JAMAICA, affirm our place as a free and self-respecting people in the global community.

WE PROUDLY ACKNOWLEDGE that our history of struggle, sacrifice, endurance, and triumph led us to become an independent democratic nation.

WE RESOUNDINGLY ACCLAIM this heritage and hold it in trust to pass on to future generations.

WE JOYFULLY CELEBRATE our resilient spirit in the face of adversity, our outstanding achievements in different fields, and our contribution to the advancement of humanity.

WE HUMBLY PROCLAIM OUR GRATITUDE to the Almighty for the beauty of our island, the abundance of our natural resources, our talents, and the strong institutions we have built.

WE WHOLEHEARTEDLY COMMIT TO the protection and preservation of our culture and environment; to the principles of justice, equity, and truth; to the upholding of the rights of all, and to the enhancement of our moral, material, and spiritual well-being.

TO WHICH END WE SOLEMNLY DECLARE THIS CONSTITUTION to be the sovereign will of the people of Jamaica.”.

4. Section 1 of the Constitution is repealed and the following substituted therefor—

“Short title. 1. This Constitution may be cited as the Constitution of Jamaica.”.

Repeal and replacement of section 1 of the Constitution.

5. Section 2 of the Constitution is repealed and the following substituted therefor—

“Effect of this Constitution. 2.—(1) Subject to the provisions of this section and section 49, 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.

Repeal and replacement of section 2 of the Constitution.

(2) Notwithstanding anything in this section, all laws in force in Jamaica immediately before the appointed day shall (subject to amendment or repeal by the authority having power to amend or repeal any such law) continue in force on or after that day, and all laws which have been made before that date but have not previously been brought into operation may (subject as aforesaid) be brought into force, in accordance with any provision in that behalf, on or after that date, but all such laws shall, subject to the provisions of this section, be construed in relation to any period beginning on or after the commencement date, with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of this Constitution.”.

6. The Constitution is amended by inserting next after section 2 the following section—

“Interpretation. 2A.—(1) With effect from the commencement date of the Constitution (Amendment) (Republic) Act,

Insertion of new section 2A in the Constitution.

2024, and subject to the provisions of this section, the provisions of the Interpretation Act shall apply for the purpose of interpreting this Constitution.

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

“Act of Parliament” means a Bill passed by Parliament in accordance with this Constitution;

“the appointed day” means the sixth day of August, 1962;

“Broad Seal” means the Broad Seal of Jamaica;

“the Clerk” and “the Deputy Clerk” mean respectively the Clerk and Deputy Clerk of either House, as the context may require;

“House” means either the Senate or the House of Representatives as the context may require;

“oath of allegiance” means the oath of allegiance set out in the First Schedule of this Constitution;

“President’s Council” means the President’s Council established by this Constitution;

“Senate President” and “Deputy Senate President” mean respectively the Senate President and Deputy Senate President elected under this Constitution;

“session” means, in relation to a House, the sittings of that House commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“sitting” means, in relation to a House, a period during which that House is sitting continuously without adjournment and includes any period during which the House is in committee;

“the Speaker” and “the Deputy Speaker” mean respectively the Speaker and Deputy Speaker elected under this Constitution.

(3) Except where this Constitution otherwise provides or the context otherwise requires, any reference in this Constitution to an appointment to any office shall be construed as including a reference to an appointment on promotion or transfer to that office and to the appointment of a person to perform the functions of that office during any period in which that office is vacant or during which the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions.

(4) Where this Constitution confers power on any person or authority to appoint a person to perform the functions of any office if the holder thereof is unable himself to perform its functions, any such appointment shall not be called in question on the ground that the holder of that office was not unable to perform those functions.

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

(6) References in this Constitution to the power to remove a public officer from 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, but—

- (a) nothing in this subsection shall be construed as conferring on any person or authority power to require a Judge of the Supreme Court or Court of Appeal or the Director of Public Prosecutions or the Auditor-General 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.

(7) Where any power is conferred by this Constitution to make any Proclamation or order or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such Proclamation, order or directions.

(8) 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 exercising any functions under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(9) Any reference in this Constitution to a law enacted before the commencement of this Constitution shall, unless the context otherwise requires, be construed as a reference to that law as in force immediately before the appointed day.”

7. Section 8 of the Constitution is repealed and the following substituted therefor—

Repeal and replacement of section 8 of the Constitution.

“ Deprivation of citizenship.

8.—(1) No person who is a citizen of Jamaica by virtue of section 3(1)(a), (b) or (c) shall be deprived of Jamaican citizenship.

(2) A person who is a citizen of Jamaica other than by virtue of the provisions specified in subsection (1) may be deprived of Jamaican citizenship in accordance with a law made under section 10(a).

(3) A person who is aggrieved by the deprivation of that person’s Jamaican citizenship may apply to the Supreme Court for redress.

(4) The Supreme Court shall have original jurisdiction to hear and determine any application made under subsection (3), and any person aggrieved by any determination of the Supreme Court under this subsection may appeal therefrom to the Court of Appeal.”.

8. Sections 9 and 10 of the Constitution are repealed and the following substituted therefor—

Repeal and replacement of sections 9 and 10 of the Constitution.

“ Renunciation of citizenship.

9. A person who is a citizen of Jamaica may renounce that citizenship in accordance with the provisions of a law specifying the procedure by which Jamaican citizenship may be renounced.”.

“ Powers of Parliament relating to citizenship.

10. Parliament may make provision—

- (a) prescribing the grounds on which and the procedure by which a person who is a citizen of Jamaica other than by virtue of section 3(1)(a), (b) or (c), may be deprived of Jamaican citizenship;
- (b) for the renunciation by any person of that person’s Jamaican citizenship;
- (c) subject to the provisions of this Chapter, prescribing the grounds on which and the procedure by which a person may become a citizen of Jamaica by descent.”.

Repeal and replacement of section 11 of the Constitution, and transitional provision.

9.—(1) Section 11 of the Constitution is repealed and the following substituted therefor—

“ Powers of Parliament relating to recognition of participation in certain State groups.

11. Parliament may make provision in respect of the countries that are members of—

- (a) the Commonwealth, and Jamaica’s participation in the Commonwealth;
- (b) the Caribbean Community and Jamaica’s participation in the Caribbean Community.”.

(2) Unless other provision is made pursuant to section 11 of the Constitution (as amended by this section), the countries mentioned in section 3 of the Jamaican Nationality Act shall be treated as members of the Commonwealth.

Amendment of section 12 of the Constitution.

10. Section 12(1) of the Constitution is amended by—

- (a) deleting the definition of “alien” and substituting therefor the following—

“ “alien” means a person who is not a citizen of Jamaica;” and

- (b) deleting the definition of “foreign country” and substituting therefor the following—

“ “foreign country” means a country other than Jamaica;”.

Amendments to Chapter IV of the Constitution.

11. Chapter IV of the Constitution is amended by—

- (a) deleting the sub-heading “THE GOVERNOR-GENERAL” and substituting therefor the sub-heading “THE PRESIDENT”;
- (b) repealing section 27 and inserting next after the sub-heading the following sections—

“ Office of President. **24.—(1)** There shall be a President of Jamaica, who shall—

- (a) be the formal Head of State of Jamaica; and

- (b) perform the functions assigned to the President by this Constitution or any other law.

(2) A person shall not be qualified to be appointed as President unless the person—

- (a) is a citizen of Jamaica, whether by birth or descent;
- (b) has been ordinarily resident in Jamaica for a period of at least ten of the fifteen years immediately preceding the date of the person's nomination for appointment under this section; and
- (c) is not disqualified for membership of the House of Representatives or the Senate, as described in section 40(1) and (2).

(3) For the purposes of paragraph (2)(a), “by descent” means by virtue of having a parent or grandparent who is a citizen of Jamaica by birth.

Procedure for
appointment
of President.

25.—(1) A vacancy in the office of President shall be filled by an appointment made in accordance with this section.

(2) The Prime Minister shall consult with the Leader of the Opposition on the nomination of a person qualified under section 24(2) for appointment as President.

(3) On a consultation under subsection (2), all reasonable steps shall be taken by the Prime Minister and the Leader of the Opposition to agree on the nomination.

(4) For the purposes of subsection (3)—

- (a) the Prime Minister shall recommend a nominee to the Leader of the Opposition for consideration;

- (b) if the Leader of the Opposition agrees with a recommendation under paragraph (a) or (c)(i) or (ii) for a nominee—
 - (i) the Leader of the Opposition shall so inform the Prime Minister;
 - (ii) the Prime Minister shall in writing inform the Speaker and the Senate President as to the nominee; and
 - (iii) the Speaker and the Senate President shall refer the nomination to Parliament for a confirmation vote;
- (c) if the Leader of the Opposition does not agree with the recommendation, the Leader of the Opposition shall so inform the Prime Minister and the Prime Minister may—
 - (i) refer the recommendation back to the Leader of the Opposition for reconsideration; or
 - (ii) recommend a different nominee to the Leader of the Opposition for consideration;
- (d) in any case where a recommendation is referred back to the Leader of the Opposition for reconsideration, the Leader of the Opposition may propose a different nominee, and if the Prime Minister—
 - (i) agrees with the proposal for a different nominee, the Prime

Minister shall in writing inform the Speaker and the Senate President as to the nominee, and the Speaker and the Senate President shall refer the nomination to Parliament for a confirmation vote; or

(ii) does not agree with the proposal and not less than three months has elapsed since the Prime Minister first made a recommendation to the Leader of the Opposition in respect of a nominee to fill the vacancy—

(A) the Prime Minister shall determine the nominee and, after informing the Leader of the Opposition as to the nominee, in writing inform the Speaker and the Senate President as to the nominee; and

(B) the Speaker and the Senate President shall refer the nomination to Parliament for a confirmation vote.

(5) The nomination referred to Parliament under subsection (4) shall be put to a confirmation

vote conducted by secret ballot at a joint sitting of the Houses of Parliament.

(6) On a confirmation vote under subsection (5), the nominee shall be appointed as President if the nomination secures the vote of each House, by a majority of all its members voting pursuant to subsection (5).

Tenure of
office of
President.

26.—(1) Subject to the provisions of this section, a person appointed as President shall hold office as President for a term of seven years and is eligible to be re-appointed in the manner specified in subsection (2) for such further term, not exceeding five years, as shall be specified in the instrument of re-appointment.

(2) The question of re-appointment of a person who holds the office of President shall be determined within the period of one year immediately preceding the expiration of the person's first term as President, by the procedure of a nomination and confirmation vote conducted in the same manner as a nomination and confirmation vote under section 25.

(3) The holder of the office of President may at any time resign the office by tendering the resignation in writing to the Prime Minister, who—

- (a) shall in writing notify the Speaker and the Senate President of the resignation; and
- (b) may act under section 25 or subsection (14), to fill the vacancy caused by the resignation (whether or not the sitting referred to under subsection (4) has occurred).

(4) Upon being notified of the resignation pursuant to subsection (3), the Speaker and the Senate President shall cause a joint sitting of the Houses to be convened for the purpose of accepting the resignation.

(5) At any time during the President's term in office, the President may be removed from office on any ground specified in subsection (6), in accordance with the procedure set out in subsection (7).

(6) The grounds on which the President may be removed from office are that the President—

- (a) is unable to perform the functions of the office, whether arising from infirmity of mind or body or from any other cause;
- (b) has behaved, or is behaving, in a manner that endangers the security of Jamaica;
- (c) has behaved, or is behaving, in a manner that brings the office of President into disrepute; or
- (d) is, by that President's own act, under a duty of allegiance, obedience or adherence to a foreign power or State.

(7) The question of whether the President should be removed from office on any ground specified in subsection (6) may be put to Parliament only upon the motion of the member of the House of Representatives who is responsible for leading the business of the Government under the Standing Orders of that House, tabled at a joint sitting of both Houses and setting out—

- (a) the ground relied on;
- (b) the proposed members of the investigatory panel to be established pursuant to subsection (8) and naming the member who will be the chairperson of the panel; and
- (c) the time within which the investigatory panel shall submit the report required under subsection (8), which shall not in any event exceed six months from the date on which

the investigatory panel is constituted under subsection (8).

(8) If a motion tabled under subsection (7) is carried, by a two-thirds majority of all the members of each House of Parliament, voting by secret ballot at a joint sitting of the Houses, an investigatory panel shall be established to investigate the question of whether the President should be removed from office, and the chairperson of that panel shall at the conclusion of its investigation submit a report of the panel's findings and recommendations thereon to Parliament, including a statement as to whether or not the ground relied on, or any other ground, has been made out to the panel's satisfaction.

(9) Before submitting the report to Parliament under subsection (8), the chairperson of the investigatory panel shall—

- (a) give a copy of the report to the President and afford the President the opportunity to respond thereto, within such time as shall be specified by the investigatory panel in writing accompanying the copy of the report; and
- (b) make such adjustments to the report as the investigatory panel considers warranted as a result of the response (if any) provided by the President.

(10) For the purposes of subsection (8)—

- (a) the investigatory panel shall consist of three members, being persons who hold, have held, or are qualified to hold, office as a judge of a court having unlimited jurisdiction in civil and criminal matters (whether in Jamaica or elsewhere) or a court having jurisdiction in appeals from any such court;

- (b) the investigatory panel may direct its own procedure, call for evidence and summon and hear witnesses; and
- (c) the chairperson of the investigatory panel shall submit the panel's report to Parliament by giving a copy of the report to the Speaker and to the Senate President.

(11) The time set out under subsection (7)(c) within which the chairperson of the investigatory panel shall submit the panel's report to Parliament may be extended by Parliament, to such further period not exceeding six months—

- (a) on the written application of the chairperson of the panel, accompanied by an interim report on its investigation; and
- (b) by resolution, initiated by the member of the House of Representatives who is responsible for leading the business of the Government under the Standing Orders of that House, and approved by a majority of all the members of each House of Parliament voting by secret ballot at a joint sitting of the Houses.

(12) The proceedings of the investigatory panel shall not be invalidated by any defect in its composition due to the incapacity of any of its members by reason of infirmity, death or any other cause.

(13) The Speaker and the Senate President shall cause the report of the investigatory panel to be tabled at a joint sitting of both Houses and, in any case where the report states that the ground relied

on, or any other ground, has been made out to the satisfaction of the panel—

- (a) Parliament shall vote, by secret ballot at a joint sitting of the Houses, on the question of whether or not to remove the President from office; and
- (b) if each House, by a two-thirds majority of all its members, votes that the President should be removed from office, the office of President is vacated.

(14) Where the office of President is vacated pursuant to subsection (13), an interim President appointed by the Prime Minister, after consultation with the Leader of the Opposition, shall carry out the functions of the office until a President is appointed in accordance with section 25.

(15) The fact that an investigation or any proceeding in Parliament is being carried on pursuant to this section shall not preclude the exercise by the President of any of the functions of the office of President.

Immunity. 27.—(1) A person holding the office of President, or exercising the functions of that office under any provision of this Constitution, shall not be liable in any criminal or civil proceedings for—

- (a) any act done in respect of those functions; or
- (b) while in office, or exercising the functions of the office, any act not involving treason, violence or fraud.

(2) No form of summons, warrant or other legal process shall be issued or executed against a person who holds the office of President, during that

person's tenure in office, and the period in which any such process cannot be issued or executed because of this subsection shall not be taken into account for the purpose of any limitation period applicable to the legal proceedings to which the process relates.”.

- (c) by repealing section 28 and substituting therefor the following—

“Oath to be taken by President. 28. A person appointed to the office of President shall, before entering upon the duties of that office, take and subscribe an oath administered by the Chief Justice, in the form of the oath of allegiance set out in the First Schedule.”;

- (d) in section 29 by—

- (i) deleting subsection (1) and substituting therefor the following—

“ (i) Whenever the Prime Minister is satisfied that the President is temporarily incapable of performing the functions of that office by reason of absence from Jamaica, illness or any other cause, the Prime Minister, after consultation with the Leader of the Opposition, shall appoint a Custos or a member of the President's Council to carry out the functions of the President during the period of the incapacity.”; and

- (ii) deleting the word “Governor-General” wherever it appears (including in the marginal note) and substituting therefor in each case the word “President”; and

- (e) by repealing section 30.

References to
the President
of the
Senate.

12.—(1) Sections 41, 42, 47, 48, 52, 59 and 62 of the Constitution are amended by deleting the word “President” wherever it appears (including in the marginal notes) and substituting therefor in each case the words “Senate President”.

(2) Section 42 of the Constitution is amended by repealing subsection (2) and substituting therefor the following—

“ (2) Upon the election of the Senate President and before the Senate President enters upon the duties of the office, the Senate President shall (unless the Senate President has already done so in accordance with the provisions of section 62) make and subscribe before the Senate the oath of allegiance set out in the First Schedule.”.

(3) Section 137 of the Constitution is amended—

(a) in subsection (1)(a) by deleting the words “President or Deputy President of the Senate” and substituting therefor the words “Senate President or Deputy Senate President”;

(b) in subsection (3) by deleting the words—

(i) “office of President” and substituting therefor the words “office of Senate President”;
and

(ii) “Deputy President” and substituting therefor the words “Deputy Senate President”.

(4) References in any other law to the President of the Senate shall be construed as references to the Senate President elected under section 42 of the Constitution.

13.—(1) A reference to the Governor-General in any other law shall be construed, unless the context otherwise requires, as a reference to the President. References to Governor-General.

(2) The following provisions of the Constitution are amended by deleting the word “Governor-General” wherever it appears (including in the marginal notes) and substituting therefor in each case the word “President”—

- (a) section 20;
- (b) section 31;
- (c) section 32;
- (d) section 33;
- (e) section 40(2)(c)(i);
- (f) section 45;
- (g) section 47;
- (h) sections 56 and 57;
- (i) section 63(1);
- (j) section 64;
- (k) section 65;
- (l) section 66(1);
- (m) section 67;
- (n) section 70(1);
- (o) section 71;
- (p) section 72;
- (q) section 73;

- (r) section 74;
- (s) section 76;
- (t) section 77;
- (u) section 78(1);
- (v) section 79(2);
- (w) section 80;
- (x) section 81;
- (y) section 82(1);
- (z) section 83(1);
- (aa) section 84;
- (bb) section 85(1);
- (cc) section 86;
- (dd) section 87;
- (ee) section 88;
- (ff) section 90;
- (gg) section 91;
- (hh) section 92(1);
- (ii) section 96;
- (jj) section 98(1);
- (kk) section 99;
- (ll) section 100;
- (mm) section 104;
- (nn) section 105;
- (oo) section 106;
- (pp) section 111;
- (qq) section 112;
- (rr) section 113;

- (ss) section 120;
- (tt) section 121;
- (uu) section 124;
- (vv) section 125;
- (ww) section 126;
- (xx) section 127;
- (yy) section 128(1);
- (zz) section 129;
- (aaa) section 131;
- (bbb) section 134;
- (ccc) section 135(1);
- (ddd) the First Schedule;
- (eee) the Third Schedule.

14.—(1) Unless the context otherwise requires, references in any other law to the Crown, the Queen, the King, Her Majesty, His Majesty or any other cognate expressions of those terms, shall be construed as references to Jamaica. References to the Crown or monarch.

(2) The Constitution is amended—

- (a) in section 3B(3) by deleting the words “Her Majesty in right of her government in”;
- (b) in section 58(1) by deleting the words “the Crown or to”;
- (c) in section 90(1) by—
 - (i) deleting the words “, in Her Majesty’s name and on Her Majesty’s behalf”; and
 - (ii) deleting from paragraph (d) the word “Crown” and substituting therefor the word “State”;

- (d) in section 91(1)(b)(i) and (ii) by deleting the words “(other than Her Majesty in Council)” and substituting therefor in each case the words “(other than the Judicial Committee of the Privy Council)”;
- (e) in section 94(7) by deleting the words “Her Majesty’s Privy Council” and substituting therefor the words “the Judicial Committee of the Privy Council”;
- (f) in section 100 by deleting subsection (5) and substituting therefor the following—
 - “ (5) A Judge of the Supreme Court shall be removed from office by the President by instrument under the Broad Seal if the question of the removal of that Judge from office has, at the request of the President made in pursuance of subsection (6), been referred to the Judicial Committee of the Privy Council, under any law enabling in that behalf, and the Judicial Committee of the Privy Council has advised the President that the Judge ought to be removed from office for any reason specified in subsection (4).”;
- (g) in section 100(6)(b) by deleting the words “by Her Majesty to the Judicial Committee” and substituting therefor the words “to the Judicial Committee of the Privy Council”;
- (h) in section 100(9) by deleting paragraphs (a) and (b) and substituting therefor the following—
 - “(a) if the tribunal recommends to the President that the President should not request that the question of the removal of the Judge from office be referred to the Judicial Committee of the Privy Council; or
 - (b) the Judicial Committee of the Privy Council advises the President that the Judge ought not to be removed from office.”;

- (i) in section 106 by repealing subsection (5) and substituting therefor the following—

“ (5) A Judge of the Court of Appeal shall be removed from office by the President by instrument under the Broad Seal if the question of the removal of that Judge from office has, at the request of the President made in pursuance of subsection (6) been referred to the Judicial Committee of the Privy Council, under any law enabling in that behalf, and the Judicial Committee of the Privy Council has advised that the Judge ought to be removed from office for any reason specified in subsection (4).”;

- (j) in section 106(6) by deleting paragraph (b) and substituting therefor the following—

“(b) that tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to the President whether the President should request that the question of the removal of that Judge should be referred to the Judicial Committee of the Privy Council; and”;

- (k) in section 106(9) by deleting paragraphs (a) and (b) and substituting therefor the following—

“(a) the tribunal recommends to the President that the President should not request that the question of the removal of the Judge from office be referred to the Judicial Committee of the Privy Council; or

(b) the Judicial Committee of the Privy Council advises the President that the Judge ought not to be removed from office.”;

- (l) in the sub-heading to Part 3 of Chapter VII by deleting the words “Appeals to Her Majesty in Council” and substituting

therefor the words “Appeals to the Judicial Committee of the Privy Council”;

(m) in section 110—

- (i) by deleting the words “Her Majesty in Council” wherever they appear (including in the marginal note) and substituting therefor in each case the words “the Judicial Committee of the Privy Council”; and
- (ii) by repealing subsection (3) and substituting therefor the following—

“(3) Nothing in this section shall affect any right of the Judicial Committee of the Privy Council to grant special leave to appeal from the decisions of the Court of Appeal in any civil or criminal matter.”.

Amendment of heading in Chapter V of the Constitution.

15. The Constitution is amended in Chapter V by deleting the heading “PARLIAMENT” and substituting therefor the heading “THE LEGISLATURE”.

Repeal and replacement of section 34 of the Constitution.

16. Section 34 of the Constitution is repealed and the following substituted therefor—

“ Establish-
ment of
Parliament.

34. There shall be a Parliament of Jamaica which shall consist of the President, a Senate and a House of Representatives, and which shall have the power to make laws pursuant to section 48, including the power to make laws having extra-territorial operation.”.

Repeal and replacement of section 35 of the Constitution.

17. Section 35 of the Constitution is repealed and the following substituted therefor—

“Senate.

35.—(1) The Senate shall consist of twenty-seven persons who, being qualified for appointment as

Senators in accordance with this Constitution have been so appointed in accordance with the provisions of this section.

(2) Fifteen Senators shall be appointed by the President, acting in accordance with the advice of the Prime Minister, by instrument under the Broad Seal.

(3) Nine Senators shall be appointed by the President, acting in accordance with the advice of the Leader of the Opposition, by instrument under the Broad Seal.

(4) Three Senators shall be appointed by the President, in the President's discretion, from among persons in the private sector, civil society, faith-based or community-based organisations, or other sectors of the society, and in making any appointment under this subsection, the President may have regard to the representation, by any such person, of the interests of Jamaican citizens who reside abroad.”.

18. Section 37 of the Constitution is amended by repealing subsection (1) and substituting therefor the following—

Amendment
of
section 37
of the
Constitution.

“(1) Subject to the provisions of subsection (2), a person shall be qualified to be registered as an elector for elections to the House of Representatives if, and shall not be so qualified unless, that person is a citizen of Jamaica resident in Jamaica at the date of registration, and has attained the prescribed age.”.

19. Section 39(a) of the Constitution is amended by deleting the words “Commonwealth citizen” and substituting therefor the words “Jamaican citizen”.

Amendment
of section 39
of the
Constitution.

Amendment
of
section 40
of the
Constitution.

20. Section 40 of the Constitution is amended—

- (a) in subsection (2) by deleting paragraphs (d) and (e) and substituting therefor the following—

“(d) subject to subsection (3)—

- (i) is under sentence of death imposed by a court of competent jurisdiction (whether in Jamaica or elsewhere);
- (ii) is serving a sentence of imprisonment (by whatever name called) of or exceeding six months, imposed by a court of competent jurisdiction (whether in Jamaica or elsewhere), or substituted by a competent authority for some other sentence imposed on that person by such a court, or is under such a sentence of imprisonment the execution of which is suspended; or
- (iii) has been convicted by a court of competent jurisdiction (whether in Jamaica or elsewhere) of an offence involving—
 - (A) treason; or
 - (B) fraud or violence, and the penalty imposed on that person is a sentence of imprisonment for a term of or exceeding eighteen months;
- (e) has been adjudged or otherwise declared bankrupt under any law in force (whether in Jamaica or elsewhere) and has not been discharged”; and

(b) by repealing subsection (3) and substituting therefor the following—

“ (3) For the purposes of paragraph (d) of subsection (2)—

(a) where a person is serving two or more sentences of imprisonment that are required to be served consecutively, that person shall—

(i) in the case of sub-paragraph (ii) of that paragraph, throughout the whole time that the person so serves, be regarded as serving a sentence of or exceeding six months if (but not unless) any one of those sentences amounts to or exceeds that term;

(ii) in the case of sub-paragraph (iii) of that paragraph, throughout the whole time that the person so serves, be regarded as serving a sentence of or exceeding eighteen months if (but not unless) any one of those sentences amounts to or exceeds that term; 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.”.

21. Section 41 of the Constitution is amended in subsection (1)(d) by deleting the word “Commonwealth” and substituting therefor the word “Jamaican”.

Amendment
of section 41
of the
Constitution.

Repeal and
replacement
of section 49
of the
Constitution.

22. Section 49 of the Constitution is repealed and the following substituted therefor—

“ Alteration
of this
Con-
stitution.

49.—(1) Subject to the provisions of this section, Parliament may—

- (a) by a Bill for an Act of Parliament, introduced in the House of Representatives; and
- (b) passed by both Houses,

alter any of the provisions of this Constitution or (in so far as it forms part of the law of Jamaica) any of the provisions of the Jamaica Independence Act, 1962.

(1A) A Bill for an Act of Parliament that alters any provision of this Constitution, other than a provision specified in subsection (2) or (3), shall not be submitted to the President for assent unless a period of fourteen days has elapsed between the introduction of the Bill in the House of Representatives and the commencement of the first debate on the whole text of that Bill in the House and a further period of fourteen days has elapsed between the conclusion of that debate and the passage of the Bill by that House.

(2) In so far as it alters—

- (a) section 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 48 (3), 66, 67, 67A, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 94, section 96 (2), (3), (4), (5), (6) or (7), sections 97, 98, 99, section 100 (3), (4), (5), (6), (7), (8) or (9), sections 101, 103, 104, 105, section 106 (3), (4), (5), (6), (7), (8) or (9), section 111 (1), (2), (4), (5), (6), (7), (8), (9) or (10), sections 112, 113, 114,

116, 117, 118, 119, 120, section 121 (2), (3), (4), (5), (6) or (7), sections 122, 124, 125, 126 (1), sections 127, 129, 130, 131, 135 or 136 or the Second or Third Schedule; or

- (b) the Interpretation Act, or section 2A of this Constitution in its application to any of the provisions specified in paragraph (a), a Bill for an Act of Parliament under this section shall not be presented to the President for assent unless a period of two months has elapsed between the introduction of the Bill into the House of Representatives and the commencement of the first debate on the whole text of the Bill in that House and a further period of two months has elapsed between the conclusion of the debate and the passing of that Bill by that House.

(3) In so far as it alters—

- (a) this section;
- (b) sections 2, 24, 34, 35, 36, 39, 63 (2), section 64(2), (3) or (5), section 65 or section 68(1);
- (c) the Interpretation Act, or section 2A of this Constitution, in its application to any of the provisions covered by paragraph (a) or (b); or
- (d) any of the provisions of the Jamaica Independence Act, 1962,

a Bill for an Act of Parliament shall not be submitted to the President for assent unless—

- (i) a period of two months has elapsed between the introduction of the Bill into the

House of Representatives and the commencement of the first debate on the whole text of that Bill in the House and a further period of two months has elapsed between the conclusion of that debate and the passing of that Bill by that House; and

- (ii) subject to the provisions of subsection (6), the Bill has, not less than two months nor more than six months after its passage through both Houses, been submitted to the electors qualified to vote for the election of members of the House of Representatives and, on a vote taken in such manner as Parliament may prescribe, the majority of the electors voting have approved the Bill.

(4) A Bill for an Act of Parliament under this section shall not be deemed to be passed in—

- (a) the House of Representatives unless at the final vote thereon—
 - (i) in the case of a Bill to which subsection (1A) applies, the Bill is supported by the votes of a majority of all the members of that House; or
 - (ii) in the case of a Bill which alters any of the provisions specified in subsection (2) or (3), the Bill is supported by the votes of not less than two-thirds of all the members of that House; and
- (b) the Senate, unless at the final vote thereon—
 - (i) in the case of a Bill to which subsection (1A) applies, the Bill is

supported by the votes of a majority of all the members of that House;
or

- (ii) in the case of a Bill which alters any of the provisions specified in subsection (2) or (3), the Bill is supported by the votes of not less than two-thirds of all the members constituting, the members appointed on the advice of the Prime Minister and the members appointed on the advice of the Leader of the Opposition.

(5) If a Bill for an Act of Parliament which alters any of the provisions specified in subsection (2) is passed by the House of Representatives—

- (a) twice in the same session in the manner prescribed by subsections (2) and (4)(a) and having been sent to the Senate on the first occasion at least four months before the end of the session and on the second occasion at least one month before the end of the session, is rejected by the Senate on each occasion; or
- (b) in two successive sessions (whether of the same Parliament or not) in the manner prescribed by subsections (2) and (4)(a) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, the second occasion being at least four months after the first occasion, is rejected by the Senate in each of those sessions,

that Bill may, not less than two months nor more than six months after its rejection by the Senate for the second time, be submitted to the electors qualified to vote for the election of members of the House of Representatives and, if on a vote taken in such manner as Parliament may prescribe, three-fifths of the electors voting approve the Bill, the Bill may be presented to the President for assent.

(6) If a Bill for an Act of Parliament which alters any of the provisions specified in subsection (3) is passed by the House of Representatives—

- (a) twice in the same session in the manner prescribed by subsections (3) and (4)(a) and having been sent to the Senate on the first occasion at least four months before the end of the session and on the second occasion at least one month before the end of the session, is rejected by the Senate on each occasion; or
- (b) in two successive sessions (whether of the same Parliament or not) in the manner prescribed by subsections (3) and (4)(a) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, the second occasion being at least four months after the first occasion, is rejected by the Senate in each of those sessions,

that Bill may, not less than two months nor more than six months after its rejection by the Senate for the second time, be submitted to the electors qualified to vote for the election of members of the House of Representatives and, if on a vote taken in such manner as Parliament may prescribe, two-thirds of the electors

voting approve the Bill, the Bill may be presented to the President for assent.

(7) For the purposes of subsections (5) and (6) a Bill shall be deemed to be rejected by the Senate if—

- (a) it is not passed by the Senate in the manner prescribed by subsection (4)(b) within one month after it is sent to that House; or
- (b) it is passed by the Senate, in the manner prescribed by subsection (4)(b), with any amendment which is not agreed to by the House of Representatives.

(8) For the purpose of subsections (5) and (6) a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as the former Bill sent to the Senate in the same or 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 specified 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.

(9) In this section—

- (a) reference to any of the provisions of this Constitution or to the Jamaica Independence Act, 1962, includes references to any law that alters that provision; and

- (b) “alter” includes amend, modify, re-enact with or without amendment or modification, make different provision in *lieu* of, suspend, repeal or add to.

(10) Notwithstanding anything in this section, a Bill for an Act of Parliament that amends—

- (a) subsection (1A), shall be deemed to have been passed in accordance with this section if the Bill is passed in the manner prescribed in subsections (1A) and (4); or
- (b) subsection (2), shall be deemed to have been passed in accordance with this section if the Bill is passed in the manner prescribed in subsections (2) and (4),

and the Bill contains only such alterations as relate to adding to, or correcting, any references made in subsection (1A) or (2) (as the case may be) to sections of this Constitution consequent on any alteration made to those sections.”.

Amendment of section 55 of the Constitution. **23.** Section 55 of the Constitution is amended in subsection (3) by deleting the words “Governor-General signified by a Minister” and substituting therefor the words “Minister with responsibility for finance”.

Amendment of section 58 of the Constitution. **24.** Section 58(5) of the Constitution is amended by deleting the words “, if practicable,”.

Amendment of section 59 of the Constitution. **25.** Section 59 of the Constitution is amended in subsection (2) by deleting the word “Governor-General” and substituting therefor the words “President, the former Governor-General”.

26. Section 60 of the Constitution is repealed and the following substituted therefor—

Repeal and replacement of section 60 of the Constitution.

“ Enactment of Bills.

60.—(1) A Bill shall not become law until the President has assented thereto and signed it in token of such assent, and the President shall, on being presented with a Bill for assent in accordance with this Constitution, so signify assent.

(2) Subject to the provisions of sections 37, 49, 56 and 57, a Bill shall be presented to the President for assent if, and shall not be so presented unless, the Bill has been approved by both Houses of Parliament either with or without amendment or with such amendments as are agreed to by both Houses.

(3) If the President does not signify assent within thirty days after a Bill is presented for assent under subsection (1), the Speaker shall signify assent.”.

27. Section 64 of the Constitution is amended—

Amendment of section 64 of the Constitution.

- (a) in subsection (2) by inserting next after the words “subsection (3)” the words “and subsection (3A)”; and
- (b) by inserting next after subsection (3) the following subsection—

“ (3A) At any time when there is in force a Proclamation by the President pursuant to section 20 declaring that a period of public disaster exists, the House of Representatives may by resolution passed by the votes of a two-thirds majority of that House—

- (a) extend the period of five years specified in subsection (2) for a period not exceeding six months; and
- (b) from time to time, further extend the period for not more than six months in respect of each extension, but shall not in any event extend the period of five years specified in subsection (2) for more than two years.”.

Amendment
of Chapter V
of the
Constitution
and
transitional
arrangements.

28.—(1) Chapter V of the Constitution is amended by inserting next after Part 4 the following Part—

Part 5

The Electoral Commission

“Establishment
of Electoral
commission
of Jamaica.

67A.—(1) There is hereby established a Commission of Parliament which shall be known as the Electoral Commission of Jamaica (in this Part referred to as the Commission).

(2) The objects of the Commission shall be to safeguard the democratic foundations of Jamaica by enabling eligible electors to elect, through free and fair elections, their representatives to govern Jamaica.

(3) The functions of the Commission shall be to—

- (a) establish policies for governing the registration of electors in accordance with the provisions of the enactments relevant thereto;
- (b) give directions to the person responsible for the day-to-day operations of the Commission on the performance of that person’s functions under any law relating to the conduct of elections;
- (c) conduct—
 - (i) general elections or by-elections, as the case may require, of members to serve
 - (A) in the House of Representatives;
 - (B) on the Council of a Municipal Corporation; or

- (C) as mayor of a municipality;
- (ii) referenda, which term shall be construed as including the procedure set out in section 49 for the submission of certain Bills to the vote of the electorate;
- (d) carry out any other activities necessary for the discharge of the functions set out in paragraphs (a) to (c); and
- (e) carry out such other functions as are assigned to it under this Constitution or prescribed by or under any other law.

(4) Subject to this section, an Act of Parliament may make provision in relation to the constitution, staffing and resources of the Commission and further with respect thereto, and the provisions of any such Act, concerning the quorum at meetings of the Commission, shall have effect notwithstanding any provision of this Constitution concerning the quorum at meetings of Commissions established by this Constitution.”.

(2) The Electoral Commission of Jamaica and the members of the Electoral Commission of Jamaica, as constituted immediately before the commencement of this section shall continue as provided for by the Electoral Commission (Interim) Act (as amended by this Act).

29. Section 68 of the Constitution is repealed and the following substituted therefor—

Executive
authority of
Jamaica.

68.—(1) The executive authority of Jamaica is vested in the President.

Repeal and
replacement
of section 68
of the
Constitution.

(2) Subject to the provisions of this Constitution, the executive authority of Jamaica may be exercised by the President either directly or through officers subordinate to the President.

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

Change of name of Privy Council established by section 82 of the Constitution and consequential amendments.

30.—(1) The Privy Council established by section 82 of the Constitution shall from the appointed day continue and be known as the President’s Council and, for the avoidance of doubt, its assets and liabilities shall be vested in the President’s Council so continued.

(2) Sections 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 112, 125, 127 and 131 of the Constitution are amended by deleting the word “Privy” wherever it appears (including in the marginal notes) and substituting therefor in each case the word “President’s”.

(3) References to the Privy Council established under section 82 of the Constitution, in any law in force immediately before the appointed day, shall from the appointed day be construed as references to the President’s Council.

Insertion of new Chapter IX^A in the Constitution.

31. The Constitution is amended by inserting next after Chapter IX the following Chapter—

CHAPTER IX^A

The National Items

Rights in and management, etc. of national items.

134A.—(1) Subject to the provisions of this section, all rights of intellectual property in the items (hereinafter referred to as the National Items) listed in the Fourth schedule shall vest in Jamaica.

(2) Parliament may, by an Act of Parliament, make provision for the management and regulation of the National Items.”.

32. Section 135 of the Constitution is amended by inserting the following as subsection (4)—

Amendment
of section
135 of the
Constitution.

“ (4) Notwithstanding anything in subsection (1), Parliament may, by the Standing Orders of each House, regulate its relationship with any Commission of Parliament.”.

33. The First Schedule of the Constitution is amended by—

Amendment
First Schedule
of the
Constitution.

- (a) deleting the word “swear” wherever it appears and substituting therefor in each case the words “swear/solemnly and sincerely affirm”; and
- (b) deleting the words “So help me God” wherever they appear and substituting therefor the words “[So help me God.] *omit in the use of affirmation”.

34. The Constitution is amended by inserting next after the Third Schedule the following as the Fourth Schedule—

Insertion of
new Fourth
Schedule in
the Consti-
tution.

“ Fourth Schedule (Section 134A)

The National Items

A. The National Emblems

- i. National Flag (Black, Green and Gold)



ii. National Anthem

Lyrics:

“Eternal Father bless our land,
Guard us with Thy Mighty Hand,
Keep us free from evil powers,
Be our light through countless hours.
To our Leaders, Great Defender,
Grant true wisdom from above.
Justice, Truth be ours forever,
Jamaica, Land we love.
Jamaica, Jamaica, Jamaica land we love.
Teach us true respect for all,
Stir response to duty’s call, strengthen us
the weak to cherish,
Give us vision lest we perish,
Knowledge send us Heavenly Father,
Grant true wisdom from above.
Justice, Truth be ours forever,
Jamaica, land we love.
Jamaica, Jamaica, Jamaica land we love.”

— Rev. the Hon. Hugh Sherlock, OJ, OBE;
Hon. Robert Lightbourne; OJ,
Eugene Mapletoft Poulle, CD and
Christine Allison Lindo, OD.

Music:

JAMAICA NATIONAL ANTHEM

Four parts and Descant in Harmony with Original Version

Trumpet *mf* *cresc.*

E - ter - nal Fa - ther bless our land, Guard us with thy might - y hand,
 Teach us true re - spect for all, Stir re - sponse to da - ty's call,

Keep us free from ev - il powers, Be our light thro' count - less hours,
 Strengthen us the weak to cher - ish, Give us vis - ion lest we per - ish,

To our Lead - ers, Great De - fend - er, Grant true wis - dom from a - bove.
 Knowledge send us Heavenly Fa - ther,

p *cresc.*

DESCANT 2nd time only.

mf *f* *Organ*

jus - tice, Truth be ours for - ev - er, Ja - mai - ca land we love, Ja -

ff rall.

mai - ca, Ja - mai - ca, Ja - mai - ca land we love.

Organ ff rall.

iii. Coat of Arms



B. The National Symbols

i. National Tree



Scientific Name: *Hibiscus elatus*

Common Name: Blue Mahoe

ii. National Flower



Scientific Name: *Guaiacum Officinale*

Common Name: Lignum Vitae

iii. National Fruit



Scientific Name: *Blighia Sapida*

Common Name: Ackee

iv. National Bird



Scientific Name: *Trochilus Polytmus*

Common Name: Doctor Bird or
Swallow Tail Humming Bird

C. The National Motto

“Out of Many One People”

D. The National Pledge

“Before God and all mankind,
 I pledge the love and loyalty of my heart,
 the wisdom and courage of my mind,
 the strength and vigour of my body
 in the service of my fellow citizens.
 I promise to stand up for Justice, Brotherhood and Peace,
 to work diligently and creatively,
 to think generously and honestly,
 so that Jamaica may, under God,
 increase in beauty, fellowship and prosperity,
 and play her part in advancing the welfare of the
 whole human race.”

— Hugh Graham Sherlock

E. The National Song

Lyrics:

I pledge my heart forever
 To serve with humble pride
 This shining homeland, ever
 So long as earth abide
 I pledge my heart, this island
 As God and faith shall live
 My work, my strength, my love, and
 My loyalty to give.
 O green isle of the Indies,
 Jamaica, strong and free,
 Our vows and loyal promises,
 O heartland, 'tis to thee.

Music (to the tune of “I Vow to thee, my Country”):



F. The National Prayer

Let us Pray:

Let us give thanks for all God’s goodness and the wonderful heritage into which we have entered:

For Jamaica, our Island home, the land of our birth—

Response: We give Thee thanks, O God.

For the majesty of our hills, the beauty of our valleys, and the flaming loveliness of our gardens—

Response: We give Thee thanks, O God. For the warmth and brightness of our days and the calm and peace of our countryside—

Response: We give Thee thanks, O God. For the rich heritage of our people coming from many races, and yet one in purpose, in achievement, and in destiny, and for the dignity of labour and the service given by every citizen of our land—

Response: We give Thee thanks, O God.

For freedom, just laws and our democratic way of life—

Response: We give Thee thanks, O God.

For the high privilege and responsibility of Independence and for bringing us to nationhood—

Response: We give Thee thanks, O God;

For our parents, teachers, religious and other leaders and all those who in every walk of life are helping to prepare us for responsible citizenship, and for all those who are giving voluntary service in the public interest—

Response: We give Thee thanks, O God.

For the poets, artists and thinkers and all who create in us the vision of a new and better society—

Response: We give Thee thanks, O God.

For our Godly heritage, the example of Jesus Christ and the sacrifices of our fathers in the faith—

Response: We give Thee thanks, O God.

Bless, we pray Thee, our President, our Prime Minister and other Ministers of Government, the Leader of the Opposition, our Parliament, our Judges and all who are sent in authority over us and grant that under them we may be peacefully and justly governed—

Response: Hear us, we ask Thee, O God.

Grant us love and compassion for all those in need and distress and help us to remove poverty and ignorance from our land; and grant us prosperity and true wisdom, we pray—

Response: Hear us, we ask Thee, O God.

Forgive us all that is unworthy and evil in our national life, establish us in righteousness and inspire us to work for universal brotherhood, we pray—

Response: Hear us, we ask Thee, O God.

Guide and bless our nation, we pray, and make us loyal and dutiful citizens, through Almighty God, the Father of us all.

Amen.”.

35.—(1) The President shall, unless otherwise prescribed by Parliament, have all the functions attributable, immediately before the appointed day, to the Governor-General on behalf of the Crown, in respect of the defence forces.

Transition of
Governor-
General to
office of
President.

(2) With effect from the appointed day, the person who immediately before the appointed day occupies the office of Governor-General shall carry out the functions of President until a President is duly appointed pursuant to section 25.

(3) Where the person who immediately before the appointed day occupies the office of Governor-General is unwilling or unable to carry out the functions of President, the Prime Minister after consultation with the Leader of the Opposition shall appoint a Custos or a member of the President's Council to carry out the functions of President until a President is duly appointed pursuant to section 25.

(4) The provisions of any law in force before the appointed day and relating to the emoluments, expenditure or staff of the office of Governor-General, shall apply to the office of President in the like manner as they applied to the office of Governor-General, until other provision in respect thereof is made by an Act of Parliament.

36. The provisions of the enactments set out in the first column of the Schedule are amended in the manner indicated with respect thereto in the second column of the Schedule, and the amendments shall be read and construed as one with their respective enactments.

Amendments
to other en-
actments.

SCHEDULE (Section 19)

Enactment	Amendment
—	—
The Electoral Commission (Interim) Act.	<ol style="list-style-type: none"> 1. The Act is renamed as the Electoral Commission of Jamaica Act. 2. In section 1, delete the word “(Interim)” and substitute therefor the words “of Jamaica”. 3. Delete section 3. 4. Delete section 4 and substitute therefor the following— <ol style="list-style-type: none"> 4. The provisions of the First Schedule shall have effect as to the constitution and procedure of the Electoral Commission of Jamaica established by section 67A of the Constitution of Jamaica.”. 5. Delete section 5. 6. In section 6(1), delete paragraphs (a), (b) and (c) and renumber the remaining paragraphs accordingly.
The Interpretation Act	<ol style="list-style-type: none"> 1. In section 3— <ol style="list-style-type: none"> (a) delete the definitions of— <ol style="list-style-type: none"> (i) “the Consolidated Fund”; (ii) “Governor-General”; (iii) “Governor-General in Council”; (iv) “His Majesty”, “Her Majesty” “the King”, “the Queen” and “the Crown”; (v) “proclamation”;

- (b) in the definition of—
- (i) “committed for trial”, insert next after the words “before a Judge and jury” the words “, or before a Judge alone,”;
 - (ii) “land” and “premises”, delete the words “Her Majesty, Her heirs or successors” and substitute therefor the words “the State”;
 - (iii) “prescribed”, delete the words “Governor-General” and substitute therefor the word “President”;
 - (iv) “regulations”, insert next after the word “includes” the word “resolutions,”; and
 - (v) “year” and “month”, delete the word “British” and substitute therefor the word “Jamaica”;
- (c) insert the following definitions in the appropriate alphabetical sequence—
- “ “Caribbean Community” means the Caribbean Community established by Article 2 of the Revised Treaty of C h a g u a r a m a s establishing the Caribbean Community, signed in the Bahamas on July 5, 2001, as in

force in relation to Jamaica;

“Commonwealth” means Jamaica and any countries recognised as members of the Commonwealth by provisions made by Parliament pursuant to section 11(a) of the Constitution of Jamaica;

“Consolidated Fund” means the Consolidated Fund established by section 114 of the Constitution of Jamaica;

“constituency” means an area of Jamaica having separate representation in the House of Representatives;

“defence force” means any naval, military or air force of Jamaica;

“functions” includes powers and duties;

“Judicial Committee of the Privy Council” means the committee established under section 1 of the Judicial Committee Act 1833 of the United Kingdom;

“law” includes any instrument having the force of law and any unwritten rule of law and “lawful” and

“lawfully” shall be construed accordingly; and

“Parliament” means the Parliament of Jamaica;

“police officer” means a member of the Jamaica Constabulary Force or any force, by whatever name called, for the time being succeeding to the functions of the Jamaica Constabulary Force;

“Proclamation” means a proclamation of the President under the Broad Seal;

“President in Council” means the President acting in accordance with the advice of the Cabinet;

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

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“public service” means service in a civil capacity in respect of the Government of Jamaica—

(a) including—

- (i) service as a member of the Judicial Service Commission, the Public Service Commission or

the Police
Service
Commis-
sion, and

(ii) p u b l i c
service in
respect of
the former
colony of
Jamaica;

(b) but does not
include

(i) service in
the office of
President,
S e n a t e
President,
D e p u t y
S e n a t e
President,
Speaker,
D e p u t y
Speaker,
Minister,
P a r l i a -
mentary
Secretary,
L e a d e r
of the
Opposition,
Senator,
member of
the House
of Repre-
sentatives,
member of
the Presi-
d e n t ' s
Council,
Judge of the
Supreme
C o u r t ,
Judge of

the Court of Appeal or Judge of a Parish Court, or Clerk or Deputy Clerk of either House or service on the personal staff of the President or, subject to the provisions of section 79(2) of the Constitution, service in the office of Attorney-General; or

- (ii) service in any office which an enactment provides shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica;”.

2. In sections 3, 7, 13, 14, 36, 38, 39, 46 and 53 delete the word “Governor-General” wherever it appears (including in the marginal notes thereto) and substitute therefor in each case the word “President”.

3. Delete section 5, and substitute therefor the following—

<p>“References to public officers by title of office.</p>	<p>5. A reference in any law to the holder of an office by the term designating that person’s office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office.”.</p>
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4. Delete section 13(2) and substitute therefor the following—

“(2) Where assent is signified to any Bill so passed, the assent shall be made on the authenticated copy and that copy shall then be forwarded to the Deputy Keeper of the Records for the purposes of record.”.

5. Insert next after section 40 the following section—

<p>“Affirmation in lieu of oath.</p>	<p>40A. Where any law requires a person to make an oath, that person shall be permitted, in accordance with any law in force relating to making an affirmation, to comply with the requirement by making an affirmation.”.</p>
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6. In section 47(1), delete the word “Crown” and substitute therefor the word “State”.

7. In section 59, delete the word “Governor-General” and substitute therefor the words “Law Revision Commission, in accordance with the enactment relating to the revision of laws.”.
8. In section 63, delete the words “the Crown” wherever it appears and substitute therefor in each case the words “the State”.

MEMORANDUM OF OBJECTS AND REASONS

After considering the Report of the Constitutional Reform Committee on the Transition to the republic of Jamaica and Other Matters, a decision was taken, inter alia, to enact legislation to—

- (a) revoke the Jamaica (Constitution) Order in Council 1962, and save the Second Schedule (the Constitution of Jamaica) to effect the patriation of the Constitution;
- (b) abolish the British Monarch as Head of State and replace that with the office of President for Jamaica as a republic;
- (c) retain the Parliamentary Cabinet System of government;
- (d) alter other related provisions of the Constitution (whether deeply entrenched or not), as necessary to establish Jamaica as a republic;
- (e) amend any other associated legislation that may require consequential amendment.

This Bill seeks to give effect to that decision.

MARLENE MALAHOO FORTE
Minister of Legal and Constitutional Affairs.

ABILL

ENTTTLED

AN ACT to Repeal the Jamaica (Constitution) Order in Council 1962 and to provide for the legal recognition and operation of the Constitution of Jamaica notwithstanding the repeal of that Order in Council; to Amend the Constitution of Jamaica to provide for a non-monarchical Head of State, thereby establishing Jamaica as a republic; to make other amendments in respect of certain provisions of the Constitution of Jamaica; and to provide for connected matters.

As introduced by the Honourable Legal and Constitutional
Affair

SECTIONS 1 AND 2 OF THE CONSTITUTION WHICH IT
IS PROPOSED TO REPEAL AND REPLACE

1.—(1) In this Constitution unless it is otherwise provided or the context otherwise requires—

“Act of Parliament” means any law made by Parliament;

“the appointed day” means the sixth day of August, 1962;

“the Broad Seal” means the Broad Seal of Jamaica;

“the Cabinet” means the Cabinet established by section 69 of this Constitution;

“the Clerk” and “the Deputy Clerk” mean respectively the Clerk and the Deputy Clerk of either House, as the context may require;

“the Commonwealth” means Jamaica, any country to which section 9 of this Constitution applies and any dependency of any such country;

“the Consolidated Fund” means the Consolidated Fund by section 114 of this Constitution;

... ..

2. Subject to the provisions of sections 49 and 50 of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

SECTION 3B OF THE CONSTITUTION WHICH IT
IS PROPOSED TO AMEND

3B.—(1) Every person born in Jamaica shall become a citizen of Jamaica—

(a) on the sixth day of August, 1962, in the case of a person born before that date;

(b) on the date of his birth, in the case of a person born on or after the sixth day of August, 1962.

... ..

(3) A person shall not become a citizen of Jamaica by virtue of this section if at the time of his birth—

(a) his father or mother possesses such immunity from suit and legal process as is accorded to any envoy of a foreign sovereign power accredited to Her Majesty in right of her government in Jamaica and neither of his parents is a citizen of Jamaica; or;

- (b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.

... ..

SECTION 8 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

8.—(1) No person who is a citizen of Jamaica by virtue of section 3 (1) (a), (b) or (c) shall be deprived of his citizenship of Jamaica.

(2) A person who is a citizen of Jamaica other than by virtue of section 3 (1) (a), (b) or (c), shall not be deprived of his citizenship except by or under the provisions of a law—

- (a) specifying the grounds on which such deprivation may take place and the procedure for such deprivation
- (b) securing to any person affected thereby a right of access to the Supreme Court for the purpose of reviewing the decision to deprive him of his right to such citizenship.

SECTIONS 9 AND 10 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

9.—(1) Every person, who under this Constitution or any Act of Parliament is a citizen of Jamaica or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act, 1948, or who continues to be a British subject under section 2 of that Act shall by virtue of that status have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, Tanganyika, the Federation of Rhodesia and Nyasaland and the State of Singapore.

10. A Commonwealth citizen who is not a citizen of Jamaica, or a citizen of the Republic of Ireland who is not a citizen of Jamaica, shall not be guilty of an offence against any law in force in Jamaica by reason of anything done or omitted in any part of the Commonwealth other than Jamaica or in the Republic of Ireland or in any foreign country unless—

- (a) the act or omission would be an offence if he were an alien; and

- (b) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.

SECTION 11 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

11. Parliament may make provision—

- (a) *[Deleted by Act 18 of 1999.]*
- (b) prescribing the grounds on which and the procedure whereby a person may be deprived of his citizenship of Jamaica;
- (c) for the renunciation by any person of his citizenship of Jamaica.

SECTIONS 12 AND 20 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

12.—(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;

“foreign country” means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

“prescribed” means prescribed by or under any Act of Parliament.

... ..

20.—(1) In this Chapter

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

... ..

(2) A Proclamation made by the Governor-General shall not be effective for the purposes of subsection (1) unless it is declared 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 Jamaica and a foreign State;
- (b) that action, has been taken or is immediately threatened by any person or body of persons 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;

... ..

AMENDMENT OF HEADING IN CHAPTER IV
OF THE CONSTITUTION

CHAPTER IV
THE GOVERNOR-GENERAL

SECTIONS 27 AND 28 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

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

28. A person appointed to the office of Governor-General shall, before entering upon the duties of that office, take and subscribe the oaths of allegiance and for the due execution of the office of Governor-General in the forms set out in the First Schedule to this Constitution.

SECTION 29 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

29.—(1) Whenever the office of Governor-General is vacant or the holder of the office is absent from Jamaica or is for any other reason unable to perform the functions of his office, those functions shall be performed by such person as Her Majesty may appoint or, if there is no such person in Jamaica so appointed and able to perform those functions, by the Chief Justice of Jamaica.

... ..

SECTION 30 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL

- 30.—(1) Whenever the Governor-General—
- (a) has occasion to be absent from the seat of Government but not from Jamaica, or
 - (b) has occasion to be absent from Jamaica for a period which he has reason to believe will be of short duration; or
 - (c) is suffering from, an illness that he has reason to believe will be of short duration,

he may, on the advice of the Prime Minister, by instrument under the Broad Seal, appoint any person in Jamaica to be his deputy during such absence or illness, and in that capacity to perform on his behalf such of the functions of the office of Governor-General as may be specified in that instrument.

(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 a deputy shall conform to and observe all instructions that the Governor-General may from time to time address to him:

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

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

AMENDMENT OF HEADING IN CHAPTER V
OF THE CONSTITUTION

CHAPTER V
PARLIAMENT

PART I

Composition of Parliament

SECTIONS 34 AND 35 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

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

35.—(1) The Senate shall consist of twenty-one persons, who being qualified for appointment as Senators in accordance with this Constitution have been so appointed in accordance with the provisions of this section.

(2) Thirteen Senators shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister, by instrument under the Broad Seal.

(3) The remaining eight Senators shall be appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition, by instrument under the Broad Seal.

SECTION 37 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL

37.—(1) Subject to the provisions of subsection (2) of this section a person shall be qualified to be registered as an elector for elections to the House of Representatives if, and shall not be so qualified unless, he is—

- (a) a citizen of Jamaica resident in Jamaica at the date of registration, or
- (b) a Commonwealth citizen (other than a citizen of Jamaica) who is resident in Jamaica at the date of registration and who has been so resident for at least twelve months immediately preceding that date,

and has attained the prescribed age.

SECTION 39 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

39.—(1) Subject to the provision of section 40 of this Constitution, any person, who at the date of his appointment or nomination for election—

- (a) is a Commonwealth citizen of the age of twenty-one years or upwards; and
- (b) has been ordinarily resident in Jamaica for the immediately preceding twelve months,

shall be qualified to be appointed as a Senator or elected as a member of the House of Representatives and no other person shall be so qualified.

SECTION 40 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

40.—(1) No person shall be qualified for election as a member of the House of Representatives who—

- (a) is a member of the Senate;

... ..

(2) No person shall be qualified to be appointed as a Senator or elected as a member of the House of Representatives who—

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State;

... ..

- (d) subject to the provisions of subsection (3) of this section, is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him

by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which is suspended;

- (e) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged;

... ..

(3) For the purposes of paragraph (d) of subsection (2) of this section—

- (a) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he shall, throughout the whole time during which he so serves, be regarded as serving a sentence of or exceeding six months if (but not unless) any one of those sentences amounts to or exceeds that term; 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.

SECTION 41 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

41.—(1) The seat of a member of either hOUSE SHALL become vacant—

- (a) upon the next dissolution of Parliament after he has been appointed or elected;
- (b) if he resigns his seat;
- (c) if he is absent from sittings of the House for period and in such, circumstances as may be prescribed in the Standing Orders of the House;
- (d) if he ceases to be a Commonwealth citizen or takes any oath or makes any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State or does, concurs in or adopts any act done with the intention he shall become a subject or citizen of any foreign Power or State;

... ..

SECTION 49 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

49.—(1) Subject to the provisions of this section Parliament may by Act of Parliament passed by both Houses constitution. alter any of the provisions of this Constitution or (in so far as it forms part of the law of Jamaica) any of the provisions of the Jamaica Independence Act, 1962.

(2) In so far as it alters—

- (a) sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, subsection (3) of section 48, sections 66, 67, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 94, subsections (2), (3), (4), (5), (6) or (7) of section 96, 97, 98, 99, subsections (3), (4), (5), (6), (7), (8) or (9) of section 100, sections 101, 103, 104, 105, subsections (3), (4), (5), (6), (7), (8) or (9) of section 106, subsections (1), (2), (4), (5), (6), (7), (8), (9) or (10) of section 111, sections 112, 113, 114, 116, 117, 118, 119, 120, subsections (2), (3), (4), (5), (6) or (7) of section 121, sections 122, 124, 125, subsection (1) of section 126, sections 127, 129, 130, 131, 135 or 136 or the Second or Third Schedule to this Constitution; or
- (b) section 1 of this Constitution in its application to any of the provisions specified in paragraph (a) of this subsection,

a Bill for an Act of Parliament under this section shall not be submitted to the Governor-General for his assent unless a period of three months has elapsed between the introduction of the Bill into the House of Representatives and the commencement of the first debate on the whole text of that Bill in that House and a further period of three months has elapsed between the conclusion of that Debate and the passing of that Bill by that House.

(3) In so far as it alters—

- (a) this section;
- (b) sections 2, 34, 35, 36, 39, subsection (2) of section 63, subsections (2), (3) or (5) of section 64, section 65, or subsection (1) of section 68 of this Constitution;
- (c) section 1 of this Constitution in its application to any of the provisions specified in paragraph (a) or (b) of this subsection; or
- (d) any of the provisions of the Jamaica Independence Act, 1962,

a Bill for an Act of Parliament under this section shall not be submitted to the Governor-General for his assent unless—

- (i) a period of three months has elapsed between the introduction of the Bill into the House of Representatives and the commencement of the first debate on the whole text of that Bill in that House and a further period of three months has elapsed between the conclusion of that debate and the passing of that Bill by that House, and
- (ii) subject to the provisions of subsection (6) of this section, the Bill, not less than two nor more than six months after its passage through both Houses, has been submitted to the electors qualified to vote

for the election of members of the House of Representatives and, on a vote taken, in such manner as Parliament may prescribe, the majority of the electors voting have approved the Bill

(4) A Bill for an Act of Parliament under this section shall not be deemed to be passed in either House unless at the final vote thereon it is supported—

- (a) in the case of a Bill which alters any of the provisions specified in subsection (2) or subsection (3) of this section by the votes of not less than two-thirds of all the members of that House, or
- (b) in any other case by the votes of a majority of all the members of that House.

(5) If a Bill for an Act of Parliament which, alters any of the provisions specified in subsection (2) of this section is passed by the House of Representatives—

- (a) twice in the same session in the manner prescribed by subsection (2) and paragraph (a) of subsection (4) of this section and having been sent to the on the first occasion at least seven months before the end of the session and on the second occasion at least one month before the end of the session, is rejected by the Senate on each occasion, or
- (b) in two successive sessions (whether of the Parliament or not) in the manner prescribed by subsection (2) and paragraph (a) of subsection (4) of this section and, having been, sent to the Senate in each of those sessions at least one month before the end of the session, the second occasion being at least six months after the first occasion, is rejected by the Senate in each of those sessions,

that Bill may, not less than two nor more than six after its rejection by the Senate for the second time, be submitted to the electors qualified to vote for the election of members of the House of Representatives and, if on a vote taken in such manner as Parliament may prescribe, three-fifths of the electors voting approve the Bill, the Bill may be presented to the Governor-General for assent.

(6) If a Bill for an Act of Parliament which any of the provisions specified in subsection (3) of this section is passed by the House of Representatives—

- (a) twice in the same session in the manner prescribed by subsection (3) and paragraph (a) of (4) of this section and having been sent to the Senate on the first occasion at least seven months before the end of the session and on the second occasion at least one month before the end the session, is rejected by the Senate on each occasion, or

- (b) in two successive sessions (whether of the Parliament or not) in the manner prescribed by subsection (3) and paragraph (a) of subsection (4) of this section and, having been sent to the Senate in each of those sessions at least one month before the end of the session, the second occasion being at least six months after the first occasion, is rejected by the Senate in each of those sessions,

that Bill may, not less than two nor more than six months after its rejection by the Senate for the second time, be submitted to the electors qualified to vote for the election of members of the House of Representatives and, if on a vote taken in such manner as Parliament may prescribe, two-thirds of the electors voting approve the Bill, the Bill may be presented to the Governor-General for assent.

(7) For the purposes of subsection (5) and subsection (6) of this section a Bill shall be deemed to be rejected by the Senate if—

- (a) it is not passed by the Senate in the manner prescribed by paragraph (a) of subsection (4) of this section within one month after it is sent to that House; or
- (b) it is passed by the Senate in the manner so prescribed with any amendment which is not agreed to by the House of Representatives.

(8) For the purposes of subsection (5) and subsection (6) of this section a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as the former Bill sent to the Senate in the same or 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 specified 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.

(9) In this section—

- (a) reference to any of the provisions of this Constitution or the Jamaica Independence Act, 1962, includes references to any law that alters that provision; and
- (b) “alter” includes amend, modify, re-enact with or without amendment or modification, make different provision in *lieu* of, suspend, repeal or add to.

SECTIONS 55 AND 58 OF THE CONSTITUTION WHICH IT IS PROPOSED TO AMEND

55.—(1) Subject to the provisions of this Constitution and of the Standing Orders of the House, any member of either House may introduce any Bill or propose any motion for debate in or may present any petition to that House, and

the same shall be debated and disposed of according to the Standing Orders of that House.

... ..

(3) Except on the recommendation of the Governor-General signified by a Minister, the House of Representatives shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which Bill or amendment, as the case may be, in the opinion of the person presiding, provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of Jamaica or for any charge otherwise than by reducing it, or for compounding or remitting any due to Jamaica;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which motion or amendment, as the case may be, in the opinion of the person presiding, is that provision should be made for any of the purposes aforesaid; or
- (c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

58.—(1)

(5) Before giving any such certificate the Speaker or Deputy Speaker, as the case may be, shall if practicable, consult the Attorney-General.

SECTION 59 OF THE CONSTITUTION WHICH IT IS PROPOSED TO AMEND

59.—(1)

(2) In this section “statutory instrument” means any document by which the Governor-General, the Governor of the former Colony of Jamaica, a Minister or any other executive authority has exercised a power to make, confirm or approve orders, rules, regulations or other subordinate legislation, being a power conferred by any law (whether before or after the appointed day) by any legislature in Jamaica, and the statutory instruments to which this section applies are all statutory instruments in respect of which it is provided (in whatever terms) that they may not into force until approved by the Senate.

SECTION 60 OF THE CONSTITUTION WHICH IT IS PROPOSED TO REPEAL AND REPLACE

60.—(1) A Bill shall not become law until the Governor-General has assented thereto in Her Majesty’s name and on Her Majesty’s behalf and has signed it in token of such assent.

(2) Subject to the provisions of sections 37, 49, 50, 56 and 57 of this Constitution, a Bill shall be presented to the Governor-General for assent if, and shall not be so presented unless, it has been approved by both Houses of Parliament either without amendment or with such amendments only as are agreed to by both houses.

(3) When a Bill is presented to the Governor-General for assent he shall signify that he assents or that he withholds assent.

SECTION 64 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

64.—(1) The Governor-General may at any time by Proclamation published in the *Gazette* prorogue or dissolve Parliament.

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

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

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

SECTION 68 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

68.—(1) The executive authority of Jamaica is vested in Her Majesty.

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

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

SECTIONS 90 AND 91 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

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

- (a) grant to any person convicted of any offence against the law of Jamaica a pardon, either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified, period, from the execution of any punishment imposed on that person for such an offence;

- (c) substitute a less severe form of punishment for that imposed on any person for such an offence; or
- (d) remit the whole or part of any punishment Imposed on any person for such an offence or any penalty or forfeiture otherwise due to the Crown on account of such an offence.

... ..

91.—(1) Where any person has been sentenced to death for an offence against the law of Jamaica, the Governor-General shall cause—

- (a) a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as the Governor-General may require, to be forwarded to the Privy Council; and
- (b) a notice to be delivered to the person sentenced, specifying a date, being in the case of sub-paragraph (ii) or (iii) a date not less than eighteen months after the date of the delivery of the notice, on or before which, the person or his legal representative—
 - (i) shall commence any application to, or consultation with, any entity outside of Jamaica (other Her Majesty in Council) in relation to the offence for which the person has been, sentenced to death;
 - (ii) shall conclude any application to, or consultation with₃ any entity outside of Jamaica (other than Her Majesty in Council) in relation to the offence for which the person has been sentenced to death; and

... ..

SECTION 94 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

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

... ..

(7) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purposes of any such proceedings, to any other court in Jamaican or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

SECTION 100 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

100.—(1) Subject to the provisions of subsections (4) to (7) (inclusive) of this section, a Judge of the Supreme Court shall hold office until he attains the age of seventy years:

Provided that he may at any time resign his office.

... ..

(5) A Judge of the Supreme Court shall be removed from office by the Governor-General by instrument under the Broad Seal if the question of the removal of that Judge from office has, at the request of the Governor-General, made in pursuance of subsection (6) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833, or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the Judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Prime Minister (in the case of the Chief Justice) or the Chief Justice after consultation with the Prime Minister (in the case of any other Judge) represents to the Governor-General that the question of removing a Judge of the Supreme Court 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 Chairman and not less than two other members, selected by the Governor-General on the advice of the Prime Minister (in the case of the Chief Justice) or of the Chief Justice (in the case of any other Judge) 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;
- (b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether he should request that the question of the removal of that Judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so recommends, the Governor-General shall request that the question should be referred accordingly.

... ..

(9) Any such suspension may at any time be revoked by the Governor-General, acting in accordance with, the advice of the Prime Minister or the Chief Justice (as the case may be), and shall in any case cease to have effect—

- (a) if the tribunal recommends to the Governor-General that he should not request that the question of the removal of the Judge from office should be referred by Her Majesty to the Judicial Committee; or
- (b) the Judicial Committee advises Her Majesty that the Judge ought not to be removed from office.

(10) The provisions of this section shall be without prejudice to the provisions of subsection (2) of section 99 of this Constitution.

SECTION 106 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

106.—(1) Subject to the provisions of subsections (4) to (7) (inclusive) of this section, a Judge of the Court of Appeal shall hold office until he attains the age of seventy years:

Provided that he may at any time resign his office.

(5) A Judge of the Court of Appeal shall be removed from office by the Governor-General by instrument under the Broad Seal if the question of the removal of that Judge from has, at the request of the Governor-General made in pursuance of subsection (6) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833, or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the Judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Prime Minister (in the case of the President of the Court of Appeal) or the President of the Court of Appeal after consultation with the Prime Minister (in the case of any other Judge) represents to the Governor-General that the question of removing a Judge of the Court of Appeal 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 Chairman and not less than two other members, selected by the Governor-General on the advice of the Prime Minister (in the case of the President of the Court of Appeal) or of the President of the Court of Appeal (in the case of any other Judge) 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;

- (b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether he should request that the question of the removal of that Judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so recommends, the Governor-General shall request that the question should be referred accordingly.

... ..

(9) Any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Prime Minister or the President of the Court of Appeal (as the case may be), and shall in any case cease to have effect if—

- (a) the tribunal recommends to the Governor-General that he should not request that the question of the removal of the Judge from office should be referred by Her Majesty to the Judicial Committee; or
- (b) the Judicial Committee advises Her Majesty that the Judge ought not to be removed from office.

SUBHEADING TO PART 3 OF CHAPTER VII OF THE CONSTITUTION
WHICH IT IS PROPOSED TO AMEND

PART 3

Appeals to Her Majesty in Council

SECTION 110 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

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

(3) Nothing in this section shall affect any right of Her Majesty to grant special leave to appeal from decisions of the Court of Appeal to Her Majesty in Council in any civil or criminal matter.

... ..

SECTION 137 OF THE CONSTITUTION WHICH IT IS
PROPOSED TO AMEND

137.—(1) Any person who is appointed, elected or otherwise selected to any office established by this Constitution (including the office of Prime Minister or other Minister or Parliamentary Secretary) may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected;

Provided that in the case of—

- (a) a person who holds office as President or Deputy President of the his resignation from office shall be addressed to the Senate;
- (b) a person who holds office as Speaker or Deputy Speaker his resignation from that shall be addressed to the House of Representaives;
- (c) a member of the House of Representatives his resignation from the House shall be addressed to the Speaker.

... ..

(3) A resignation that is required to be addressed to the President or Speaker shall, if the office of President or Speaker (as the case may be) is vacant, or the President or Speaker is absent from Jamaica, be received by the Deputy President or Deputy Speaker on behalf of the President or Speaker.

FIRST SCHEDULE OF THE CONSTITUTION
WHICH IT IS PROPOSED TO AMEND

FIRST SCHEDULE

OATHS

Oath of Allegiance

I, do swear that I will be faithful and bear true allegiance to Jamaica, that I will uphold and defend the Constitution and the laws of Jamaica and that I will conscientiously and impartially discharge my responsibilities to the people of Jamaica. So help me God.

*Oath for the due execution of the office of Prime Minister
or other Minister or Parliamentary Secretary*

I, being appointed Prime Minister/Minister/Parliamentary Secretary, do swear that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor-General (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Jamaica, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Jamaica, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any documents communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Prime Minister/Minister/ Parliamentary Secretary. So help me God.

Judicial Oath

I, do swear that I will be faithful and bear true allegiance to Jamaica, that I will uphold and defend the Constitution of Jamaica and that I will administer justice to all persons alike in accordance with the laws and usages of Jamaica without fear or favour, affection or ill will. So help me God.

HEADING OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IS PROPOSED TO AMEND

THE ELECTORAL COMMISSION (INTERIM)
ACT

SECTION 1 OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IS PROPOSED TO AMEND

1. This Act may be cited as the Electoral Commission (Interim) Act.

SECTION 3 OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IT IS PROPOSED TO REPEAL

3. This Act shall continue in force until provision is made in the Constitution of Jamaica for the establishment of an Electoral Commission in terms which preclude the alteration of that provision otherwise than in accordance with the procedures prescribed by, or in relation to section 49(3) of the Constitution and shall then expire.

SECTION 4 OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IT IS PROPOSED TO REPEAL AND REPLACE

- 4.—(1) There shall be established for the purposes of this Act, and during the continuance in force of this Act, a commission of Parliament which shall be known as the Electoral Commission of Jamaica.

- (2) The provisions of the First Schedule shall have effect as to the constitution and procedure of the Commission and otherwise in relation thereto.

SECTION 5 OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IT IS PROPOSED TO REPEAL

5. The objects of the Commission shall be to safeguard the democratic foundations of Jamaica by enabling eligible electors to etc, through free and fair elections, their representatives to govern Jamaica and to give oversight to the entity responsible for national identification.

SECTION 6 OF THE ELECTORAL COMMISSION (INTERIM) ACT
WHICH IT IS PROPOSED TO AMEND

- 6.—(1) The functions of the Commission shall be to—
 - (a) establish policies for governing the registration of electors in accordance with the provisions of section 37 of the Constitution of Jamaica;
 - (b) give directions to the Director on the performance of his functions under the Representation of the People Act;

- (c) conduct—
 - (i) general elections or by-elections as the case may require, of members to serve—
 - (A) in the House of Representatives;
 - (B) on the Council of the Kingston and St. Andrew Corporation or any Parish Council; or
 - (C) as mayor of a municipality;
 - (ii) referenda;

... ..

3. In this Act and in all Acts, and other instruments of a public character to the Island, now in force or to be made, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

... ..

“Consolidated Fund” has the meaning assigned to it by the Constitution of Jamaica;

“constable” includes all officers and sub-officers of the Jamaica Constabulary Force and all members of the Rural Police;

... ..

“committed for trial” used in relation to any person means committed to prison with the view of being before a Judge and jury by any authority having power to commit a person to prison with a view to his trial, and includes a person who is admitted to bail upon a recognizance to appear and take his trial before a Judge and jury;

... ..

“Governor-General” the Governor-General of Jamaica;

“Governor-General in Council” Governor-General acting in accordance with the advice of the Cabinet;

“His Majesty” or “Her Majesty”, “the King” or “the Queen” or “the Crown” means His Majesty the King or Her Majesty the Queen, the Sovereign for the time being and includes the predecessors and the heirs and successors of such King or Queen;

... ..

“land” and “premises” include all tenements or hereditaments) and also all messuages, houses, buildings, or other constructions, whether the property of Her Majesty, her heirs or successors, or of any corporation, or of any private individual, except where are words to exclude houses and other buildings;

... ..

“prescribed” means prescribed by the Act in which the word occurs or by any regulations made thereunder, and, in relation to any regulations, where no other authority is empowered in that behalf in the Act, means prescribed by the Governor-General in Council;

... ..

“proclamation” a means a proclamation of the Governor-General under the Broad Seal;

... ..

“regulations” includes rules, by-laws, proclamations, orders, schemes, notifications, directions, notices and forms;

... ..

“year” and “month” means respectively a year or a month reckoned according to the British calendar.

... ..

SECTION 5 OF THE INTERPRETATION ACT WHICH
IT IS PROPOSED TO REPEAL AND REPLACE

5. A reference in any Act to any public officer by the usual title of his office shall. If there be such an office customarily in Jamaica and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in Jamaica.

SECTIONS 7, 13 AND 14 OF THE INTERPRETATION ACT
WHICH IT IS PROPOSED TO AMEND

7.—(1) Whenever any expression of time, occurs in any Act, deed or legal instrument, the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for Jamaica; and for such purpose the Governor-General in Council may by order declare the standard time for Jamaica.

(2) Where a general notice is published specifying the hour of sunrise or sunset in respect of any day the reference in any Act to the hour of sunrise or sunset shall, in relation to any part of Jamaica, unless the context otherwise

requires, be deemed in respect of that day to refer to the hour specified in the general notice.

13.—(1) A copy of every Bill which, may be passed by Parliament shall immediately after it is so passed be printed by the Government Printer on vellum or some durable paper and shall, if such be the case, be authenticated by the Clerk of either House of Parliament as being a true and correct copy of the Bill which was passed.

(2). Where the Governor-General assents to any Bill so passed, his assent shall be made on the authenticated copy and that copy shall be forwarded to the Deputy Keeper of the Records for the purposes of record.

14. In the case of every Bill which may hereafter be passed in Jamaica the Governor-General shall, on assenting thereto, cause a notification of such assent to be published in the *Gazette*.

SECTION 36 OF THE INTERPRETATION ACT WHICH IT IS PROPOSED TO AMEND

36.—(1) Where by or under any Act, any powers are conferred or any duties are imposed upon a public officer, the Governor-General may direct, if from any cause the office of such public officer is vacant or if during any period, owing to absence or inability to act from illness or any other cause, such public officer is unable to exercise the powers or perform the duties of his office, that such powers shall be had and may be exercised and such duties shall be performed by the person named by, or by the public officer holding the office designated by, the Governor-General; and thereupon such person or public officer, during any such period, shall have and may exercise such powers and shall perform such duties, subject to such conditions, exceptions and qualifications as the Governor-General may direct.

SECTIONS 38 AND 39 OF THE INTERPRETATION ACT WHICH IT IS PROPOSED TO AMEND

38. Where by or under any Act, power is given to the Governor-General in Council, or to the Governor-General or a Minister, or to any public officer or body, to appoint any board, tribunal, commission, committee, or similar body, it shall be lawful for the Governor-General in Council, or the Governor-General or the Minister, or such public officer or body, in the absence of any provision to the contrary, to appoint a chairman of such board, tribunal, commission, committee, or similar body.

39. Where by or under any Act, the Governor-General in Council, or the Governor-General or a Minister, or any public officer or body, is empowered, to appoint or name a person to be a member of any board, tribunal, commission,

committee or similar body, or to have and exercise any powers or perform any duties; the Governor-General in Council, or the Governor-General or the Minister, or such public officer or body, may either appoint a person by name or direct the person for the time holding the office by the Governor-General in Council, or by the Governor-General or by the Minister, or by such public officer or body, to be a member of such board, tribunal, commission, committee, or similar body, or to have and exercise such powers and perform such duties; and thereupon, or from the date specified by the Governor-General in Council, or by the Governor-General or the Minister, or by such public officer or body, the person appointed by or the person for the time being holding such office shall be a member of such board, tribunal, commission, committee, or similar body, or shall have and may exercise such powers and perform such duties accordingly.

SECTIONS 46 AND 47 OF THE INTERPRETATION ACT WHICH
IT IS PROPOSED TO AMEND

46. Subject to the express provisions of any Act, where any fine or penalty is imposed by or under the authority of any Act, every such fine or penalty shall be payable into the Consolidated Fund, but the Governor-General may direct the payment to any aggrieved person, or to any person whose information or evidence has led to the conviction of the offender or to the recovery of the fine or penalty, of such proportion of the fine or penalty as he may think fit.

47.—(1) Where under any Act any animal or thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the Consolidated Fund, unless other provision is made.

SECTIONS 53 AND 59 OF THE INTERPRETATION ACT WHICH
IT IS PROPOSED TO AMEND

53. Where power is given to the Governor-General in Council to make regulations, it shall be sufficient, unless it is otherwise expressed, for such regulations to be signified under the hand of the Secretary to the Cabinet:

Provided that any proclamation, warrant, or other instrument issued the Broad Seal, be issued under the hand of the Governor-General himself.

59. When any Act is amended it shall be lawful for the Government Printer with the authority of the Governor-General to print copies of the Act with all the necessary additions, omissions, substitutions and amendments effected by the amending Act or Acts and such copies shall be deemed to be authentic copies of the Act so amended.

SECTION 63 OF THE INTERPRETATION ACT WHICH
IT IS PROPOSED TO AMEND

63. No Act shall in any manner whatsoever affect the right, of the Crown, unless it is therein expressly stated, or unless it appears by necessary implication, that the Crown, is bound thereby.