

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

THE CONSTITUTION OF THE WEST INDIES (AMENDMENT)
ORDER IN COUNCIL, 1960

ARRANGEMENT OF ORDER

Section

1. Citation and construction.
2. Replacement of article 5.
[Provisions of sections 3—7 incorporated in the Constitution.]
8. Amendment of article 74.
[Provisions of sections 9—10 incorporated in the Constitution.]
11. Replacement of article 77.
12. Insertion of articles 79A to 79F.
[Provisions of section 13 incorporated in the Constitution.]
14. Insertion of articles 101A to 101D.
15. Replacement of Chapter VII.
16. Existing appointments.
17. Regulations for retirement, etc. of certain officers.
18. Adaptation of existing laws.
[Provisions of section 19 incorporated in the Constitution.]

At the Court at Buckingham Palace

The 3rd day of August, 1960

Present,

The Queen's most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by article 117 of the Constitution of the West Indies annexed to the West Indies (Federation) Order in Council, 1957(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Constitution of the West Indies (Amendment) Order in Council, 1960, and shall be construed as one with the Constitution of the West Indies, as amended by the Constitution of the West Indies (Amendment) Order in Council, 1959, and the Constitution of the West Indies, as so amended, is hereinafter referred to as "the Constitution". Citation
and con-
struction.

(2) This Order shall be published in the Gazette and, except for sections 2, 8, 11, 12, 14 and 15, shall come into operation on a day to be appointed by the Governor-General by proclamation published in the Gazette (in this Order referred to as "the commencement of this Order"); and sections 2, 8, 11, 12, 14 and 15 of this Order shall come into operation on such later day after the coming into operation of regulations made under section 17 of this Order as may be so appointed by the Governor-General, acting in his discretion.

(a) S.I. 1957/1364 (1957 I. p. 202).

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

78—ii

Replace-
ment
of article 5. **2.** The following article is substituted for article 5 of the Constitution:—

“Consti-
tution of
offices for
Federation. **5.**—(1) The Governor-General may, in the name and on behalf of Her Majesty, constitute such offices for the Federation as may be lawfully constituted by Her Majesty and may abolish such offices, and, subject to the provisions of this Constitution, may make appointments to any office so constituted, and any person so appointed shall, unless it is otherwise provided by law, hold office during Her Majesty’s pleasure.

(2) The Governor-General shall, in the exercise of the power conferred upon him by this article, constitute the following offices, being offices required for the purposes of, or referred to in, this Constitution, that is to say the offices of—

- (a) Attorney-General of the Federation;
- (b) Auditor-General of the Federation;
- (c) Financial Secretary of the Federation;
- (d) Secretary to the Cabinet;
- (e) Secretary to the Governor-General; and
- (f) such number of Permanent Secretaries as may be required for the supervision of departments.”

[Provisions of sections 3—7 incorporated in the Constitution.]

Amendment
of article
74. **8.** The following paragraph is substituted for paragraph (1) of article 74 of the Constitution:—

“(1) (a) The Chief Justice of the Federation shall be appointed by the Governor-General, after consultation with the Prime Minister, by instrument under the public seal.

(b) The Federal Justices shall be appointed by the Governor-General, acting on the recommendation of the Judicial Service Commission, by instrument under the public seal.”

[Provisions of sections 9—10 incorporated in the Constitution.]

11. The following article is substituted for article 77 of the Constitution:—

“Acting
Federal
Justice. **77.**—(1) If the office of any Federal Justice is vacant or ^{Replace-} if any Federal Justice is for any reason unable to perform ^{ment} the functions of his office, the Governor-General, acting on ^{of article} the recommendation of the Judicial Service Commission, may appoint a person qualified for appointment as a Federal Justice to be temporarily a judge of the Federal Supreme Court:

Provided that a person may be so appointed notwithstanding that he has attained the age of sixty-five years.

(2) A person appointed under this article to be temporarily a judge of the Federal Supreme Court shall hold office until—

- (a) the Governor-General, acting on the recommendation of the Judicial Service Commission, revokes his appointment; or
- (b) he resigns his office by writing under his hand addressed to the Governor-General."

12. The following cross-heading and articles are inserted immediately after article 79 of the Constitution:—

Insertion
of articles
79A to 79F.

"The Judicial Service Commission

Judicial
Service
Commission. 79A.—(1) There shall be for the Federation a Judicial Service Commission, which shall consist of—

- (a) the Chief Justice of the Federation, as Chairman;
- (b) the Chairman of the Public Service Commission or some other member of the Public Service Commission nominated by the Chairman of that Commission to represent him at any meeting of the Judicial Service Commission;
- (c) the Federal Justice ranking next in seniority to the Chief Justice of the Federation; and
- (d) one other member (hereinafter called "the appointed member") appointed in accordance with the provisions of the next following paragraph.

(2) The Governor-General, acting in his discretion, may, by instrument under the public seal, appoint to be a member of the Judicial Service Commission a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court:

Provided that no person shall be appointed under this paragraph who is a judge of the Federal Supreme Court or a member of the Senate or the House of Representatives.

(3) The appointed member of the Judicial Service Commission shall vacate his office—

- (a) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor-General;
- (c) if he becomes a judge of the Federal Supreme Court or Chairman of the Public Service Commission, or a member of the Senate or the House of Representatives; or

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

(d) if the Governor-General, acting in his discretion, directs that he shall be removed from office for inability or misbehaviour.

(4) If the office of the appointed member is vacant or that member is for any reason unable to perform its functions, the Governor-General, acting in his discretion, may, by instrument under the public seal, appoint a person qualified for appointment as such a member to act as a member of the Judicial Service Commission and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until the office of the appointed member is filled or until his appointment is revoked by the Governor-General, acting in his discretion.

(5) The appointed member shall not, while he holds or is acting in the office of appointed member or within a period of three years from the date on which he last held or acted in the office of appointed member, be eligible for appointment to any office power to make appointments to which is vested in the Governor-General acting on the recommendation of the Judicial Service Commission.

(6) There shall be charged on the revenues of the Federation and paid thereout to the appointed member such salary and allowances as the Federal Legislature may by law prescribe:

Provided that his salary shall not be reduced during his continuance in office.

Proceedings of Judicial Service Commission.

79B. At any meeting of the Judicial Service Commission a quorum shall be constituted if there are present the Chairman of the Public Service Commission (or the member of that Commission nominated to represent him at that meeting) and two other members; and if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceedings of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

Appointment etc. of certain judges and officers.

79C.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices to which this article applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor-General, acting on the recommendation of the Judicial Service Commission.

(2) This article applies to the office of judge of any Federal court other than the Federal Supreme Court and such offices, other than that of judge, connected with any Federal court as may be prescribed by regulations made under article 79E of this Constitution.

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

Delegation of functions of Judicial Service Commission relating to appointments. 79D. The Governor-General, acting on the recommendation of the Judicial Service Commission, may by instrument under the public seal direct that power to make appointments (including appointments on promotion and transfer) to any offices to which the last foregoing article applies shall (without prejudice to the exercise of that power by the Governor-General acting on the recommendation of the Commission) be exercisable by such member or members of the Commission or by such public officer of the Federation or other authority, and subject to such conditions, as may be specified in the instrument.

Regulations regarding Judicial Service Commission. 79E. Subject to the provisions of this Constitution, the Governor-General, after consultation with the Prime Minister and the Judicial Service Commission, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters:—

- (a) consultation by the Commission with persons other than members of the Commission;
- (b) the organisation of the work of the Commission;
- (c) the protection and privileges of members of the Commission in performing their functions, and the privilege of communications to and from the Commission or its members in case of legal proceedings;
- (d) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of two thousand dollars and imprisonment for a term of two years; and

- (e) generally, for giving effect to the provisions of articles 79A to 79D, inclusive, of this Constitution.”

[Provisions of section 13 incorporated in the Constitution.]

14. The following cross-heading and articles are inserted immediately after article 101 of the Constitution:—

Insertion of articles 101A to 101b.

“The Auditor-General

The Auditor-General. 101A.—(1) Appointments to the office of Auditor-General of the Federation shall be made by the Governor-General by instrument under the public seal, after consultation with the Prime Minister and the Public Service Commission.

(2) If the office of Auditor-General is vacant or the Auditor-General is for any reason unable to perform its functions,

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

78—vi

the Governor-General, after consultation with the Prime Minister and the Public Service Commission, may appoint a person to act as Auditor-General, and any person so appointed shall continue to act until the office of Auditor-General is filled or until his appointment is revoked by the Governor-General, after consultation with the Prime Minister and the Public Service Commission.

(3) There shall be charged on the revenues of the Federation and paid thereout to the Auditor-General such salary and allowances as the Federal Legislature may by law prescribe:

Provided that the salary of the Auditor-General and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Tenure of
office of
Auditor-
General.

101B.—(1) Subject to the provisions of the next following article, the Auditor-General shall hold office until he attains the age of sixty years:

Provided that —

- (a) he may at any time resign his office by writing under his hand addressed to the Governor-General; and
- (b) the Governor-General, after consultation with the Prime Minister and the Public Service Commission, may permit an Auditor-General who has attained the age of sixty years to remain in office until he has attained such later age, not exceeding sixty-five years, as may (before the Auditor-General has attained the age of sixty years) be agreed between the Governor-General and the Auditor-General.

(2) Nothing done by the Auditor-General shall be invalid by reason only that he has attained the age at which he is required by this article to vacate his office.

Removal of
Auditor-
General.

101c.—(1) The Auditor-General shall not be removed from office except for inability or misbehaviour and in accordance with the provisions of the next following paragraph.

(2) If the Prime Minister, or the Chairman of the Public Service Commission after consulting the Prime Minister, represents to the Governor-General that the Auditor-General should be removed from office for inability or misbehaviour, the Governor-General shall refer the question to a tribunal consisting of the Chief Justice of the Federation and two other judges of the Federal Supreme Court nominated for that purpose by the Chief Justice, and shall, if the tribunal so recommends, remove the Auditor-General from office by instrument under the public seal.

(3) If the question of removing the Auditor-General from office has been referred to a tribunal under the last foregoing paragraph, the Governor-General, acting in his discretion, may suspend the Auditor-General from performing the functions of his office, but any such suspension may at any time be revoked by the Governor-General, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Auditor-General should not be removed from office.

Functions of Auditor-General. 101d.—(1) The Auditor-General shall audit and report annually on the accounts of —

- (a) the Federal Supreme Court;
- (b) the Judicial Service Commission;
- (c) the Public Service Commission;
- (d) the departments of the Clerk of the Senate and the Clerk of the House of Representatives; and
- (e) all departments and offices of the Government of the Federation;

and shall, with his staff, at all times have access to all books, records and returns relating to those accounts.

(2) The Auditor-General shall submit his reports to the Speaker (or, in his absence, to the Deputy Speaker), who shall cause them to be laid before the House of Representatives; and he shall also send a copy of each report to the Minister responsible for finance.

(3) In performing his functions under this article the Auditor-General shall not be subject to the direction or control of any person or authority.”.

15. The following Chapter is substituted for Chapter VII of the Constitution:—

“ CHAPTER VII

THE FEDERAL PUBLIC SERVICE

General

Public Service Commission. 102.—(1) There shall be for the Federation a Public Service Commission, which shall consist of a Chairman and such number of other members, being not less than three nor more than five, as the Governor-General, acting in his discretion, may from time to time decide.

(2) The members of the Public Service Commission shall be appointed by the Governor-General, after consultation with the Prime Minister, by instrument under the public seal:

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

78—viii

Provided that one such member shall be so appointed by the Governor-General from a list of persons, not disqualified for appointment under this article, submitted by the Federal Public Service Association or any other body representing members of the public service of the Federation which may from time to time, in the opinion of the Governor-General, acting in his discretion, have succeeded to the functions of that Association.

(3) No person shall be qualified to be appointed as a member of the Public Service Commission if he is a member of the Senate, the House of Representatives or the Legislature of any Territory, or if he holds or is acting in any public office.

(4) A member of the Public Service Commission shall vacate his office —

- (a) at the expiration of five years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor-General;
- (c) if he becomes a member of the Senate, the House of Representatives or the Legislature of any Territory;
- (d) if he is appointed to any public office; or
- (e) if the Governor-General, acting in his discretion, directs that he shall be removed from office for inability or misbehaviour.

(5) If the office of a member of the Public Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General, after consultation with the Prime Minister, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of the last foregoing paragraph, continue to act until the office of the member of the Commission is filled or until his appointment is revoked by the Governor-General acting in his discretion.

(6) A member of the Public Service Commission shall not, within a period of three years from the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointments to which is vested in the Governor-General, acting on the recommendation of the Commission.

(7) There shall be charged on the revenues of the Federation and paid thereout to the members of the Public Service

Commission such salaries and allowances as the Federal Legislature may by law prescribe:

Provided that the salary of a member of the Commission shall not be reduced during his continuance in office.

(8) For the purposes of this article —

“public office” means an office in the public service of the Federation or an office in the service of the Crown in a civil capacity in respect of the government of any Territory, but does not include —

- (a) office as a member of the Executive Council of a Territory or as a member of any board, panel, committee or other similar body (whether incorporated or not) established by a law of the Legislature of a Territory;
- (b) office as a member of the Judicial Service Commission of the Federation or of a Public Service Commission, a Judicial Service Commission, a Judicial and Legal Service Commission or a Police Service Commission of a Territory or any body with like functions established for a Territory; or
- (c) office as a judge of the Federal Supreme Court or of a superior court of a Territory.

Proceedings of Public Service Commission.

103. At any meeting of the Public Service Commission a quorum shall be constituted if three members are present, and if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceedings of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

Appointment etc. of public officers.

104.—(1) Subject to the provisions of this Constitution, power to make appointments (including appointments on promotion and transfer) to offices in the public service of the Federation and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor-General, acting on the recommendation of the Public Service Commission.

(2) (a) Appointments (including appointments on promotion and transfer) to overseas offices of the Federation shall be made by the Governor-General, after consultation with the Prime Minister.

(b) Subject to the provisions of paragraphs (4) and (5) of this article, power to dismiss and to exercise disciplinary control over persons holding or acting in overseas offices shall vest in the Governor-General, acting after consultation with the Prime Minister.

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

(c) For the purposes of this article “overseas office” means an office in the public service of the Federation designated as such by the Governor-General, acting in accordance with the advice of the Prime Minister, the holder of which is required to reside outside the Federation when on duty; and “overseas officer” means a person holding or acting in an overseas office.

(3) Before the Governor-General acts in accordance with any recommendation of the Public Service Commission that a public officer of the Federation should be dismissed or that any other penalty should be imposed on him by way of disciplinary control, he shall inform the officer of the recommendation and—

(a) if the officer so requests, he shall refer the case to the Public Service Appeal Board constituted by article 105b of this Constitution; and

(b) he may, acting on the recommendation of the Commission, suspend the officer from performing the functions of his office pending the determination of the reference to the Board.

(4) Before the Governor-General dismisses an overseas officer or imposes any other penalty on him by way of disciplinary control, he shall inform the officer of his intention and—

(a) if the officer so requests, he shall refer the case to the Public Service Appeal Board; and

(b) he may, after consultation with the Prime Minister, suspend the officer from performing the functions of his office pending the determination of the reference to the Board.

(5) Where a reference is made to the Public Service Appeal Board under the provisions of this article, the Board shall consider the case and shall advise the Governor-General what action should be taken in respect of the officer, and the Governor-General shall then act in accordance with that advice.

Delegation
of functions
of Public
Service
Commis-
sion.

105.—(1) The Governor-General, acting on the recommendation of the Public Service Commission, may by instrument under the public seal direct, as respects any offices to which he has power, acting on such a recommendation, to make appointments (including appointments on promotion and transfer) that that power, and power to dismiss and to exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of those powers by the Governor-General acting on the recommendation of the Commission) be exercisable by such member or members of the Commission or by such public officer of the

Federation or other authority, and subject to such conditions, as may be specified in the instrument.

(2) Where, by virtue of an instrument made under this article, the power to dismiss or to exercise disciplinary control over an officer is to be exercised by a person or authority other than the Governor-General, acting on the recommendation of the Public Service Commission, the officer shall be informed of the intention to exercise that power and, if he so requests, the case shall be referred to the Public Service Appeal Board, and—

- (a) the Governor-General shall take such action in respect of the officer as the Board, after considering any representations that the Public Service Commission may make, may advise; and
- (b) the said person or authority may suspend the officer from performing the functions of his office pending the determination of the reference to the Board.

Regulations
regarding
Public
Service
Commis-
sion.

105A. Subject to the provisions of this Constitution, the Governor-General, after consultation with the Prime Minister and the Public Service Commission, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters:—

- (a) the exercise by the Commission of additional functions;
- (b) consultation by the Commission with persons other than members of the Commission;
- (c) the organisation of the work of the Commission;
- (d) the protection and privileges of members of the Commission in performing their functions, and the privilege of communications to and from the Commission or its members in case of legal proceedings;
- (e) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of two thousand dollars and imprisonment for a term of two years; and

- (f) generally, for giving effect to the provisions of articles 102 to 105, inclusive, of this Constitution.

Public
Service
Appeal
Board.

105B.—(1) There shall be for the Federation a Public Service Appeal Board, which shall consist of not less than five members.

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

(2) The members of the Public Service Appeal Board shall be appointed by the Governor-General, after consultation with the Prime Minister, by instrument under the public seal.

(3) At least one member of the Public Service Appeal Board shall be a judicial member, that is to say, a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court.

(4) A member of the Public Service Commission shall not be qualified to be appointed as a member of the Public Service Appeal Board, and any member of the Board who is appointed as a member of that Commission shall vacate his office as a member of the Board.

(5) The provisions of paragraphs (3), (4), (5), (7) and (8) of article 102 of this Constitution shall apply in relation to a member of the Public Service Appeal Board as they apply in relation to a member of the Public Service Commission.

(6) A member of the Public Service Appeal Board shall not, within a period of three years from the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointments to which is vested in the Governor-General, acting on the recommendation of the Public Service Commission.

Proceedings of Public Service Appeal Board.

105c. For the purpose of hearing and determining any case referred to the Public Service Appeal Board the Board may act by three of its members, one of whom shall be a judicial member and shall preside over the proceedings.

Regulations regarding Public Service Appeal Board.

105d. Subject to the provisions of this Constitution, the Governor-General, after consultation with the Public Service Appeal Board, may make any regulations which he considers necessary or expedient for providing for all or any of the following matters:—

- (a) the organisation of the work of the Board;
- (b) the time within which and the manner in which application may be made for a reference to the Board, and matters incidental to such references; and
- (c) generally for giving effect to the provisions of this and the two last foregoing articles.

Appointments to certain offices

The Attorney-General.

105e. Appointments to the office of Attorney-General of the Federation shall be made by the Governor-General, after consultation with the Prime Minister.

Secretary
to the
Cabinet.

105f.—(1) Appointments to the office of Secretary to the Cabinet shall be made by the Governor-General, acting on the recommendation of the Prime Minister, from a list of persons submitted by the Public Service Commission.

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

Secretary
to the
Governor-
General.

105g.—(1) Appointments to the office of Secretary to the Governor-General shall be made by the Governor-General, acting in his discretion.

(2) The Secretary to the Governor-General shall assist the Governor-General in such matters as the Governor-General, acting in his discretion, may from time to time direct, and shall not be subject to the direction or control of any other person or authority.

(3) The Governor-General, acting in his discretion, shall have power to dismiss and to exercise disciplinary control over the Secretary to the Governor-General, but he shall inform the Secretary of any intention to exercise that power and, if the Secretary so requests, the case shall be referred to the Public Service Appeal Board, and the Governor-General—

(a) shall take such action in respect of the Secretary as the Board may advise; and

(b) may suspend the Secretary from performing the functions of his office pending the determination of the reference to the Board.

105h.—(1) Appointments to the office of Permanent Secretary (other than appointments on transfer from another such office carrying the same salary) shall be made by the Governor-General, acting on the recommendation of the Public Service Commission, and after consultation with the Prime Minister, who may once require to be referred back to the Commission that recommendation, or any different recommendation that the Commission may submit.

(2) Appointments to the office of Permanent Secretary on transfer from another such office carrying the same salary shall be made by the Governor-General, acting on the recommendation of the Prime Minister.

THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960

78—xiv

(3) Subject to the general direction and control of the Minister to whom responsibility for dealing with any business on behalf of the Federal Government is assigned under article 61 of this Constitution, a Permanent Secretary shall supervise the department of government charged with that business.

(4) The Financial Secretary shall, for the purposes of this article, be deemed to be a Permanent Secretary.

105r.—So long as there is an office of Federal Secretary appointments to that office shall be made by the Governor-General, after consultation with the Prime Minister and the Public Service Commission.”.

Existing appointments.

16.—(1) Any appointment subsisting immediately before the commencement of this Order of a person to be Prime Minister or a Minister, and any appointment subsisting immediately before the date on which sections 8, 12 and 15 of this Order come into operation of a person—

- (a) to be a judge of the Federal Supreme Court;
- (b) to be Federal Secretary, Attorney-General of the Federation, Financial Secretary of the Federation, Secretary to the Governor-General or a Permanent Secretary; or
- (c) subject to the provisions of the following subsection, to hold any other office in the public service of the Federation,

shall, from the commencement of this Order or, as the case may be, the date on which sections 8, 12 and 15 of this Order come into operation, have effect as if they had been made under the provisions of the Constitution as amended by this Order.

(2) (a) Any appointment subsisting immediately before the commencement of this Order of a person to be Clerk of the Senate or Clerk of the House of Representatives shall, from the commencement of this Order, have effect as if it had been made under the provisions of article 42A of the Constitution.

(b) The person who, immediately before the commencement of this Order, held the office of Deputy Clerk of the Legislature shall, from the commencement of this Order, hold the offices of Deputy Clerk of the Senate and Deputy Clerk of the House of Representatives as if he had been appointed to those offices under the provisions of article 42A of the Constitution.

(c) Any appointment subsisting immediately before the commencement of this Order of a person to hold any office (other than the office of Deputy Clerk of the Legislature) on the staff of the Clerk of the Senate or of the Clerk of the House of Representatives shall, from such date as the Governor-General by notice published in the Gazette may prescribe, have effect as if it had been made under the provisions of article 42A of the Constitution.

*THE CONSTITUTION OF THE WEST INDIES
(AMENDMENT) ORDER IN COUNCIL, 1960*

(d) Notwithstanding the foregoing provisions of this subsection, any person referred to in this subsection may, before such date as the Governor-General by notice published in the Gazette may prescribe, declare in writing under his hand addressed to the Governor-General that he wishes to continue to hold office in the public service of the Federation on the terms of service which applied to him immediately before the commencement of this Order.

17.—(1) The Governor-General may, with the concurrence of the Secretary of State, make such provision, by regulations published in the Gazette, as appears to him to be necessary or expedient for the retirement from the public service of the Federation of such persons or classes of persons holding office in that service immediately before sections 12 and 15 of this Order come into operation as may be specified by or under those regulations and for the payment of compensation, pensions, gratuities and other like allowances in such cases.

Regulations for retirement, etc. of certain officers.

(2) All sums payable by virtue of regulations made under the foregoing subsection shall be charged on the revenues of the Federation and shall be paid out upon warrant under the hand of the Governor-General.

18.—(1) The Governor-General may, by Order published in the Gazette, at any time within twelve months after the commencement of this Order, provide that any law of the Federal Legislature in force immediately before the commencement of this Order shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Adaptation of existing laws.

(2) An Order made under this section may be revoked or amended by a further Order so made or, in relation to any law affected thereby, by the authority having power to repeal, revoke or amend that law.

[Provisions of section 19 incorporated in the Constitution.]