
2nd Session Second Parliament Trinidad and Tobago
17 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 25 of 1968

[L.S.]

AN ACT to amend the Constitution.

[Assented to 13th August, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment} by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Trinidad and Tobago ^{Short title} Constitution (Amendment) Act, 1968.

Constitution
amended

2. (1) The Constitution is hereby amended—

(a) in section 14—

- (i) by re-numbering subsection (4) thereof as subsection (7);
- (ii) by re-numbering subsection (5) thereof as subsection (4);
- (iii) by inserting immediately after subsection (4) thereof as re-numbered the following subsection—

“(5) Subsection (1) and paragraph (b) of subsection (3) of this section shall not apply to a person who having become a citizen of Trinidad and Tobago by virtue of section 9 of this Constitution subsequently acquires the citizenship of a Commonwealth Caribbean Country other than by voluntary act.”.
- (iv) by substituting the words “Subsections (4) and (5) of this section” for the words “Subsection (5)” occurring in subsection (6) thereof;

(b) by substituting for subsection (3) of section 15 thereof, the following subsection—

“(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are—

Australia, Barbados, Canada, Ceylon, Cyprus, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, New Zealand, Nigeria, Pakistan, Singapore, Sierra Leone, Tanzania, The Gambia, The United Kingdom and Colonies, Uganda, Zambia and any other Commonwealth country which the Governor-General may by Order add to the list of countries set out herein :

Provided that this section shall cease to apply to any Commonwealth country which may be removed from the said list by the Governor-General by Order.

(4) An Order made under subsection (3) shall be subject to affirmative resolution of the Senate and the House of Representatives.”;

(c) by inserting immediately after subsection (3) of section 44 thereof, the following subsections:—

“(4) A Bill may be assented to during the period occurring between the end of one session of Parliament and the beginning of the next.

(5) Subsection (4) of this section shall be deemed to have had effect from the 31st August, 1962.”;

(d) in section 93—

(i) by deleting the words “public offices” occurring in line two of subsection (1) thereof and substituting therefor the words “the offices to which this section applies”;

(ii) by deleting subsection (2) thereof;

(iii) by re-numbering subsections (3), (4), (5), (6), (7), (8) and (9) thereof as subsections (2), (3), (4), (5), (6), (7) and (8) respectively;

(iv) by substituting in subsection (8) thereof as re-numbered—

(A) the words “the Trinidad and Tobago Fire Service” for the words “a Fire Brigade” occurring in line three;

(B) the words “Fire Service Act, 1965” for the words “Fire Brigades Ordinance” occurring in lines three and four;

(v) by inserting immediately after subsection (8) thereof as re-numbered the following subsection:—

“(9) This section applies to public offices in the Civil Service, the Fire Service and the Prison Service.”;

(e) in section 99—

“(i) by deleting the word “offices” occurring in line one of subsection (1) thereof and by substituting therefor the words “public offices”;

(ii) by substituting the words “Police Service” for the words “Police Force” wherever those words occur therein;

(f) by inserting immediately after section 99 thereof the following sections:—

“Teaching
Service
Commission 99A. (1) There shall be a Teaching Service Commission for Trinidad and Tobago which shall consist of a Chairman and not more than four other members.

(2) The members of the Teaching Service Commission shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(3) A person shall not be qualified to be appointed to or to hold the office of a member of the Teaching Service Commission if he is a Senator or a temporary member of the Senate or a member of the House of Representatives or a Minister or a Parliamentary Secretary or if he holds or is acting in or has held any public office within the period of three years immediately preceding such appointment.

(4) A person who has held office or acted as a member of the Teaching Service Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment to any public office.

(5) The office of a member of the Teaching Service Commission shall become vacant at the expiration of five years from the date of his appointment or such shorter period being not less than three years as may be specified at the time of his appointment.

(6) A member of the Teaching Service Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) A member of the Teaching Service Commission shall not be removed from office except in accordance with the provisions of this section.

(8) If the office of a member of the Teaching Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of 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 subsection (3) of this section, continue to act until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

Remuneration of members of Commission

99B. (1) There shall be paid to members of the Teaching Service Commission such salaries and allowances as may be prescribed by Parliament.

(2) The salary and allowances payable to a member of the Teaching Service Commission shall be a charge on the Consolidated Fund.

(3) The salary and allowances payable to a member of the Teaching Service Commission and his other terms of service shall not be altered to his disadvantage after his appointment.

Appointment of teachers

99C. (1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in public offices in the Teaching Service (including power to make appoint-

ments on promotion and transfer and to confirm appointments) and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Teaching Service Commission:

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section, by directions in writing, to any of its members or to any public officer.

(2) Before the Teaching Service Commission appoints to an office in the Teaching Service any person holding or acting in any office, power to make appointments to which is vested by this Constitution in the Judicial and Legal Service Commission, the Public Service Commission or the Police Service Commission, it shall consult the Judicial and Legal Service Commission, the Public Service Commission or the Police Service Commission as the case may be.

(3) Every person who immediately before the coming into operation of this section holds or is acting in an office in the Teaching Service shall, as from the coming into operation of this section, continue to hold and act in the like office as if he had been appointed thereto in accordance with the provisions of this section; but any person who under any law or by agreement would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.”;

- (g) by inserting the words “the Teaching Service Commission” immediately after the words “Public Service Commission” occurring in line three of subsection (5) of section 102 thereof;
- (h) in section 105 thereof—
 - (i) by deleting the definition of “the Police Force” occurring in subsection (1);

(ii) by inserting in the appropriate alphabetical order the following definitions:

“the Civil Service” means the Civil Service established under section 3 of the Civil Service Act, Act No. 29 of 1965;

“the Fire Service” means the Fire Service established under section 3 of the Fire Service Act, Act No. 31 of 1965;

“the Police Service” means the Trinidad and Tobago Police Service established under section 3 of the Police Service Act, Act No. 30 of 1965;

“the Prison Service” means the Prison Service established under section 3 of the Prison Service Act, 1965; Act No. 32 of 1965

“the Teaching Service” means the unified Teaching Service established under section 53 of the Education Act, 1966;” Act No. 1 of 1966

(iii) by inserting the words—

(A) “service in the office of Governor-General or” between the words “include” and “service” occurring in line seven of the definition of “the public service”;

(B) “or as a member of any court of record or any special judicial tribunal established by Act of Parliament” after the word “Appeal” occurring at the end of the definition of “the public service”;

(iv) by substituting for paragraph (d) of subsection (4) thereof, the following paragraph—

“(d) that he is a member of any board, commission, committee or other similar body (whether

incorporated or not) or is appointed to any special office established by any law in force in Trinidad and Tobago or is a person employed as a consultant or adviser for specific purposes.”

(2) The amendments contained in subparagraphs (iii) and (iv) of paragraph (h) of subsection (1) of this section shall be deemed to have had effect from the 31st August, 1962.

(3) The amendments contained in paragraphs (d), (f) and (g) of subsection (1) of this section shall come into operation on a date to be fixed by proclamation of the Governor-General published in the *Gazette*.

I certify that at the final voting on this Bill in the House of Representatives, the Bill was supported by the votes of twenty-five (25) elected Members.

C. A. THOMASOS
Speaker, House of Representatives

Passed in the House of Representatives this 2nd day of August, 1968.

G. R. LATOUR
Clerk of the House of Representatives

I certify that at the final voting on this Bill in the Senate, the Bill was supported by the votes of sixteen (16) Members of the Senate (excluding the President).

J. HAMILTON MAURICE
President of the Senate

Passed in the Senate this 6th day of August, 1968.

A. A. DARLINGTON
Clerk of the Senate (Acting)