
Second Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 15 of 1978

[L.S.]

AN ACT to amend the Constitution of the Republic of
Trinidad and Tobago Act, 1976.

[Assented to 19th April, 1978]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Constitution of the Short title
Republic of Trinidad and Tobago (Amendment) Act,
1978.

Interpretation

Act No. 4
of 1976

2. In this Act "the Constitution" means the Constitution set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act, 1976.

Section 49(2) of
Constitution
amended

3. Section 49(2) of the Constitution is amended by adding immediately after paragraph (d) the following new paragraph:—

"(e) having been a candidate of a party and elected to the House, he resigns from or is expelled by that party."

Constitution
amended

4. The Constitution is amended by inserting immediately after section 49 the following new section:—

"Vacation
of seat
where
member
resigns
or is
expelled

49A. (1) Where circumstances such as are referred to in section 49(2)(e) arise, the leader in the House of Representatives of the party as a candidate of which the member was elected, shall so inform the Speaker in writing of those circumstances and the Speaker shall, at the sitting of the House of Representatives next after he is so informed, make a declaration that the member has resigned from or has been expelled by the party, as the case may be.

(2) Where within a period of fourteen days of the declaration by the Speaker the member does not institute legal proceedings to challenge the allegation that he has resigned or to challenge his expulsion, he shall vacate his seat at the end of the said period of fourteen days.

(3) Where within fourteen days of the declaration by the Speaker, the member institutes legal proceedings as aforesaid he shall not vacate his seat unless and until either the proceedings are withdrawn or the proceedings are finally determined by a decision upholding the resignation or expulsion, the decision being one that is not open to appeal or in respect of which the time allowed for an appeal has expired without an appeal being filed.

(4) From the date of the declaration by the Speaker under subsection (1) the member shall cease to perform his functions as a member of the House of Representatives and he shall resume the performance of such functions only if and when the legal proceedings referred to in subsection (3) are finally determined within the meaning of that subsection in favour of such member.

(5) Standing Orders shall make provision for the identification and recognition of the leader in the House of Representatives of every party and for otherwise giving effect to this section.”

Passed in the House of Representatives this 15th day of April, 1978.

J. E. CARTER
Clerk of the House

It is hereby certified that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House was supported by the votes of not less than two-thirds of all the members of the House, that is to say by the votes of 27 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 19th day of April, 1978.

R. GRIFFITH
Clerk of the Senate

It is hereby certified that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate was supported by the votes of not less than two-thirds of all the members of the Senate, that is to say by the votes of 25 Senators.

R. GRIFFITH
Clerk of the Senate