

GOVERNMENT NOTICE No. 8

See LN 97/63 (p 179)

TRINIDAD AND TOBAGO

THE TRINIDAD AND TOBAGO (CONSTITUTION) ORDER IN COUNCIL, 1962

ORDER

MADE BY THE GOVERNOR-GENERAL UNDER SECTION 4 OF THE TRINIDAD AND TOBAGO (CONSTITUTION) ORDER IN COUNCIL, 1962

THE EXISTING LAWS AMENDMENT ORDER, 1962

1. This Order may be cited as the Existing Laws Amendment Order, 1962. Citation.

2. (1) In this Order, "existing laws" has the meaning assigned to it by the Trinidad and Tobago (Constitution) Order in Council, 1962; and "existing law" shall be construed accordingly. Interpretation.

(2) The Interpretation Act, 1962, as amended by this Order, applies, with the necessary adaptations, for the purposes of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

3. (1) Subject to this Order and the Constitution, a reference in any existing law to the Governor (meaning thereby a Governor of the former Colony of Trinidad and Tobago) including a reference to the Governor in Council or the Governor in Executive Council, shall be read and construed as a reference to the Governor-General. References to Governor to be construed as references to Governor-General.

(2) For the avoidance of doubt it is hereby declared that—

(a) where immediately before the commencement of this Order a function was, under an existing law, expressed to be exercisable by the Governor acting in his discretion or absolute discretion, then unless that function is, under the Constitution, expressed to be exercisable by the Governor-General acting in accordance with his own deliberate judgment or in accordance with the advice of any person or authority other than the Cabinet, that function is exercisable by the Governor-General acting in accordance with the advice of the Cabinet or of a Minister acting under the General authority of the Cabinet;

(b) where immediately before the commencement of this Order a function was, under an existing law, expressed to be exercisable by the Governor or any person or authority and that function is, under the Constitution, expressed to be exercisable by some other person or authority, then that function is exercisable by that other person or authority in accordance with the Constitution.

4. (1) Where it is provided in any existing law that any matter or thing shall be reported to a Secretary of State or that a Secretary of State shall be consulted that provision shall cease to have effect. Reference to Secretary of State to cease to have effect or to refer to Governor-General.

(2) Where it is provided in any existing law that any matter or thing shall require the approval or consent of a Secretary of State, then—

- (a) if the matter or thing for which such approval or consent is required would, had it been done or omitted before the commencement of this Order, have been an act or omission of the Governor, that provision shall cease to have effect; and
- (b) in any other case, such provision shall have effect as if that matter or thing required the approval or consent of the Governor-General.

(3) Where it is provided in any existing law that any matter or thing not included in subsections (1) and (2) is required to be or may be done by a Secretary of State, such provision shall have effect as if that matter or thing were required to be or might be done by the Governor-General.

(4) Nothing in this section shall apply to any such matter or thing done or omitted in respect of, or in relation to the United Kingdom or any dependency thereof.

5. Any provision in or under any existing law whereby a power of disallowance is reserved to Her Majesty shall cease to have effect.

Power of disallowance to cease.

6. (1) Where under any act of the Parliament of the United Kingdom which extends expressly or by necessary implication or is applied to Trinidad and Tobago as part of the law thereof, or under any Imperial Order in Council which applies to Trinidad and Tobago as part of the law thereof (being in either case an existing law), power to make subsidiary legislation is given to a person or authority other than a person or authority in or under the Government, that power may be exercised by the Governor-General.

Power of Governor-General to make subsidiary legislation.

(2) In this section "subsidiary legislation" means any regulation, rule, bye-law, order scheme or other instrument having legislative effect.

7. Anything done under an existing law before the date of the commencement of this Order shall, in so far as it had effect immediately before that day, continue to have effect as if done under the law as amended by this Order.

Saving of Acts done.

Amendment of existing laws.

8. (1) The Orders specified in the First Schedule are revoked.

(2) The laws specified in the first column of the Second Schedule are amended to the extent specified in relation thereto in the second column of that Schedule.

(3) For the avoidance of doubt it is declared that the laws in respect of which the Orders specified in the First Schedule had effect, shall continue to have effect as if those Orders had not been made, but without prejudice to anything contained in this Order or any other law.

## FIRST SCHEDULE

The Director of Public Prosecutions Adaptation Order, 1961;  
 The Exchequer and Audit Adaptation Order, 1961;  
 The Rent Restriction Adaptation Order, 1962;  
 The Exchequer and Audit Adaptation Order, 1962.

## SECOND SCHEDULE

*Laws**Extent of Amendment*

- The Law Officers Ordinance (Ch. 7. No. 3)**      *Section 4*  
 The words "criminal or" are deleted.
- Section 5*  
 The section is deleted.
- The Services (Charges Control) Ordinance (Ch. 30. No. 18)**      *Section 13*  
 For the words "one of the Law Officers specified in Part I of the Schedule to the Law Officers Ordinance" the word "Attorney-General" is substituted.
- The Exchequer and Audit Ordinance, 1959 (No. 20 of 1959)**      *General*  
 For the words "Order in Council" wherever they appear, other than in the definition thereof in section 2, the word "Constitution" is substituted.
- For the words "Director of Audit" wherever they appear, the word "Auditor-General" is substituted.
- Section 2*  
 For the words "the Legislative Council" where they appear in the definitions of "accounting officer" and "revenue", the word "Parliament" is substituted.
- For the definition of "Appropriation Ordinance" the following definitions are substituted:
- "'Appropriation Ordinance' means any enactment authorising the issue of moneys from the Consolidated Fund to meet expenditure of the Government, and includes a provision of an Act or of the Constitution which charges expenditure on that Fund;
- 'appropriate Service Commission' means whichever of the service commissions established by the Constitution has the power to exercise disciplinary action over a person against whom a surcharge under this Ordinance is to be made, and where such person is no longer in the employment of the Government the commission which last had such power;"
- The words "Constituted by section 15 of this Ordinance" in the definition of "Consolidated Fund" are deleted.
- The definition of "Order in Council" is deleted.
- The words "the Colony of" in the definition of "Territory" are deleted.
- Section 4*  
 In subsection (3), for the words "Legislative Council" the word "House" is substituted.

## SECOND SCHEDULE—CONTINUED

*Laws**Extent of Amendment**Section 7*

For the words "of the West Indies" the words "in the service of the Interim Commissioner for the West Indies" are substituted.

*Section 8*

In subsection (2), for the words "Legislative Council" the word "House" is substituted.

*Section 9*

The section is deleted.

*Section 10*

The section is deleted.

*Section 11*

In subsection (1), the words "on behalf of the Legislative Council," are deleted.

In subsection (2), for the words "the Legislative Council" the word "Parliament" is substituted.

In subsection (5), for the words "the Legislative Council"

(a) where they first appear, the word "Parliament" is substituted; and

(b) where they appear for the second time, the words "the House" are substituted.

*Section 13*

In subsection (2), for the words "to the Legislative Council" the words "required by this Act or the Constitution to be laid before the House" are substituted.

*Section 15*

For the words "the Legislative Council" wherever they appear, the word "Parliament" is substituted.

*Section 17*

For the words "Legislative Council" the word "House" is substituted.

*Section 18*

In subsection (1), for the words "Legislative Council" the word "House" is substituted.

In subsection (2), for the words "the Legislative Council" the word "Parliament" is substituted.

For subsections (3) and (4), the following subsections are substituted:—

"(3) For the purpose only of enabling the sum referred to in subsection (1) to be withdrawn from the Consolidated Fund for the purpose of defraying unforeseen expenditure in accordance with this section, that expenditure is hereby charged on the Consolidated Fund.

(4) Where any advance is made in accordance with subsection (2), a supplementary estimate shall be presented and a supplementary appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced."

## SECOND SCHEDULE—CONTINUED

## Laws

## Extent of Amendment

## Section 19

The following subsection is inserted immediately after subsection (2) :—

“(3) For the purpose only of enabling amounts to be withdrawn from the Consolidated Fund under subsection (2) to meet the said payments, those payments are hereby charged on the Consolidated Fund.”

## Section 20

For subsection (1), the following subsection is substituted:—

“(1) Where moneys are authorised by an Appropriation Ordinance to be withdrawn from the Consolidated Fund the Treasury may, by requisition from time to time, authorise and require the Auditor-General to grant credits on the Exchequer Account not exceeding on the whole the amount authorised by the Treasury.”

In paragraph (a) of subsection (2), for the words “sections 24” the words “an Appropriation Ordinance or of sections 25” are substituted.

## Section 24

The section is deleted.

## Section 25

In subsection (1) :—

- (a) for the word “It” at the beginning of the subsection, the words “Subject to this section, it” are substituted;
- (b) for the words “Legislative Council” wherever they appear the word “House” is substituted;
- (c) for the words “four months” the words “thirty days” are substituted.

For subsection (2) the following subsection is substituted:—

“(2) Until the 1st day of January, 1964, subsection (1) shall have effect as if for the words “thirty days” appearing therein the words “four months” were substituted.”

In subsection (3) :—

- (a) the words “subsections (1) and (2) of” are deleted;
- (b) for the words “the Legislative Council” the word “Parliament” is substituted.

## Section 26

In subsection (2), for the word “When” at the beginning of the subsection, the words “Investments made under this section shall continue to form part of the Consolidated Fund, and when” are substituted.

## Section 27

Immediately after the words “Exchequer Account” at the end of the section, the words “and such sums are hereby charged on the Consolidated Fund” are inserted.

## Section 28

In subsection (1), for the words “Legislative Council” wherever they appear, the word “House” is substituted.

## SECOND SCHEDULE—CONTINUED

*Laws**Extent of Amendment**Section 29*

In subsection (1), for the words "Legislative Council" the word "House" is substituted.

For subsection (2), the following subsection is substituted:—

"(2) The Auditor-General shall set out in his annual report all payments made out of public moneys to a member of each chamber of Parliament (other than the salary and any allowances paid to him as a Minister, President or Deputy President of the Senate, Speaker or Deputy Speaker of the House, Parliamentary Secretary or as a member, and any pension paid to such member) by stating the name of the member receiving the payment, the total amount which he has received and the service or services in respect of which the payment was made."

In subsection (4) for the words "Legislative Council" the word "House" is substituted.

In subsection (5) :—

(a) for the words "Legislative Council" the word "House" is substituted;

(b) for the words "said Council" the word "House" is substituted.

*Section 31*

In subsection (1), for all the words beginning with the word "surcharge" to the end of the subsection the following words are inserted :

"refer the matter to the appropriate Service Commission, and the appropriate Service Commission may, if they deem fit, and after giving the person an opportunity to give such further explanation as he may wish, surcharge against such person the amount (or any part thereof) of such amount not collected or, as the case may be, the amount (or any part thereof) of such payment or deficiency or the value of the property destroyed."

*Section 32*

For the word "Minister" the words "appropriate Service Commission" are substituted.

*Section 33*

For the word "Minister" the words "appropriate Service Commission" are substituted.

*Section 34*

The section is deleted.

*Section 35*

Immediately after the words "the Minister may" the words "with the approval of the appropriate Service Commission" are inserted.

*Section 36*

For the words "Legislative Council" wherever they appear, the word "House" is substituted.

*Section 38*

For the words "Legislative Council" wherever they appear, the word "House" is substituted.

## SECOND SCHEDULE—CONTINUED

## Laws

## Extent of Amendment

*Section 40*

For the words "voted by the Legislative Council" the words "provided by Parliament" are substituted.

*Section 45*

For the words "Legislative Council" wherever they appear, the word "House" is substituted.

*Section 47*

For the words "the Legislative Council" the word "Parliament" is substituted.

*Section 48*

In subsection (2), for the words "the Legislative Council" the word "Parliament" is substituted.

*Section 50*

In subsection (2), for the words "Legislative Council" the word "House" is substituted.

**The Interpretation Act,  
1962 (No. 2 of 1962)**

*General*

For the words "the Legislature" wherever they appear, other than in section 2 or in the Schedule the word "Parliament" is substituted.

*Section 2*

For the definition of "Act" the following definition is substituted :—

" 'Act' means an Act of Parliament, or an Act of a legislature of Trinidad and Tobago passed before 30th August, 1962;".

*Section 45*

For subsection (1), the following subsection is substituted :—

- "(a) 'Act' means an Act of Parliament, or an Act of a legislature of Trinidad and Tobago passed before the 30th August, 1962; and in any Act other than this Act, 'Act' includes an Ordinance;
- (b) 'chamber' means the Senate or the House;
- (c) 'the House' means the House of Representatives;
- (d) 'Ordinance' means an Ordinance of a legislature of Trinidad and Tobago passed before the date of the commencement of the Statute Law Act, 1962; and in any enactment passed or made before that date 'Ordinance' includes an Act;
- (e) 'the Senate' means the Senate of Trinidad and Tobago."

*Section 46*

Paragraphs (b) and (c) are deleted.

For the definition of "Supreme Court" in paragraph (i) the following definition is substituted :—

" 'Supreme Court' means the Supreme Court of Judicature (established under the Constitution.)"

*Section 47*

For the definitions of "Governor" and "Order in Council" in paragraphs (k) and (l) respectively, the following definitions are substituted :—

" 'Governor-General' means the person appointed to the office of Governor-General of Trinidad and Tobago

## SECOND SCHEDULE—CONTINUED

*Laws**Extent of Amendment*

and includes any person performing the functions of that office under section 21 of the Constitution ;

‘Order in Council’ when used in an enactment passed or made after the commencement of this Act means an order of the Governor-General made on the advice of Cabinet and includes an order made in like manner by a former Governor of Trinidad and Tobago or by a person exercising any of the functions of the office of Governor.”

*Section 49*

In subsection (1), a semicolon is substituted for the full stop at the end of paragraph (b) thereof, and the following paragraph inserted as paragraph (c) :—

“ ‘Parliament’ means the Parliament of Trinidad and Tobago.”

*Section 50*

For the definition of “constitutional laws of Trinidad and Tobago” in paragraph (c), the following definition is substituted :—

“ ‘the Constitution’ or ‘the constitutional laws of Trinidad and Tobago’ means the Constitution annexed to the Trinidad and Tobago (Constitution) Order in Council, 1962, and includes an Act that amends or replaces any of the provisions thereof;”

*Section 52*

The section is deleted.

*Section 53*

The section is deleted.

*Schedule*

In sub-paragraph (2) of paragraph 1, immediately after the words “this Act”, the words “other than in the Exchequer and Audit Ordinance, 1959” are inserted.

Made by the Governor-General this 1st day of September, 1962.

SOLOMON HOCHOY  
Governor-General