
**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016****EXPLANATORY MEMORANDUM**

The **clauses** of the Bill for the *Constitution of Grenada (Caribbean Court of Justice and other Justice-Related Matters) (Amendment) Act*, its short title by its **clause 1 (1)**, would amend the Constitution, for certain objects. Final appeals from Grenada to Her Majesty in Council, the Privy Council in the UK (“UKPC”), to be replaced by final appeals from Grenada to the Caribbean Court of Justice (“CCJ”) established by the *Agreement Establishing the Caribbean Court of Justice*, (“CCJ Agreement”). Also addressed are certain other justice-related matters, as renaming the Supreme Court the Eastern Caribbean Supreme Court.

Changes regarding the retiring ages of Eastern Caribbean Supreme Court “ECSC” Judges, the designation of ‘Puisne Judges’, and replacing UKPC with CCJ touching the tenure of ECSC Judges require agreements among EC countries. To cater for such agreements, Part II of Schedule 1 to the Constitution prescribing referendum approval concerning amendments to the Courts Order in these respects would be amended without the necessity to have referendum approval, by **clause 32A**, inserted by paragraph 6 below.

When a country ratifies the CCJ Agreement, that country automatically submits to the CCJ Original Jurisdiction, which has exclusive jurisdiction to interpret and apply the Revised Treaty of Chaguaramas. No constitutional change is needed for this as it does not alter the Constitution.

Accession by a country to the CCJ Appellate Jurisdiction (“CCJ AJ”) requires a special agreement between that country and CCJ. Constitutional change is needed for this as it alters the provisions in the Constitution and the other constitutional instruments which establish and regulate the Courts; it substitutes a new final appellate court for that provided for by the Constitution. So, **clause 1 (2)** makes it clear that the Act shall be read and construed as altering the Constitution.

Section 104, in Chapter VIII, of the Constitution provides for appeals from the Court of Appeal to “Her Majesty in Council”, UKPC, which may be called the “UKPC appeals clause”.

Section 39(5)(c) of the Constitution, which requires a two-thirds majority referendum approval vote to alter numerous provisions of the Constitution, does not apply to section 104 in Chapter VIII. By the joint operation of section 39(5) and Schedule 1 to the Constitution Part 1 para (vi), the referendum approval is needed for “Chapter VIII (except section 104)”.

Section 104 may be altered by the votes of two-thirds of all the members of the House of Representatives by section 39(2); no majority vote bigger than the simple majority vote being set for the Senate. The abolition of UKPC appeals in 1979 without a referendum was in 1986 certified by UKPC as having been done validly.

However, making the CCJ Appellate Jurisdiction (“CCJ AJ”) the final appellate court for Grenada requires compliance with the referendum approval vote seen above. This is so on a UKPC decision in 2005 in a case from Jamaica, whose Constitution treats the UKPC appeals clause just as in Grenada.

The CCJ Agreement has very admirable provisions on the appointment of CCJ Judges, their tenure, their protection against arbitrary removal from office, their being assured substantial jurisdiction, the financing of CCJ. It fully safeguards CCJ against political interference.

UKPC has certified that the CCJ Agreement represents a serious and conscientious endeavour to create a regional court of high quality and “complete independence, enjoying all the advantages which a regional court could hope to enjoy”.

Mainly, the substituting of CCJ AJ for UKPC would take place in section 104, transforming the UKPC appeals clause into what may be called the “CCJ appeals clause”. The Bill would repeal section 104 and replace it, deleting the words “Her Majesty in Council” wherever they appear in section 104, and in each case substituting the words “the Caribbean Court of Justice”. That would be done by **clause 9**.

The substituting of CCJ for UKPC would be done also by **clauses 4, 6 and 7** regarding provisions of the Constitution other than section 104.

To emphasise that CCJ AJ would be the final appellate court, **clause 10** would insert in the Constitution a new provision, section 104A, which would say that CCJ decisions “shall be final and not subject to any appeal”.

It should be stated that no appeal shall lie from any court in Grenada to any court except only to CCJ. **Clause 10** would insert in the Constitution a new provision, section 104B, saying so.

It will be necessary to provide that alterations of the CCJ Agreement shall require the votes of not less than two-thirds of all the members of the House of Representatives, just as how section 104 is entrenched. This would be done by **Clauses 5(a)(ii), (b)(ii), (c)(ii), (f)(ii), (g)(ii); 12**.

Some of the other constitutional instruments have provisions regulating machinery for UKPC appeals, as in the Appeals to Privy Council Orders. These provisions would be repealed, by **Clause 5 (a)(i), (b)(i), (c)(i), (d), (e)(i); 12**.

There is a sweeping-up clause to substitute CCJ AJ for UKPC in provisions not specified by the Bill. This is **Clause 13**.

What decisions of the Court of Appeal would have been final, not subject to appeal, when the Bill would have passed, would remain final, by **clause 14**.

Matters that were already at, or on the way to, UKPC when the Bill would have been passed shall continue to be as they are, by **clauses 15 and 16**. However, such a matter may be transferred to CCJ with the consent of all parties, by **clause 16(2)**.

References to the “Supreme Court of Grenada and the West Indies Associated States” in the Constitution, section 105, and the Courts Order, section 4, as impacted by the Constitution, section 105, would become references to the “Eastern Caribbean Supreme Court”, by **clauses 18, 19, 33(1)**. Also relevant would be clause 27.

References to the “Courts Order” in the Constitution as in sections 39, 92, 93, 111(1), would become references to the “Eastern Caribbean Supreme Court Order”, by **clauses 20, 21, 25, 26, 27, 28, 29, 33**.

The age of retirement of Judges would be raised from sixty-five years for Court of Appeal Judges and sixty-two years for High Court Judges to seventy-two years in all cases, by **clause 32**. However, the prior agreement of all participating states would be needed for actual implementation of this provision.

The term “Puisne Judge” would be replaced by the term “High Court Judge”, by ***clause 32***.

There would be a Code of Conduct, by ***clause 34***.

Allegiance would be sworn to Grenada, by ***clauses 35 -36***.

One who would hold or act in the office of Attorney-General would be required to be entitled to practise as an attorney-at-law, ***clause 38***.

The “Chief of Police” would become the “Commissioner of Police”, ***clauses 39-41***.

The date of commencement of the Act would be appointed by the Governor-General by proclamation published in the Gazette, by clause 1(3); but not to have effect retroactively.

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A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016**

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**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) BILL, 2016****GRENADA****ACT NO. 2016**

AN ACT to alter the Constitution of Grenada to provide for the establishing of the Caribbean Court of Justice as the final appellate court for Grenada in substitution for Her Majesty in Council and to provide for other justice- related matters;

WHEREAS it is a fundamental objective that jurisdiction as to the final determination of litigation arising in and for Grenada be vested in the Caribbean Court of Justice in substitution for Her Majesty in Council;

AND WHEREAS the attainment of the said objective requires that there be duly altered the Constitution of Grenada and other constitutional instruments of Grenada;

AND WHEREAS the attainment of other justice-related objectives such as styling the Supreme Court the Eastern Caribbean Supreme Court also requires that there be duly altered the Constitution of Grenada and other constitutional instruments of Grenada;

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

**PART I
PRELIMINARY****Short title, commencement and alteration of the Constitution**

1. (1) This Act may be cited as the

**CONSTITUTION OF GRENADA (CARIBBEAN COURT OF JUSTICE AND
OTHER JUSTICE-RELATED MATTERS) (AMENDMENT) ACT, 2016.**

(2) This Act shall come into effect on such date as may be appointed by Proclamation issued by the Governor-General and published in the *Gazette*; and different dates may be appointed for the various provisions of this Act;

provided that no provision of this Act shall have effect retroactively to any date prior to the commencement of this Act.

(3) This Act shall be read and construed as altering the Constitution.

Interpretation

2. In this Act—

“Agreement Establishing the Caribbean Court of Justice” means the Agreement Establishing the Caribbean Court of Justice referred to in section 11 of this Act;

“Caribbean Court of Justice” means the Caribbean Court of Justice established under the Agreement Establishing the Caribbean Court of Justice in relation to the Appellate Jurisdiction of that Court established by clause (b) of paragraph 1 of Article III of that Agreement.

“Constitution” means the Constitution of Grenada which is set out in Schedule 1 to the Grenada Constitution Order 1973;

“Constitutional instruments” includes the—

- (a) Grenada Constitution Order 1973;
- (b) Constitution of Grenada;
- (c) West Indies Associated States Supreme Court Order 1967;
- (d) West Indies Associated States (Appeals to Privy Council) Order 1967; and
- (e) West Indies Associated States (Appeals to Privy Council) (Grenada) Order 1967;

“Constitution Order” means the Grenada Constitution Order 1973;

PART II

SUBSTITUTING THE CARIBBEAN COURT OF JUSTICE FOR HER MAJESTY IN COUNCIL

Alteration of section 16 of the Constitution

3. Section 16 of the Constitution is altered in subsection (4) by deleting the words “Her Majesty in Council” wherever they occur and in each case substituting the words “the Caribbean Court of Justice”.

Alteration of section 18 of the Constitution

4. Section 18 of the Constitution is altered in subsection (1) in the definition of the word “court” by deleting the words “Her Majesty in Council” and substituting the words “the Caribbean Court of Justice”.

Alteration of section 39 of the Constitution**5. Section 39 of the Constitution is altered—****(a) in subsection (1)—**

- (i)** by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii)** by deleting the words “in the manner” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice in the manner”;

(b) in subsection (2)—

- (i)** by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii)** by deleting the word “shall” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall”;

(c) in subsection (4)—

- (i)** by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii)** by deleting the words “shall not be suggested” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall not be suggested”;

(d) in subsection (5) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”;**(e) by inserting after subsection (5) the following new subsection—**

“(5A) The provisions of paragraph (c) of subsection (5) of this section shall not apply in relation to any bill to alter section 8 of the Courts Order to give effect to any agreement among countries in and over which the Supreme Court has jurisdiction to substitute for references in that section to “the Judicial Committee of Her Majesty’s Privy Council” and “the Judicial Committee” references to “the Caribbean Court of Justice””;

(f) in subsection (8)—

- (i) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and
- (ii) by deleting the words “shall not be submitted” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice shall not be submitted”;

(g) in subsection 9—

- (i) by deleting paragraph (c) and substituting the following—

“(c) references to the Agreement Establishing the Caribbean Court of Justice are references to that Agreement in so far as it has effect as part of the law of Grenada, and include references to any law that alters that Agreement in so far as it has such effect;” and

- (ii) in paragraph (d)—

- (A) by deleting the words “or section 3 of the West Indies Associated States (Appeals to Privy Council) Order 1967”; and

- (B) by deleting the words “as the case may be” and substituting the words “or the Agreement Establishing the Caribbean Court of Justice, as the case may be”; and

- (C) by inserting after subsection (9) the following new subsection—

“(10) In this section references to the Agreement Establishing the Caribbean Court of Justice are references to those provisions of that Agreement which relate to the Appellate Jurisdiction of the Caribbean Court of Justice which is established by clause (b) of paragraph 1 of Article III of that Agreement.”.

Alteration of section 71 of the Constitution

6. Section 71 of the Constitution is altered in subsection (5) by deleting the words “Her Majesty in Council” and substituting the words “the Caribbean Court of Justice”.

Alteration of section 102 of the Constitution

7. Section 102 of the Constitution is altered in subsection (2) by deleting the word “Her Majesty in Council” wherever they occur and in each case substituting the words “the Caribbean Court of Justice”.

Insertion of Chapter heading

8. The Constitution is altered by inserting immediately after section 103 of the following—

**“CHAPTER VIIIA
CARIBBEAN COURT OF JUSTICE**

PART I

Jurisdiction of the Caribbean Court of Justice”

Repeal and replacement of section 104 of the Constitution

9. Section 104 of the Constitution is repealed and the following substituted therefor—

“Appeals to the Caribbean Court of Justice

104. (1) An appeal shall lie as of right to the Caribbean Court of Justice (which Caribbean Court of Justice may hereinafter in this Chapter VIIIA be referred to as “the Court”) from decisions of the Court of Appeal in the following cases—

- (a) final decisions in any civil proceedings where—
 - (i) the matter in dispute on appeal to the Court is of the prescribed value or upwards; or
 - (ii) the appeal involves directly or indirectly a claim to or a question respecting property or a right regarding any matter of the prescribed value or upwards;
- (b) final decisions in proceedings for dissolution or nullity of marriage;
- (c) final decisions in any civil or criminal proceedings which involve a question as to the interpretation of this Constitution;
- (d) final decisions given in the exercise of the jurisdiction conferred upon the High Court relating to redress for a contravention of the provisions of this Constitution for the protection of fundamental rights and freedoms;

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- (e) final decisions given in the exercise of the jurisdiction conferred upon the High Court relating to the determination of any question for which a right of access to the High Court is expressly provided by this Constitution; and
 - (f) such other cases as may be prescribed by Parliament.
- (2) An appeal shall lie to the Caribbean Court of Justice from decisions of the Court of Appeal with the leave of the Court of Appeal—
- (a) in respect of decisions in any civil proceedings 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 the Court; and
 - (b) such other cases as may be prescribed by Parliament.
- (3) An appeal shall lie to the Caribbean Court of Justice with the special leave of the Court from any decision of the Court of Appeal in any civil or criminal matter.
- (4) References in this section to decisions of the Court of Appeal shall be construed as references to decisions of the Court of Appeal in exercise of the jurisdiction conferred by this Constitution or any other law for the time being in force in Grenada.
- (5) In this section the “prescribed value” means the value of fifteen hundred dollars or such other value as may be prescribed by Parliament.
- (6) This section shall be subject to the provisions of subsection (7) of section 37 of this Constitution.”

Insertion of sections in the Constitution

10. The Constitution is amended by the inserting after section 104 the following—

“Decisions of the Caribbean Court of Justice shall be final

104A. Decisions of the Caribbean Court of Justice shall be final and shall not be subject to any appeal review or other enquiry whatever in any other court, tribunal or body whatsoever.”.

PART II

*Appeals from courts in Grenada only to the Caribbean
Court of Justice***No appeal shall lie from any Court in or for Grenada except to the Caribbean Court of Justice**

104B. No appeal shall lie or shall be brought from or in respect of any decision of any court in or for Grenada to any court, tribunal or other body whatsoever, except only to the Caribbean Court of Justice in accordance with section 104 of this Constitution, whether—

- (a) as of right;
- (b) by leave of any court, tribunal or other body;
- (c) by special leave of any court, tribunal or other body; or
- (d) otherwise.”.

Alteration of section 111 of the Constitution

11. Section 111 of the Constitution is altered as follows—

- (a) in subsection (1), by inserting the following definition in its appropriate alphabetical order—

“**“Agreement Establishing the Caribbean Court of Justice”**
means the Agreement Establishing the Caribbean Court of Justice, signed at St. Michael, Barbados, on the 14th day of February 2001, together with all Protocols and amendments thereto;”;

- (b) by deleting subsection (3) and substituting the following—

“(3) In this Constitution—

- (a) references to the Court of Appeal, the High Court and the Judicial and Legal Services Commission are references to the Court of Appeal, the High Court and the Judicial and Legal Services Commission established by the Courts Order; and
- (b) references to the Caribbean Court of Justice are references to the Caribbean Court of Justice established under the Agreement Establishing the Caribbean Court of Justice in relation to the Appellate Jurisdiction of that Court established by clause (b) of paragraph 1 of Article III of that Agreement.”.

- (c) by deleting subsection (15) and substituting with the following-

“(15) Except where interpretation provisions are specifically set out in this Constitution, the Interpretation and General Provisions Act Cap. 153 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto.”.

PART III

REPEAL OF WEST INDIES ASSOCIATED STATES (APPEALS TO PRIVY COUNCIL) ORDER 1967 AND WEST INDIES ASSOCIATED STATES (APPEALS TO PRIVY COUNCIL) (GRENADA) ORDER 1967

Repeals of the West Indies Associated States (Appeals to Privy Council Order)

12. (1) The West Indies Associated States (Appeals to Privy Council) Order 1967, in so far as it has effect as part of the law of Grenada, is repealed.

(2) The West Indies Associated States (Appeals to Privy Council) (Grenada) Order is repealed.

PART IV GENERAL, SAVINGS, TRANSITIONAL

Other relevant references

13. Where in any part of the constitutional instruments other than those specifically mentioned above, or in any written law other than the constitutional instruments, provision is made for, or reference is made to, an appeal to Her Majesty in Council or the Judicial Committee of Her Majesty's Privy Council or the Judicial Committee of the Privy Council or the Privy Council or any such kindred expression, such provision or reference shall, after the date of commencement of this Act, be construed as a reference to an appeal to the Caribbean Court of Justice.

Matters already finally determined

14. Nothing contained in this Act shall be construed as conferring jurisdiction on the Caribbean Court of Justice to hear and determine matters in relation to any decision of the Court of Appeal which at the date of commencement of this Act was, pursuant to the Constitution or any other law, declared to be final.

Savings

15. The provisions of this Act—

(a) shall not affect—

- (i) any application that was made to Her Majesty in Council; or
- (ii) any matter that was before Her Majesty in Council before the date of commencement of this Act;

(b) shall not affect the execution or enforcement of any decision given, in respect of an application or matter referred to in paragraph (a) of this section, after the commencement of this Act.

Transitional

16. (1) An appeal pending before Her Majesty in Council at the date of commencement of this Act may be transferred to the Caribbean Court of Justice with the consent of all parties.

(2) Proceedings shall be deemed to be pending where—

- (a) an appeal to Her Majesty in Council has been instituted before the date of commencement of this Act; or
- (b) leave to appeal or special leave to appeal to Her Majesty in Council has been granted or applied for before the date of commencement of this Act.

(3) Any judgment of Her Majesty in Council which at the commencement of this Act has been given but not satisfied may be enforced after the date of commencement of this Act as if such judgment had been a judgment of the Caribbean Court of Justice.

PART V**STYLING THE SUPREME COURT THE
“EASTERN CARIBBEAN SUPREME COURT”****Insertion before section 105 of new Chapter name, number and heading in the
Constitution**

17. The Constitution is altered by the inserting before section 105 the following—

**“CHAPTER VIII B
SUPREME COURT TO BE STYLED THE
EASTERN CARIBBEAN SUPREME COURT”****Repeal and replacement of section 105 of the Constitution**

18. Section 105 of the Constitution is repealed and the following substituted therefor—

“Supreme Court to be styled the Eastern Caribbean Supreme Court

105. In this Chapter references to this Constitution shall be construed as including references to the Courts Order, which, subject to any provisions made by Parliament under section 39 of this Constitution, shall continue to have effect as part of the law of Grenada but which shall be styled the Eastern Caribbean Supreme Court Order; and for that purpose the Supreme Court established by that Order shall be styled the Eastern Caribbean Supreme Court.”.

Alteration of section 4 of the Courts Order

19. Section 4 of the Courts Order, in so far as it has affect as part of the law of Grenada, is altered in subsection (1) so that for purposes of the law of Grenada the Supreme Court there referred to, as impacted by any relevant law, shall be styled the “Eastern Caribbean Supreme Court”.

PART VI**STYLING THE COURTS ORDER THE
“EASTERN CARIBBEAN SUPREME COURT ORDER”****Alteration of section 39 of the Constitution**

20. Section 39 of the Constitution is altered—

- (a) in subsections (1), (2), (4), (5), 8 (a), 9 (b) and 9 (d) by deleting the words “Courts Order” wherever they occur and in each case substituting the words “Eastern Caribbean Supreme Court Order”; and
- (b) by deleting subsection (9) (b) and replacing it as follows—

“(b) references to the Courts Order which shall be styled the Eastern Caribbean Supreme Court Order in so far as it has effect as part of the law of Grenada shall include references to any law that alters that Order in so far as it has such effect.”.

Alteration of section 92 of the Constitution

21. Section 92 of the Constitution is altered in subsection (6) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of section 93 of the Constitution

22. Section 93 of the Constitution is altered in subsection (7) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Insertion of heading in the Constitution

23. The Constitution is altered by inserting before section 101 the following—

“PART 1

Jurisdiction in Constitutional Questions”.

Insertion of heading in the Constitution

24. The Constitution is altered by the inserting after section 102 the following—

“PART 2

Court of Appeal”.

Insertion of section in the Constitution

25. The Constitution is altered by the inserting after section 105 the following—

“References to this Constitution include references to the Eastern Caribbean Supreme Court Order

105A. In this Chapter and in Chapters VIII and VIIIA references to this Constitution shall be construed as including references to the Courts Order, which, subject to any provisions made by Parliament under section 39 of this Constitution, shall continue to have effect as part of the law of Grenada but which shall be styled the Eastern Caribbean Supreme Court Order.”.

Alteration of section 111 of the Constitution

26. Section 111 of the Constitution is altered—

- (a) in subsection (1) by the inserting in the appropriate alphabetical order of the following—

““**Eastern Caribbean Supreme Court**” means the Supreme Court referred to in section 105 of this Constitution;

“**Eastern Caribbean Supreme Court Order**” means the Eastern Caribbean Supreme Court Order referred to in section 105A of this Constitution;

“**the State**” means Grenada;”;

- (b) in subsection (3) by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”;
- (c) by deleting subsection (4) and substituting the following—

“(4) In this Constitution—

- (a) the Eastern Caribbean Supreme Court referred to in section 105 of this Constitution may be referred to as “the Supreme Court”; and

- (b) the Eastern Caribbean Supreme Court Order referred to in section 105A of this Constitution may be referred to as “the Supreme Court Order.”.

Alteration of Schedule 1 to the Constitution

27. Schedule 1 to the Constitution is altered—

(a) In PART I—

- (i) by deleting paragraph (vi) and substituting the following—

“(vi) Chapter VIII as amended;”;

- (ii) by inserting in the appropriate place the following—

“(viA) Chapter VIII B;”;

- (b) In PART II by deleting the words “COURTS ORDER” and substituting the words “EASTERN CARIBBEAN SUPREME COURT ORDER”.

Alteration of Schedule 2 to the Grenada Constitution Order

28. Schedule 2 of the Grenada Constitution Order 1973 is altered in subparagraphs (1) and (2) of paragraph 1 by deleting the words “Courts Order” wherever they occur and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of title to the Courts Order

29. The Courts Order is altered—

- (a) at the beginning immediately after the words “1967 No. 223” by deleting the words “ASSOCIATED STATES” and substituting the words “EASTERN CARIBBEAN”;
- (b) at the beginning immediately before the words “Made... 22nd February 1967” by deleting the words “Courts Order” and substituting the words “Eastern Caribbean Supreme Court Order”.

Alteration of section 1 of the Courts Order

30. The “Courts Order” is altered by deleting subsection (1) of section 1 and substituting the following—

- “1. (1) This Order may be cited as the Eastern Caribbean Supreme Court Order 1967.”

PART VII**“HIGH COURT JUDGES” SUBSTITUTED
FOR “PUISNE JUDGES”****Alteration of section 8 of the Courts Order.**

31. Section 8 of the Courts Order is altered by deleting subsection (1) and substituting the following subsection—

“(1) Subject to the following provisions of this section, a Judge of the Court of Appeal or of the High Court shall hold office until such Judge attains the age of seventy-two years—

Provided that the Judicial and Legal Services Commission may permit a Judge to continue in his office after attaining the age prescribed in this subsection for a period or periods not exceeding in the aggregate six months for the purpose of delivering judgment or doing any other thing in relation to proceedings which were commenced prior to that Judge attaining the prescribed age.”.

“High Court Judges” substituted for “Puisne Judges”

32. In any provision in the constitutional instruments, or in any other provision having effect as part of the written law of Grenada, wherever there appear the words “Puisne Judges” or “Puisne Judge” those words are deleted and there are substituted respectively the words “High Court Judges” and “High Court Judge”.

Alteration of Part II of Schedule 1 to the Constitution

32A. For the more effectual carrying out of the provisions of this Bill, especially clauses 9, 31 and 32, Part II of Schedule 1 to the Constitution is repealed and replaced as follows –

“(ix) sections 4, 5 (2), 5 (3), 6, 8 (3), 11, 18 or 19”.

PART VIII**EASTERN CARIBBEAN SUPREME COURT GENERALLY****Eastern Caribbean Supreme Court generally**

33. In any provision in the constitutional instruments other than those specifically mentioned above, or in any other provision of the written law of Grenada—

- (a) where there appear the words “Supreme Court of Grenada and the West Indies Associated States” or the words “West Indies Associated States Supreme Court” those words are deleted and there are substituted the words “Eastern Caribbean Supreme Court”; and
- (b) where there appear the words “Courts Order” or the words “West Indies Associated States Supreme Court Order” those words are deleted and there are substituted the words “Eastern Caribbean Supreme Court Order”.

“Prime Minister” substituted for “Premier” in Courts Order

34. References in the Courts Order to the word “Premier” in relation to Grenada are deleted and there are substituted for them references to the “Prime Minister” of Grenada.

PART IX CODE OF CONDUCT

Insertion of section in the Constitution

35. The Constitution is altered by inserting after section 110 the following—

“Code of Conduct

110A. (1) The persons to whom this section applies shall conduct themselves in such a way as not—

- (a) to betray their public trust to be caring, competent and conscientious;
- (b) to knowingly place themselves in positions of conflict of interest;
- (c) to compromise the fair exercise of their public or official functions and duties;
- (d) to use their office for private gain;
- (e) to demean their office or position;
- (f) to allow their integrity to be justifiably called into question;
or
- (g) to endanger or diminish respect for, or confidence in, the integrity of the Government.

(2) This section applies to the Governor-General, members of the House of Representatives, Senators, Ministers, Parliamentary Secretaries, members of the Public Service Commission, members of the Elections and Boundaries Commission, public officers, members of the public service, officers of statutory corporations and government agencies, and such other officers as may be prescribed by law enacted by Parliament.”.

PART X

ALLEGIANCE

Insertion of section in the Constitution

36. The Constitution is altered by inserting in the appropriate place the following—

“Oath of Allegiance

110B. The Oath of Allegiance to be taken and subscribed under this Constitution shall be as set out in Schedule 3 to this Constitution.”.

Alteration of Schedule 3 of the Constitution

37. Schedule 3 to the Constitution is altered in the Oath of Allegiance by deleting the words “Her Majesty Queen Elizabeth the Second, Her Heirs and Successors” and by substituting the word “Grenada”.

PART XI

ATTORNEY-GENERAL

Alteration of section 70 of the Constitution

38. Section 70 of the Constitution is altered by inserting immediately after subsection (2) the following subsection—

“(2A) No person shall be qualified to hold or act in the office of Attorney-General unless he is entitled to practise as an attorney-at-law or a barrister-at-law in Grenada.”.

PART XII

COMMISSIONER OF POLICE

Alteration of section 89 of the Constitution

39. Section 89 of the Constitution is altered by deleting the words “Chief of Police” wherever those words occur in the section and in each case substituting the words “Commissioner of Police”.

Alteration of section 91 of the Constitution

40. Section 91 of the Constitution is altered in subsection (2) in the proviso thereto by deleting the words “Chief of Police” and substituting the words “Commissioner of Police”.

Other references to “Chief of Police”

41. Any reference in any provision of any written law other than the Constitution to the “Chief of Police” shall be construed as a reference to the “Commissioner of Police”.

Passed by the House of Representatives this 21st day of June, 2016.

WILLAN THOMPSON
Clerk to the House of Representatives

Passed by the Senate this 13th day of July, 2016.

WILLAN THOMPSON
Clerk to the Senate