Extracts Taken from The Constitution

Chapter 3

THE PRESIDENT

Establishment of office and election of President

S 22 There shall be a ***President*** of Trinidad and Tobago elected in accordance with the provisions of this Chapter who shall be the Head of State and Commander-in-Chief of the armed forces.

Qualifications and disqualifications for office of the President

S 23 (1) A person is qualified to be nominated for election as ***President*** if, and is not so qualified unless, he is a citizen of Trinidad and Tobago of the age of thirty-five years or upwards who at the date of his nomination has been ordinarily resident in Trinidad and Tobago for ten years immediately preceding his nomination.

(2) For the purposes of subsection (1) a person shall be deemed to reside in Trinidad and Tobago if he holds an office in the service of the Government of Trinidad and Tobago and lives outside Trinidad and Tobago because he is required to do so for the proper discharge of his functions.

(3) A person is not qualified to be nominated for election as ***President*** who is disqualified for election as a member of the House of Representatives by virtue of section 48 (1) or any law made under section 48 (2).

Other conditions of office

S 24 (1) Where a member of the Senate or the House of Representatives is elected ***President***, his seat in the Senate or the House of Representatives, respectively, shall thereupon become vacant.

(2) Except in the case of a person acting as, or performing the functions of ***President*** under section 27, but subject to sections 44(2) and 56(8), the President shall not hold any other office of emolument or profit whether in the public service or otherwise.

(3) The salary and allowances of a ***President*** and his other terms of service shall not be altered to his disadvantage after he has assumed office.

Transitional provision.

S 25(1) The person holding the office of Governor-General of Trinidad and Tobago at the commencement of this Constitution shall hold office of ***President*** under this Constitution until a President is elected under the provisions of this Chapter and assumes office.

(2) Where at any time between the appointed day and the election of the first President of the Senate under section 45, the ***President*** under subsection (1) is for any reason unable to perform the functions of ***President*** then, until the ***President*** under subsection (1) is again able to perform his functions as ***President***, those functions shall be performed by the person who last held the office of President of the Senate under the former Constitution.

Holding of elections for President

S 26 (1) The Speaker of the House of Representatives shall be responsible for the holding of elections for ***President***.

(2) The date of every election shall be announced in the Gazette by the Speaker within such number of days in advance as may be prescribed.

(3) An election for ***President*** *shall be held not more than one hundred and twenty days nor less than 90 days after the first sitting of the House of Representatives* under this Constitution and the ***President*** who is so elected shall assume office on the expiration of thirty days next after his election.

(4) Thereafter, an election for ***President*** shall be held not more than sixty days nor less than thirty days before the expiration of the term of that office.

(5) Where the office of the ***President*** becomes vacant under section 34 before the expiration of the term of that office prescribed by section 33, an election shall be held to fill the vacancy within ninety days of the occurrence of the vacancy.

(6) Where the date for the assumption of office of a ***President*** falls on a Sunday or public holiday the President shall assume office on the next following day that is not a Sunday or public holiday.

(7) Where the time limited for holding an election for ***President*** under subsection (3), (4) or (5) has not been complied with, Parliament may make provision for an extension of the period during which elections may be held.

Where office vacant

S 27 (1) Where the office of the ***President*** is vacant or the ***President*** is incapable of performing his functions as ***President*** by reason of his absence from Trinidad and Tobago or by reason of illness, the President of the Senate shall act temporarily as ***President***.

(2) Where the President of the Senate is for any reason unable to act as ***President*** under subsection (1) or section 36(2), the functions of ***President*** shall be performed by the Speaker.

(3) Where the Speaker is for any reason unable to perform the functions of ***President*** under subsection (2), the Vice-President of the Senate shall perform those functions, so however that a meeting of the Electoral College shall be held, upon the summons of the Deputy Speaker giving at least forty-eight hours notice thereof, within seven days of the Vice-President of the Senate commencing to perform the functions of the ***President*** for the purpose of holding an election of a person to fill the vacancy in the office of the President under section 26(5), or of a person to act temporarily as ***President*** during such period as the ***President*** is incapable of performing his functions.

(4) Upon his election to fill the vacancy in the office of President under section 26(5) or to act temporarily as ***President*** during such period as the ***President*** is incapable of performing his functions in accordance with subsection (3), the person shall immediately assume office.

Electoral College.

S 28(1) There shall be an Electoral College for the purposes of this Chapter which shall be a unicameral body consisting of all the members of the Senate and all the members of the House of Representatives assembled together.

(2) The Electoral College shall be convened by the Speaker.

(3) The Speaker shall preside as Chairman over the proceedings of the Electoral College and shall have an original vote.

(4) Subject to this Chapter, the Electoral College may regulate its own procedure and may make provision for the postponement or adjournment of its meetings and such other provisions as may be necessary to deal with difficulties that may arise in the carrying out of elections under this Chapter.

(5) Ten Senators, the Speaker and twelve other members of the House of Representatives shall constitute a quorum of the Electoral College.

Mode of elections.

S 29 The ***President*** shall be elected by the Electoral College voting by secret ballot.

Nomination of candidates

S 30 A person shall not be a candidate for election as ***President*** unless he is nominated for election by a nomination paper which-

(a) is signed by him and by twelve or more members of the House of Representatives; and

(b) is delivered to the Speaker at least seven days before the election.

Procedure for balloting

31. (1) The candidate who is unopposed or who obtains the greatest number of the votes cast shall be declared elected.

(2) Where the votes cast for two or more candidates are equally divided the Speaker shall have and exercise a casting vote.

Determination of questions as to election.

S 32(1) Subject to subsection (2), an instrument which-

(a) in the case of an uncontested election for the office of ***President*** is signed and sealed by the Speaker and states that a person named in the instrument was the only person nominated for the election and was in consequence declared elected; or

(b) in the case of a contested election is signed and sealed by the Speaker and states that a person named in the instrument was declared elected at that meeting in consequence of the ballot, shall be conclusive evidence that the person so named was so elected, and no question as to the validity of the election of the person so named shall be inquired into in any court.

(2) The Court of Appeal shall have exclusive jurisdiction to hear and determine any question as to the validity of an election of a President in so far as that question depends upon the qualification of any person for election or the interpretation of this Chapter, and the decision of that Court under this subsection shall be final.

(3) Parliament may make provisions with respect to the persons by whom, the manner in which and the conditions upon which the proceedings under subsection (2) may be instituted in the Court of Appeal and subject to any provisions so made, provisions may be made with respect to these matters by rules of court. Until such provisions or rules are made the procedure for moving the Court of Appeal shall be by way of a representation petition.

Term of office.

S 33 (1) Subject to this section and to sections 34 and 36, a ***President*** elected at an election under section 26(3) or (4) shall hold office for a term of five years.

(2) Parliament may make provision for the postponement of the date of expiration of the term of office of the ***President*** under subsection (1), for a period not exceeding four months, in order to avoid the holding of an election for that office during a period of dissolution of Parliament or at a time too close to the beginning or to the end of such a period.

(3) Where for any reason at the date on which the term of office of the ***President*** is due to expire under subsection (1) or (2) there is no person entitled by election under section 26(4) to fill the office of President upon its expiration, the current term of that office shall continue until thirty days after a person is elected to the office of President whereupon the current term of that office shall expire.

(4) Where a person is elected to fill a vacancy in the office of President in an election under section 26(5) he shall hold office only for the unexpired portion of the term of office of his predecessor.

Vacation of office.

S 34 The office of ***President*** shall become vacant before the expiration of the term of his office as prescribed by section 33 where-

(a) the person holding that office dies or resigns the office by writing signed by him addressed to the House of Representatives and delivered to the Speaker; or

(b) he is removed from office under section 36.

Removal from office.

S 35 The ***President*** may be removed from office under section 36 where-

(a) he wilfully violates any provision of the Constitution;

(b) he behaves in such a way as to bring his office into hatred, ridicule or contempt;

(c) he behaves in such a way that endangers the security of the State; or

(d) because of physical mental incapacity, he is unable to perform the functions of his office.

Procedure for removal

S 36(1) The ***President*** shall be removed from office where-

(a) a motion that his removal from office should be investigated by a tribunal is proposed in the House of Representatives;

(b) the motion states with full particulars the grounds on which his removal from office is proposed, and is signed by not less than one-third of the total membership of the House of Representatives;

(c) the motion is adopted by the vote of not less than two-thirds of the total membership of the Senate and the House of Representatives assembled together;

(d) a tribunal consisting of the Chief Justice and four other Judges appointed by him, being as far as practicable the most senior Judges, investigate the complaint and report on the facts to the House of Representatives;

(e) the Senate and the House of Representatives assembled together on the summons of the Speaker consider the report and by resolution supported by the votes of not less than two-thirds of the total membership of the Senate and the House of Representatives assembles together declare that he shall be removed from office

(2) Where a motion is adopted as is provided for in subsection (1)(a), (b) and (c) the ***President*** shall cease to perform any of his functions as President and the President of the Senate shall act temporarily as ***President***.

(3) The procedure of the tribunal shall be such as is prescribed, but, subject to such procedure, the tribunal may regulate its own procedure.

(4) Upon the adoption of the resolution in accordance with subsection (1)(c) the office shall become vacant.

Oath First Schedule

S 37(1) A ***President*** shall before entering upon the duties of his office take and subscribe the oath of office set out in the First Schedule, such oath being administered by the Chief Justice or such other Judge as may be designated by the Chief Justice.

(2) Subsection (1) shall apply to any person required under this Constitution to perform the functions of the office of ***President*** as it applies to a person elected as such.

Immunities of President.

S 38 (1) Subject to section 36, the ***President*** shall not be answerable to any court for the performance of the functions of his office or for any act done by him in the performance of those functions.

(2) Without the fiat of the Director of Public Prosecutions, no criminal proceedings shall be instituted or continued against the ***President*** in any court during his term of office and no process for the ***President's*** arrest or imprisonment shall be issued from any court or shall be executed during his term of office.

(3) No civil proceedings in which relief is claimed against the ***President*** shall be instituted during his term of office in any court in respect of any act done by him in his personal capacity whether before or after he entered the office of ***President***, except on the condition specified in subsection (4).

(4) The condition referred to in subsection (3) is that two months must elapse after a notice in writing has been served on him either by registered post or by being left at his office stating the nature of the proceedings, the cause of action, the name, description and address of the party instituting the proceedings and the relief claimed.

(5) A period of limitation prescribed by law shall not run in favour of the ***President*** in respect of a civil action during the period of two months after a notice in respect of that action has been served on him under subsection (4).

Chapter 4

Parliament

Part 1

Composition of Parliament

Establishment

Establishment of Parliament

S 39 There shall be a Parliament of Trinidad and Tobago which shall consist of the ***President***, the Senate and the House of Representatives.

The Senate

Composition of Senate

S40 (1) The Senate shall consist of thirty-one members (in this Constitution referred to as "Senators") who shall be appointed by the ***President*** in accordance with this section.

(2) Of the thirty-one Senators –

(a) Sixteen shall be appointed by the ***President*** acting in accordance with the advice of the Prime Minister;
(b) six shall be appointed by the ***President*** acting in accordance with the advice of he Leader of the Opposition; and
(c) nine shall be appointed by the ***President*** in his discretion from outstanding persons from economic or social or community organisations and other major fields of endeavour.

Tenure of office of Senators

S 43 (2) A Senator shall also vacate his seat in the Senate where-

(e) the ***President***, acting in accordance with the advice of the Prime Minister in the case of a Senator appointed in accordance with that advice, or in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed in accordance with that advice, or in his discretion in the case of a Senator appointed by him in his discretion, declares the seat of that Senator to be vacant.

Mode of exercising legislative power

S 61 (1) Subject to the provisions of this Constitution, the power of Parliament to make laws shall, except where otherwise authorised by statute, be exercised by Bills passed by the House of Representatives and the Senate and assented to by the ***President***

(2) When a Bill is presented to the ***President*** for assent, he shall signify that he assents or that he withholds assent.

(3) A Bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

Report of Service Commission

S 66B Each Service Commission shall submit to the ***President***, before 1st October in each year, a report on its administration, the manner of the exercise of its powers, its methods of functioning and any criteria adopted by it in the exercise of its powers and functions in the previous year and the ***President*** shall cause the report to be laid within sixty days thereafter in each House.

Applicability of the Judicial and Legal Service Commission

S 66C (2) The Judicial and Legal Service Commission shall submit to the ***President*** before 1st October, in each year, commencing in the year 2000, a report on the exercise of its functions and powers in the previous year, describing the procedures followed and any criteria adopted by it in connection therewith, and the ***President*** shall cause the report to be laid within sixty days thereafter in each House.

Part III

Summoning, Prorogation and Dissolution

Sessions of Parliament

S 67 (1) Each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the ***President*** may by Proclamation appoint.

Prorogation and dissolution of Parliament.

S 68 (1) The ***President***, acting in accordance with the advice of the Prime Minister, may at any time prorogue or dissolve Parliament.

(4) Where, between a dissolution of Parliament and the next ensuing general election of members to the House of Representatives, an emergency arises of such a nature that in the opinion of the Prime Minister it is necessary for the two Houses to be summoned before that general election can be held, the ***President***, acting in accordance with the advice of the Prime Minister, may summon the two Houses of the preceding Parliament but the election of members of the House of Representatives shall proceed and the Parliament that has been summoned shall, if not sooner dissolved, again stand dissolved on the day on which the general election is held.

General Election and appointment of Senators.

S 69 (1) A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of Parliament as the ***President***, acting in accordance with the advice of the Prime Minister, shall appoint.

(2) As soon as practicable after every general election, the ***President*** shall proceed under section 40 to the appointment of Senators.

Part IV
Election and Boundaries Commission

Constituencies

S 70 (1) Trinidad and Tobago shall be divided into thirty six constituencies or such other number as may be provided for by an order made by the ***President*** in accordance with the provisions of this Part and each such constituency shall return one member to the House of Representatives.

Elections and Boundaries Commission

S 71 (3) The Chairman and other members of the Commission shall be appointed by the ***President***, after consultation with the Prime Minister and the Leader of the Opposition.

Chapter 5
Executive Powers

Executive authority of Trinidad and Tobago

S 74 (1) ***The executive authority of Trinidad and Tobago shall be vested in the President and, subject to this Constitution, may be exercised by him either directly or through officers subordinate to him.***

(2) Without prejudice to the generality of subsection (1), the supreme command of the armed forces of Trinidad and Tobago shall be vested in the ***President*** and the exercise of this power shall be regulated by law.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the ***President***

Appointment of Ministers

S 76 (1) Where there is occasion for the appointment of a Prime Minister, the ***President*** shall appoint as Prime Minister –

(a) a member of the House of Representatives who is the Leader in that House of the party which commands the support of the majority of members of that House; or

(b) where it appears to him that that party does not have an undisputed leader in that House or that no party commands the support of such a majority, the member of the House of Representatives who, in his judgment, is most likely to command the support of the majority of members of that House;

and who is willing to accept the office of Prime Minister.

(2) The Ministers other than the Prime Minister shall be such as the ***President***, acting in accordance with the advice of the advice of the Prime Minister, shall appoint from among the members of the House of Representatives and the Senators.

Tenure of office of Ministers

S 77 (1) Where the House of Representatives passes a resolution, supported by votes of a majority of all the members of the House, declaring that it has no confidence in the Prime Minister and the Prime Minister does not within seven days of the passing of such a resolution either resign or advise the ***President*** to dissolve Parliament, the ***President*** shall revoke the appointment of the Prime Minister.

(2) The Prime Minister shall also vacate his office-

(a) when after any dissolution of Parliament he is informed by the ***President*** that the ***President*** is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister; or

(3) A Minister other than the Prime Minister shall vacate his office-

(c) where his appointment is revoked by the ***President*** acting in accordance with the advice of the Prime Minister.

Performance of functions of Prime Minister during absence, illness or suspension.

S 78 (1) Where the Prime Minister is absent from Trinidad and Tobago or is unable by reason of illness or of the provisions of section 77 (4) to perform the functions conferred on him by this Constitution, the ***President*** may authorise some other member of the Cabinet to perform those functions (other than the functions conferred by subsection (2)) and that member may perform those functions until his authority is revoked by the ***President***.

(2) The powers of the ***President*** under this section shall be exercised by him in accordance with the advice of the Prime Minister, save that where the ***President*** considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness, or where the Prime Minister is unable to tender advice by reason of the provisions of section 77(4) the ***President*** may exercise those powers without the advice of the Prime Minister.

Allocation of portfolios to Ministers.

S 79 (1) The ***President***, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the government of Trinidad and Tobago, including the administration of any department of government.

(2) Where a Minister is incapable of performing his functions by reason of his absence from Trinidad and Tobago or by reason of illness the ***President***, acting in accordance with the advice of the Prime Minister, may appoint a member of the House of Representatives or a Senator to act in the office of such a Minister during such absence or illness.

Exercise of President's functions

S 80 (1) In the exercise of his functions under this Constitution or any other law, the ***President*** shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where other provision is made by this Constitution or such other law, and, without prejudice to the generality of this exception, in cases where by this Constitution or such other law he is required to act-

(a) in his discretion;
(b) after consultation with any person or authority other than the Cabinet; or
(c) in accordance with the advice of any person or authority other than the Cabinet.

(2) Where by this Constitution the ***President*** is required to act in accordance with the advice of, or after consultation with, any person or authority, the question whether he has in any case so acted shall not be enquired into in any court.

(3) Without prejudice to any other case in which the ***President*** is authorised or required to act in his discretion, the ***President*** shall act in accordance with his own deliberate judgment in the performance of the following functions:

(a) in the exercise of the power to appoint the Prime Minister conferred upon him by section 76 (1) or (4);

(b) in the exercise of the powers conferred upon him by section 78 (which relates to the performance of the functions of the Prime Minister during absence, illness or suspension) in the circumstances described in the proviso to subsection (2) of that section;

(c) in the exercise of the power to appoint the Leader of the Opposition and to revoke any such appointment conferred upon him by section 83.

President to be informed concerning matters of government

S 81 The Prime Minister shall keep the ***President*** fully informed concerning the general conduct of the government of Trinidad and Tobago and shall furnish the ***President*** with such information as he may request with respect to any particular matter relating to the government of Trinidad and Tobago.

Parliamentary Secretaries

S 82 (1) The ***President***, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the Senators and members of the House of Representatives to assist ministers in the performance of their duties.

(3) The office of a Parliamentary Secretary shall become vacant-…

(c) where the ***President***, acting in accordance with the advice of the Prime Minister, so directs.

Leader of the Opposition

S 83 (1) There shall be an office of Leader of the Opposition and appointments thereto shall be made by the ***President***.

(2) The ***President*** shall, if the person concerned is willing to be appointed, appoint as Leader of the Opposition the member of the House of Representatives, who in his judgment, is best able to command the support of the greatest number of members of the House of Representatives who do not support the Government.

(4) Where in the judgment of the ***President***, the Leader of the Opposition is no longer the member of the House of Representatives best able to command the support of a majority of those members of the House of Representatives who do not support the Government, the ***President*** shall revoke the appointment of the Leader of the Opposition.

Constitution of offices etc.

S 86 Subject to the provisions of this Constitution and of any enactment, the ***President*** may constitute offices for Trinidad and Tobago, make appointments to any such office and terminate any such appointment.

Power of Pardon etc.

S 87 (1) The ***President*** may grant to any person a pardon, either free or subject to lawful conditions, respecting any offences that he may have committed. The power of the ***President*** under this subsection may be exercised by him either before or after the person is charged with any offence and before he is convicted thereof.

(2) The ***President*** may –

(a) grant to any person convicted of any offence against the law of Trinidad and Tobago a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence;

(c) substitute a less severe form of punishment for that imposed by any sentence for such an offence; or

(d) remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to the State on account of such an offence.

(3) The power of the ***President*** under subsection (2) may be exercised by him in accordance with the advice of a Minister designated by him, acting in accordance with the advice of the Prime Minister.

Advisory Committee on power of pardon.

S 88 There shall be an Advisory Committee on the Power of Pardon which shall consist of –

(d) not more than four others members appointed by the ***President***, after consultation with the Prime Minister and the Leader of Opposition.

Chapter 6

The Director of Public Prosecutions and the Ombudsman

Part II
Ombudsman

Appointment and conditions of office.

S 91 (2) The Ombudsman shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition.

Functions of the Ombudsman.

S 93 (3) The authorities other than departments of Government to which this section applies are-….

(b) authorities or bodies the majority of whose members are appointed by the ***President*** or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;

Chapter 7

The Judicature
Part I
The Supreme Court

Appointment of the Chief Justice.

S 102 The Chief Justice shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition.

Acting appointments as Chief Justice

S 103 Where the office of the Chief Justice is vacant or where the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of such office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such other of the Judges as may be appointed by the ***President***, after consultation with the Prime Minister and the Leader of the Opposition.

Appointment of Justices of Appeal and Puisne Judges.

S 104 (1) The judges, other than the Chief Justice, shall be appointed by the ***President***, acting in accordance with the advice of the Judicial and Legal Service Commission.

Part III

Judicial and Legal Service Commission

Judicial and Legal Service Commission

S 110 (3) The appointed members shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition as follows:

(a) one from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeal from any such court;

(b) two from among persons with legal qualifications at least one of whom is not in active practice as such, after the ***President*** has consulted with such organisations, if any, as he thinks fit.

Chapter 8

Finance

Auditor General

S 117 (1) The Auditor General shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition and shall hold office in accordance with section 136.

(2) Where the office of Auditor General is vacant or the holder of the office is for any reason unable to perform the functions of his office the ***President*** after consultation with the Prime Minister and the Leader of the Opposition may appoint a person to act in the office, and any person so appointed shall, subject to the provisions of subsection (4) continue to act until his appointment is revoked by the President, after consultation with the Prime Minister and the Leader of the Opposition.

First Schedule.

(3) Before entering upon the duties of his office the Auditor General shall take and subscribe the oath of office before the ***President*** or a person appointed by the ***President*** for the purpose.

Chapter 9

Appointments to, and Tenure of, Offices
Part 1
Public Service Commission

Public Service Commission

S 120 (2) The members of the Public Service Commission shall be appointed by the ***President***, after consultation with the Prime Minister and the Leader of the Opposition.

Police Service Commission

Police Service Commission

S 122 (2) The members of the Police Service Commission shall be appointed by the ***President***, after consultation with the Prime Minister and the Leader of the Opposition

Teaching Service Commission

Teaching Service Commission

S 124 (2) The members of the Teaching Service Commission shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition.

General Provisions on Service Commissions

Qualifications, Tenure of office, etc.

S 126 (4) A member of a Service Commission, other than the judicial and Legal Service Commission, may be removed from office by the ***President*** acting in his discretion for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour.

(6) Before entering upon the duties of his office a member of a Service Commission shall take and subscribe the oath of office before the President or a person appointed by the President for the purpose.

Part II
Public Service Appeal Board

Constitution of Appeal Board {Section 130 of the Constitution amended (8 of 1981)}

S 130 (2) The Appeal Board shall consist of a Chairman appointed by the ***President*** after consultation with the Chief Justice and two other members appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition.

First Schedule.

S 131 (2) Before entering upon the duties of his office, a member of the Appeal Board shall take and subscribe the oath of office before the ***President*** or a person appointed by the ***President*** for the purpose.

Pensions

Protection of pension rights.

S 133 (6) For the purpose of this section, service as ***President*** or as a Judge shall be deemed to be public service

Special Offices

Appointments of principal representatives of Trinidad and Tobago.

S 135 (1) The ***President*** acting in accordance with the advice of the Prime Minister shall have power to appoint persons to the offices to which this section applies and to remove persons from any such office.

Tenure of special offices

{**S 136 (1)** The holder of an office to which this subsection and subsections (3) to (11) apply (in this section referred to as "the officer") shall vacate his office on attaining the age of sixty-five years or such other age as may be prescribed.}

(2) Notwithstanding that he has attained the age at which he is required by or under subsection (1) to vacate his office, a Judge may, with the permission of the ***President***, acting in accordance with the advice of the Chief Justice, continue in office for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(8) A decision that the question of removing the officer from office ought to be investigated may be made at any time –

(a) in the case of the Ombudsman, by resolution of the House of Representatives; and
(b) in any other case, by the ***President*** either on his own initiative or upon the representation of the Prime Minister.

(9) Where a decision is made under subsection (8) that the question of removing the officer from office ought to be investigated, then-

(a) the ***President*** shall appoint a Tribunal which shall consist of a Chairman and not less than two other members all of whom shall be selected by the

P***resident*** acting in accordance with the advice of the Judicial and Legal Service Commission from among persons who hold or have held office as a Judge of a Court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a Court having jurisdiction in appeals from any such Court; and

(b) the Tribunal shall inquire into the matter and report on the facts to the ***President*** and advise the ***President*** whether the officer ought to be removed from office on any of the grounds specified in subsection (7).

(10) Where the question of removing the officer from office is referred to a Tribunal appointed under subsection (9) and the Tribunal advises the President that the officer ought to be removed from office, the President shall, by writing signed by him, remove the officer from office.

11) Where the question of removing the officer from office has been referred to a Tribunal under subsection (9) the ***President***, after consultation with the Judicial and Legal Service Commission, may suspend the officer from performing the functions of his office and any such suspension may at any time be revoked by the ***President*** and shall in any case cease to have effect if the Tribunal advises the ***President*** that the officer ought not to be removed from office.

Removal from office of Judge.

S 137 (2) A Judge shall be removed from office by the ***President*** where the question of removal of that Judge has been referred by the ***President*** to the Judicial Committee and the Judicial Committee has advised the ***President*** that the judge ought to be removed from office for such inability or for misbehaviour.

(3) Where the Prime Minister, in the case of the Chief Justice, or the Judicial and Legal Service Commission, in the case of a Judge other than the Chief Justice, represents to the ***President*** that the question of removing a Judge under this section ought to be investigated, then-

(a) the ***President*** shall appoint a tribunal which shall consist of a chairman and not less than two other members, selected by the ***President*** acting in accordance with the advice of the Prime Minister in the case of the Chief Justice or the Prime Minister after consultation with the Judicial and Legal Service Commission in the case of a Judge, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the ***President*** and recommend to the ***President*** whether he should refer the question of removal of that Judge from office to the Judicial Committee; and

(c) where the tribunal so recommends, the ***President*** shall refer the question accordingly.

(4) Where the question of removing a Judge from the office has been referred to a tribunal under subsection (3), the ***President***, acting in accordance with the advice of the Prime Minister in the case of the

Chief Justice or the Chief justice in the case of a Judge other than the Chief Justice, may suspend the Judge from performing the functions of his office, and any such suspension may at any time be revoked by the ***President***, acting in accordance with the advice of the Prime Minister in the case of the Chief Justice or the Chief Justice in the case of a judge other than the Chief Justice, and shall in any case cease to have effect-

(a) where the tribunal recommends to the ***President*** that he should not refer the question of removal of the Judge from office to the Judicial Committee; or

(b) where the Judicial Committee advises the ***President*** that the Judge ought not to be removed from office.

Chapter 10
THE INTEGRITY COMMISSION

The Integrity Commission. [81 of 2000 89 of 2000].

138. (1) There shall be an Integrity Commission (in this section and in section 139 referred to as "the Commission") for Trinidad and Tobago consisting of such number of members, qualified and appointed in such manner and holding office upon such tenure as may be prescribed.

(2) The Commission shall be charged with the duty of—

(a) receiving, from time to time, declarations in writing of the assets, liabilities and income of Members of the House of Representatives, Ministers of Government, Parliamentary Secretaries, Senators, Judges, Magistrates, Permanent Secretaries, Chief Technical Officers, Members of the Tobago House of Assembly, Members of Municipalities, Members of Local Government Authorities and Members of the Boards of all Statutory Bodies, State Enterprises and the holders of such other offices as may be prescribed;

(b) the supervision of all matters connected therewith as may be prescribed;

(c) the supervision and monitoring of standards of ethical conduct prescribed by Parliament to be observed by the holders of offices referred to in paragraph *(a)*, as well as Members of the Diplomatic Service, Advisers to the Government and any person appointed by a Service Commission or the Statutory Authorities' Service Commission;

(d) the monitoring and investigating of conduct, practices and procedures which are dishonest or corrupt.

Power to make laws relating to Commission. [81 of 2000].

139. Subject to this Constitution, Parliament may make provision for—

(a) the procedure in accordance with which the Commission is to perform its functions;

1. *b)* conferring such powers on the Commission and imposing such duties on persons concerned as necessary to enable the Commission to carry out effectively the purposes of section 138;
(c) the proper custody of declarations and other documents delivered to the Commission;
(d) the maintenance of secrecy in respect of all information received by the Commission in the course of its duties with respect to the assets, liabilities and income of any member of Parliament and any other person;
(da) the preparation by the Commission, of a Register of Interests for public inspection; and
(e) generally to give effect to the provisions of section 138.

Chapter 11
The Salaries Review Commission

Constitution of Commission

S 140 (1) There shall be a Salaries Review Commission which shall consist of a Chairman and four other members all of whom shall be appointed by the ***President*** after consultation with the Prime Minister and the Leader of the Opposition.

Functions of the Commission (30 of 1979)

S 141 (1) The Salaries Review Commission shall from time to time with the approval of the ***President*** review the salaries and other conditions of service of the ***President***, the holders of offices referred to in section 136 (12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and the holders of such other offices as may be prescribed.

(2) The report of the Salaries Review Commission concerning any review of salaries or other conditions of service, or both, shall be submitted to the ***President*** who shall forward a copy thereof to the Prime Minister for presentation to the Cabinet and for laying, as soon as possible thereafter, on the table of each House.

FIRST SCHEDULE

FORMS OF OATH (OR AFFIRMATION) OF ALLEGIANCE AND OF OFFICE.

Section 37.

Form of oath (affirmation) for the President

I, A.B…do swear by ……(solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and to the best of my ability preserve and defend the Constitution and the law, that I will conscientiously and impartially discharge the functions of President and will devote myself to the service and well being of the people of Trinidad and Tobago.