

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

EXPLANATORY MEMORANDUM

The *clauses* of the Bill for the *Constitution of Grenada (ensuring the appointment of Leader of the Opposition) (Amendment) Act*, its short title by its *clause 1(1)*, would amend the Constitution for certain purposes. *Clauses 1(2)* spells out that the Act shall be read and construed as altering the Constitution.

The Constitution would be amended to ensure that there may always be an Opposition in the House of Representatives and a Leader of the Opposition, *clauses 3-6*.

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

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A. K. Cajeton Hood
HON. ATTORNEY-GENERAL

**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

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**CONSTITUTION OF GRENADA (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (AMENDMENT) BILL, 2016**

GRENADA

ACT NO. 2016

AN ACT to alter the Constitution of Grenada to ensure that there is at all times a Leader of the Opposition.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the 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 (ENSURING THE APPOINTMENT OF
LEADER OF THE OPPOSITION) (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—

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

“**Constitution Order**” means the Grenada Constitution Order 1973.

PART II
ALTERATIONS OF THE CONSTITUTION

Alteration of section 29 of the Constitution

3. Section 29 of the Constitution is altered by inserting after subsection (2) the following—

“(3) If a person is appointed as Leader of the Opposition under section 66A of this Constitution, that person shall, by virtue of that appointment, be deemed to be a member of the House of Representatives for all purposes under this Constitution.”.

Alteration of section 43 of the Constitution

4. Section 43 of the Constitution is altered by inserting after subsection (3) the following—

“(4) For greater certainty it is hereby declared that a person appointed as Leader of the Opposition under section 66A of this Constitution is entitled to vote on any question proposed for decision in the House of Representatives.”.

Alteration of section 66 of the Constitution

5. Subsections (3) and (4) of section 66 of the Constitution are altered by inserting after the words “Leader of the Opposition” the words “appointed under this section”.

Insertion of new section in the Constitution

6. The Constitution is altered by inserting after section 66 the following new section 66A—

“Leader of the Opposition where there are no opposition members in the House of Representatives

66A. (1) If the Governor-General, acting in his own deliberate judgment, determines that all the members of the House of Representatives are members of a political party that forms the Government, then, he shall appoint as Leader of the Opposition a person who—

- (a) appears to him to be a member of the political party that obtained the highest number of votes in the most recent general election (excluding the political party that forms the Government); and
- (b) is qualified under the provisions of section 30 of this Constitution to be elected as a member of the House of Representatives and is not disqualified under any of the provisions of section 31 of this Constitution from being so elected—

Provided that in making such an appointment the Governor-General shall act in accordance with the advice of the leadership of the political party referred

to in paragraph (a) (excluding the political party that forms the Government).

(2) A person appointed as Leader of the Opposition under this section, shall vacate his office—

- (a) if he ceases to be qualified under the provisions of section 30 of this Constitution to be elected as a member of the House of Representatives or becomes disqualified under any of the provisions of section 31 of this Constitution from being so elected;
- (b) if by virtue of the provisions of section 33 (3) of this Constitution he is required to cease to perform his functions as a member of the House of Representatives;
- (c) if he is removed from office under the provisions of subsection (3); or
- (d) when the House first meets after any dissolution of Parliament.

(3) Subject to subsection (4) of this section, if the Governor-General, acting in his own deliberate judgment, considers that it is no longer appropriate for a person appointed to the office of Leader of the Opposition under this section to continue in that office, the Governor-General may remove such person from that office.

(4) If the Governor-General removes the Leader of the Opposition from office under subsection (3) of this section, the Governor-General shall, within forty-eight hours after removing him, appoint another person as Leader of the Opposition in accordance with this section.”.

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