

THE  
CONSTITUTION OF BARBADOS

*Barbados Constitution*  
(*Amendment*)

## BARBADOS CONSTITUTION (AMENDMENT)

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**BARBADOS CONSTITUTION**  
(AMENDMENT)

*An Act to amend the Constitution of Barbados.*

1974-34.

[1st February, 1975<sup>1</sup>] *Commence-*

*ment.*

S.J. 1975  
No. 13.

*ENACTED* by the Parliament of Barbados in accordance with the provisions of section 49 of the Constitution as follows—

1. *This Act may be cited as the Barbados Constitution (Amendment) Act.* *Short title.*

2. *Section 3 of the Constitution is amended—*

*Amendment of  
section 3 of  
Constitution.*

- (a) *by substituting a full stop for the colon appearing immediately after the words “ citizen of Barbados ” in the eleventh line of subsection (2) and the sixth line of subsection (3) thereof and deleting the provisos to those subsections;*
- (b) *by deleting the words “ twenty-one years ” appearing in the proviso to subsection (4) thereof and substituting the words “ eighteen years ”; and*
- (c) *by inserting immediately after subsection (4) thereof the following as subsection (5)—*  

*“ (5) The right to be registered as a citizen of Barbados under this section shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.”*

3. *Section 6 of the Constitution is amended—*

*Amendment of  
section 6 of  
Constitution.*

- (a) *by renumbering the existing section as subsection (1) thereof; and*
- (b) *by inserting immediately after subsection (1) as renumbered by paragraph (a) the following as subsection (2) thereof—*

<sup>1</sup> Sections 20, 21, 22 (a) and (b) (i), 23, 24, 25, 27 (c) (i) and (ii), 32, 33 and 34 (a) (i), paragraph (b) of 104 (4) as contained in section 29 have been excepted from this date and have not been proclaimed as at 31st December, 1976.

“(2) *The right to be registered as a citizen of Barbados under this section shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.*”.

*Amendment of section 7 of Constitution.*

4. *Section 7 of the Constitution is amended by deleting the words “twenty-one years” appearing in the second line thereof and substituting the words “eighteen years”.*

*Amendment of section 13 of Constitution.*

5. *Section 13 of the Constitution is amended—*

- (a) *by deleting the words “a barrister or solicitor” appearing in subsection (2) thereof and substituting the words “an attorney-at-law”; and*
- (b) *by deleting the words “barristers or solicitors” appearing in paragraph (d) of subsection (6) thereof and substituting the word “attorneys-at-law”.*

*Amendment of section 22 of Constitution.*

6. *Section 22 of the Constitution is amended by deleting the words “barristers or solicitors” appearing in paragraph (d) of subsection (4) thereof and substituting the word “attorneys-at-law”.*

*Amendment of section 27 of Constitution.*

7. *Section 27 of the Constitution is amended by deleting the words “a barrister or solicitor” appearing in the definition “legal representative” contained in subsection (1) thereof and substituting the words “an attorney-at-law”.*

*Amendment of section 37 of Constitution.*

8. *Section 37 of the Constitution is amended by deleting the words “Commonwealth citizen” appearing in paragraph (a) thereof and substituting the words “citizen of Barbados”.*

*Amendment of section 38 of Constitution.*

9. *Section 38 of the Constitution is amended—*

- (a) *by inserting immediately after paragraph (c) of subsection (1) thereof the following as new paragraph (d) of that subsection—*
  - “(d) *has, within the period of ten years immediately preceding the proposed date of his appointment as a Senator been convicted by a court of competent jurisdiction of any felony or of any other criminal offence involving dishonesty, and who—*
  - (i) *has not appealed against that conviction, or*
  - (ii) *has appealed against that conviction and whose appeal has not been allowed, and*

- (iii) *has not received a free pardon in respect of the offence ;* ”  
*and by renumbering the existing paragraphs (d) to (g)*  
*of that subsection as paragraphs (e) to (h) respectively ; and*
- (b) *by deleting the words “ subsection (1) (d) ” appearing in the*  
*first line of subsection (3) thereof and substituting the words*  
*“ subsection (1) (e) ”.*

10. *Section 39 of the Constitution is amended—*

*Amendment of*  
*section 39 of*  
*Constitution.*

- (a) *by deleting the words “ Commonwealth citizen ” appearing in*  
*paragraph (d) of subsection (1) thereof and substituting the*  
*words “ citizen of Barbados ” ; and*
- (b) *by deleting the words “ paragraphs (b) to (g) of subsection*  
*38 (1) ” appearing in paragraph (e) of subsection (1) thereof*  
*and substituting the words “ paragraphs (b) to (h) of section*  
*38 (1) ” ; and*
- (c) *by inserting immediately after the words “ a Senator is ”*  
*appearing in the second line of subsection (3) (a) thereof the*  
*words “ convicted of a felony or of any other offence involving*  
*dishonesty, ”.*

11. *Section 43 of the Constitution is amended by deleting the words*  
*“ Commonwealth citizen ” appearing in paragraph (a) thereof and*  
*substituting the words “ citizen of Barbados ”.*

*Amendment of*  
*section 43 of*  
*Constitution.*

12. *Section 44 of the Constitution is amended—*

*Amendment of*  
*section 44 of*  
*Constitution.*

- (a) *by deleting paragraph (c) of subsection (1) thereof and substituting*  
*the following—*
- “ (c) within the period of ten years immediately preceding the*  
*date of his nomination as a candidate for election to the House*  
*of Assembly, has been convicted by a court of competent juris-*  
*isdiction of a felony or of any other criminal offence involving*  
*dishonesty, and who—*
- (i) *has not appealed against that conviction, or*
- (ii) *has appealed against that conviction and whose appeal*  
*has not been allowed, and*
- (iii) *has not received a free pardon in respect of the offence ; ”*
- (b) *by deleting the words “ subsection (1) (b) and (c) ” appearing*  
*in the first and second lines of subsection (2) thereof and*  
*substituting the words “ subsection (1) (b) ”.*

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*Amendment of section 45 of Constitution.*

13. Section 45 of the Constitution is amended—

(a) in subsection (1) thereof—

(i) by deleting the words “Commonwealth citizen” appearing in paragraph (d) thereof and substituting the words “citizen of Barbados”;

(ii) by substituting a semi-colon for the full stop appearing at the end of paragraph (f) and inserting immediately thereafter the following as paragraph (g)—

“(g) if he is expelled from the House in accordance with any enactment relating to the House and the Standing Orders of the House.”; and

(b) by inserting immediately after the words “a member is” appearing in the second line of subsection 2 (a) thereof the words “convicted of a felony or of any other criminal offence involving dishonesty,”.

*Amendment of section 79 of Constitution.*

14. Section 79 of the Constitution is amended—

(a) by inserting immediately after the word “shall” appearing in the first line of subsection (2) thereof the words, “subject to section 79A,”;

(b) by deleting the words “The powers” appearing at the beginning of subsection (4) thereof and substituting the words “Subject to section 79A the powers”;

(c) by deleting the words “In the exercise” appearing at the beginning of subsection (5) thereof and substituting the words “Subject to section 79A in the exercise”.

*New section 79A inserted in Constitution.*

15. The Constitution is amended by inserting immediately after section 79 thereof the following as section 79A—

*“Attorney-General may give directions to Director of Public Prosecutions in the case of certain offences.*

**79A.** (1) *The Attorney-General may, in the case of any offence to which this section applies, give general or special directions to the Director of Public Prosecutions as to the exercise of the powers conferred upon the Director of Public Prosecutions by section 79, and the Director of Public Prosecutions shall act in accordance with those directions.*

(2) *This section applies to—*

(a) *offences under the laws of Barbados relating to—*

(i) *piracy,*

- (ii) *trading or otherwise dealing in slaves,*
- (iii) *foreign enlistment,*
- (iv) *publications calculated to interfere with the peaceful relations of Barbados with foreign states,*
- (v) *treason, misprision of treason, treason felony or treachery,*
- (vi) *sedition or seditious meetings,*
- (vii) *official secrets,*
- (viii) *mutiny or incitement to mutiny,*
- (ix) *unlawful oaths; and*
- (b) *any offence under an enactment relating to any right or obligation of Barbados under international law.*

16. *Section 81 of the Constitution is amended—*

*Amendment of section 81 of Constitution.*

- (a) *by inserting immediately after the words “Chief Justice” appearing in the first line of subsection (1) thereof the words “and Puisne Judges”;*
- (b) *by the repeal of subsection (2) thereof; and*
- (c) *by renumbering subsection (3) thereof as subsection (2).*

17. *Section 82 of the Constitution is amended—*

*Amendment of section 82 of Constitution.*

- (a) *by deleting the words “section 81 (3)” wherever they appear therein and substituting the words “section 81 (2)”;*
- (b) *by deleting the words “Judicial and Legal Service Commission” wherever they appear in subsection (2) thereof and substituting the words “Prime Minister”.*

18. *The proviso to section 84 (1) of the Constitution is amended—*

*Amendment of section 84 of Constitution.*

- (a) *by deleting the words “in the case of the Chief Justice” appearing in the first and second lines thereof; and*
- (b) *by deleting the words “or in the case of any other Judge in accordance with the advice of the Judicial and Legal Service Commission” appearing in the third and fourth lines thereof.*

19. *Section 89 of the Constitution is amended by deleting the words “a barrister” wherever they appear in the proviso to subsection (2) thereof and substituting the words “an attorney-at-law”.*

*Amendment of section 89 of Constitution.*

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New section  
89A inserted  
in  
Constitution.

**\*20.** The Constitution is amended by inserting immediately after section 89 thereof the following as section 89A—

“ Establish-  
ment and  
composition  
of Teaching  
Service  
Commission.

**89A.** (1) There shall be a Teaching Service Commission for Barbados which shall consist of a Chairman and not less than three nor more than five other members, who shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition by instrument under the Public Seal.

(2) No person shall be qualified to be appointed as a member of the Teaching Service Commission if he is a member of either House or a public officer.

(3) Subject to the provisions of subsection (4), the office of a member of the Teaching Service Commission shall become vacant—

- (a) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he is appointed;
- (b) if he becomes a member of either House or a public officer.

(4) The provisions of section 105 (which relate to removal from office) shall apply to the office of a member of the Teaching Service Commission, and for the purposes of subsections (4) and (6) of that section, the prescribed authority shall be the Prime Minister, except that, in relation to a member who does not hold, or is not for the time being acting in, the office of Chairman of the Commission, the prescribed authority for the purposes of the said subsection (6) shall be the holder of the office of Chairman.

(5) If the office of Chairman of the Teaching Service Commission is vacant or the holder thereof 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 that office or until the

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\*To be brought into force by proclamation.

person holding that office has resumed those functions, as the case may be, they shall be performed by such one of the other members of the Commission as may for the time being be designated in that behalf by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(6) If the office of a member of the Teaching Service Commission other than the Chairman is vacant or the holder thereof is for any reason unable to perform the functions of his office, the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may appoint a person who is qualified for appointment as a member of the Commission to act in the office of that member; and any person so appointed shall, subject to the provisions of subsection (3) (b), continue so to act until a person has been appointed to the office in which he is acting and has assumed the functions thereof, or, as the case may be, the holder thereof resumes those functions, or until his appointment so to act is revoked by the Governor-General acting as aforesaid.

(7) A member of the Teaching Service Commission shall not, within a period of one year commencing with the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointment to which is vested by this Constitution in the Governor-General acting on the recommendation or in accordance with the advice of the Teaching Service Commission.”.

**\*21.** The Constitution is amended by inserting immediately after section 93 thereof the following as sections 93A and 93B—

New Sections  
93A and 93B  
inserted in  
Constitution.

“Appointment, etc., of teachers.

**\*93A.** (1) Subject to the provisions of this Constitution, power to make appointments to the offices to which this section applies and to remove and to exercise disciplinary control over persons holding or acting in such offices is hereby vested in the Governor-

\*To be brought into force by proclamation.

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General acting in accordance with the advice of the Teaching Service Commission.

(2) This section applies to public offices established by an order relating to teachers made under the Civil Establishment Act. Cap 21.

(3) Before the Teaching Service Commission advises the appointment to any public office to which this section applies of any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Governor-General acting in accordance with the advice of the Judicial and Legal Service Commission, the Public Service Commission, or the Police Service Commission, it shall consult with the Judicial and Legal Service Commission, the Public Service Commission or the Police Service Commission, as the case may be.

Delegation of powers under section 93B.

**\*93B.** (1) The Governor-General acting in accordance with the advice of the Teaching Service Commission may by instrument under the Public Seal direct that, to such extent and subject to such conditions as may be specified in that instrument, the powers, other than the power to remove from office, vested in him by section 93A (1) shall (without prejudice to the exercise of such powers by the Governor-General under that section) be exercisable by such one or more members of the Teaching Service Commission or by such public officer as may be so specified.

(2) In any case where an appointment is to be made by virtue of an instrument made under this section and the person to be appointed holds or is acting in any office power to make appointments to which is vested in the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, the Public Service Commission or the Police Service Commission, the person empowered to make the appointment shall consult the

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\*To be brought into force by proclamation.

Judicial and Legal Service Commission, the Public Service Commission or the Police Service Commission, as the case may be, before making the appointment.

(3) Where the power to exercise disciplinary control over any officer has been exercised by virtue of an instrument made under this section, the officer in respect of whom it was so exercised may apply for the case to be referred to the Governor-General, and thereupon the disciplinary action taken shall cease to have effect except in so far as it may have included the suspension of the officer from performing the functions of his office, and the case shall be referred to the Governor-General accordingly; and, subject to the provisions of section 98, the Governor-General shall then take such action in respect of the officer as the Teaching Service Commission may advise.”

**\*22.** Section 94 of the Constitution is amended—

*\*(a)* by inserting immediately after the words “Judicial and Legal Service Commission” wherever they appear in subsection (2) thereof the words “, the Teaching Service Commission”; and

*\*(b)* in subsection (3) thereof—

*\*(i)* by inserting immediately after paragraph (b) thereof the following as new paragraph (c)—

*\*(c)* any office to which section 93A applies;”

*\*(ii)* by renumbering the existing paragraphs (c) and (d) thereof as paragraphs (d) and (e) respectively;

*(iii)* by inserting immediately after paragraph (e) thereof as renumbered as sub-paragraph (ii) the following as new paragraph (f)

“ (f) so far as they relate to power to make appointments on transfer, any office to which section 100A applies;”

and

*\*(iv)* by renumbering the existing paragraphs (e) and (f) thereof as paragraphs (g) and (h) respectively.

Amendment  
of section 95  
of  
Constitution.

\*To be brought into force by proclamation.

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Amendment of section 95 of Constitution.

**\*23.** Section 95 of the Constitution is amended by inserting immediately after the words “Judicial and Legal Service Commission” wherever they appear in subsection (2) thereof the words “, the Teaching Service Commission”.

Amendment of section 96 of Constitution.

**\*24.** Section 96 of the Constitution is amended by inserting immediately after the words “Judicial and Legal Service Commission” wherever they appear in subsection (2) thereof the words “, the Teaching Service Commission”.

Amendment of section 97 of Constitution.

**\*25.** Section 97 of the Constitution is amended by inserting immediately after the words “Judicial and Legal Service Commission” wherever they appear in subsection (2) thereof the words “, the Teaching Service Commission”.

Amendment of section 99 of Constitution.

26. Subsections (2) and (3) of section 99 of the Constitution are repealed and the following substituted therefor—

“(2) This section applies to the offices of Solicitor-General, Director, Finance and Planning, Secretary to the Cabinet, Permanent Secretary, Commissioner of Police, Chief Establishments Officer, Chief Personnel Officer, Chief Training Officer, chief or deputy chief professional or technical adviser or officer in a Ministry of the Government (by whatever name called), and head or deputy head of a department of the Government.

(3) In this section—

“appropriate Service Commission” means—

- (a) in relation to offices in the Police Force, the Police Service Commission;
- (b) in relation to any office to which section 93 applies as respects power to remove and exercise disciplinary control over any person holding or acting in that office, the Judicial and Legal Service Commission; and
- (c) in relation to any other office to which this section applies, the Public Service Commission.”

Amendment of section 100 of Constitution.

**\*27.** Section 100 of the Constitution is amended—

- (a) by the repeal of subsection (4) thereof;
- (b) by renumbering subsection (5) thereof as subsection (4); and

\*To be brought into force by proclamation.

- \**(c)* in subsection (4) thereof as renumbered by paragraph *(b)*—
- \**(i)* by deleting the word “and” appearing at the end of paragraph *(b)* of the definition “appropriate Service Commission”,
  - \**(ii)* by inserting immediately after paragraph *(b)* of that definition the following as new paragraph *(c)*—
    - “*(c)* in relation to a person who holds an office to which section 93A applies as respects power to remove and exercise disciplinary control over any person holding or acting in that office, the Teaching Service Commission; and”,
  - \**(iii)* by renumbering the existing paragraph *(c)* of that definition as paragraph *(d)*, and
  - (iv)* by deleting the definition “subordinate overseas office”.

28. *The Constitution is amended by inserting immediately after section 100 thereof the following as section 100A—*

*New section 100A inserted in Constitution.*

“Appointments on transfer to certain offices.

*100A. (1) The power to make appointments on transfer to the offices to which this section applies shall vest in the Prime Minister.*

*(2) The offices to which this section applies are—*

- (a) offices (other than those to which section 100 applies) the holders of which are required to reside outside Barbados for the proper discharge of their functions; and*
- (b) such offices in the Ministry responsible for the external affairs of Barbados as may be designated by the Prime Minister.”.*

\*29. Subsection (4) of section 104 of the Constitution is repealed and the following substituted therefor—

*Amendment of section 104 of Constitution.*

“*(4) In this section “the appropriate Service Commission” means—*

- (a) in the case of an award that may be granted or is payable to a person who, having been a public officer, was immediately before the date on which he ceased to hold public office serving—*

\*To be brought into force by proclamation.

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- (i) as a Judge,
- (ii) as the Director of Public Prosecutions,
- (iii) in any office to which section 93 applies as respects power to remove and exercise disciplinary control over any person holding or acting in that office at the date of the exercise of the power vested as aforesaid, the Judicial and Legal Service Commission;
- \**(b)* in the case of an award that may be granted or is payable to a person who having been a public officer, was immediately before the date on which he ceased to hold public office serving in any office to which section 93A applies as respects power to remove and exercise disciplinary control over any person holding or acting in that office at the date of the exercise of the power vested as aforesaid, the Teaching Service Commission;
- (c)* in the case of an award that may be granted or is payable to a person who, having been a public officer, was immediately before the date on which he ceased to hold public office, serving as a member of the Police Force, the Police Service Commission;
- (d)* in any other case, the Public Service Commission."

*Amendment of section 105 of Constitution.*

30. Section 105 of the Constitution is amended by deleting the words "barristers or solicitors" appearing in the last line of paragraph (a) of subsection (4) and substituting the word "attorneys-at-law".

*Amendment of section 106 of Constitution.*

31. Section 106 of the Constitution is amended by deleting the words "section 95 or, as the case may be, of section 97" appearing in paragraph (b) thereof and substituting the words "section 93B, 95 or 97, as the case may be".

*Amendment of section 112 of Constitution.*

**\*32.** Section 112 of the Constitution is amended by inserting immediately after the words "members of" appearing in the penultimate line of subsection (4) thereof the words "the Teaching Service Commission,".

*Amendment of section 113 of Constitution.*

**\*33.** Section 113 of the Constitution is amended by inserting immediately after the words "Judicial and Legal Service

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\*To be brought into force by proclamation.

Commission,” appearing in the third and fourth lines of subsection (2) thereof the words “the Teaching Service Commission,”.

**\*34.** Section 117 of the Constitution is amended—

Amendment  
of section 117  
of  
Constitution.

\*(a) in subsection (7)—

\**(i)* by inserting immediately after the words “Judicial and Legal Service Commission,” appearing in paragraph (b) thereof the words “the Teaching Service Commission,”.

*(ii)* by deleting the word “or” appearing at the end of paragraph (c) thereof,

*(iii)* by deleting the full stop appearing at the end of paragraph (d) thereof, and substituting the words “; or”;

*(iv)* by inserting immediately after paragraph (d) thereof the following as paragraph (e)—

“(e) an office which is not established under the Civil Establishment Act, 1949,”; and

*(b)* by deleting the words “29th November, 1966” appearing in the first and second lines of subsection (11) thereof and substituting the words “the date of the commencement of the Barbados Constitution (Amendment) Act, 1974”.

**35.** This Act shall come into operation on such day as the Governor-General may appoint by proclamation.

\*To be brought into force by proclamation.

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