

SCHEDULE

DRAFT CONSTITUTION OF THE COMMONWEALTH OF GRENADA

ARRANGEMENT OF SECTIONS

PREAMBLE

CHAPTER I

THE COMMONWEALTH OF GRENADA

SECTIONS

1. Declaration of Republic – the Commonwealth of Grenada
2. National Territory
3. National Symbols
4. National Language
5. Constitution is Supreme Law

CHAPTER II

FUNDAMENTAL RIGHTS AND FREEDOMS

PART I

ARTICLES

6. Declaratory Statement Concerning the Fundamental Rights and Freedoms
7. The right to life
8. The right to personal liberty
9. Right to a fair trial
10. Right not to be subjected to slavery or servitude
11. Right not to be subjected to torture, or to inhuman or degrading treatment
12. The right to privacy and the right not to be subjected to arbitrary search or entry
13. The right to the use and enjoyment of one's property

14. The right to freedom of conscience, of thought and of religion
15. The right to freedom of thought and of expression
16. The right to freedom of assembly and association
17. The right to freedom of movement
18. The right not to be discriminated against
19. The right to vote and to stand for public office

PART II

Emergency Provisions

20. Public emergency
21. Emergency regulations
22. Duration of public emergency
23. Publication
24. Detention of persons

PART III

Exceptions

25. Exception: emergency regulations
26. Exception: certain Acts

PART IV

Interpretation

27. Interpretation of this Chapter

PART V

General Welfare Clause

28. Moral and political obligation of the State

PART VI

Fundamental Duties

29. Fundamental duties of the citizen

CHAPTER III

HEAD OF STATE – THE PRESIDENT

30. Office of President and Head of State – appointment, qualifications, tenure of office
31. Qualifications
32. Disqualifications
33. Determination of certain questions
34. Exercise of President’s functions
35. Removal of President from office
36. Resignation of President
37. Vacancy in the Office of President
38. Removal of President for crimes and misdemeanors
39. Removal of President for mental or physical incapacity
40. Speaker to act as President
41. Oath of Allegiance and Oath of Office
42. Emoluments of President
43. Duty of Prime Minister to inform President
44. Powers of the Office of President in the event of coup d’état
45. The prerogative of mercy
46. Immunities of President

CHAPTER IV

THE EXECUTIVE

47. Executive authority of the Commonwealth of Grenada – the Cabinet: appointment, composition and functions
48. Swearing in of the Cabinet
49. Tenure of Cabinet
50. Duty of Prime Minister to keep President informed concerning matters of Government
51. Appointment of Deputy Ministers
52. The Leader of the Opposition

- 53. Appointment of Permanent Secretaries
- 54. Appointment of Cabinet Secretary
- 55. Office of Attorney-General

CHAPTER V
PARLIAMENT

PART 1

Composition of Parliament

- 56. Parliament – The National Assembly: composition of Assembly
- 57. Tenure of members of Assembly
- 58. Qualifications for membership of the National Assembly
- 59. Election of persons to the National Assembly
- 60. Qualifications to vote at general election
- 61. Disqualifications for membership of the National Assembly
- 62. Election of Speaker and Deputy Speaker
- 63. Powers and procedure of the National Assembly
- 64. Parliament's control of all revenues of the State
- 65. Amendment of the Constitution
- 66. Public emergency
- 67. Oath by members of the National Assembly
- 68. Standing Orders of the National Assembly
- 69. Immunity of members of National Assembly
- 70. Appointment of standing committees of National Assembly
- 71. Summoning Parliament
- 72. Prorogation and dissolution of Parliament
- 73. Writs upon dissolution of Parliament

CHAPTER VI

THE ELECTORAL AND BOUNDARIES COMMISSION

- 74. The Electoral and Boundaries Commission

75. Staff of the Commission etc.
76. Functions of the Commission and electoral law
77. Procedure for review of constituency boundaries
78. Autonomy of the Commission and protection from legal proceedings

CHAPTER VII

THE JUDICIARY

79. The judicial power of the State
80. Establishment of the Judiciary
81. Independence of the Judiciary
82. The Caribbean Court of Justice – original and appellate jurisdiction
83. Constitution of the Caribbean Court of Justice
84. Appointment of the President and the Judges of the Court
85. Tenure of the President and Judges of the Court
86. Establishment of the Supreme Court
87. Constitution of the Supreme Court
88. Appointment of Judges and of the Magistrates of the Magistrates' Courts
89. Acting Judges
90. Oaths
91. Tenure of office of Judges
92. Jurisdiction of High Court and Court of Appeal
93. Referral of constitutional questions
94. Appeals from High Court
95. Appeals from Court of Appeal
96. Authority of Chief Justice to prescribe rules
97. Remuneration of Judges
98. Chief Registrar and other Officers
99. Pensions of Judges *et al*
100. Resignations
101. Expenses of the Court
102. Posting of a Judge to Grenada

103. Rules of Court
104. Establishment of the Judicial and Legal Services Commission
105. Functions and procedure of Commission
106. Staff
107. Expenses
108. Establishment of the Magistracy
109. Appointment of Chief Magistrate and Magistrates
110. Independence of Magistracy
111. Removal of Chief Magistrate and Magistrates
112. Resignation or retirement of Chief Magistrate and Magistrates
113. Emoluments of Chief Magistrate and Magistrates
114. Oath of Allegiance and Oath of Office
115. Interpretation

CHAPTER VIII

FINANCE

116. The Consolidated Fund
117. Moneys charged on the Consolidated Fund
118. Authorisation of expenditure
119. Withdrawals from the Consolidated Fund
120. Estimates
121. Appropriation Bill
122. Insufficiency of appropriations
123. Supplementary estimates
124. Statutory expenditure not to be voted on
125. Warrant issued by Minister
126. The public debt
127. Payment of salaries
128. Remuneration of officers under the Civil Establishment Act and the Defence Act
129. Interpretation

CHAPTER IX
THE PUBLIC SERVICE

PART 1

- 130. The Public Service Commission
- 131. Qualifications
- 132. Tenure of members of Commission
- 133. Removal of a member
- 134. Investigation of a member
- 135. Appointment of Tribunal to conduct the investigation of a member
- 136. Vacancy in the office of Chairman of the Commission
- 137. Member acting as Chairman of Commission
- 138. Oath of Allegiance and Oath of Office
- 139. Independence of Commission
- 140. Commission may make regulations to regulate its own procedure
- 141. Commission may act notwithstanding vacancy in membership
- 142. Appropriate representative bodies
- 122. Power of the Commission to appoint persons

PART II

- 144. Secretary to Cabinet, permanent secretary, heads and deputy heads of departments of government

PART III

PUBLIC SERVICE APPEAL BOARD

- 145. The Public Service Appeal Board
- 146. Membership of Appeal Board

PART IV

PENSIONS

- 147. Protection of pension rights

148. Grant and withholding of pension etc.

CHAPTER X
DIRECTOR OF AUDIT

149. Appointment of Director of Audit
150. Duty of Director of Audit
151. Authority of Director to examine books, records etc.
152. Submission of report to Minister of Finance
153. Exercise of other functions in relation to accounts of Government
154. Independence of Director of Audit
155. Vacancy in the office of Director
156. Appointment of person to act in the office of Director of Audit
157. Retirement of Director
158. Removal of Director from office
159. Referral to tribunal
160. Appointment of tribunal
161. Suspension of Director pending determination by tribunal

CHAPTER XI
THE DIRECTOR OF PUBLIC PROSECUTIONS

162. Office of Director of Public Prosecutions
163. Appointment of Director of Public Prosecutions
164. Qualifications of Director of Public Prosecutions
165. Vacancy in the Office of Director of Public Prosecutions
166. Director of Public Prosecutions to vacate office
167. Removal of Director of Public Prosecutions from office
168. Referral to tribunal
169. Appointment of tribunal
170. Suspension of Director of Public Prosecutions upon referral of case to tribunal
171. Powers of Director of Public Prosecutions

172. Attorney-General may give directions in the case of certain offences

CHAPTER XII
CITIZENSHIP

173. Continuation of Citizenship
174. Citizenship by birth of persons born in Grenada on or after the appointed day
175. Disqualifications from being a citizen of Grenada
176. Citizenship of persons born outside of Grenada to a citizen in the diplomatic or consular service of Grenada
177. Citizenship of persons born outside of Grenada to a father or mother who is a citizen of Grenada
178. Citizenship of persons born in Grenada before the appointed day and were citizens of the United Kingdom and Colonies before Independence Day
179. Citizenship by descent of persons born before Independence Day
180. Citizenship by marriage to a citizen
181. Acquisition, deprivation and renunciation of citizenship
182. Citizenship of person born on a registered ship or aircraft
183. No acquisition of citizenship by persons who do not otherwise qualify under this Chapter

CHAPTER XIII
PART 1

THE PROTECTIVE SERVICES COMMISSION

184. Composition, appointment and functions of the Protective Services Commission

PART II
THE POLICE FORCE

185. The Police Force of Grenada – organisation, administration and functions

PART III
THE PRISON SERVICE

186. The Prison Service – organisation, administration and functions

PART IV
THE FIRE SERVICE

187. The Fire Service – organisation, administration and functions

CHAPTER XIV
LOCAL GOVERNMENT

188. Local government Council for Carriacou and Petite Martinique; and Parliament to provide for system of local government for other Parishes

CHAPTER XV
ALTERATION OF THE CONSTITUTION

189. Alteration of this Constitution
190. Alteration of this Constitution for Grenada's union with other States

CHAPTER XVI
TREATIES AND EXECUTIVE AGREEMENTS

191. The power of Cabinet to negotiate, conclude and ratify treaties with foreign States, upon the approval of Parliament; and to enter into executive agreements with foreign States in its deliberate judgment.