

Barbados / Barbados
Constitution of 1966
Constitución de 1966



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Constitution of Barbados

STATUTORY INSTRUMENTS
1966 No. 1455

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Barbados Independence Order 1966

Made 22nd November 1966

Laid before Parliament 22nd November 1966

Coming into Operation 30th November 1966

At the Court at Buckingham Palace, the 22nd day of November 1966

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 5 of the Barbados Independence Act 1966 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation commencement and construction

1. 1. This Order may be cited as the Barbados Independence Order 1966.

2. This order shall come into operation on 30th November 1966 (in this Order referred to as "the appointed day"):

Provided that the Governor may at any time after 22nd November 1966 exercise any of the powers conferred upon the Governor General by sections 4(3) and 10(1) of this Order and sections 60(1), 89(2), 90(1) and 91(1) of the Constitution set out in the Schedule to this Order (in this Order referred to as "the Constitution") to such extent as any, in his opinion, be necessity or expedient to enable the Constitution to function as from the appointed day.

3. For the purposes of the exercise by the Governor under the proviso to subsection (2) of the powers conferred by the said sections 89(2), 90(1) and 91(1), the references therein to the Prime Minister and the Leader of the Opposition shall be construed as if they were references respectively to the Premier and to the Leader of the Opposition as defined for the purposes of Schedule 2 to the Barbados (Letters Patent Consolidation) Order 1964(b); and the other powers referred to in that proviso shall be exercised by the Governor acting in accordance with the advice of the Premier.

4. Save where the context otherwise requires, expressions used in sections 1 to 12 of this Order have the same meaning as in the Constitution and the provisions of section 117 of the Constitution shall

apply for the purposes of interpreting those sections as they apply for the purposes of interpreting those sections as they apply for the purposes of interpreting the Constitution.

Revocations and Amendments

2. 1. The Barbados (Letters Patent Consolidation) Order 1964 (in this Order referred to as "the existing Order") is revoked; but the revocation of the existing Order shall not affect the operation on and after the appointed day of any law made or having effect as if made in pursuance of the existing Order and having effect as part of the law of Barbados immediately before the appointed day (including any law made before the appointed day and coming into operation on or after that day).

2. The British Caribbean Court of Appeal Order in Council 1962(a) (as amended by the British Caribbean Court of Appeal (Amendment) (No. 2) Order in Council 1962(b)) is amended by the deletion of the words "and the Chief Judge and other judges of the Island of Barbados" in paragraph (b) of article 3(1) (which specifies the judges of which the Court consists):

Provided that, if provision is made by an order paragraph (b) of section 10(1) or by any other law for the continuance on or after the appointed day before the British Caribbean Court of Appeal of any such pending appeals as are mentioned in that paragraph, the, for the purposes of such appeals, Barbados shall continue to be a Territory for the purposes of the first mentioned Order and the Chief Justice and other Judges of the Supreme Court of Barbados shall be members of the Court ex officio.

3. The West Indies (Dissolution and Interim Commissioner) Order in Council 1962(c) is amended by the deletion of sub-paragraph(b) (which specifies Barbados) of the definition of "the territories" in article 2(1); but nothing in this subsection shall affect the operation on and after the appointed day of any law having effect as part of the law of Barbados immediately before that day by virtue of the provisions of article 15 or 16 of that Order.

Establishment of Constitution

3. Subject to the provisions of this Order, the Constitution shall come into effect on the appointed day.

Existing laws

4. 1. Subject to the provisions of this section, the existing laws shall be construed with such modifications, adaptations, qualifications unawed exceptions as may be necessary to bring them into conformity with the Barbados Independence Act 1966 and this Order.

2. Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such a law and under this section) or is otherwise prescribed or provided for immediately before the appointed day by or under the existing Order, that prescription or provision shall, as from that day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Barbados Independence Act 1966 and this Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

3. The Governor General may by order made at any time before 30th November 1967 make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Barbados Independence Act 1966 and this Order or otherwise for giving effect to or enabling effect to be given to those provisions.

4. An order made by the Governor-General under subsection (3) shall have effect from such day, not

earlier than the appointed day, as may be specified therein.

5. The provisions of this section shall be without prejudice to any powers conferred by this Order or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

6. In this section "existing law" means any law having effect as part of the law of Barbados immediately before the appointed day (including any law made before the appointed day and coming into operation on or after that day).

Parliament

5. 1. The persons who immediately before the appointed day are members of the Senate established by the existing Order (in this section referred to as "the existing senate"), having been appointed as such under sub-paragraphs (a), (b) and (c) respectively of paragraph 10(2) of Schedule 2 to that Order, shall as from the appointed day be members of the Senate established by the Constitution as if they had been appointed as such under subsections (2), (3) and (4) respectively of section 36 of the Constitution and shall hold their seats as Senators in accordance with the provisions of the Constitution.

2. The persons who immediately before the appointed day are President and Deputy President of the existing Senate shall as from the appointed day be President and Deputy President respectively of the Senate established by the Constitution as if they had been elected as such under section 40 of the Constitution and shall hold office in accordance with the provisions of that section.

3. The persons who immediately before the appointed day are members of the House of Assembly the established for Barbados (in this section referred to as "the existing Assembly") shall as from the appointed day be members of the House of Assembly established by the Constitution as if elected as such in pursuance of section 41(2) of the Constitution and shall hold their seats in that House in accordance with the provisions of the Constitution.

4. The persons who immediately before the appointed day are Speaker and Deputy Speaker of the existing Assembly shall as from the appointed day be Speaker and Deputy Speaker respectively of the House of Assembly established by the Constitution as if elected as such by that House in pursuance of any provisions in that behalf.

5. Any person who is a member of the Senate or the House of Assembly established by the Constitution by virtue of the preceding provisions of this section and who, since he was last appointed or elected as a member of the existing Senate of the existing Assembly before the appointed day, has taken the oath of allegiance in pursuance of paragraph 21 of Schedule 2 to the existing Order shall be deemed to have complied with the requirements of section 59 of the Constitution relating to the taking of the oath of allegiance.

6. The Standing Orders of the existing Senate and the existing Assembly as in force immediately before the appointed day shall, except as may be otherwise provided in pursuance of section 50(1) of the Constitution, be three Standing Orders respectively of the Senate and the House of Assembly established by the Constitution, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

7. Notwithstanding anything contained in section 61(3) of the Constitution (but subject to the provisions of subsections (4) and (5) of that section) Parliament shall, unless sooner dissolved, stand dissolved on the expiration of five years from the first sitting of the existing Assembly after the general election of members of the Assembly last preceding the appointed day.

Ministers and Parliamentary Secretaries

6. 1. The person who immediately before the appointed day holds the office of premier under the existing Order shall, as from the appointed day, hold office as Prime Minister as if he had been appointed thereto under section 65(1) of the Constitution.
2. The person (other than the Premier) who immediately before the appointed day hold offices Ministers under the existing Order shall, as from the appointed day, hold the like offices as if they had been appointed thereto under section 65(2) of the Constitution.
3. Any person holding the office of Prime Minister or other Minister by virtue of subsection (1) or (2) who immediately before the appointed day was charged with responsibility for any subject or department of government shall, as from the appointed day, be deemed to have been assigned responsibility for the corresponding business or department of the Government under section 72 of the Constitution.
4. The persons who immediately before the appointed day hold office as Parliamentary Secretaries under the existing Order shall, as from the appointed day, hold the like offices as if they had been appointed thereto under section 73(1) of the Constitution.
5. Any person who holds office as Prime Minister or other Minister or Parliamentary Secretary as from the appointed day by virtue of the provisions of this section shall be deemed to have complied with the requirements of section 69 or section 73(2), as the case may be, of the Constitution relating to the taking of oaths

Leader of the Opposition

7. The person who immediately before the appointed day is the Leader of the Opposition (as defined for the purposes of Schedule 2 to the existing Order) shall, as from the appointed day, hold office as Leader of the Opposition as if he had been appointed thereto under section 74 of the Constitution.

Privy Council

8. The persons who immediately before the appointed day are members of the Privy Council established by the existing Order, having been appointed as such under clause 3 of the Barbados Royal Instructions 1964(a), shall, as from the appointed day, hold office as members of the privy Council established by the Constitution as if they had been appointed thereto under section 76(1) of the Constitution:

Provided that for the purposes of subsection (3) of that section the date of appointment of any such person shall be the date on which the period of his last appointment under the said clause 3 commenced or was deemed to have commenced for the purposes of that clause.

Existing judges and public officers

9. 1. Every person who immediately before the appointed day holds or is acting in a public office shall, as from the appointed day, hold or act in that office or the corresponding office established by the Constitution as if he had been appointed to do so in accordance with the provisions of the Constitution:

Provided that any person who under any existing law would have been required to vacate his office on the attainment of any age or on the expiration of any period shall vacate his office on the attainment of that age or at the expiration of that period.

2. The provisions of subsection (1) shall apply in relation to the office of a Judge as if that office were a public office.

3. Any person who, by virtue of the provisions of this section, holds or is acting in the office of the Director of Public Prosecutions or a Judge as from the appointed day shall be deemed to have complied with the requirements of section 79(7) or, as the case may be, section 83 of the Constitution relating to the taking and subscribing of oaths.

4. In this section "existing law" has the same meaning as in section 4.

Pending legal proceedings

10. 1. The Governor General may by order make such provision as may appear to him to be necessary or expedient for:

a. the continuance on or after the appointed day before the High Court of Appeal established by the Constitution of any proceedings pending immediately before that day before the Supreme Court of Barbados;

b. the continuance on or after the appointed day before the said Court of Appeal or the British Caribbean Court of Appeal or the abatement of any appeal pending immediately before that day before the British Caribbean Court of Appeal from the Supreme Court of Barbados;

c. the enforcement of any judgment of the Supreme Court of Barbados or the British Caribbean Court of Appeal given but not satisfied before the appointed day; and

d. the enforcement of any judgment of the British Caribbean Court of Appeal given on or after that day by virtue of provision made in pursuance of paragraph (b).

2. In subsection (1) -

"appeal" includes a case stated or question of law reserved;

"judgment" includes a decree, order, ruling, sentence or decision;

"the Supreme Court of Barbados" includes the Full Court of that Court.

3. The provisions of this section shall be without prejudice to the provisions of section 4 and to any powers conferred by this Order or by any other law upon any person or authority to make provision for any of the matters referred to in subsection (1).

Appeals to Her Majesty in Council

11. Until Parliament otherwise provides, an appeal shall lie under section 88(1) of the Constitution from decisions of the Court of Appeal established by the Constitution to her Majesty in Council in the cases mentioned in paragraphs (a) and (b) of section 3 of the British Caribbean (Appeal to Privy Council) Order in Council 1962(a) as if references therein to the British Caribbean Court of Appeal were references to the Court of Appeal established by the Constitution.

Alteration of this Order

12. 1. Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of the Constitution:

Provided that section 3, section 5(1) and (7), section 9 and this section may be altered by Parliament only in the same manner as the provisions specified in section 49(2) of the Constitution.

2. Section 49(5) of the Constitution shall apply for the purpose of construing references in this section to any provision of this Order and to the alteration of any such provision as it applies for the purpose of construing references in the said section 49 to any provision of the Constitution and to the alteration of any such provision.

W. G. Agnew.

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Whereas the love of free institutions and of independence has always strongly characterized the inhabitants of Barbados:

And whereas the Governor and the said inhabitants settled a Parliament in the year 1639:

And Whereas as early as 18th February 1651 these inhabitants, in their determination to safeguard the freedom, safety and well being of the Island, declared, through their Governor, Lords of the Council and members of the Assembly, their independence of the Commonwealth of England:

And Whereas the rights and privileges of the said inhabitants were confirmed by articles of agreement, commonly known as the Charter of Barbados, had, made and concluded on 11th January 1652 by and between the Commissioners of the Right Honorable the Lord Willoughby of Parham, Governor, of the one part, and the Commissioners on the behalf of the Commonwealth of England, of the other part, in order to the rendition to the Commonwealth of England of the said Island of Barbados:

And Whereas with the broadening down of freedom the people of Barbados have ever since then not only successfully resisted any attempt to impugn or diminish those rights and privileges so confirmed, but have consistently enlarged and extended them:

Now, therefore, the people of Barbados-

- a. proclaim that they are a sovereign nation founded upon principles that acknowledge the supremacy of God, the dignity of the human person, their unshakable faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions;
- b. affirm their belief that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;
- c. declare their intention to establish and maintain a society in which all persons may, to the full extent of their capacity, play a due part in the institutions of the national life;
- d. resolve that the operation of the economic system shall promote the general welfare by the

equitable distribution of the material resources of the community, by the human conditions under which all men shall labour and by the undeviating recognition of ability, integrity and merit;

e. desire that the following provisions shall have effect as the constitution of Barbados:

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