

# **THE TOBAGO HOUSE OF ASSEMBLY (AMENDMENT) BILL, 2021**

## **EXPLANATORY NOTES**

*(These notes form no part of the Bill but are intended to indicate the general purport)*

The Bill contains 6 clauses and would seek to amend the Tobago House of Assembly Act, Chap. 25:03 to make provisions for circumstances where after an election no Assembly is constituted and to increase the number of Assemblymen who can be elected. The Bill will also make consequential amendments to the Elections and Boundaries (Local Government and Tobago House of Assembly).

Clause 1 of the Bill contains the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide for the interpretation of the word “the Act”.

Clause 3 of the Bill would provide for the commencement of the Act on Proclamation by the President.

Clause 4 of the Bill would amend section 5 of the Act to increase the number of Assemblymen from “twelve” to “fifteen”. This is to now provide for an uneven number thereby lessening the possibility of an election resulting in a tie.

Clause 5 of the Bill would repeal and replace section 22 of the Act to include two new subsections. The new subsection (3) would provide that where fourteen (14) days after an election is held and no Assembly is installed, the Chief Secretary after consultation with the President and Prime Minister is required to fix a date for fresh elections. The date can neither be earlier than the expiration of two months after the coming into force of an Order made under section 4 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act nor later than the expiration of three months from the making of that Order.

Clause 6 of the Bill would provide for consequential amendments which are contained in the Schedule.

The Schedule to the Bill would contain the amendment to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50. Section 3 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50 currently contains a lacuna in that it does not set out the electoral districts for Tobago. The amendment would therefore repeal section 3 and replace it with a new section which would recognise the electoral districts for Tobago which are contained in Part III of the First Schedule. Section 4 of the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50 is also being amended to first provide for a new report to be laid by the Elections and Boundaries Commission for this year, 2021, as currently the section only allows a new report to be laid after a certain period of time after the previous report was laid and to make provisions for future similar circumstances. The laying of a report by the Election and Boundaries Commission is the trigger for the making of an Order by the President. The amendment would also amend Part III of the First Schedule to increase the electoral districts from “12” to “15”.

## A BILL

An Act to amend the Tobago House of Assembly Act, Chap. 25:03 and to make consequential amendments to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50

Enacted	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	<b>1.</b> This Act may be cited as the Tobago House of Assembly (Amendment) Act, 2021.
Interpretation Chap. 25:03.	<b>2.</b> In this Act, “the Act” means the Tobago House of Assembly Act.
Commencement	<b>3.</b> This Act shall come into effect on such date as is set by the President by Proclamation.
Section 5 amended	<b>4.</b> Section 5 of the Act is amended in subsection (1) in paragraph (a) by deleting the word “twelve” and substituting the word “fifteen”.
Section 22 repealed and substituted	<b>5.</b> The Act is amended by repealing section 22 and substituting the following new section:  “Dissolution of Assembly; Fresh elections
	<b>22.</b> (1) The Assembly shall continue for four years from the date of its first sitting after any primary election and shall then stand dissolved, unless the Assembly, by resolution, dissolves itself at an earlier date.  (2) The President, after consultation with the Prime Minister and the Chief Secretary, shall fix the date of a primary election, which date shall not be earlier than the expiration of two months after the dissolution of the Assembly nor later than the expiration of three months after that dissolution.  (3) Where the Assembly remains dissolved after a primary election and no Assembly is constituted within fourteen days of such primary election, the Chief Secretary after consultation with the President and Prime Minister, shall fix a date of a fresh primary election, which date shall not be earlier than the expiration of two months after the coming into force of an Order made under section 4 of the Elections and Boundaries (Local Government and Tobago

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House of Assembly) Act nor later that the expiration of three months after the coming into force of that Order.”.

Consequential amendments

6. The Act listed in the First Column of the Table set out in the Schedule is amended to the extent set out in the Second Column of the Table.

**SCHEDULE**

FIRST COLUMN	SECOND COLUMN
Title of Act	Nature of Amendment
<p>The Elections and Boundaries (Local Government and Tobago House of Assembly) Act, 2020</p>	<p>A. Section 3 of the Act is repealed and the following new section substituted:</p> <p style="margin-left: 40px;">“Electoral areas</p> <p style="margin-left: 80px;"><b>3. For the purposes of this Act-</b></p> <p style="margin-left: 120px;">(a)Trinidad is divided into-</p> <p style="margin-left: 160px;">(i) the five Cities and Boroughs mentioned in the first column of Part I of the First Schedule and described in the second column of Part I of the First Schedule; and</p> <p style="margin-left: 160px;">(ii) the nine Regional Municipalities mentioned in the first column of Part II of the First Schedule and described in the second column of Part II of the First Schedule; and</p> <p style="margin-left: 120px;">(b)Tobago is divided into the fifteen electoral districts mentioned in the third column of Part III of the First Schedule.”;</p> <p>B. Section 4 of the Act is amended-</p> <p style="margin-left: 40px;">(a) in subsection (1)(a) by inserting after the words “constituencies or” the words “electoral districts”;</p>
	<p>Part I. First Schedule.</p> <p>Part II. First Schedule.</p> <p>Part III First Schedule</p>

(b) in subsection (2)(c) by deleting all the words after the words “Tobago-” and substituting the words-

- (i) not less than two nor more than four years from the date of submission of the last report;
- (ii) in the year 2021 for the purposes of the creation of fifteen electoral districts, within ninety days of the Proclamation of the Tobago House of Assembly (Amendment) Bill, 2021; or
- (iii) where the Assembly remains dissolved after a primary election and no Assembly is constituted, within fourteen days from such primary election, not less than one hundred and four days from such primary election.”; and

(c) in subsection (3) by inserting after the word “(a)” the words “or (d)”;

C. The First Schedule is amended in Part III in the column entitled “Number of electoral districts” by deleting the word “12” and substituting the word “15”.

Passed in the House of Representatives this            day of            , 2021.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this            day of            , 2021.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*