

2022/02/04

OBJECTS AND REASONS

This Bill would alter the *Constitution* to change the qualifications for membership of the Senate and the House of Assembly and to make better provision for a vacancy in the office of the Leader of the Opposition.

Arrangement of Sections

1. Short title
2. Repeal and replacement of section 37 of the *Constitution*
3. Repeal and replacement of section 43 of the *Constitution*
4. Repeal and replacement of section 75 of the *Constitution*

BARBADOS

A Bill entitled

An Act to alter the *Constitution* to change the qualifications for membership of the Senate and the House of Assembly.

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

Short title

1. This Act may be cited as the *Constitution (Amendment) Act, 2022*.

Repeal and replacement of section 37 of the *Constitution*

2. *Section 37 of the Constitution is repealed and the following is substituted:*

“Qualification for membership of the Senate

37. Subject to the provisions of section 38, any person who at the date of his appointment is a citizen of Barbados of the age of eighteen years or upwards shall be qualified to be appointed as a Senator.”.

Repeal and replacement of section 43 of the *Constitution*

3. *Section 43 of the Constitution is repealed and the following is substituted:*

“Qualifications for membership of the Assembly

43. Subject to the provisions of section 44, any person who

- (a) is a citizen of Barbados of the age of eighteen years or upwards; and
- (b) has such connection with Barbados by residence therein as may be prescribed by Parliament,

shall be qualified to be elected as a member of the House of Assembly.”.

Repeal and replacement of section 75 of the *Constitution***4. *Section 75 of the Constitution is repealed and the following is substituted:*****“Vacancy in the office of the Leader of the Opposition**

75.(1) Where there is no Leader of the Opposition and the Constitution provides that

- (a) the President, the Prime Minister or any other person shall act in accordance with the advice of the Leader of the Opposition; or
- (b) the President, the Prime Minister or any other person shall act after consultation with the Leader of the Opposition,

the reference to the Leader of the Opposition shall be read as a reference to the opposing political party which obtained the highest number of votes in the general election following the dissolution of Parliament.

(2) Where the opposing political party which obtained the highest number of votes in the general election following the dissolution of Parliament fails or refuses to advise or facilitate consultation with the President, the Prime Minister or any other person in accordance with subsection (1), the President, the Prime Minister or that other person shall seek the advice of or consult with the opposing political party that received the next highest number of votes in succession and if no opposing political party advises or facilitates consultation with the President, the Prime Minister or that other person, the President, the Prime Minister or that other person shall act in his discretion.

(3) For the purposes of subsections (1) and (2), the opposing political party shall designate in writing the person whose advice the President, the Prime Minister or that other person shall seek or consult with.

(4) For the purposes of this section, "opposing political party" means the members of a political party which contested the elections but who do not form the Government.”.

Read three times and passed the House of Assembly this
day of _____, 2022.

Speaker

Read three times and passed the Senate this _____ day of
, 2022.

President