

2000 No. 1339

**CARIBBEAN AND NORTH ATLANTIC
TERRITORIES**

The Montserrat Constitution (Amendment) Order 2000

<i>Made</i>	- - -	<i>17th May 2000</i>
<i>Laid before Parliament</i>		<i>25th May 2000</i>
<i>Coming into force</i>	<i>on a day or days to be appointed under section 1(4)</i>	

At the Court at Buckingham Palace, the 17th day of May 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by sections 5 and 7 of the West Indies Act 1962(a) 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, construction and commencement

1.—(1) This Order may be cited as the Montserrat Constitution (Amendment) Order 2000 and shall be construed as one with the Montserrat Constitution Order 1989(b).

(2) The Montserrat Constitution Order 1989 and this Order may be cited together as the Montserrat Constitution Orders 1989 to 2000.

(3) In this Order, “the Constitution” means the Constitution set out in Schedule 2 to the Montserrat Constitution Order 1989.

(4) The provisions of this Order shall come into force on such day or days as the Governor, acting in his discretion, may appoint by proclamation published in the *Gazette*, and the Governor may appoint different days for the coming into force of different provisions of this Order.

Amendment of section 11 of Constitution

2. Section 11 of the Constitution shall be amended:

- (a) in subsection (2), by deleting the words “nominated and”; and
- (b) in subsection (3), by substituting the word “an” for the words “a nominated or”.

Amendment of section 14 of Constitution

3. Section 14(1) of the Constitution shall be amended by deleting the words “or nominated”.

Replacement of section 23 of Constitution

4. Section 23 of the Constitution shall be replaced by the following:

“23. The Legislative Council shall consist of nine elected members and two *ex officio* members, namely the Attorney General and the Financial Secretary.”.

Deletion of section 24 of Constitution

5. Section 24 of the Constitution shall be deleted.

(a) 1962 c. 19.

(b) S.I. 1989/2401.

Amendment of section 27 of Constitution

6. Section 27(b) of the Constitution shall be replaced by the following:
“(b) has resided in Montserrat for a period of three years immediately preceding the date of his nomination for election, or is domiciled in Montserrat and is resident therein at the date aforesaid.”.

Amendment of section 28 of Constitution

7. Section 28 of the Constitution shall be amended by deleting:
- (a) in subsection (1), the words “appointed or”;
 - (b) subsection (1)(e)(i);
 - (c) in subsection (1)(e)(ii), the words “in the case of an elected member,”; and
 - (d) in subsection (1)(i), the words “in the case of an elected member,”.

Amendment of section 29 of Constitution

- 8.—(1) Section 29 of the Constitution shall be amended:
- (a) by deleting subsection (1);
 - (b) in subsection (2), by deleting the words “nominated or” and “appointment or”;
 - (c) in subsection (3), by substituting the word “An” for the words “A nominated or”;
 - (d) in subsection (3)(d), by deleting the words “appointment or” and “(in the case of an elected member)”;
 - (e) in subsection (4)(a), by deleting the words “nominated or”.
- (2) The proviso to section 29(3)(e) of the Constitution shall be replaced by the following:
“Provided that, if in the circumstances it appears to the Council to be just so to do, the Council may exempt any member from vacating his seat under the provisions of this paragraph if that member, before becoming a party to such contract as aforesaid, or before or as soon as practicable thereafter becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company) discloses to the Council the nature of such contract and his interest, or the interest of such firm or company, therein.”.

Amendment of section 31 of Constitution

9. Section 31(2) of the Constitution shall be deleted.

Amendment of section 32 of Constitution

10. Section 32(1) of the Constitution shall be deleted.

Amendment of section 33 of Constitution

11. Section 33 of the Constitution shall be amended by deleting:
- (a) subsection (1)(b);
 - (b) subsection (3); and
 - (c) the proviso to subsection (6).

Deletion of section 34 of Constitution

12. Section 34 of the Constitution shall be deleted.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Constitution of Montserrat by abolishing the office of nominated member of the Legislative Council, increasing the number of elected members of the Council to nine, and increasing to three years the residence qualification for elected membership of the Council.

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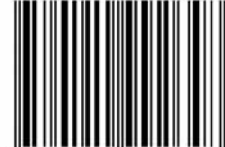
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