



REPUBLIC OF TRINIDAD AND TOBAGO

**TOWARDS
INTERNAL SELF-GOVERNMENT
FOR TOBAGO**

A Green Paper

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Ministry of the Attorney General

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CHAPTER ONE

TOBAGO IN THE 18TH AND 19TH CENTURIES: AN OVERVIEW OF POLITICS AND THE ECONOMY

1.1 The period up to the end of the 18th century was one of uncertainty in the history of Tobago. The island changed hands frequently between various European claimants. After 1763 the main combatants were the British and French, but Tobago remained a British possession after 1803.

1.2 The first elected Tobago Assembly held its inaugural session at George Town (now Studley Park) in July 1768. This was 70 years before the final manumission of slaves in 1838, and therefore the Assembly's membership consisted only of white property owners. When Tobago became a British possession in 1763, it was administered under a British colonial constitution by the government of Grenada which, in addition to Tobago, included the Grenadines, Dominica and St. Vincent. Each island had an Assembly which was authorised to make laws for the good government of the people, together with the Governor and the Crown's Privy Council. The Crown reserved to itself the right to disallow such laws if they were found objectionable, and did, disallow laws passed by the Tobago Assembly on constitutional grounds.

1.3 Trinidad, by contrast, was still a Spanish colony in 1768; 29 more years would pass before it became British, and 64 years

before it was granted an unelected Council of Government (later called a Legislative Council) in 1832. Tobago's position in the 19th century has been described as "superior" to that of Trinidad, because as one of the older British colonies, it enjoyed representative institutions.¹ Tobago had its own bicameral legislature with its own Governor and Commander-in-Chief; the island was self-governing, as opposed to being a Crown Colony.

1.4 Tobago's political and economic fortunes were inextricably linked in the 18th and 19th centuries. The late 18th century marked the beginning of the humanitarian campaign for the abolition of the slave trade, and within two years of Tobago becoming a British possession the first phase of the abolition law was applied to the island. This move towards complete emancipation hurt Tobago's economy as it crippled the supply of captive Africans (though an inter-colony slave trade did spring up), made the cost of labour very high and led to a reduced flow of investment into the island. Emancipation in 1838 worsened the labour situation, and duties imposed on sugar, coupled with a disastrous hurricane in 1847 complicated matters further.

1.5 The sugar industry faced a number of difficulties during the second half of the 19th century, including growing competition from Cuban cane sugar and, by the late 1880s, subsidised European beet sugar. Tobago did not modernise its sugar operations and was therefore unable to compete. It continued to produce poor quality muscovado sugar and many plantations were not making money. Labour difficulties led to the implementation

¹ Eric Williams, *History of the People of Trinidad and Tobago*, (New York: A & B Books Publishers, Reprint 1993) at 130.

of the *metayage*² system of cultivation which kept the sugar estates afloat for a time. When the production of muscovado sugar became increasingly unprofitable in the late 1870s many of the sugar estates were abandoned and by 1880 Tobago was exporting only about 2,000 tons of sugar per year.³ In May 1876, the Belmanna Riots in Roxborough had heightened lingering fears of the planting community about the negative backlash which was possible in plantation societies.

1.6 The situation in Tobago did not improve. Mainly as a result of the competition of European beet sugar exports, sugar prices on the London market fell significantly between 1884 and 1885. This crisis caused the collapse of the finance house of Gillespie Brothers in 1884; over half of Tobago's sugar estates depended on this firm for advances of credit and supplies.⁴ In the wake of the crash of Gillespie Brothers, many estate operations folded, Tobago had to resort to taking loans from Grenada.

1.7 As the 19th century closed the following bleak picture was painted of the island's economy:

Tobago was still producing muscovado sugar, which was almost worthless for export by the later 1880s. Land values crashed, estates could be bought for a song.... By 1894, sugar exports were a pathetic 599 tons, and the value of Tobago's exports of sugar, rum and molasses was only £5029. The total value of all Tobago's exports in that year was £15,872. Revenues fell steeply, public works employees went unpaid for months, the public services – such as they were – were cut back. Tobago's export sugar industry, lacking capital and immigrant labour, faced with drastically falling prices for crude sugar, was going under; the island was virtually bankrupt.⁵

² A share-cropping system by which part of the estate land was cultivated by labourers without wages in return for a share of the proceeds of the crop.

³ Bridget Brereton, *A History of Modern Trinidad*, (London: Heinemann Educational Books, 1985) at 154.

⁴ *Ibid.*

⁵ *Ibid.*

1.8 Political arrangements in Tobago changed with regularity and even suffered reversals, but by the late 18th century the island had been granted a separate government. In 1874 Tobago's bicameral system was abolished and replaced by a single chamber legislature. The new Legislative Council comprised 14 members: 6 nominated by the Governor and 8 elected by voters.⁶ The planters protested, denouncing the new arrangement as “a violation of vested rights and a time honoured system”.⁷ The Belmanna Riots subdued their resentment however, and according to Williams, once the planters felt that their privileges were threatened by an increased number of “Negro and coloured voters”, they “wanted no self-government at all and voted themselves for Crown Colony government.”⁸ In June 1876 Tobago became a Crown Colony, and like Trinidad, would have a solely nominated Legislative Council.

1.9 Thus, Tobago remained a separate colony with its own Legislative Council and responsibility for its bureaucracy. But conditions on the island were not encouraging; the public service could barely be maintained and the state of the economy was critical. The British authorities took action in the 1880s with a view to achieving a cost-effective administration over which they could exercise greater control. In 1886 the Secretary of State announced plans to unite the two islands of Trinidad and Tobago. Aspects of the plan were condemned by the planters and merchants in Tobago and members of the Legislative Council in Trinidad.

⁶ *Ibid.*, at 155. Brereton notes that the electorate was “a minute fraction of the population” which after franchise reform in 1860 reached a total of 215 eligible voters.

⁷ *Supra*, Note 1 at 133.

⁸ *Ibid.*, at 134.

Despite protestations over the proposed union, an 1888 Order-in-Council established the joint colony of Trinidad and Tobago, and, effective January 1, 1889, Tobago was united to Trinidad with one Governor, judiciary and code of laws. Tobago retained its own financial board and separate Treasury, administered by a resident commissioner who was *ex officio* a member of the Trinidad Legislative Council.

1.10 The union was unpopular on both islands; Tobago merchants complained about loss of trade and customs duties. But after the Royal Commission of 1897 visited Tobago its report included the following recommendation:

[T]he complete amalgamation of Tobago and Trinidad, and the abolition of the separate account of revenue and expenditure. Tobago would then become a Ward, or district, of Trinidad, and the two islands would have a common exchequer....

1.11 The British government accepted the thrust of the Royal Commission's recommendation, though with a slight but significant variation: Tobago would become a Ward not of *Trinidad* but of *Trinidad and Tobago*. In October 1898 an Order-in-Council (effective January 1, 1899), constituted the island:

a Ward of the Colony of Trinidad and Tobago; and the revenue, expenditure and debt of Tobago shall be merged in and form part of the revenue, expenditure and debt of the united Colony...All future Ordinances enacted by the Legislature of the colony shall extend to Tobago....

Tobago thus became a mere district of the new colony of Trinidad and Tobago, losing its own financial board, treasury and statute book.⁹

⁹ *Supra*, Note 3 at 156.

1.12 In the 1880s there was an overlap amongst persons who were the planters, merchants and legislators – the elites - and although these groups, on both islands, objected to the union, the British Government nonetheless imposed it via imperial legislation. Brereton writes: “There’s no doubt that the small group of planters and merchants in Tobago feared that they would lose out economically, politically and perhaps socially”.¹⁰

1.13 As for persons who were not members of any elite grouping, local research indicates that:

...most ordinary Tobagonians, the labourers, share-croppers or metayers, and small farmers, had a different view. They hoped that union with the richer island would help lift Tobago out of the crippling poverty they suffered from in the 1880s and 1890s.

For decades they had been going to Trinidad to work and live, and exporting foodstuffs and animals to the larger island was the mainstay of their livelihoods by the 1890s. So ordinary Tobagonians were generally optimistic about the union. They had little to lose, unlike the merchants and planters, and much to hope for, in terms of free movement of people and goods between the islands, and perhaps better public services and infrastructure once Tobago became linked to the much more prosperous Trinidad.¹¹

Of the optimism of the average Tobagonian, Brereton concludes however that: “Their hopes were not realised in the outcome.”¹²

¹⁰ Bridget Brereton. Of words, wards and Wards. *Daily Express*, June 22, 2011.

¹¹ *Ibid.*

¹² *Ibid.*

CHAPTER TWO

STEPS TOWARDS AUTONOMY FOR TOBAGO: INITIATIVES IN THE 20TH AND 21ST CENTURIES

2.1 But for the efforts of James Biggart, Tobago's first elected member in the Trinidad and Tobago Legislative Council (1925-1932), and subsequently of legislator A.P.T. James (1946-1961), the development of Tobago in the first half of the 20th century was almost completely neglected by the Port of Spain authorities. Although the voters of Tobago rejected the Peoples National Movement in the 1956 election, the party formed the Government and paid particular attention to Tobago. Of the Chief Minister, Dr. Eric Williams, it is said that he:

[T]ook personal responsibility for Tobago affairs, noting in 1957 that 'Tobago had exchanged the neglect of U.K. Imperialism for the neglect of Trinidad Imperialism'. In his view, 'Tobago is a test case...its development is necessary to illustrate to the West Indies and the world outside our capacity for self-government and taking care of our own affairs.'¹³

2.2 A five-year plan for Tobago was devised with projected expenditure of \$9.6 million for infrastructural development, especially for roads.¹⁴ In 1958 the Government separated Tobago's expenditure from that of Trinidad in the country's estimates, and accepted the advice of a development and welfare report that 'Tobago is a distinct community with a history and life of its own and must not be regarded as a mere appendage of Trinidad.'¹⁵ We now look at how Dr. Williams' 'Tobago test case' fared in the latter half of the 20th century.

¹³ *Supra*, Note 3 at 221.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

2.3 In 1977, Mr. A.N.R. Robinson, then political leader of the Democratic Action Congress and Member of Parliament for Tobago East, presented a motion in Parliament which called for internal self-government for Tobago. This motion was endorsed by the other Tobago Member of Parliament, Dr. Winston Murray, who emphasized that the motion called, not for secession, but for internal self-government.

2.4 In the ensuing debate on Mr. Robinson's motion, the then Attorney General, the late Selwyn Richardson, expressed the view that in seeking internal self-government for Tobago, Mr. Robinson was "asking (the) House to preside over the liquidation, or rather the fragmentation and disintegration, of the Republic of Trinidad and Tobago." Mr. Robinson's motion was eventually adopted, albeit with amendments.

The Seemungal Bill of 1979

2.5 In 1979 came the publication of a draft Bill prepared by the late Lionel Seemungal entitled "An Act to make provision for, and in connection with, the Internal Self-Government of Tobago, and all matters incidental thereto." The Bill *inter alia* proposed the establishment of a Tobago Island Council, which would have the power to formulate and implement policy in Tobago on economic planning, programming and development of Tobago resources; the provision of adequate infrastructure; and "finance in general, and in particular the raising and receipts of monies..." The Tobago Island Council would therefore have the power to make laws and collect taxes within Tobago, and to borrow within Trinidad and Tobago.

2.6 The Cabinet rejected all of the proposals contained in the Seemungal Bill. It did agree that borrowing could be done, but only with the prior approval of the Minister of Finance. The reason given for the rejection of the proposals was that they derogated from the concept of a unitary state.

The Tobago House of Assembly Act, 1980

2.7 Following its veto of the Seemungal Bill, the Government opted instead to pass the Tobago House of Assembly Act, 1980 (“the 1980 Act”).¹⁶ This Act made provision for the Tobago House of Assembly (“the THA”) to formulate and implement policy on all matters referred to it by the Minister and to be responsible for implementing in Tobago *Government* policy relating to certain matters of national importance, including: economic planning, programming and development of Tobago resources; the provision of adequate infrastructure; and finance, in particular the raising and collection of revenue. These were the exact types of matters that the Seemungal Bill had proposed should fall within the power of the *Tobago Island Council*, not the central government.

2.8 The 1980 Act also enabled the THA to make bye-laws for the proper management of facilities operated by it and provided for a Finance and General Purposes Committee and other Committees of the THA. A Tobago House of Assembly Fund was also established. Overall, the 1980 Act was at complete variance with the internal self-government anticipated by Mr. Robinson and Dr. Murray in the 1977 parliamentary motion.

¹⁶ Act No. 37 of 1980.

The Constitution (Amendment) Act, 1996 and the Tobago House of Assembly Act, 1996 – the Existing Provisions

2.9 In 1996, the THA and the Tobago House of Assembly Fund were enshrined in the Constitution.¹⁷ Chapter 11A of the Constitution (sections 141A. to 141D.) treats with the THA and reads as follows:

141A. (1) There shall be an Assembly for Tobago to be called “the Tobago House of Assembly”, in this Chapter referred to as “the Assembly”.

(2) The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed.

141B. Subject to this Constitution, the Assembly shall have such powers and functions in relation to Tobago as may be prescribed.

141C. (1) There shall be an Executive Council of the Assembly consisting of a Chief Secretary and such number of Secretaries as may be prescribed, to be appointed in such manner as may be prescribed.

(2) The functions of the Chief Secretary and other Secretaries shall be prescribed.

141D. There is established a fund to be called “the Tobago House of Assembly Fund” which shall consist of –

- (a) such monies as may be appropriated by Parliament for the use of the Assembly; and
- (b) such other monies as the Assembly may lawfully collect.

2.10 In addition to the constitutional amendment, the 1980 Act was repealed and replaced by the Tobago House of Assembly Act, 1996 (“the 1996 Act”).¹⁸ The constitutional arrangements and those of the 1996 Act, which are currently in force, provide for an Executive Council of the THA in the Constitution. The formulation and implementation of policy in relation to matters assigned to the THA in the Fifth Schedule of the 1996 Act remain,

¹⁷ The Constitution (Amendment) Act, 1996 (Act No. 39 of 1996).

¹⁸ Act No. 40 of 1996.

however, subject to the general direction and control of Cabinet by virtue of section 75(1) of the Constitution.¹⁹ The 33 matters listed under the Fifth Schedule of the 1996 Act include *inter alia*: tourism; agriculture; fisheries; food production; Town and Country Planning; infrastructure (including air and sea transportation, wharves and airports and public utilities); the environment; customs and excise; health services; education, including curriculum; and such other matters as the President may assign the THA.

2.11 The THA is empowered to propose and adopt Bills which would then be transmitted to Cabinet with a request for them to be enacted by Parliament. The Bills must not be inconsistent with any written law of Trinidad and Tobago. When enacted the Bills would be known as “Assembly Laws”. However no such laws have ever been made. The current arrangements therefore fall short of internal self-government for Tobago, even as envisaged more than 30 years ago in the Seemungal Bill.

The Tobago House of Assembly Resolution of 2005

2.12 In April 2005 the THA adopted a resolution calling on the government “to pursue as a matter of urgency legislative and/or constitution reform to accord to the people of Tobago democratic internal self-government *inter alia*”. The THA then appointed a Select Committee to study the matter. The Committee reported in November 2005 with several recommendations, among them that the people of Tobago should be consulted in a structured way and

¹⁹ Section 75(1) of the Constitution provides that the Cabinet of Trinidad and Tobago “shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament”.

that a Standing Committee should be established “with the responsibility to continue the review of the THA Act.”

The Clarke Draft Constitution (2006) and the Working Document on Constitutional Reform (2009)

2.13 In August 2006, then Prime Minister Patrick Manning laid before Parliament the draft, prepared by the late Sir Ellis Clarke, of a new Constitution for Trinidad and Tobago. Following the production of the Clarke draft Constitution, a sub-committee was formed and charged with the responsibility of holding meetings nationwide to solicit the comments and concerns of the population.

2.14 The sub-committee held two meetings in Tobago in November 2006 and participants in those meetings voiced two main concerns. The first was that there had been no prior consultation with the public (a similar view was also expressed in Trinidad). Secondly, that the draft Constitution was totally silent on the constitutional relationship between the two islands; all it did was to repeat, almost verbatim, what appears at Chapter 11A (sections 141A to 141E) of the present Constitution. Also missing from the draft Constitution was any mention of internal self-government for Tobago.

2.15 In January 2009 Mr. Manning laid in Parliament another draft Constitution document entitled a *Working Document on Constitutional Reform*. Nothing was advanced however regarding inter-island constitutional relations or greater autonomy for Tobago, as this document’s section on Tobago exactly copied the formulation found in the earlier Clarke draft Constitution.

Tobago-Generated Initiatives since 2006

2.16 With the inadequacies of the 1996 Act and the failure of the Clarke draft Constitution to effectively address Tobago matters, private citizens on the island and the THA, mobilised and sought to ascertain the views of Tobagonians on constitutional reform, governance and other issues. The work of these groups and their key findings are outlined hereunder.

The Dumas Team

2.17 In November 2006 a town meeting was held to discuss the Clarke draft Constitution. In what was named “The Calder Hall Accord”, the meeting decided that a team should be set up to go around Tobago and seek the views of Tobago residents on what should be the relationship between Tobago and Trinidad, and on any other issues that in their opinion should be placed in a new Constitution.

2.18 The Team comprised 8 persons and Mr. Reginald Dumas was appointed its Coordinator. The Team consulted groups and associations across Tobago during the first several months of 2007. It presented its *Report of the Constitutional Team Established to Collect Inputs from the People of Tobago for a New Constitution for Trinidad and Tobago* to those bodies and to others, including the THA Chief Secretary, in October 2007.

2.19 Key findings of the Dumas team included the following:

- a feeling existed that the current unitary state system discriminated against Tobago; this system should be discarded and be replaced by a federal system;
- a new Constitution should spell out the relationship between the THA and the two Tobago Members of

Parliament, at least one of whom should be a Cabinet member;

- pending the introduction of a new Constitution, the 1996 Act should be revised or replaced and then entrenched in the new Constitution; and
- the revised or new THA Act should give the THA the power of negative resolution regarding laws or measures adopted by Parliament that affected Tobago directly.

2.20 The Dumas Team's Report at paragraph 3.9 notes the following support for retaining the union of the two islands within some type of federal framework:

[T]here was no general call for the break-up of the union but rather for a different structure of government and governance. In line with this, the near-totality of sentiments expressed on the relationship between Tobago and Trinidad favoured a federal system along the lines of the US or Canada or Indian systems. In this scenario Tobago and Trinidad would be separate provinces or states, each with its own powers, with an overarching federal government which would have limited functions, e.g., foreign affairs, national security, central banking, etc. It was pointed out that the present Constitution does not define Trinidad and Tobago as a unitary state, i.e., a state with a strong central government and a measure of devolution (which can be revoked at any time) to local government bodies and the THA. Section 1(1) of the Constitution simply says: "The Republic of Trinidad and Tobago shall be a sovereign democratic State." A federal system would not therefore violate that definition in any way.

The Tobago Forum for Consensus on the Constitution

2.21 A group called 'The Tobago Forum for Consensus on the Constitution' emerged in December 2006. The Coordinator of this 15 member group was Mr. Christo Gift. The Tobago Forum held a number of meetings and organised several lectures and seminars starting in early 2007. It distributed a questionnaire and produced a booklet entitled *A Guide to understanding the Constitution*.

2.22 In early 2010 the Tobago Forum group presented to the public its report entitled *Proposals for Constitutional Reform from a Tobago Perspective: Side by Side*. It was stressed that the Report made no demand for secession or for a break-up of the union of Trinidad and Tobago. According to the Report, the recommendations are intended to strengthen the union and produce a fairer and more equitable relationship between both islands. The dominant themes of these recommendations are: (i) to promote a more democratic union between the islands; (ii) to introduce legislative oversight over executive action and spending; and (iii) to confer greater responsibilities on local communities and stimulate their participation in decision-making.

2.23 With respect to feedback on existing systems and constitutional arrangements, The Forum reported at pages 38-39 that it:

[H]as received the clear and distinct impression that the people of Tobago definitely DO NOT WANT a unitary state controlled as it is at the centre by the central government. They want a system which would allow them to make final decisions on whatever affects their lives here in Tobago.

They are therefore virtually unanimous that section 75 of the Constitution ...is not in keeping with their aims and aspirations and should be deleted from any new constitution. This is especially so when traditionally there has been no representation of Tobago in both the Cabinet and in the Parliament of Trinidad AND Tobago. Again they have no hope that this would change in the near future unless the system of constitutional governance is changed.

2.24 In breaking down the data, the Forum found *inter alia* that 75% of respondents to its questionnaire preferred a federal system/internal self-government/equality of status. Only 3% had no difficulty with the existing arrangement. Seventy-five per cent of the respondents also thought that Tobago should have full legislative control over matters affecting Tobago.

The Prince Committee

2.25 In October 2007, the THA appointed a 7-member Committee chaired by Dr. John Prince, which had, among its terms of reference, a review of both the 1996 Act and the Constitution of the Republic of Trinidad and Tobago “with special reference to a Tobago position on Constitutional Reform”.

2.26 The Prince Committee published a *Status Report of the Working Committee* detailing its progress up to September 30, 2008 and among its findings were opinions that:

- the current relationship between the Cabinet and the THA Executive Council was of a “master-servant nature” and that there should be “a legislative format which (would) give meaningful application to devolution of power in a manner...consistent with self-determination and autonomy”;
- consideration should be given to the federal model for Trinidad and Tobago; and
- the THA should have the power to set and collect all taxes in Tobago, to borrow, and to make laws for the island.

2.27 The Committee submitted its final legislative proposals to the THA in September 2011.

2.28 The findings emanating from these three recent exercises indicate that the people of Tobago are dissatisfied with the workings of the present system and favour devolution and internal self-government. They also support a federal arrangement for Trinidad and Tobago.

CHAPTER THREE

GOVERNANCE MODELS

3.1 Given the deficiencies of current arrangements illustrated in Chapter Two, this Chapter examines alternatives and furnishes an overview of the structure and workings of two governance models, namely, the unitary state model of the United Kingdom (“the UK”) and the federations of Canada and India.

Unitary States

3.2 A unitary state can have a single, centralised, national tier of government, or it can include one or more self-governing regions, as is the case in the UK. Self-governing regions often come into being in a unitary state through a process of devolution, whereby the centralised state agrees to grant autonomy to a region that was previously subordinate to it.

The United Kingdom

3.3 The UK is a unitary state in which there has been substantial devolution of power and authority from Westminster to Wales, Scotland and Northern Ireland. Devolution Acts for each of these three areas were adopted by the UK Parliament in 1998. Commenting on the matter of constitutional reform and the UK’s measures in respect of devolution in the late 1990s, the then Lord Chancellor, Lord Irving of Lairg, observed that:

It would be extraordinary if a Union of such diverse parts as the United Kingdom could yield to a uniform pattern of powers devolved from the centre. The continued harmony of a Union of parts so diverse requires structures sensitive to place and people, not uniform structures imposed for uniformity’s sake. Intellectually satisfying neatness and tidiness is not the cement which makes new constitutional arrangements stick. What sticks are arrangements to which

people can give their continuing consent because they satisfy their democratic desires for themselves.²⁰

The following section focuses specifically on the system of devolved government in Wales.

3.4 The passage of the Government of Wales Act 1998 (“the GOWA 1998”) and the creation of the legislative body, the National Assembly for Wales (“the National Assembly”) in 1999, marked a new era for Wales. For the first time, Welsh Ministers, based in Wales, could make policies and regulations, tailor-made for Wales and often distinct from those implemented elsewhere in the UK.

3.5 The National Assembly is the democratically elected body that represents the interests of Wales and its people. The 60 Assembly Members in the National Assembly scrutinize the decisions and policies of the Welsh Assembly Government (“the Welsh Government”), hold Ministers to account, approve budgets for the Welsh Government’s programmes, and have the power to enact “Assembly Measures” (Welsh laws) on certain matters. The National Assembly is the equivalent to the UK Parliament in Westminster.

3.6 Since devolution the executive body, the Welsh Government, has actually seen increases in its powers through legislation such as the Government of Wales Act 2006 (“the GOWA 2006”), which replaced the GOWA 1998. The Welsh Government comprises the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General. Its role is to

²⁰ “Government’s Programme of Constitutional Reform” Annual Constitution Unit Lecture, December 8, 1998.

exercise functions devolved to it in order to make decisions on matters which affect people's daily lives, for example health, education, and local government. To this end, the Welsh Government is expected to develop and implement policy, make subordinate legislation, and propose Assembly Measures and (within recent times) Assembly Bills.

3.7 The UK Government looks after other public services in Wales, such as police, prisons and the justice system, defence, national security, immigration, foreign affairs and taxation. In all of the 1998 UK Devolution Acts, Parliament remains sovereign and can in theory legislate on anything that has been devolved. Past UK Governments however have indicated that they would desist from legislating on a devolved matter without the consent of the legislature concerned.

3.8 Assembly Measures apply only to Wales and not to other parts of the UK. However, the UK Parliament retains the power to introduce laws which still affect Wales. UK laws or Bills can also contain provisions which give further power to Welsh Ministers. Before passing an Assembly Measure, the National Assembly must first have "legislative competence" or approval for that particular issue from the UK Government. Once legislative competence is received, a law can be passed by the National Assembly. From then on, the power to make any future law(s) on that issue remains with the National Assembly.

3.9 In March 2011 the Welsh people voted in a referendum in respect of increasing the law-making powers of the National Assembly. The referendum results indicated that a solid majority of persons wanted greater law-making powers for their legislative

body.²¹ Consequently, the National Assembly can now make laws for Wales on subjects for which it and the Welsh Government are already responsible, without first receiving permission from the UK Parliament. Thus, Wales now has a legislative parliament with primary law-making powers. This represents a significant development of Welsh devolution.

3.10 The National Assembly can now make laws on a significantly wider range of subjects. Since May 2011, the National Assembly has the power to consider Assembly Bills, and pass Assembly Acts on a list of subjects under one or more of 20 broad devolved policy areas.²² This list is much fuller than the list of matters on which the National Assembly was able to pass Assembly Measures under the old law-making powers. Basically, these subjects cover the sorts of areas where Welsh Ministers already have executive powers, so that the legislative powers of the National Assembly will now be similar in scope to the executive powers of the Welsh Ministers.

3.11 With respect to funding, the Welsh Government receives money from HM Treasury, some in the form of tax collected or on behalf of the UK Government by the Chancellor of the Exchequer, and some as an annual grant from the Secretary of State for Wales. Of funding for the various devolved administrations, the UK Cabinet Office notes that:

Essentially, funding is provided to (them) from the (central) government as a block grant – which means once the money is received by the devolved administration, it can be spent on any devolved responsibility as the administration sees fit and with the approval of the devolved legislature.

²¹ 63.5% voted “yes”; 36.5% voted “no”.

²² Policy areas include: culture; economic development; education and training; environment; health and health services; highways and transport; housing; local government; public administration; social welfare; sports and recreation; tourism; and town and country planning.

Federations

3.12 Federalism has been said to provide

a technique of constitutional organization that permits action by a shared government for certain common purposes, together with autonomous action by constituent units of government for purposes that relate to maintaining their distinctiveness, with each level directly responsible to its own electorate.²³

Today, including countries such as Canada, the United States, St. Kitts and Nevis, Brazil, Switzerland, Germany, Australia, India and South Africa, some 40% of the world's population lives in countries that can be considered or claim to be federal, and many of these federations are clearly multicultural or even multinational in their composition.²⁴

Canada

3.13 The “levels of government” in Canada consist of the national level which is overseen by the federal government; the regional level which includes the provinces and territories; and the local level which includes municipalities and local boards and agencies.

3.14 Canada's provinces are an integral layer of the nation's governmental system. Under the Canadian Constitution Act, 1982 (“the Canadian Constitution”), provincial governments have many key powers and jurisdictions. Each of Canada's 10 provincial governments²⁵ has its specific powers and jurisdiction, and is authorised to pass legislation within its particular regional

²³ Ron Watts. *Federalism Today*. Background Paper written for the International Conference on Federalism, Saint Gallen, Switzerland, August 2002.

²⁴ *Ibid.*

²⁵ The provinces are: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick and Prince Edward Island.

boundaries. The federal government of Canada however may pass laws applicable to the whole country.

3.15 As is the case with the federal government, the provinces are recognised under the Canadian Constitution and its principle of federalism, as being constitutionally autonomous. The Canadian provinces therefore have been granted constitutional powers that cannot be altered unilaterally by any other level of government, including the federal government.

3.16 The Canadian Constitution sets out the division of powers between the federal and provincial governments. Section 91 sets out the “Classes of Subjects” for which, at the federal level, the Canadian Parliament has exclusive legislative jurisdiction. These Classes include: peace, order and good government; any form of taxation; international/interprovincial trade and commerce, communications and transportation; banking and currency; foreign affairs (treaties); militia and defence; criminal law and penitentiaries; naturalisation; weights, measures, copyrights and patents; and unemployment insurance and old age pensions.

3.17 Section 92 of the Canadian Constitution treats with the Classes of Subjects for which the provincial legislatures have exclusive powers to pass laws. These Classes are: anything local or private in nature; direct taxation; crown lands and natural resources; hospitals (health sector); education; welfare; municipalities; local works; intra-provincial transportation and business; administration of justice; property and civil rights; and cooperatives and savings banks.

3.18 Joint federal and provincial powers/jurisdictions refer to areas in which both the federal government and the provinces may pass laws; these areas are: immigration; agriculture; and pensions. It should also be noted that arrangements have been made between the federal government and the provinces of Newfoundland and Nova Scotia for sharing of revenues from offshore oil and gas production.

3.19 Generally, Canada is regarded as being significantly devolved in its division of powers, because the provinces control several critical areas of public policy, and have access to important sources of government revenue.²⁶ The scope of Canada's devolution is demonstrated in a number of ways, including the fact that the provinces have exclusive jurisdiction over key areas of social services, such as health care, education and welfare.²⁷

3.20 Extensive devolution is also exemplified in the provinces having exclusive jurisdiction over property and civil rights.²⁸ The breadth of these rights further raises the profile of the provinces as an important level of government in Canada.²⁹ The provinces also have exclusive control over local government, and this jurisdiction, together with the others, such as intra-provincial transportation and property rights, means that the provinces dominate a broad range of important local issues, including urban and rural development, property taxation and local infrastructure

²⁶ Jay Makarenko. Provincial Government in Canada: Organization, Institutions and Issues, 2009. www.mapleleafweb.com/print/655

²⁷ *Ibid.*

²⁸ *Ibid.*, Property rights have been interpreted under the Canadian Constitution to include anything subject to ownership, such as: real estate, animals, liquor, vehicles, merchandise, stocks, bonds, etc. Civil rights include: contracts, labour-management disputes, marketing, credit, adoption and child welfare.

²⁹ *Ibid.*

(for example, roads, sewers, garbage collection, etc.).³⁰ Even though many are administered by local governments, the provinces often play a fundamental role in setting local government budgets, priorities and powers to deal with these issues.³¹

3.21 With respect to finances, provincial governments as a whole are responsible for hundreds of billions of dollars annually. In 2007, revenue for all provincial and territorial governments totaled more than (Canadian) \$320 billion.³² Of that total, approximately 83% resulted from provincial/territorial governments' own sources of revenue, while 17% was in the form of transfers from the federal government.³³ Outside of federal transfers, income and consumption taxes formed the largest portion of provincial/territorial revenue in 2007 (this includes taxes on harvesting of natural resources).³⁴ Other key sources of revenue include contributions to social security plans, the sale of goods and services and provincial/territorial investment income.³⁵

India

3.22 The Constitution of India is possibly one of the most detailed in the world. Under the Indian federal system there is a clear division of powers, so that the Union (Federal) Government and the State Governments are required to pass laws within their respective spheres of activity, with a view to ensuring that neither one violates its limits and tries to encroach upon the functions of the other.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*, citing Statistics Canada, June 2008.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

3.23 Three lists are to be found at the Seventh Schedule to the Indian Constitution, namely: the Union List, the State List and the Concurrent List. The powers, functions and responsibilities of the Union Government and those devolved to State Governments, are clearly set out in the Union List and the State List respectively. The Concurrent List contains matters that could engage the attention of both the Union and State Governments.

3.24 The Union List consists of 97 subjects of national importance such as defence; foreign affairs; war and peace; treaties; income tax; customs duties; public debt; railways; major ports; and post and telegraph. The Parliament has the exclusive power to enact laws on the subjects included in the Union List for the entire country.

3.25 The State List consists of 66 subjects of local interest such as police; public health; agriculture; fisheries; and local government. The Indian Constitution also provides for the State legislature to “authorise a Municipality to levy, collect and appropriate (certain) taxes, duties, tolls and fees...” Although State Legislatures have been empowered to make laws for the subjects included in the State List, under sections 249 to 251 of the Constitution, Parliament has the authority, in the national interest, to override a law passed by a State Legislature.

3.26 The Concurrent List has 47 subjects important to both the Union and the State, including criminal law; civil procedure; contracts; ports (other than major ports); electricity; trade unions; and economic and social planning. Both the Parliament and the State Legislatures can make laws on the subjects included in this

List, but in the case of conflict between the Union and the State law relating to the same subject, the Union law prevails over the State law. Power to legislate on all subjects not included in any of the three lists vests in the Parliament.

CHAPTER FOUR

MEANINGFUL INTERNAL SELF-GOVERNMENT FOR TOBAGO

4.1 The previous Chapters traced the unfortunate circumstances surrounding Tobago's union with Trinidad at the close of the 19th century; the subsequent enacting of pseudo-autonomous legislative measures during the 20th century; and most recently, Tobagonians themselves voicing their dissatisfaction with the existing constitutional and legislative arrangements. In addition, the preference of Tobagonians for a federal-style governance structure with Trinidad has been noted. Having also examined the workings of alternative governance models, the present seems an opportune time to commence the rectification of persisting constitutional imbalance between the two islands.

4.2 The vast majority of Tobagonians who expressed views on this matter opted for a federal-style structure. Also emerging in this context was their greater concern with substantive internal powers for Tobago – especially executive and legislative – than terminology. Substance had eclipsed title and style.

4.3 In the light of the foregoing, and in keeping with the undertaking in the People's Partnership Manifesto, to pursue "the principle of autonomy" for Tobago, and against that background to "amend all existing laws to be consistent with and give legal and administrative effect to the new constitutional arrangement between Tobago and Trinidad", a draft Bill has been prepared entitled "The Constitution (Amendment) (Tobago) Bill, 2011 ("the

Bill”). The Bill is attached as an **Appendix** and some key provisions are highlighted below.

The Constitution (Amendment) (Tobago) Bill, 2011

4.4 The Bill would repeal and replace Chapter 11A of the Constitution to enhance the legislative and executive powers of the Assembly with a view to promoting internal self-government for Tobago. The Bill would provide for the establishment of a Legislature of Tobago, comprising the President and the Tobago House of Assembly.

4.5 Subject to certain limitations, the Legislature of Tobago would have power to make laws for Tobago in relation to certain matters specified in a list referred to as “the Tobago List”. The 31 matters on the Tobago List include *inter alia*: finance (including collection of revenue); tourism; agriculture; fisheries; town and country planning; public utilities; the environment and natural resources; housing; and education and training. The power of Parliament to make laws for Tobago in relation to these matters would therefore be restricted.

4.6 The Legislature of Tobago would not have the power to make laws that infringe fundamental human rights. However, Parliament would, with the requisite special majority and the concurrence of the Assembly, be able to make such laws for Tobago in relation to matters on the Tobago List. Where it is necessary or expedient in the national interest for Parliament to pass legislation for Trinidad and Tobago with respect to a matter on the Tobago List, Parliament would be able to do so with the concurrence of the Assembly.

4.7 Further, during a period of public emergency, Parliament would be able to pass legislation for Trinidad and Tobago with respect to any matter on the Tobago List, but such legislation would cease to have effect in relation to Tobago on the expiration of the period of public emergency without prejudice to the validity of anything done under it.

4.8 Both Parliament and the Legislature of Tobago would have power to make laws for other matters specified in a list referred to as “the Concurrent List”. The following matters, among others, comprise the Concurrent List: air and sea transportation; airports and wharves; Central Statistical Office; Exclusive Economic Zone; immigration; inter-governmental affairs; legal affairs (including the registration of legal documents); plant and animal quarantine; and state bodies. However, any provision of a law made by the Legislature of Tobago that is inconsistent with a law made by Parliament or a law in force before the coming into force of the proposed Act, would be void to the extent of the inconsistency.

4.9 For transitional purposes, a law in force before the coming into force of the proposed Act would continue to apply to Tobago, until such time as it is replaced in relation to Tobago by a law made by the Legislature of Tobago with respect to a matter on the Tobago List.

4.10 Notwithstanding the functions and powers of Cabinet under section 75 of the Constitution, the Executive Council would, in relation to Tobago, have the general direction and control with respect to any of the matters enumerated in the Tobago List and would be collectively responsible therefor to the Assembly. Subject to the functions and powers of Cabinet under section 75 of

the Constitution, the Executive Council would be responsible for the formulation and implementation of policy in Tobago with respect to any of the matters on the Concurrent List.

4.11 The Bill would make provision for the Tobago House of Assembly Fund. The Bill proposes that the minimum appropriation for the Assembly in respect of a financial year would be 6.9% of the national budget.

4.12 The Bill also proposes to extend the jurisdiction of the Assembly and the Executive Council, as conferred by section 4 of the 1996 Act, from 6 to 10 nautical miles from the baselines of Tobago.

4.13 The Bill would alter sections 5 and 53 of the Constitution and would therefore need to be passed by a special majority of two-thirds of all the members of each House of Parliament.

APPENDIX

The Constitution (Amendment) (Tobago) Bill, 2011

**THE CONSTITUTION (AMENDMENT) (TOBAGO) BILL,
2011**

EXPLANATORY NOTE

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

The Bill seeks to amend the Constitution to enhance the legislative and executive powers of the Tobago House of Assembly with a view to promoting the internal self-government of Tobago. The Bill would alter sections 5 and 53 of the Constitution and would therefore need to be passed by a special majority of two-thirds of all the members of each House of Parliament.

By clause 2, the proposed Act would come into operation on a date to be fixed by the President by Proclamation.

By clause 3, the proposed Act would be construed as altering the Constitution.

Clause 4 would amend section 3(1) of the Constitution by inserting definitions of “the Assembly”, “Concurrent List”, “the Legislature of Tobago” and “Tobago List”. The Concurrent List and the Tobago List would be set out in a new Fourth Schedule which would be inserted by clause 9.

Clause 5 would amend section 5(2) of the Constitution to prevent the abrogation of fundamental human rights by laws made by the Legislature of Tobago which would be established by clause 8.

Clause 6 would amend section 53 of the Constitution for the purpose of limiting the powers of Parliament to make laws in relation to Tobago.

Parliament would have power to make laws for Trinidad and Tobago with respect to any matter on the Concurrent List. The Legislature of Tobago would also have power to make laws for Tobago with respect to any matter on the Concurrent List, but any provision of such law that is inconsistent with a law made by Parliament or a law in force before the coming into force of the proposed Act, would be void to the extent of the inconsistency.

Parliament would have exclusive power to make laws for Trinidad with respect to matters on the Tobago List, and by clause 8, the Legislature of Tobago would have power to make laws for Tobago with respect to those matters. Since the Legislature of Tobago would not be able to make laws that infringe fundamental human rights, Parliament would, with the requisite special majority and the concurrence of the Assembly, have power to make such a law for Tobago in respect of matters on the Tobago List.

Clause 7 would amend section 113 of the Constitution to provide that the minimum appropriation for Tobago in respect of a financial year would be 6.9% of the national budget.

Clause 8 would repeal and replace Chapter 11A of the Constitution. The new Chapter 11A would comprise new sections 141A to 141E. The new section 141A would provide for the Legislature of Tobago to consist of the President and the Tobago House of Assembly. The Tobago House of Assembly would consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed by Parliament.

Subject to the Constitution, the Legislature of Tobago would have power to make laws for the peace, order and good government of Tobago. The legislative power of the Legislature of Tobago would be exercised by Bills passed by the Assembly and assented to by the President, and Bills so passed and assented to would be styled "Assembly Laws".

By the new section 141B(1), the Assembly would, subject to the limitations in sections 5 and 53 of the Constitution referred to above and subject to subsections (2) and (3) of this new section, have power to pass a Bill to make laws for Tobago with respect to matters on the Tobago List.

Where it is necessary or expedient in the national interest for Parliament to pass legislation for Trinidad and Tobago with respect to a matter on the Tobago List, Parliament would be able to do so with the concurrence of the Assembly.

During a period of public emergency, Parliament may pass legislation for Trinidad and Tobago with respect to any matter on the Tobago List, but such legislation would cease to have effect in relation to Tobago on the expiration of the period of public

emergency without prejudice to the validity of any thing done under it.

A law in force before the coming into force of the new section 141B would continue to apply to Tobago, until such time as it is replaced in relation to Tobago by a law made by the Legislature of Tobago with respect to a matter on the Tobago List.

The Assembly would, subject to the Constitution, have such other powers and functions in relation to Tobago as may be prescribed by Parliament.

The new section 141C would provide for an Executive Council of the Assembly consisting of a Chief Secretary and such number of other Secretaries (one of whom shall be responsible for legal matters) as may be prescribed, to be appointed in such manner as may be prescribed.

Notwithstanding the functions and powers of Cabinet under section 75 of the Constitution, the Executive Council would, in relation to Tobago, have the general direction and control with respect to any of the matters enumerated in the Tobago List and would be collectively responsible therefor to the Assembly.

Subject to the functions and powers of Cabinet under section 75 of the Constitution, the Executive Council would be responsible for the formulation and implementation of policy in Tobago with respect to any of the matters enumerated in the Concurrent List.

The functions of the Chief Secretary and the other Secretaries would be prescribed by Parliament.

By the new section 141D, there would be a fund called “the Tobago House of Assembly Fund” consisting of moneys appropriated by Parliament for the use of the Assembly and such other moneys as the Assembly may lawfully collect.

The new section 141E would provide that the powers of the Assembly and the Executive Council would have effect in the island of Tobago and up to ten nautical miles from the baselines of Tobago.

Clause 9 would set out the new Fourth Schedule containing the Concurrent List and the Tobago List.

**THE CONSTITUTION (AMENDMENT)
(TOBAGO) BILL, 2011**

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Commencement
3. Alteration of Constitution
4. Section 3 amended
5. Section 5 amended
6. Section 53 amended
7. Section 113 amended
8. Chap. 11A repealed and substituted
9. Fourth Schedule inserted

A BILL

An Act to amend the Constitution of the Republic of Trinidad and Tobago to enhance the internal self-government of Tobago

Preamble	<p>WHEREAS it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof:</p> <p>AND WHEREAS it is provided in subsection (2) of the said section 54 that insofar as it alters certain provisions of the Constitution a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House:</p> <p>AND WHEREAS it is intended by this Act to alter the Constitution:</p>
Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	<p>1. This Act may be cited as the Constitution (Amendment) (Tobago) Act, 2011.</p>
Commencement	<p>2. This Act comes into operation on such date as is fixed by the President by Proclamation.</p>
Alteration of Constitution	<p>3. This Act shall be construed as altering the Constitution.</p>
Section 3 amended	<p>4. Section 3(1) the Constitution is amended by inserting in appropriate alphabetical sequence, the following definitions:</p> <p style="padding-left: 40px;">““the Assembly” means the Tobago House of Assembly referred to in section 141A;</p> <p style="padding-left: 40px;">“Concurrent List” means the list referred to in section 53(2);</p> <p style="padding-left: 40px;">“the Legislature of Tobago means the Legislature of Tobago referred to in section 141A;</p> <p style="padding-left: 40px;">“Tobago List” means the list referred to in section 53(4);”.</p>
Section 5 amended	<p>5. Section 5(2) of the Constitution is amended by inserting after the word “Parliament”, the words “or the Legislature of Tobago”.</p>

6. The Constitution is amended –

- (a) by renumbering section 53 as section 53(1);
- (b) in section 53(1) as renumbered by inserting before the word “Parliament”, the words “Subject to this Constitution,”; and
- (b) by inserting after section 53(1) as renumbered the following subsections:

“(2) Subject to subsection (3),

- (a) Parliament shall have power to make laws for Trinidad and Tobago; and
- (b) the Legislature of Tobago shall have power to make laws for Tobago,

with respect to any of the matters enumerated in List I of the Fourth Schedule (in this Constitution referred to as “the Concurrent List”).

(3) Where a provision of a law made by the Legislature of Tobago under subsection (2) is inconsistent with –

- (a) a provision of a law made by Parliament which Parliament is competent to enact; or
- (b) a provision of an existing law,

the law made by Parliament, whether passed before or after the law made by the Legislature of Tobago, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Tobago shall, to the extent of the inconsistency, be void.

(4) Parliament shall, with the concurrence of the Assembly, have power to make laws that require a special majority of both Houses of Parliament under section 13 for Tobago with respect to any of the matters enumerated in List II of the Fourth Schedule (in this Constitution referred to as “the Tobago List”).

(5) Parliament shall have exclusive power to make laws for Trinidad with respect to any of the matters enumerated in the Tobago List.

(6) In this section, “existing law” means a law that had effect as part of the law of Trinidad and Tobago immediately before the commencement of the Constitution (Amendment) Act, 2011.”.

Section 113
amended

7. Section 113 of the Constitution is amended by inserting after subsection (1), the following subsections:

“(1A) The amount appropriated for the purposes of to Tobago in respect of any financial year shall not be less than 6.9% of the total sum appropriated by Parliament in that financial year.”.

Chap. 11A
repealed and
substituted

8. Chapter 11A of the Constitution is repealed and the following Chapter is substituted:

“CHAPTER 11A

INTERNAL SELF-GOVERNMENT OF TOBAGO

Legislature of
Tobago

141A.(1) There shall be a Legislature of Tobago which shall consist of the President and a House of Assembly to be called “the Tobago House of Assembly”.

(2) The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed.

(3) Subject to this Constitution, the Legislature of Tobago shall have power to make laws for the peace, order and good government of Tobago.

(4) The power of the Legislature of Tobago to make laws for Tobago shall, except where otherwise authorised by statute, be exercised by Bills passed by the Assembly and assented to by the President, and Bills so passed and assented to shall be styled “Assembly Laws”.

(5) When a Bill passed by the Assembly is presented to the President for assent, he shall signify that he assents or that he withholds assent.

(6) A Bill passed by the Assembly shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

(7) A Bill passed by the Assembly may be assented to during the period occurring between the end of one session of the Legislature of Tobago and the beginning of the next or at any subsequent time during the life of that Legislature.

Powers of the
Assembly

Fourth Schedule

141B.(1) Subject to sections 5 and 53(4) and subsections (2) and (3), the Assembly may pass a Bill to make laws for Tobago with respect to any of the matters enumerated in the Tobago List.

(2) Parliament may pass a Bill for an Act to make laws for Trinidad and Tobago with respect to any of the matters enumerated in the Tobago List if it is stated in the Act that the Act is necessary or expedient in the national interest and the Bill for the Act is passed with the concurrence of the Assembly.

(3) Parliament may, during a period of public emergency as defined in section 10(4), pass a Bill for an Act to make laws for Trinidad and Tobago with respect to any of the matters enumerated in the Tobago List and any such Act shall cease to have effect in relation to Tobago on the expiration of the period of public emergency, but without prejudice to the validity of any thing done under it.

(4) A law in force before the coming into force of this section shall continue to apply to Tobago, until such time as it is replaced in relation to Tobago by a law made by the Legislature of Tobago.

(5) Subject to this Constitution, the

Assembly shall have such other powers and functions in relation to Tobago as may be prescribed.

Executive Council

141C. (1) There shall be an Executive Council of the Assembly consisting of a Chief Secretary and such number of other Secretaries (one of whom shall be responsible for legal matters) as may be prescribed, to be appointed in such manner as may be prescribed.

(2) Notwithstanding section 75, the Executive Council shall, in relation to Tobago, have the general direction and control with respect to any of the matters enumerated in the Tobago List and shall be collectively responsible therefor to the Assembly.

(3) Subject to section 75, the Executive Council shall be responsible for the formulation and implementation of policy in Tobago with respect to any of the matters enumerated in the Concurrent List.

(4) The functions of the Chief Secretary and the other Secretaries shall be prescribed.

Fund

141D. There shall be a fund to be called “the Tobago House of Assembly Fund” which shall consist of –

- (a) such moneys as may be appropriated by Parliament for the use of the Assembly; and
- (b) such other moneys as the Assembly may lawfully collect.”.

Application

141E. The powers of the Legislature of Tobago, the Assembly and the Executive Council under section 53 and this Chapter shall have effect within the confines of the island of Tobago and such part of the territorial sea of

Chap. 1:51

Trinidad and Tobago having as its outer limits, a line measured seaward from the baselines of Tobago as determined in accordance with section 5 of the Territorial Sea Act, every point of which is distant ten nautical miles from the nearest point of those baselines.

9. The Constitution is amended by inserting after the Third Schedule, the following Schedule: Fourth Schedule inserted

“FOURTH SCHEDULE

[Sections 53, 141B and 141C]

List I Concurrent List

Matters directly affecting Tobago, including –

1. Air and Sea Transportation
2. Airports and Wharves
3. Central Statistical Office
4. Exclusive Economic Zone
5. Immigration
6. Inter-governmental Affairs
7. Legal Affairs including the registration of legal documents
8. Plant and Animal Quarantine
9. State bodies
10. Customs and Excise
11. Foreign Affairs
12. National Security
13. Telecommunications

List II Tobago List

1. Finance, that is to say the collection of revenue and the meeting of expenditure incurred in the carrying out of the functions of the Assembly
2. Legal Matters
3. State Lands
4. Land and Marine Parks
5. Museums, Archives, Historical Sites and Historical Buildings
6. Public Buildings
7. Tourism
8. Culture and the Arts

9. Community Development
10. Co-operatives
11. Agriculture
12. Fisheries
13. Food Production
14. Forestry
15. Town and Country Planning, including land use policy and valuations
16. Public Utilities
17. Roads and Bridges
18. Industrial Development
19. The Environment and Natural Resources
20. Library Services
21. Social Welfare
22. Quarries and Mining
23. Water Resources
24. Consumer Affairs
25. Housing
26. Internal Security
27. Research and Statistics
28. Education and Training
29. Health
30. Sport
31. Licensing
32. Such other matters as may from time to time be assigned by the President”.

Passed in the House of Representatives this day of , 2011.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than two-thirds of all the members of the House, that is to say, by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2011.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than two-thirds of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate