

ABILL

ENTITLED

AN ACT Further to Amend the Constitution of Jamaica to preclude appointment to the office of Prime Minister of a person who has previously held that office for a specified period.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:-

1. This Act may be cited as the Constitution (Amendment) (No. 2) Act, 2010, and shall be read and construed as one with the Constitution of Jamaica (hereinafter referred to as the Constitution) and all amendments thereto.

Short title
and
construction

Amendment
to section 70
of the
Constitution.

2. Section 70 of the Constitution is amended—

- (a) in subsection (1), by deleting the word “Whenever” and substituting therefor the words “Subject to subsections (1A) and (1B), whenever”; and
- (b) by inserting next after subsection (1) the following as subsections (1A) and (1B)—
 - “ (1A) A person shall not be appointed to the office of Prime Minister if he has held that office for periods (whether consecutive or not) which when added together total more than nine years.
 - (1B) A person appointed to the office of Prime Minister shall not be required to vacate office by reason only that, while in office, the period of his holding office when added together with any previous periods of his holding office total more than nine years.”;
- (c) in subsection (3), by deleting the words “subsection (2) of this section” and substituting therefor the word and numerals “subsection (1A)”.

MEMORANDUM OF OBJECTS AND REASONS

Currently, the Constitution of Jamaica imposes no limitation on the period of time for which a person may hold the office of Prime Minister. Section 70(1) of the Constitution simply confers power on the Governor-General to appoint to that office, the person who the Governor-General determines as best able to command the confidence of a majority of members of the House of Representatives, thus making it possible for a person to serve as Prime Minister for extensive periods once the precondition is satisfied.

The Government has taken a decision to amend the Constitution, in order to limit the period of time for which a person may hold office as Prime Minister to periods (whether consecutive or not) which when added together do not exceed nine years, however, an incumbent Prime Minister shall not be required to vacate his office by reason only of the fact that after his appointment he exceeds the nine year limit.

This constitutional limitation is considered desirable in order to strengthen democracy by encouraging the infusion of new leadership at the highest level of Government. Similar time limitation has been imposed in relation to heads of state or Governments in Commonwealth countries such as Dominica, Nigeria and South Africa and in other countries such as the United States of America, Mexico and Chile.

Consequently, this Bill seeks to give effect to that decision.

DOROTHY C. LIGHTBOURNE, C.D., Q.C.
Minister of Justice.

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As introduced by the Honourable Minister of Justice.

SECTION 70 OF THE CONSTITUTION WHICH
IT IS PROPOSED TO AMEND

70.—(1) Whenever the Governor-General has occasion¹ to appoint a Prime Minister he, acting in his discretion, shall appoint the member of the House of Representatives who, in his judgment, is best able to command the confidence of a majority of the members of that House and shall, acting in accordance with the advice of the Prime Minister, appoint from among the members of the two Houses such number of other Ministers as the Prime Minister may advise.

(2) [*Deleted by Act J6 of 1986.*]

(3) If occasion arises for making an appointment while Parliament is dissolved, a person who was a member of the House of Representatives immediately before the dissolution may be appointed Prime Minister and a person who was a member of either House immediately before the dissolution may, subject to the provisions, of subsection (2) of this section, be appointed as any other Minister as if, in each case, such person were still a member of the House in question, but any person so appointed shall vacate office at the beginning of the next session of that House if he is not then a member thereof.

(4) Appointments under this section shall be made by instrument under the Broad Seal.