

ABILL

ENTITLED

AN ACT to Amend the Constitution of Jamaica to provide for an increase in the retirement age of the Director of Public Prosecutions and the Auditor-General, and for connected matters.

[]

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica in accordance with 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 of Sections 96(1) and 121(1)) Act, 2023, 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
of section
96(1) of the
Constitution.

2.—(1) Section 96(1) of the Constitution is amended by—

- (a) deleting the words “sixty years” wherever they appear and substituting therefor in each case the words “sixty-five years”; and
- (b) deleting the words “not exceeding sixty-five years” where they appear in paragraph (b) of the proviso and substituting therefor the words “not exceeding seventy years”.

(2) Notwithstanding anything in subsection (1), a person who is Director of Public Prosecutions at the date of commencement of this Act may, by memorandum in writing given to the Governor-General, elect to retire at any time after attaining the age of sixty years.”.

Amendment
of section
121(1) of
the
Constitution.

3.—(1) Section 121(1) of the Constitution is amended by—

- (a) deleting the words “sixty years” wherever they appear and substituting therefor in each case the words “sixty-five years”; and
- (b) deleting the words “not exceeding sixty-five years” where they appear in paragraph (b) of the proviso and substituting therefor the words “not exceeding seventy years”.

(2) Notwithstanding anything in subsection (1), a person who is Auditor-General at the date of commencement of this Act may, by memorandum in writing given to the Governor-General, elect to retire at any time after attaining the age of sixty years.”.

Passed in the Honourable House of Representatives this 25th day of July, 2023.

JULIET HOLNESS

Deputy Speaker.

MEMORANDUM OF OBJECTS AND REASONS

At the time of promulgation of the Pensions (Public Service) Act, 2017, which gradually increased the retirement age of public officers to sixty-five years, it was recommended that a similar amendment should be made to the Constitution of Jamaica, in respect of the retirement age of those public officers whose tenure is governed by the Constitution and stipulated to be at the age of sixty years.

A decision has therefore been taken to—

- (a) amend the Constitution of Jamaica to increase the retirement age of the Director of Public Prosecutions, and the Auditor-General, to sixty-five years; and
- (b) maintain the extension mechanism currently provided in the Constitution in relation to those offices, but to increase the age to which those officers may continue in office, after attaining the retirement age, from sixty-five years to seventy years.

This Bill seeks to give effect to that decision.

DELROY CHUCK
Minister of Justice.

A BILL

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As passed in the Honourable House of Representatives.

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SECTIONS 96 AND 121 OF THE CONSTITUTION OF JAMAICA
WHICH IT IS PROPOSED TO AMEND

96.—(1) Subject to the provisions of subsections (4) to (7) (inclusive) of this section the Director of Public Prosecutions shall hold office until he attains the age of sixty years;

Provided that—

- (a) he may at any time resign his office; and
- (b) the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Director of Public Prosecutions who has attained the age of sixty years to continue in office until he has attained such later age, not exceeding sixty-five years, as may (before the Director of Public Prosecutions has attained the age of sixty years) have been agreed between them.

... ..

121.—(1) Subject to the provisions of subsections (3) to (6) (inclusive) of this section, the Auditor-General shall hold office until he attains the age of sixty years;

Provided that—

- (a) he may at any time resign his office; and
- (b) the Governor-General, acting in the manner prescribed by subsection (6) of section 120 of this Constitution, may permit an Auditor-General who has attained the age of sixty years to remain in office until he has reached such later age, not exceeding sixty-five years, as may (before the Auditor-General has reached the age of sixty years) have been agreed between the Governor-General and the Auditor-General.