



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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Port-of-Spain, Trinidad, Wednesday 2nd May, 2007—Price \$1.00

No. 74

THE FOLLOWING HAVE BEEN ISSUED:

BILL entitled “An Act to amend the Constitution of Trinidad and Tobago”—(56 cents).

BILL entitled “An Act to amend the Police Service Act, 2006”—(98 cents).

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SUPPLEMENTS TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as Supplements to this issue of the *Trinidad and Tobago Gazette*:

Legal Supplement Part C—

Bill entitled “An Act to amend the Constitution of Trinidad and Tobago”.

Bill entitled “An Act to amend the Police Service Act, 2006”.

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PUBLICATION OF BILLS

NOTICE is hereby given that the following Bills are published as a Supplement to this *Trinidad and Tobago Gazette* for public information:

The Constitution (Amendment) Bill, 2007.

The Police Service (Amendment) Bill, 2007.

Copies of the Bills may be purchased from the Government Printery Sales Section, 2–4, Victoria Avenue, Port-of-Spain.

27th April, 2007.

N. JAGGASSAR
Acting Clerk of the House

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REPUBLIC OF TRINIDAD AND TOBAGO

IN THE MATTER OF

THE LEGAL PROFESSION ACT, 1986

AND

IN THE MATTER OF

THE APPOINTMENT OF A MEMBER OF THE DISCIPLINARY COMMITTEE

AFTER consulting with the Council of the Law Association pursuant to section 1(1) of the Fourth Schedule of the Legal Profession Act, 1986, I hereby appoint Mr. Khemraj Harrikissoon to be a member of the Disciplinary Committee in place of Mr. Gregory Armorer for a period of three years from the 9th day of March, 2007.

Dated this 19th day of April, 2007.

S. SHARMA
Chief Justice

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REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 2007–01034

In the Matter of

THE REPRESENTATION OF THE PEOPLE ACT, CHAP. 2:01 OF THE LAWS OF THE
REPUBLIC OF TRINIDAD AND TOBAGO

And

In the Matter of

A VACANCY PETITION PURSUANT TO SECTION 49(2) OF THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD
AND TOBAGO AND SECTION 130(1) OF THE REPRESENTATION OF THE PEOPLE ACT

Between

JACQUELINE SAMPSON—*Petitioner*

and

BASDEO PANDAY—*Respondent*

To: The Honourable Chief Justice, Mr. Justice Satnarine Sharma

AND TO: Their Lordships, the Puisne Judges of the High Court of Justice

THE PETITION of Jacqueline Sampson of The Red House, 25–27, Abercromby Street in the island of Trinidad, Republic of Trinidad and Tobago, the Clerk of the House of Representatives shows:

1. That the Petitioner Jacqueline Sampson is the Clerk of the House of Representatives and presents this Petition pursuant to leave granted by the Honourable Madam Justice Pemberton on 3rd April, 2007 and with the authority of a resolution of the House of Representatives dated 26th March, 2006 for the determination of the question whether notwithstanding the decision of the Court of Appeal on Tuesday 20th March, 2007 in Magisterial Appeal No. 75 of 2006, the Respondent Mr. Basdeo Panday (hereinafter referred to as “the Respondent”) has vacated the seat of Couva North in the House of Representatives under section 49(2) of the Constitution.
2. That the Respondent herein, was elected as the Member of Parliament of Couva North in the last general elections held on 7th October, 2002.
3. (a) On 24th April, 2006, the Respondent, then the Member of Parliament for Couva North, was convicted in the Magistrates’ Court, St. George West in the city of Port-of-Spain in respect of the matter of the Commission of three offences under the Integrity in Public Act, 2000 and was sentenced to a term of imprisonment for two (2) years in respect of each offence (hereinafter referred to as “the decision”).
(b) By the operation of section 49(2) of the Constitution and, upon the event of the decision it is provided that the Respondent shall vacate his seat (as the Member for Couva North), subject to the provisions of section 49(3).
(c) By section 49(3) of the Constitution, however, whilst the Respondent was required forthwith to cease the performance of functions as the Member for Couva North, in the event of his appealing the decision and subject to the provisions of section 49 of the Constitution, he shall not vacate his seat until the expiration of a period of thirty (30) days thereafter.
(d) By section 49(4) of the Constitution, The Honourable Speaker may from time to time extend that period for further periods of thirty (30) days to enable the Respondent to pursue an appeal against the decision, so however that such extensions of time exceeding in the aggregate one hundred and fifty (150) days shall not be given without the approval, signified by resolution, of the House of Representatives.
(e) On 24th April, 2006, the Respondent appealed the decision. The Respondent also applied for and was granted bail pending the determination of his said appeal.
(f) At the sitting of the House of Representatives (hereinafter referred to as “the House”) on 28th April, 2006, the Honourable Speaker of the House informed the Members of the House of the matters set out at paragraphs 3(a) to (d) above.
(g) Pursuant to section 49(4) of the Constitution, the Honourable Speaker granted the Respondent extensions of time of thirty (30) days each on 24th May, 2006, 23rd June, 2006, 24th July, 2006, 25th August, 2006 and 20th September, 2006, to enable the Respondent to pursue his said appeal. These extensions of time amounted to the aggregate period of one hundred and fifty (150) days prescribed by section 49(4) of the Constitution, which aggregate period expired on 23rd October, 2006.

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- (h) At the sittings of the House on 26th May, 2006, 23rd June, 2006 and 25th August, 2006, the Honourable Speaker announced the thirty (30) days extension granted by him to the Respondent on 24th May, 2006, 23rd June, 2006 and 25th August, 2006 respectively. The House was in recess from 15th July, 2006 to 17th August, 2006 and was prorogued on 22nd September, 2006. The new session of the House commenced on 29th September, 2006 and, the House met on the 4th, 9th, 13th and 20th October, 2006. The sitting of the House on 20th October, 2006, was the last sitting of the House before the expiration of the aggregate period of the one hundred and fifty (150) days extension granted to the Respondent.
- (i) Prior to the expiration of the aggregate period of one hundred and fifty (150) days and with reference to the provisions of the Constitution, the Honourable Speaker of the House communicated with the Respondent in writing on 20th September, 2006, informing him that further extensions required the approval of the House and drew to the Respondent's attention the consequence of not obtaining such approval from the House.
- (j) On 20th October, 2006, the last date that the House sat prior to the expiration of the aggregate period of one hundred and fifty (150) days, the Honourable Speaker also held discussions with the Chief Whip the Honourable Dr. Hamza Rafeeq, Member of Parliament, the Honourable Mr. Ganga Singh, Member of Parliament, and the Leader of the Opposition, the Honourable Mrs. Kamla Persad-Bissessar on the issue of the imminent expiration of the extension granted to the Respondent by the Speaker. On that date at the sitting of the House, the Honourable Speaker was prepared to entertain a request to suspend the Standing Orders relating to notice in order to permit a Member of the House to move a motion on the Respondent's behalf for a further extension in accordance with section 49(4) of the Constitution and, he so informed the Honourable Dr. Rafeeq and/or the Honourable Mrs. Persad-Bissessar.
- (k) As at 20th October, 2006, the last date that the House sat prior to the expiration of the aggregate period of one hundred and fifty (150) days extension granted to the Respondent, no Member moved a motion pursuant to section 49(4) of the Constitution seeking a resolution of the House approving any further extension on behalf of the Respondent.
- (l) On Sunday 22nd October, 2006, the Honourable Speaker declined a request by the Honourable Dr. Fuad Khan, Member of Parliament to summon a special sitting of the House on 23rd October, 2006, for the purpose of debating a motion seeking a resolution for the approval of the House of a further extension to the Respondent. The basis of the Honourable Speaker declining this request was by an exercise of his discretion in the foregoing circumstances and the impracticality of meeting the procedural requirements of Standing Order 9 of the House at such short notice.
- (m) No approval of the House signified by Resolution having been given for a further extension of time beyond the aggregate period of one hundred and fifty (150) days, the seat of Couva North fell vacant on 24th October, 2006, by operation of law. At the sitting of the House on the 27th October, 2006, the Honourable Speaker duly declared this event as having taken effect.
- (n) The Respondent's said appeal was determined by the Court of Appeal in his favour on 20th March, 2007 with the result that his convictions and sentences were quashed and the consequential orders set aside. The Court of Appeal further ordered that the said matter be heard *de novo* before another Magistrate and that bail be continued.
- (o) Following the decision of the Court of Appeal, the Respondent attended the sittings of the House of Representatives on 23rd March, 2007 and 26th March, 2007 where he took a seat other than the seat ordinarily assigned to the Member for Couva North. It is reported in the media of the 22nd March, 2007, that the Respondent has taken the position that the vacancy of the seat of Couva North is null and void and that he intends to speak and vote in Parliament on behalf of the Constituents of Couva North.
- (p) Further and preceding the passing of the Resolution recited in paragraph 1 hereof and, at the sitting of the House on 26th March, 2007, a petition was presented by the Honourable Dr. Hamza Rafeeq, the Member of Parliament for Caroni Central, seeking a resolution of the House that the seat of Couva North is now not vacant and praying that the Respondent do resume the seat of Couva North forthwith. This request was not approved by the House.
- (q) The operation of section 49(2) of the Constitution and its true construction, referable to section 48 and other subsections of section 49, in relation to the seat of Couva North is therefore being called into question following on the said decision of the Court of Appeal.
- (r) Section 52 of the Constitution of the Republic of Trinidad and Tobago provides that any question whether any Member of the House of Representatives has vacated his seat shall be determined by the High Court. Any such reference to the High Court in this regard is required by section 130 of the Representation of the People Act, Chap. 2:01 (hereinafter referred to as "the Act") to be by the authority of a resolution of the House.
- (s) Pursuant to section 130 of the Act and, in accordance with section 52 of the Constitution, the House therefore duly passed a resolution dated 26th March, 2007 at its sitting on that date to refer the following questions to the High Court for its determination, namely, whether:
- (i) notwithstanding the decision of the Court of Appeal on Tuesday 20th March, 2007 in Magisterial Appeal No. 75 of 2006, the Respondent has vacated the seat of Couva North in the House of Representatives under section 49(2) of the Constitution;
 - (ii) consequent on the decision of the Court of Appeal on Tuesday 20th March, 2007, in Magisterial Appeal No. 75 of 2006, the Respondent may resume the performance of his functions as the Member for Couva North in the House of Representatives.

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(t) On 3rd April, 2007, the Honourable Madam Justice Pemberton, granted leave to the Petitioner to institute proceedings in the High Court for its determination of the question more fully set out in paragraph 1 hereof.

The Petitioner therefore prays:

- (a) That following upon the determination by this Honourable Court of the said question referred as aforesaid, that it may be ordered:
- (i) That the seat of Couva North in the House of Representatives is vacant;
 - (ii) In the alternative, that the seat of Couva North in the House of Representatives is not vacant.
- (b) That the Petitioner may have such further or other relief as may be just.

Dated this 12th day of April, 2007.

R. MOHAMMED
Deputy Registrar

This Petition was presented by Ms. Elena Araujo whose address for service is 16–18, Tragarete Road, in the city of Port-of-Spain, Attorney-at-law for the said Petitioner.

835**TENDER FOR THE APPOINTMENT OF AN INSURANCE BROKER TO THE GOVERNMENT OF TRINIDAD AND TOBAGO**

PROPOSALS are invited for the appointment of an Insurance Broker to the Government of Trinidad and Tobago for a three (3) year period commencing 1st August, 2007.

Tender documents may be obtained during normal working hours at the Central Tenders Board's Office, 116, Frederick Street, Port-of-Spain. Telephone Number 625-2311.

Tenderers are required to complete a detailed questionnaire (available from the Central Tenders Board) and to submit documents as specified. Tenderers must submit details of their methodology and how they propose to undertake the task of information gathering, risk analyses, and a work programme for the first 18 months of the Contract in order to meet the responsibilities as laid down in the Terms and Conditions of the Appointment.

Those tenderers whose submissions meet the requirement of the Evaluation Committee will be invited to attend an interview during which they will have the opportunity to explain, clarify and to answer questions of the Committee.

Tenderers are required to submit the following:

- (a) valid Income Tax and Value Added Tax Clearance Certificates issued by the Board of Inland Revenue and dated not more than six (6) months prior to the closing date of the proposal;
- (b) an up-to-date Certificate of Compliance issued in accordance with the National Insurance Act.

One (1) original and three (3) copies of the proposal must be deposited in the Brown Tenders Box located in the lobby of the Central Tenders Board's Office not later than 1.00 p.m. on Thursday 24th May, 2007. The envelopes must be addressed to the Chairman, Central Tenders Board and clearly marked on the outside: "Appointment of an Insurance Broker to the Government of Trinidad and Tobago".

Proposals will be opened publicly on the same day, immediately after the closing time at the Board's Office. A representative of the firm submitting a proposal may be present at the opening.

Tenderers are asked to note that the dimensions of the slot in the Tenders Box are 37.5 cm. x 5.5 cm. Proposals should be packaged accordingly.

The Board does not bind itself to accept any proposal.

Late proposals will not be accepted under any circumstances.

Prospective tenderers are advised that they can visit the following website at <http://www.finance.gov.tt/tenders> for all published notices.

S. BABOOLAL
Chairman,