

LEGAL ANNEX - ST VINCENT AND THE GRENADINES

REVIEWED LAWS:

- Constitution
- House of Assembly (privileges, Immunities and Powers) Act, 1966
- Standing Orders of the Parliament, 1989 (*)

(*) Laws(s) reviewed but not containing any relevant articles for the study.

RELEVANT ARTICLES:

CONSTITUTION

Disqualifications for Representatives and Senators.

26. (1) No person shall be qualified to be elected or appointed as a Representative or Senator (hereinafter in this section referred to as a member) if he-

- a. is by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state,
- b. is a minister of religion;
- c. holds or is acting in the office of judge of the Supreme Court;
- d. subject to such exceptions and limitations as may be prescribed by Parliament, holds or is acting in any public office or is a paid member of any defence force of Saint Vincent;
- e. is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law;
- f. is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;
- g. is under sentence of death imposed on him by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- h. subject to such exceptions and limitations as may be prescribed by Parliament has any such interest in any such government contracts as may be so prescribed:

provided that a minister of religions may be appointed as a Senator.

(2) If it is so provided by Parliament, a person shall not be qualified to be elected or appointed as a member if he holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election of members or the compilation of any register of votes for the purpose of electing Representatives.

(3) If it is so provided by Parliament, a person who is convicted by any court of law of any offence that is prescribed by Parliament and that is connected with the election of representatives or is reported guilty of such an offence by the court trying an election petition shall not be, for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed, to be elected or appointed as a member.

(4) A person shall not be qualified to be elected as a Representative if he is a Senator and a person shall not be qualified to be appointed as a Senator if he is a Representative or is nominated for election as such.

(5) In subsection (1) of this section-

"government contract" means any contract made with the Government or with a department of the Government or with an office of the Government contracting as such;

"minister or religion" means any person in holy orders and any other person, the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.

(6) For the purposes of paragraph (g.) of subsection (1) of this section-

a. two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as none sentence; and

b. no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

HOUSE OF ASSEMBLY (PRIVILEGES, IMMUNITIES AND POWERS) ACT, 1966

PART VI

27. (1) Any member who—

(a) being a member of a committee, publishes to any person not being a member of the House any evidence taken by the committee before it has been reported to the House;

Act constitu-
ting
contempt,
suspension,
etc.

(b) assaults or obstructs any officer of the House to which he belongs while in the execution of his duty;
or

(c) is convicted of an offence under this Act,
shall be guilty of contempt of the House.

(2) Where any member is guilty of contempt under this Act, the House may order such member to be reprimanded by the Speaker or suspend him from the service of the House for such period as it may determine:

Provided that such period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever shall first occur.

(3) No salary or allowance payable to a member for his service as such shall be paid in respect of any period during which he is suspended under the provisions of this Act from the service of the House to which he belongs.

(4) Nothing in this section contained shall be construed so as to preclude the bringing of proceedings, civil or criminal, against any member in respect of any act or thing done contrary to subsection (1) (b).

Members to
disclose
interest.

28. (1) A member shall not, in or before the House, take part in the discussion of any matter in which he has a direct pecuniary interest without disclosing the extent of that interest.

(2) Any member who acts in contravention of this section may be adjudged guilty of contempt by the House and shall be liable to the penalties provided in section 27 for such contempt.

30. Any member who accepts or obtains, or attempts to obtain, for himself or for any other person any bribe, fee, compensation, gift, reward or benefit of any kind for speaking, voting or acting as such member, or from refraining from so speaking, voting or acting, or on account of his having so spoken, voted or acted or having so refrained, is guilty of an offence and liable,

on summary conviction, to a fine of five thousand dollars and to imprisonment for two years and, in addition, shall forfeit the amount of the value of the bribe, fee, compensation, gift or reward or benefit accepted or received by him.

PART VII

Other Offences

31. Any person who—

- (a) offers to any member any bribe, fee, compensation, gift or reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting or on account of his having so spoken, voted or acted or having so refrained;
- (b) makes use of, or threatens to make use of, any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against a member—
 - (i) with the intent thereby to influence such member in the manner in which he discharges his functions as a member in the House or in any committee thereof; or
 - (ii) on account of the manner in which he had discharged his functions as a member in the House or in any committee thereof; or
- (c) endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the House or any committee thereof,

Bribery of
violence or
threats, etc.,
to members

is guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for two years.