

BILL ESSENTIALS

BILL ESSENTIALS NO. 13 2020–2021

1ST SESSION, 12TH PARLIAMENT

The Tobago House of Assembly (Amendment) Bill, 2021



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: February 12, 2021

House: House of Representatives

Minister: Attorney General and
Minister of Legal Affairs

Bill No: 1 of 2021

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Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
Website

<http://www.ttparliament.org/legislations/b2021h01.pdf>

BACKGROUND

1. The **Tobago House of Assembly (Amendment) Bill, 2021** (hereinafter referred to as “**the Bill**”) seeks to amend the **Tobago House of Assembly Act, Chap. 25:03**.
2. The Bill also makes consequential amendments to the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50**.
3. This Bill was introduced in the House of Representatives by the Honourable Attorney General and Minister of Legal Affairs on February 12, 2021.

KEY FEATURES OF THE BILL

COMMENCEMENT

4. The Bill would come into effect on such date as fixed by the President by Proclamation.

MEMBERS OF THE ASSEMBLY

5. **Clause 4** of the Bill proposes to amend **section 5(1)(a)** of the **Tobago House of Assembly Act** by increasing the number of Assemblymen that may be elected to the Assembly, from twelve (12) to fifteen (15).

DISSOLUTION OF THE ASSEMBLY AND FRESH ELECTION

6. **Clause 5** of the Bill proposes to repeal **section 22**. **New section 22** will include a **new subsection (3)** which will provide the procedure to be followed when no Assembly is formed after an election.
7. If no Assembly is installed fourteen (14) days after an election, the Chief Secretary after consultation with the President and Prime Minister, will be required to fix a date for a fresh election.
8. The date for a fresh primary election must be earlier than the expiration of two (2) months after the coming into force of an Order made under **section 4** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** and no later than three (3) months after the coming into force of that Order.
9. An Order made under **section 4** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act**, is an Order by the President which gives effect to recommendations of the Elections and Boundaries Commission defining and reviewing boundaries of the electoral districts into which an electoral area is or is to be divided.

CONSEQUENTIAL AMENDMENTS TO THE ELECTIONS AND BOUNDARIES (LG AND THA) ACT

ELECTORAL AREAS

10. **Clause 6** of the Bill provides for consequential amendments to the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** which are contained in the **Schedule**.
11. **Section 3** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** will be repealed and the **new section 3** substituted will provide for the division of Tobago into fifteen (15) electoral districts. This is required as the Act currently does not set out the districts for Tobago.
12. At present, **section 4** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** sets out the procedure for review by the Elections and Boundaries Commission of the boundaries of the electoral districts into which an electoral area is, or is to be divided.
13. **Section 4 (1)(a)** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** will be amended to require the Elections and Boundaries Commission report to show electoral districts for Tobago in addition to constituencies when making a recommendation that an electoral area should be divided. This is required as the section only provides for constituencies.
14. **Section 4(2)** will also be amended to provide for a new report to be laid in 2021 within ninety (90) days from the Proclamation of the Bill, as the Act currently only allows a new report to be laid not less than two nor more than four years from the date of submission of the last report.
15. The last report of the Elections and Boundaries Commission pursuant to **section 4** of the **Elections and Boundaries (Local Government and Tobago House of Assembly) Act** in respect of Tobago was dated June 12, 2017. The draft of the Order giving effect to the recommendations contained in the report was laid in the House of Representatives on April 5, 2019.
16. The amendment to **section 4(2)** also provides for a new report to be laid where the Assembly remains dissolved after a primary election and no Assembly is constituted within fourteen (14) days and not less than one hundred and four (104) days from such primary election.

17. **Part III of the First Schedule** is amended to change the number of electoral districts for Tobago from twelve (12) to fifteen (15).

REFERENCES

- **The Tobago House of Assembly (Amendment) Bill, 2021**
<http://www.ttparliament.org/legislations/b2021h01.pdf>
- **The Tobago House of Assembly Act, Chap. 25:03**
https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/25.03.pdf
- **Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50**
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/25.50.pdf



Legal Unit
Parliament Secretariat
Parliamentary Complex, Cabildo Building,
No. 23-27 St. Vincent Street, Port-of-Spain
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