

# Privy Council (Establishment) Bill

[Draft bill]

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**GRENADA**

**ACT NO.        OF 2024**

**AN ACT** to establish a Privy Council for Grenada to act as a body to advise His Majesty and the Governor-General and to provide for the powers, functions, duties and composition of the Privy Council, and for related matters.

**BE IT ENACTED** by the King’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows–

**Part I**

**Preliminary**

**1. Short title and commencement**

This Act may be cited as the

PRIVY COUNCIL (ESTABLISHMENT) ACT, 2024

and shall come into force upon the day this act is gazetted by the Governor-General.

**2. Interpretation**

In this Act, unless otherwise is expressly stated, or the context requires–

“His Majesty” means His Majesty the King;

“Governor-General” means the Governor-General of Grenada;

“Prime Minister” means the Prime Minister of Grenada;

“Secretary” means the Private Secretary to the Governor-General;

“Privy Council” means His Majesty’s Privy Council of Grenada;

“Constitution of Grenada” means Schedule 1 to the Grenada Constitution Order 1973, SI 1973/2155 [UK];

“Oath of Allegiance” means the Oath of Allegiance as laid out in Schedule 3 to the Constitution of Grenada.

## **Part II**

### **Establishment and membership of Privy Council**

#### **3. Establishment of the Privy Council**

- (1) There is hereby established a Privy Council for Grenada, which shall be styled as His Majesty's Privy Council of Grenada.
- (2) The Privy Council may advise His Majesty in the exercise of his duties and authority in right of Grenada and shall have such other powers and duties as may be conferred or imposed upon it by law.
- (3) The Governor-General may request and receive the advice of the Privy Council on any matter which the Governor-General, acting in their own deliberate judgement, sees fit.

#### **4. Membership of the Privy Council**

- (1) The membership of the Privy Council shall consist of –
  - a. The Prime Minister;
  - b. The Leader of the Opposition;
  - c. The Minister with responsibility for Carriacou and Petite Martinique Affairs;
  - d. The Chairman of the Public Service Commission;
  - e. The most senior serving judge of the High Court resident in Grenada, appointed by the Governor-General by instrument under the Public Seal; and
  - f. Two members appointed by the Governor-General, by instrument under the Public Seal, after the Governor-General has consulted with the Prime Minister and the Leader of the Opposition.
- (2) The office of a member of the Privy Council appointed under paragraph (f) of subsection 1 of this section shall become vacant-
  - a. at the expiration of 7 years from the date of their appointment or such shorter period as may be specified in the instrument by which they were appointed; or
  - b. if their appointment is revoked by the Governor-General, acting after consultation with the Prime Minister and the Leader of the Opposition, by instrument under the Public Seal.

(3) If the office of Leader of the Opposition is vacant under the provisions of subsection 2 of section 62 of the Constitution, the Governor-General may appoint as a member of the Privy Council a person who the Governor-General, acting in their own deliberate judgement, considers will best represent opposition interests.

(4) A person appointed to the Privy Council under the provisions of subsection 3 of this section shall vacate their office whenever the office of Leader of the Opposition ceases to be vacant, or if their appointment is revoked by the Governor-General, acting in their own deliberate judgement.

#### **5. Secretary of the Privy Council**

(1) The Private Secretary to the Governor-General shall be the Secretary of the Privy Council.

(2) The Secretary shall maintain records of meetings of the Privy Council and shall convey to His Majesty such advice as the Privy Council may give.

### **PART III**

#### **SITTINGS OF THE PRIVY COUNCIL**

#### **6. Summoning the Privy Council**

(1) The Privy Council shall not be summoned except by the authority of the Governor General, acting in their own deliberate judgement, except-

a. In cases relating to advice to His Majesty, whereby the Privy Council may be summoned-

i. by His Majesty, acting in his own deliberate judgement;

ii. by the Governor-General, acting in their own deliberate judgement;

iii. by the Governor-General, acting on the advice of the Prime Minister; or

iv. by the Governor-General, acting on the advice of the Leader of the Opposition.

#### **7. Governor-General to preside**

(1) The Governor-General shall, as far as is practicable, attend and preside at all meetings of the Privy Council in His Majesty's name.

(2) Provided that the Governor-General is not able to preside over a meeting of the Privy Council, the Deputy to the Governor-General, shall preside.

(3) Provided that the Deputy to the Governor-General is not able to preside over a meeting of the Privy Council, the Secretary shall preside.

**8. Privy Council to regulate own affairs**

(1) Subject to law, the Privy Council may regulate its own procedure.

(2) The question whether the Privy Council has validly performed any function vested in it by law shall not be inquired into in any court.

**9. Oath of allegiance**

Upon entering into office as a member of the Privy Council all members shall, in the presence of the Governor-General, swear or affirm the Oath of Allegiance.