

62428

September, 2002

CONSTITUTION (AMENDMENT) ACT, 2002 - 14

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 15 of the *Constitution*.
3. Amendment of section 23 of the *Constitution*.
4. Amendment of section 78 of the *Constitution*.
5. Restriction on operation of section 2 of this Act.

BARBADOS

I assent
C. STRAUGHN HUSBANDS
Governor-General
29th August, 2002.

2002-14

An Act to amend sections 15, 23 and 78 of the Constitution.

(5th September, 2002). Commence-
ment.

ENACTED by the Parliament of Barbados in accordance with section 49 of the *Constitution* as follows:

1. This Act may be cited as the *Constitution (Amendment) Act, 2002*. Short title.

2. Subject to section 5 of this Act, section 15 of the *Constitution* is amended by adding the following subsection: Amend-
ment
of section
15 of the
*Constitu-
tion*.

"(3) The following shall not be held to be inconsistent with or in contravention of this section:

- (a) the imposition of a mandatory sentence of death or the execution of such a sentence;
- (b) any delay in executing a sentence of death imposed on a person in respect of a criminal offence under the law of Barbados of which he has been convicted;

(c) the holding of any person who is in prison, or otherwise lawfully detained, pending execution of a sentence of death imposed on that person, in conditions, or under arrangements, which immediately before the coming into operation of the *Constitution (Amendment) Act, 2002*

Cap. 168.

(i) were prescribed by or under the *Prisons Act*, as then in force; or

(ii) were otherwise practised in Barbados

in relation to persons so in prison or so detained."

Amend-
ment of
section 23
of the
*Constitu-
tion*.

3. Section 23(3) of the *Constitution* is amended by inserting immediately after paragraph (c) the following paragraph:

"(cc) for the transfer between Barbados and other countries, in accordance with international arrangements entered into by Barbados, of persons detained in prisons, hospitals or other institutions by virtue of orders made in the course of the exercise by courts or tribunals of their criminal jurisdiction;"

Amend-
ment of
section 78
of the
*Constitu-
tion*.

4. Section 78 of the *Constitution* is amended by adding the following subsections:

"(5) A person has a right to submit directly or through a legal or other representative written representation in relation to the exercise by the Governor-General or the Privy Council of any of their respective functions under this section but is not entitled to an oral hearing.

(6) The Governor-General, acting in accordance with the advice of the Privy Council, may by instrument under the Public Seal direct that there shall be time-limits within which persons referred to in subsection (1) may appeal to, or consult,

any person or body of persons (other than Her Majesty in Council) outside Barbados in relation to the offence in question; and, where a time-limit that applies in the case of a person by reason of such a direction has expired, the Governor-General and the Privy Council may exercise their respective functions under this section in relation to that person, notwithstanding that such an appeal or consultation as aforesaid relating to that person has not been concluded.

(7) Nothing contained in subsection (6) shall be construed as being inconsistent with the right referred to in paragraph (c) of section 11."

5. The amendment made by section 2 of this Act to section 15 of the *Constitution* does not apply in relation to a person on whom the sentence of death was pronounced before the coming into operation of this Act.

Restriction
on opera-
tion of
section 2
of this Act.