

ANTIGUA AND BARBUDA



**THE REPRESENTATION OF THE PEOPLE (VALIDATION OF ACTS AND DECISIONS
OF THE COMMISSIONERS) ACT, 2013**

No. 4 of 2013

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**THE REPRESENTATION OF THE PEOPLE (VALIDATION OF ACTS AND DECISIONS
OF THE COMMISSIONERS) ACT, 2013**

ARRANGEMENT

Sections

1. Short title
2. Revocation of the Representation of the People Order 2012, S.I. 2012, No. 2
3. Validation of acts and decisions of the Commissioners
4. Preservation of Rights

[L.S.]



I Assent,

Louise Lake-Tack,
Governor-General.

19th July, 2013.

ANTIGUA AND BARBUDA

**THE REPRESENTATION OF THE PEOPLE (VALIDATION OF ACTS
AND DECISIONS OF THE COMMISSIONERS) ACT, 2013**

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PREAMBLE

WHEREAS Section 1 of the Representation of the People (Amendment) Act, 2011, No. 12 of 2011 confers power upon the Minister responsible for the administration of the Act to make an Order appointing a day on which the Act shall come into force; and

WHEREAS the Minister in exercise of the power conferred upon him by section 1 of the Act by Order, dated the 31st January, 2012 appointed the 22nd of December, 2011 as the day on which the Act shall come into force; and

WHEREAS by a decision dated May 27, 2013 of the Court of Appeal of the Eastern Caribbean Supreme Court in Appeal No. ANUHCVAP 2012/0042 Sir Gerald Watt KCN, QC Appellant and the Prime Minister and Juno Samuel Respondents declared, among other things, that –

1. The decision of the Prime Minister, acting in his capacity as Minister responsible for the administration of the Act, to appoint the 22nd day of December, 2011 as the day on which the Representation of the People (Amendment) Act, 2011 is deemed to have come into force is null and void and of no legal effect; and

2. The Representation of the People Order, 2012 is *ultra vires*, and invalid and accordingly quashed;

AND WHEREAS it has become expedient to take appropriate legislative action to address the consequences arising out of the decision of the Court of Appeal in the following manner:

AN ACT to validate acts and decisions taken by the Commissioners appointed by the Governor General pursuant to section 2A(3) of the Representation of the People (Amendment) Act 2011, No. 12 of 2011.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Representation of the People (Validation of acts and decisions of the Commissioners) Act, 2013.

2. Revocation of the Representation of the People Order, 2012, S.I. 2012, No. 2

The Representation of the People Order, 2012 (S.I. 2012, No. 2), is hereby revoked.

3. Validation of acts and decisions of the Commissioners

(1) Notwithstanding the revocation of the Representation of the People Order 2012, (S.I. 2012, No. 2) and any general law or special law to the contrary, all acts made and decisions taken by the Commissioners appointed by the Governor General pursuant to section 2A(3) of the Representation of the People Act, Cap. 379, as amended by the Representation of the People (Amendment) Act, 2011, No. 12 of 2011 are hereby ratified, validated and confirmed.

(2) For the purposes of this section acts and decisions include execution of agreements, contracts, directives and appointments of employees.

4. Preservation of Rights

This Act does not affect the entitlement whether pecuniary or other benefits, of the members of the Commission who held office as at the 21st of December, 2011 and until the expiration of their respective terms of office.

Passed by the House of Representatives on
the 28th June, 2013.

Passed by the Senate on the 8th July, 2013.

D. Gisele Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Romana Small,
Clerk to the House of Representatives.

Romana Small,
Clerk to the Senate.