



Office of the Leader of the Opposition

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1st March, 2024

Honourable Leslie Mondesir
Attorney General
Office of the Attorney General
NIC Building
Castries

Dear Sir,

At a recent sitting of the House of Parliament (the House), the Government amended the Constitution to require that when the office of Deputy Speaker of the House becomes vacant, a new Deputy Speaker must be appointed, “immediately or no later than the following sitting of the House”. In a press statement issued yesterday from the Office of the Prime Minister, it was reiterated that Section 36 of the Constitution was amended to allow a person who is not a member of the House to be elected to the position of Deputy Speaker. This is essentially the same provision as exists in relation to the Offices of the Speaker of the House and the Attorney General.

We have been advised that the amendment to Section 36 only, is insufficient to permit the Government to proceed with the filling of the vacancy in the Office of the Deputy Speaker, in the manner in which it proposes to. We are advised that Section 30 of the Constitution, the Supreme law of the land, **MUST** also be amended to allow for the appointment of a person who is not a member of the House to be recognized as a Member.

You would have noted that Section 30 makes provisions for a non-member who is selected/elected to be appointed to the offices of Attorney General and Speaker and to accordingly become Members of the House. However, Section 30 was never amended to permit such appointment to the position of Deputy Speaker.

If our assessment is correct and the House must have a Deputy Speaker and as suggested in the press statement, that the Government intends to elect a non-member of the House as Deputy Speaker and Section 30 is not amended as required by law, then we humbly submit that the House will not be properly constituted and will in fact be unconstitutional. Given the imminent upcoming Budget and additional borrowings agenda which will require the attention of the House, this unresolved issue could create a legal quagmire and interrupt the operations and business of Government.

Should you agree with our observations and should the Government persist in the desire to select a non-member of the house as the Deputy Speaker, then Section 30 **MUST** be amended. This will require a two-thirds majority in both Houses **AND** a referendum. Should you not agree or should your office be unable to provide a satisfactory legal interpretation of the issue hereinabove stated and the Government proceeds

to appoint a non-member as the Deputy Speaker, I reserve the right and will challenge the constitutionality of Parliament to conduct its business and of the intended appointment. Out of an abundance of caution and to avoid this unnecessary uncertainty, the Attorney General has the authority to request a constitutional interpretation from the Court of Appeal. This is a matter of great public and constitutional importance which warrants your highest consideration. The public must be assured that the law making body and the government are seen to abide by the law of the land and not political expedience. Therefore, I seek your urgent response and appeal to your good office for a full and fair consideration of the matter. Should your legal opinion differ from that stated herein above, I seek your reference of the matter to the Court of Appeal for its opinion.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Allen Chastanet', with a large, stylized initial 'A'.

Allen Chastanet
Leader of the Opposition

c.c. Honourable Prime Minister