

Constitutional Amendment (No. 38)(Appointment of Certain Offices) Law 2014.

Certified on : **14 MAY 2014**



Constitutional Amendment (No. 38) (Appointment of Certain Offices) Law 2014.

ARRANGEMENT OF SECTIONS.

1. Appointment of Certain Offices (Amendment of Section 193).
2. Appointment to Certain Offices of Regulatory Statutory Authorities (Amendment of Section 208B).
3. Transitional and Savings.



Constitutional Amendment (No. 38)(Appointment of Certain Offices) Law 2014,

Being a law to alter the provision of the *Constitution* relating to appointment of certain offices,

MADE by the National Parliament.

1. APPOINTMENT OF CERTAIN OFFICES (AMENDMENT OF SECTION 193).

Section 193 of the *Constitution* is amended –

(a) in Subsection (1A) by repealing the words “recommended by the Public Service Commission following” and substituting them with the following words:

“selected and recommended through merit based selection and appointment”; and

(b) in Subsection (1B) by repealing the words, “in accordance with a recommendation by the Public Service Commission following”, and substituting them with the following words:

“given in accordance with”; and

(c) in Subsection (1C) by repealing the words “a recommendation by the Public Services Commission following”; and

(d) in Subsection (1D) by repealing the words “a recommendation by the Public Service Commission following”; and

(e) by inserting a new subsection after Subsection (1D) as follows:

“(1E). Notwithstanding the procedures provided by an Act of Parliament under Subsection (1A) to (1D), the Public Services Commission shall exercise its powers under Section 191 from time to time to review the appointments made under Section 193.”.

2. APPOINTMENT TO CERTAIN OFFICES OF REGULATORY STATUTORY AUTHORITIES (AMENDMENT OF SECTION 208B).

Section 208B of the *Constitution* is amended in Subsections (2), (3), (4) and 5 by deleting the following words appearing in each of those subsections:

“in accordance with the recommendation from the Public Services Commission”.

3. TRANSITIONAL AND SAVINGS.

(1) An appointee referred to in Section 193(1)(a), (g) and (h) of the *Constitution* who -


(a) was, before the coming into operation of this Law, validly appointed (whether substantively or temporarily); and

Constitutional Amendment (No. 38)(Appointment of Certain Offices)

(b) immediately before that coming into operation held that office (whether substantively or otherwise), shall, on that coming into operation, be deemed to be validly appointed (substantively or temporarily, as the case may be) in accordance with Section 193 (*appointment to certain offices*) and shall continue to hold that office substantively or temporarily, as the case may be, until the expiry of the term of the appointment or until the cessation of the appointment otherwise according to law, whichever shall first happen.

(2) An appointee referred to in Section 193(1)(a), (g) and (h) of the *Constitution* who -
(a) was, before the coming into operation of this Law, validly suspended from office; and
(b) immediately before that coming into operation was so suspended from office, shall, on that coming into operation, be deemed to be validly suspended from that office in accordance with Section 193 (*appointment to certain offices*) of the *Constitution*, and shall continue to be so suspended from office until the suspension is lifted or until ceasing to hold that office according to law, whichever shall first happen.

I hereby certify that the above is a fair print of the *Constitutional Amendment (No. 38)(Appointment of Certain Offices)* which has been made by the National Parliament.



Clerk of the National Parliament.
14 MAY 2014

Constitution

CERTIFICATE UNDER SECTION 14.

I, **THEO ZURENUOC**, Speaker of the National Parliament, hereby certify that the requirements of Section 14(1), (2) and (3) of the *Constitution* were complied with in respect of the *Constitutional Amendment (No. 38)(Appointment of Certain Offices) Law 2014* and that law was made by the National Parliament as follows:

- (a) the first vote was taken on 26 November 2013 when the number of seats in the National Parliament were 111 and those voting for the proposal were 85 and none voted against the proposal; and
- (b) the second vote was taken on 19 February 2014 when the number of seats in the National Parliament were 111 and those voting for the proposal were 92 and none voted against the proposal.


Speaker of the National Parliament.
14 MAY 2014