



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

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The Editor
[The Gleaner Company Limited]
[The Jamaica Observer]
[The Sunday Herald]

Dear Editor:

A significant degree of public attention has, in recent times, been directed to the provisions of Section 40 (2) (a) of the Jamaica Constitution and its implications.

Section 40 (2) (a) provides that no person shall be qualified to be appointed as a Senator or elected as a member of the House of Representatives who, by virtue of his own act, is under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

The wider public debate regarding the matter has, however, so far overlooked an associated provision of the Constitution which has to do with the holding of Government contracts.

The associated provision is Section 40 (2) (c) of the Constitution. It is but only one of the other six (6) provisions of Section 40 (2) of the Constitution which, if offended, will result in the disqualification of the appointment or election, as the case might be, of the person to whom it relates.

What therefore does Section 40 (2) (c) say?

Section 40 (2) (c) of the Constitution imposes an important disclosure qualification whenever a person who seeks to be elected to the House of Representatives or appointed to the Senate is also a party to a Government contract or is a partner in a firm or a director or manager of a company which, to his knowledge, is a party to a Government contract.

In substance, Section 40 (2) (c) provides that no such person shall be qualified to be elected as a member of the House of Representatives if he has not previously disclosed the nature of such contract and his interest or the interest of such firm or company therein, by publishing a notice in the *Gazette* within one month before the day of election.

As regards appointments to the Senate, Section 40 (2) (c) imposes a somewhat less stringent disclosure qualification. It provides that no such person shall be qualified to be appointed as a Senator if he has not previously disclosed the subject contract particulars by informing the Governor General.



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In the circumstances, and as the public debate regarding the implications of Section 40 (2) (a) proceeds, some attention should be directed at the foregoing.

Very respectfully yours,

Greg Christie (Signed)

Greg Christie
Contractor General