

ANTIGUA AND BARBUDA



CIVIL SERVICE (AMENDMENT) ACT 2017

NO. OF 2017

ANTIGUA AND BARBUDA

A

BILL FOR THE

CIVIL SERVICE (AMENDMENT) ACT 2017

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Amendment of section 24 of the principal Act
4. Commencement

EXPLANATORY MEMORANDUM

The supreme law of Antigua and Barbuda, being the Constitution, grants to the citizens a right of association and assembly. It is an entrenched right so that it is not easily removed except accordance with the manner and form requirements of the said supreme law.

The Civil Service Act, Cap. 87 came into operation on 1st January, 1985, after being enacted after the independence of Antigua and Barbuda.

Subsections 24(3), (4) and (5) of the Civil Service Act, are in conflict with section 13 of the Constitution which gives protection of freedom of assembly and association. The section says, in part, as follows: "...his right of peacefully to assembly and association, that is to say, his right peacefully assembly freely and associate with other persons and in particular to form or belong to trade unions or other associations to other associations for the promotion and protection of his interests."

Apart from the foregoing, section 19 of the Constitution goes on to forbid any law that deals with the abrogation, or infringement of fundamental rights.

Subsections 24(3) and (4) of the Civil Service Act, give the Minister certain powers of recognition regarding associations formed by civil servants and to withdraw recognition of associations in certain circumstances. More than that, subsection 24(5) of the Act forbids the registration of any association formed being registered as a trade union.

The results is that subsections 24(3), (4) and (5) of the Civil Service Act cannot subsist with section 13 of the Constitution, hence their repeal.