



OFFICIAL FUNCTIONS OF THE GOVERNOR-GENERAL

These functions would be statutory, ceremonial, traditional and social. Authority for these functions lie with the Constitution, legislation enacted by Parliament, tradition and protocol.

Briefly the statutory functions of the Governor-General covers the following:-

1. CONSTITUTION

- a) Exercise of the executive authority on behalf of Her Majesty.
- b) Appointment of Prime Minister – The Governor-General acts in his discretion to appoint the member of the House of Representatives who, in his judgment, is best able to command the confidence of a majority of the members of that House.
- c) Appointment of Ministers – The Governor-General acts in accordance with the advice of the Prime Minister.
- d) Revocation of appointment of Prime Minister – The Governor-General shall act in accordance with Resolution of the House of Representatives passed by a majority of all members thereof. Note however that the Governor-General may consult the Prime Minister within three days of that resolution and, if the Prime Minister requests, the Governor-General shall instead dissolve Parliament.
- e) Revocation of appointment of Minister – The Governor-General acts in accordance with the Prime Minister's advice.

- f) Empowering of members of the House of Representatives to perform the functions of Prime Minister – The Governor-General would act in accordance with the advice of the Prime Minister unless the Prime Minister is ill or absent so that it is impracticable to obtain his advice, in which case the Governor-General acts in his own discretion.
- g) Appointment of the temporary Minister – The Governor-General acts on the advice of the Prime Minister.
- h) The taking of oaths are done before the Governor-General by the Prime Minister and other Ministers.
- i) The Governor-General shall be kept fully informed by the Prime Minister of the general conduct and he may request information on any particular matter relating to the Government of Jamaica.
- j) Assignment of Ministerial Assignments – The Governor-General acts in accordance with the Prime Minister’s advice. Note that there is no power to assign to a Minister any duty that, under the Constitution or any other law, falls on the Governor-General or person or authority other than the Minister.
- k) Appointment of Parliamentary Secretaries – The Governor-General acts in accordance with the advice of the Prime Minister.
- l) Appointment of Attorney-General – The Governor-General acts in accordance with the advice of the Prime Minister.
- m) Appointment of the Leader of the Opposition – The Governor-General acts in his own discretion and appoints the person who, in his own judgment, commands the support of the majority of those members not supporting the Government.

- n) Revocation of the appointment of the Leader of the Opposition – The Governor-General acts in his own discretion and according to his own judgment.
- o) Appointment of Senators – The Governor-General acts on the advice of the Prime Minister (13 Senators) and the Leader of the Opposition (8 Senators).
- p) Appointment of members of the Privy Council – The Governor-General acts after consulting the Prime Minister – the final decision is the Governor-General's. The Governor-General may in the same way declare a Privy Councillor temporarily unable to discharge his functions and thereby appoint a person provisionally to the Privy Council.
- q) Summoning of, attendance at and presiding over meetings of the Privy Council – The summoning is done solely by the Governor-General but if he cannot attend, then the Senior Member would preside over the meetings.
- r) Granting of the Prerogative of Mercy – This is done by the Governor-General on the advice of the Privy Council.
- s) Appointment of Cabinet Secretary – The Governor-General acts on the recommendation of the Prime Minister who makes his/her own selection from a list submitted by the Public Service Commission.
- t) Extension of tenure of office of the Director of Public Prosecution – The Governor-General acts on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.
- u) Revocation of acting appointment of the Director of Public Prosecutions – The Governor-General acts on the advice of the Public Service Commission.
- v) Removal of the Director of Public Prosecutions – The Governor-General would act on the advice of a tribunal appointed by him on the advice of the Prime Minister. While

the tribunal is sitting, the Governor-General may suspend the DPP, acting on the advice of the Prime Minister. This suspension may be revoked in a similar manner.

- w) Appointment of Chief Justice – The Governor-General acts on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. Similarly for President of the Court of Appeal.
- x) Appointment of Puisne Judges – The Governor-General acts on the advice of the Judicial Service Commission. Similar for acting Judges.
- y) Acting Chief Justice – The Governor-General acts on the advice of the Prime Minister.
- z) Extension of tenure of office of Judge or removal of Judge is done as with Director of Public Prosecutions.
- aa) Appointment of the Judicial Service Commission – The Governor-General acts with respect to appointed members on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. The method is similar for removal of a member of the Commission.
- bb) Appointment, removal and discipline of Resident Magistrates, Registrars of the Supreme Court and Court of Appeal, Judge of Traffic Court, etc. – The Governor-General acts on the advice of the Judicial Service Commission. In the case of removal the officer can apply to the Privy Council and the Governor-General would act on the Privy Council's advice.

The Appointment power here may be delegated to members of the Commission or authority or public officer subject to the need to consult the appropriate Commission (Public or Police).

- cc) Appointment of Auditor General – The Governor-General acts on the advice of the Public Service Commission. **NB** The Governor-General can refer back advice for reconsideration.

- dd) Extension of tenure of, or removal from office of Auditor General is done as with DPP or Judges.
- ee) Appointment of Public Service Commission – The Governor-General acts in the same way as with the Judicial Service Commission. Note all members in PSC are appointed unlike the Judicial Service Commission where the Chief Justice, President of the Court of Appeal and Chairman of the Public Service Commission are ex officio members.

The power to remove from Commission is the same as in Judicial Service Commission appointed members.

- ff) Appointment, removal and discipline of public officers – The Governor-General acts on the advice of the Public Service Commission. The officer can appeal to Jamaica Privy Council. These powers are delegable.
- gg) Appointment of Permanent Secretaries – The Governor-General acts on the advice of the Public Service Commission. The Governor-General can refer back a recommendation for reconsideration.
- hh) Appointment of Ambassadors and High Commissioners – The Governor-General acts on the advice of the Prime Minister.
- ii) Appointment of Police Service Commission – same method as with Public Service Commission – the powers are delegable.
- jj) The granting and withholding of pensions
- kk) Powers and procedures of the Commission – The Governor-General acts on the advice of the Commission.
- ll) Summoning and Proroguing of Parliament – The Governor-General acts on the advice of the Prime Minister.

2. OTHER LEGISLATION

The Governor-General also appoints other officers under regular legislation; e.g. Honorary Game Wardens, Produce Inspectors.

3. COMMONLAW

The Governor-General appoints a Custos in each parish. The Custos represents him in the particular parish at ceremonial occasions, e.g. Opening of Circuit Court and examines applications by persons nominated or applying to be Justices of the Peace.

In the appointment of Custodes, the Governor-General acts on the advice of the Prime Minister.

In the appointment of Justices of the Peace the Governor-General acts on the advice of the Minister of Justice.

4. MITIGATION

Under the Customs Act if a person's goods have been seized or he has been penalized, he may petition the Governor-General for restoration of the goods or waiver or mitigation of the penalty.

Under the Juveniles Act if a person commits murder he does not receive the death sentence but is instead detained at the Governor-General's Pleasure. The cases are examined periodically to see if the person merits release which may be conditional or unconditional.

Similarly, persons found to be not mentally fit to plead are detained at the Governor-General's Pleasure.

Those cases will be examined periodically to determine the person's fitness and if he is fit the case may be referred to the Director of Public Prosecutions for a decision on whether to proceed with the case.

The Governor-General as the Queen's representative approves the appointment of Jamaican Heads of Mission. He approves also the appointment of Heads of Mission to Jamaica and notifies the Queen. Ambassadors present their credentials to him. Note that High Commissioners present their credentials to the Prime Minister.

The above is a brief outline of the Governor-General's official functions. He of course fulfills many other social functions.