



**CONSTITUTIONAL
BILLS**

SESSION 2000

BILL NO. 78

Rt. Hon. Hubert Ingraham
or a Member of Government
12th December, 2001

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament, may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

AND WHEREAS it is further enacted by Article 54(3) of the Constitution that in so far as an Act alters inter alia Articles 3, 5, 8, 9, 10, 13, 14, 26 and 54 of the Constitution a Bill for an Act of Parliament under the said Article 54 shall not be passed by Parliament unless -

- (i) at the final voting thereon in each House it is supported by the votes of not less than three-quarters of all the members of each House; and
- (ii) the Bill, after its passage through both Houses has been submitted to the electors qualified to vote for the election of members of the

House of Assembly and, on a vote taken in such manner as Parliament may prescribe the majority of electors voting have approved the Bill:

AND WHEREAS it is expedient that Articles 3, 5, 8, 9, 10, 13, 14, 26 and 54 of the Constitution should be altered:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short
title
and
commence-
ment.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) Act, 2001.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

(3) This Act shall come into operation on such day as the result of the referendum is published in the Gazette after the majority of the electors voting have approved the Bill.

Interpre-
tation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Amendment
of

3. Article 3 of the Constitution is amended by the insertion after paragraph (2) of the following -

Article 3
of the
Consti-
tution.

"(2A) Paragraph (2) shall not apply to any person who, before the commencement of this paragraph, was not entitled to Bahamian citizenship by virtue of the application of that paragraph before that date."

Amendment
of the

4. The Constitution is amended by the insertion after Article 3 of the following -

Consti-
tution.

"Persons
entitled
to citi-
zenship
on the
commence-
ment of
this
Article.

- 3A. (1) A person -
 - (a) who was born outside The Bahamas before the tenth day of July, 1973;
 - (b) who was not before the commencement of this Article entitled to Bahamian citizenship by virtue of any provision of this Constitution in force before that date; and
 - (c) whose father or mother, on the tenth day of July, 1973, became or would but for his or her death have become a citizen of The Bahamas in accordance with paragraph (1) of Article 3,

shall become a citizen of The Bahamas on the commencement of this Article.

(2) Paragraph (1) shall not affect the rights of any person who, before the commencement of this Article, was entitled to Bahamian citizenship by virtue of any provision of this

Constitution which was in force before that date."

Amendment
of
Article 5
of the
Consti-
tution.

5. Article 5 of the Constitution is amended -
- (a) in paragraph (1) -
 - (i) by the deletion of the words "Any woman" and the substitution therefor of the words "Any man or woman",
 - (ii) by the deletion of the words "his death" and the substitution therefor of the words "his or her death";
 - (b) in paragraph (5), by the deletion of the words "Any woman" and the substitution therefor of the words "Any man or woman";
 - (c) in paragraph (6), by the deletion of the words "is not a woman" and the substitution therefor of the words "is not a man or woman".

Amendment
of
Article 8
of the
Consti-
tution.

6. Article 8 of the Constitution is amended -
- (a) by renumbering the Article as paragraph (1) of Article 8;
 - (b) by the insertion after paragraph (1) as renumbered of the following -
 - "(2) Paragraph (1) shall not apply to any person who, before the commencement of this paragraph, was not entitled to Bahamian citizenship by virtue of the application of paragraph (1) before that date.
 - (3) Any person -
 - (a) who is born outside The Bahamas

after the ninth day of July, 1973;

(b) who was not, before the commencement of this paragraph, entitled to Bahamian citizenship by virtue of any provision of this Constitution in force before that day; and

(c) whose father or mother is, at the date of the person's birth, a citizen of The Bahamas other than by virtue of this paragraph or paragraph (2) of Article 3 of this Constitution,

shall become a citizen of The Bahamas with effect from the commencement of this paragraph, or the date of the person's birth, whichever is the later.

(4) Paragraph (3) shall not affect the right of any person who, before the commencement of this paragraph, was entitled to Bahamian citizenship by virtue of any provision of this Constitution in force before that date."

Repeal of Article 9 of the Constitution.

7. Article 9 of the Constitution is repealed.

Amendment of Article 10 of the

8. Article 10 of the Constitution is amended -
(a) by the deletion of the words "Any woman" and by the substitution therefor of the

Consti-
tution.

words "Any man or woman"; and
(b) by the deletion of the words "provided she is" and by the substitution therefor of the words "provided he or she is".

Amendment
of Article
13 of the
Consti-
tution.

9. Article 13(b) of the Constitution is amended by the insertion after the words "Articles" of the words "3A,".

Amendment
of Article
14 of the
Consti-
tution.

10. Article 14 of the Constitution is amended -
(a) by the repeal of paragraph (1);
(b) by the renumbering of paragraph (2) as paragraph (1);
(c) by the repeal of paragraph (3) and the replacement thereof by the following -

"(2) Any reference in this Chapter to the national status of the parent of a person at the time of that person's birth shall, in relation to a person born after the death of his parent, be construed as a reference to the national status of the parent at the time of that parent's death; and where that death occurred before the tenth day of July, 1973 the national status that the parent would have had if he or she had died on the tenth day of July, 1973,

shall be deemed to be his or her national status at the time of death."

Amendment

Paragraph (3) of Article 26 of the

of Article 26 of the Constitution.

Constitution is amended by the insertion after the word "colour" of the word " , gender".

Amendment of Article 54 of the Constitution.

12. Article 54 of the Constitution is amended in paragraph (3) (b) -

(a) by the insertion after the number and symbol "3," of the number and symbol "3A,";

(b) by the deletion of the number and symbol "9,".

Question to be put to the electors.

13. The electors shall, in respect of the amendments made by this Act to the Constitution, be asked, in a referendum held under the Constitutional Referendum Act, 1977, to answer either "Yes" or "No" to the following question -

"Do you agree that all forms of discrimination against women, their children and spouses should be removed from the Constitution and that no person should be discriminated against on the grounds of gender, and do you approve the proposed amendments to Articles 3, 5, 8, 9, 10, 13, 14, 26 and 54 of the Constitution as provided for in the Bill for an Act entitled The Bahamas Constitution (Amendment) Act, 2001?".

OBJECTS AND REASONS

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clauses 4, 6 and 7 seek to amend Articles 3, 8 and 9. Article 8 permits a person born outside of The Bahamas after July 9, 1973 to automatically become a citizen of The Bahamas if on that date his or her father was a citizen of The Bahamas, but that is not so pursuant to Article 9 where it is the child's mother who was a citizen of The Bahamas. That child who had no control over whom his or her mother was to be has to wait until he or she is between ages 18 and 21 to apply. The proposed amendment will eliminate this manifest injustice.

Clause 5 makes provision for Article 5 to be amended in order to eliminate the gender discrimination prior to independence against Bahamian women who are married to foreign men. These foreign men are not allowed under the provisions of this Article to apply to be registered as citizens of The Bahamas as the foreign women married to Bahamian men. Once these amendments have been made, then the foreign men who are married to Bahamian women prior to independence, would be able to apply to be registered as citizens of The Bahamas.

Clause 8 seeks to amend Article 10 of the Constitution. Article 10 of Chapter II of the Constitution denies a Bahamian woman the right to have her non-Bahamian husband become a citizen. This amendment will eliminate this manifest injustice.

Clause 11 seeks to include the word "gender" in Article 26 to afford protection to women from discrimination.

Clause 12 seeks to amend Article 54 of the Constitution to insert the new Articles.

It should be noted that by virtue of Article 54 of the Constitution Articles 3, 5, 8, 9, 10, 13, 14, 26 and 54, must, at the final voting thereon in each House, be

supported by the votes of not less than three-quarters of all the members of each House and a vote must be taken by way of a referendum held in accordance with the Constitutional Referendum Act, Chapter 1.

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL
for
AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short
title.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No.2) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

Interpre-
tation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Amendment
of the
Consti-
tution.

3. The Constitution is amended by the insertion after Article 70 of the following -

"Establish- 70A. (1) There shall be a
ment of
office and
Parliamentary Commissioner for The
Bahamas whose office shall be a

functions public office.

of Parlia- (2) The Parliamentary Commis-
mentary sioner shall be appointed by the
Commissioner. Governor-General acting on the
recommendation of the Prime Minister
after consultation with the Leader
of the Opposition, by instrument
under the Public Seal.

(3) A person shall not be
qualified to hold or act in the
office of Parliamentary Commissioner
unless he is a person experienced in
public administration.

(4) The Parliamentary Commis-
sioner shall have general
responsibility for, and shall
super-vise, the registration of
electors for the election of members
of the House of Assembly and the
conduct of elections of such members
and shall have such powers and other
functions relating to such
registration and such elections as
may be prescribed.

(5) In the exercise of his
functions under the provisions of
paragraph (4) of this Article, the
Parliamentary Commissioner shall not
be subject to the direction or
control of any other person or

Remuneration of Parliamentary Commissioner.

authority.

70B. (1) The Parliamentary Commissioner shall receive such emoluments and be subject to such other terms and conditions of service as may from time to time be prescribed by or under any law:

Provided that the emoluments and terms and conditions of service of the Parliamentary Commissioner shall not be altered to his disadvantage during his continuance in office.

(2) The salary for the time being payable to the Parliamentary Commissioner under this Constitution shall be charged on and paid out of the Consolidated Fund.

Tenure of

70C. (1) Subject to the provisions

office of Parliamentary Commissioner.

of paragraphs (4) to (7) (inclusive) of this Article the Parliamentary Commissioner shall hold office until he attains the age of sixty-five years:

Provided that the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Parliamentary Commissioner who

-4-

attains the age of sixty-five years to continue in office until he has attained such later age, not exceeding sixty-eight years, as may (before the Parliamentary Commissioner has attained the age of sixty-five years) have been agreed between them.

(2) Nothing done by the Parliamentary Commissioner shall be invalid by reason only that he has attained the age at which he is required by this Article to vacate his office.

(3) If the office of Parliamentary Commissioner is vacant or the holder of that office is for any reason unable to perform his functions thereof, a person qualified for appointment to that office may be appointed to act therein, and any person so appointed shall, subject to the provisions of paragraph (1) of this Article, continue to act until the office of Parliamentary Commissioner is filled or, as the case may be, until the Parliamentary Commissioner has resumed the functions of his office or the appointment of that person is revoked by the Governor-General

acting on the advice of the Public Service Commission.

(4) The Parliamentary Commissioner may be removed from office only for inability to discharge his functions thereof (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of paragraph (5) of this Article.

(5) The Parliamentary Commissioner shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under paragraph (6) of this Article and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Prime Minister represents to the Governor-General that the question of removing the Parliamentary Commissioner from office for inability as aforesaid or for misbehaviour ought to be investigated, then -

(a) the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Judicial and

Legal Service Commission, from among persons who hold or have held or are eligible to hold high judicial office; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the Parliamentary Commissioner ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the question of removing the Parliamentary Commissioner from office has been referred to a tribunal appointed under paragraph (6) of this Article,

(8) Any such suspension may at any time be revoked by the Governor-General acting in accordance with the advice of the Public Service Commission and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Parliamentary Commissioner should not be removed from office."

OBJECTS AND REASON

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clause 3 introduces new Articles 70A, 70B and 70C in the Constitution which create the office of the Parliamentary Commissioner. The Parliamentary Commissioner will be appointed by the Governor-General on the recommendation of the Public Service Commission. The Parliamentary Commissioner will be under a duty to keep the register of voters and to carry out duties relating to registration of voters and the holding of elections. The Parliamentary Commissioner is given independence from political interference and has security of tenure.

SESSION 2000

BILL NO. 95

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short
title
and com-
mencement.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No.3) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

(3) This Act shall come into operation on such day as the Prime Minister may by notice published in the Gazette, appoint.

Interpre-
tation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Repeal and
replace-
ment of
Article
78 of the

3. Article 78 of the Constitution is repealed and replaced by the following -

"Func- 78. (1) There shall be an
tions Attorney-General who shall be
of the the principal legal adviser to the

Consti-
tution.

Attorney-
General.

-2-

Government of The Bahamas and the office of the Attorney-General shall be the office of a Minister.

(2) The Attorney-General shall be responsible for the administration of Legal Affairs in The Bahamas and legal proceedings for and against the State shall be taken -

(a) in the case of civil proceedings, in the name of the Attorney-General;

(b) in the case of criminal proceedings, in the name of the Queen.

(3) The Attorney-General may, in the case of any offence to which this paragraph applies, give general or special directions to the Director of Public Prosecutions as to the exercise of the powers conferred upon the Director of Public Prosecutions by Article 92A and the Director of Public Prosecutions shall act in accordance with those directions.

(4) Paragraph (3) applies to-

(a) offences under the laws of The Bahamas relating to -

- (i) piracy,
- (ii) trading or otherwise dealing in slaves,
- (iii) foreign enlistment,
- (iv) publications calculated to interfere with the peaceful relations of The Bahamas with foreign states,
- (v) high treason, treason, misprison of treason or treachery,
- (vi) sedition or seditious meetings,
- (vii) official secrets,

- (viii) mutiny or incitement to mutiny,
- (ix) unlawful oaths; and
- (b) any offence under an enactment relating to any right or obligation of The Bahamas under international law.

(5) The Attorney-General may, in any case involving general considerations of public policy, give general or specific directions to the Director of Public Prosecutions as to the exercise of the powers conferred upon the Director of Public Prosecutions by Article 92A and the Director of Public Prosecutions shall act in accordance with those directions."

OBJECTS AND REASONS

This Act seeks to make an amendment to the Constitution of The Bahamas.

As a consequence of the creation of this office of Director of Public Prosecutions, Article 78 has been amended to transfer those powers relating to criminal proceedings (except those reserved to the Attorney-General) to the Director of Public Prosecutions and the Attorney-General in his or her capacity as principal legal adviser to the Government will exercise overall responsibility for the administration of legal affairs in The Bahamas (see clause 3).

SESSION 2000

BILL NO. 86

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL
for
AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short title

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No. 4) Act, 2002.

and commencement.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

(3) This Act shall come into operation on such day as the Prime Minister may by notice published in the Gazette, appoint.

Interpretation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

3. The Constitution is amended by the insertion after CHAPTER VI of the following -

"CHAPTER VIA

THE DIRECTOR OF PUBLIC PROSECUTIONS

Establish-
ment of
office and
functions
of Director
of Public
Prosecu-
tions.

92A. (1) There shall be a Director of Public Prosecutions for The Bahamas whose office shall be a public office.

(2) The Director of Public Prosecutions shall be appointed by the Governor-General by instrument under the Public Seal acting on the advice of the Judicial and Legal Service Commission.

(3) A person shall not be qualified to hold or act in the office of Director of Public Prosecutions unless he is qualified for appointment as a Judge of the Supreme Court.

(4) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do -

- (a) to institute and undertake criminal proceedings against any person before any court other than a court-martial in respect of any offence against the law of The Bahamas;
- (b) to take over and continue any such criminal proceedings that may have been instituted by any

ment
of the
consti-
tution.

other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(5) The powers of the Director of Public Prosecutions under paragraph (4) of this Article may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

(6) The powers conferred upon the Director of Public Prosecutions by subparagraphs (b) and (c) of paragraph (4) of this Article shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this paragraph shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(7) In the exercise of the powers conferred upon him by this Article the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

Provided that where the exercise of any such power in any case may, in the judgment of the Director of Public Prosecutions, involve general considerations of public policy, the Director of Public Prosecutions shall bring the case to the notice of the Attorney-General and shall, in the exercise of his powers in relation to that case, act in accordance with the directions of the Attorney-General.

(8) For the purposes of this Article, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purposes of any such proceedings, to any other court in The Bahamas or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by paragraph 4(c) of this Article shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved except at the instance of such person.

Remunera-
tion of
Director
of Public
Prosecu-

92B. (1) The Director of Public Prosecutions shall receive such emoluments and be subject to such other terms and conditions of service as may from time to time be prescribed by or under any law:

tions.

Provided that the emoluments and terms and conditions of service of the Director of Public Prosecutions shall not be altered to his disadvantage during his continuance in office.

(2) The salary for the time being payable to the Director of Public Prosecutions under this Constitution shall be charged on and paid out of the Consolidated Fund.

Tenure of office of Director of Public Prosecutions and Acting Director of Public Prosecutions.

92C. (1) Subject to the provisions of paragraphs (4) to (7) (inclusive) of this Article the Director of Public Prosecutions shall hold office until he attains the age of sixty-five years:

Provided that the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Director of Public Prosecutions who has attained the age of sixty-five years to continue in office until he has attained such later age, not exceeding sixty-eight years, as may (before the Director of Public Prosecutions has attained the age of sixty-five years) have been agreed between them.

(2) Nothing done by the Director of Public Prosecutions shall be invalid by reason only that he has attained the age at which he is required by this Article to vacate his office.

(3) If the office of Director of Public Prosecutions is vacant or the holder of

that office is for any reason unable to perform his functions thereof, a person qualified for appointment to that office may be appointed to act therein, and any person so appointed shall, subject to the provisions of paragraph (1) of this Article, continue to act until the office of Director of Public Prosecutions is filled or, as the case may be, until the Director of Public Prosecutions has resumed the functions of his office or the appointment of that person is revoked by the Governor-General acting on the advice of the Judicial and Legal Service Commission.

(4) The Director of Public Prosecutions may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of paragraph (5) of this Article.

(5) The Director of Public Prosecutions shall be removed from office by the Governor-General by instrument under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under paragraph (6) of this Article and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Prime Minister

-7-

represents to the Governor-General that the question of removing the Director of Public Prosecutions from office for inability as aforesaid or for misbehaviour ought to be investigated, then -

- (a) the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, from among persons who hold or have held or are eligible to hold high judicial office; and
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the Director of Public Prosecutions ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the question of removing the Director of Public Prosecutions from office has been referred to a tribunal appointed under paragraph (6) of this Article, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission after the Judicial and Legal Service Commission has consulted with the Prime Minister, may suspend the Director of Public Prosecutions from performing the functions of his office.

(8) Any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Director of Public Prosecutions should not be removed from office."

OBJECTS AND REASONS

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clause 3 seeks to insert a new Chapter VIA in the Constitution to create the office of the Director of Public Prosecutions.

The creation of the constitutional office of the Director of Public Prosecutions is one, and an important one, of Government responses to the increasing volume of

criminal cases with which the system of criminal justice is presently being overwhelmed. It is the conviction of Government that the creation of such an office under the governance of a Director which is devoted entirely and exclusively to the instituting and undertaking of criminal cases will provide the climate for the growth, development and display of professionalism in the preparation for and conduct of criminal cases which will promote the more speedy processing of cases through the court system. The Director who must be qualified for appointment as a Judge of the Supreme Court in order to hold the office shall have power in any case in which he considers it desirable to do so to institute and undertake criminal proceedings against any person before any court in respect of any offence against the law of The Bahamas.

SESSION 2000

BILL NO. 87

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short
title.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No.5) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

Interpre-
tation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Amendment
of the

3. The Constitution is amended in Chapter VIII by the insertion after Part V of the following -

Consti-
tution.

"PART VA

THE TEACHING SERVICE COMMISSION

Establish-
ment and
composi-
tion of
Teaching
Service

121A.(1) There shall be a Teaching Service Commission for The Bahamas which shall consist of a Chairman and not less than two nor more than four other members, who shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after

Commission. consultation with the Leader of the Opposition, by instrument under the Public Seal.

(2) No person shall be qualified to be appointed as a member of the Teaching Service Commission if he is a member of either House or a public officer.

(3) Subject to the provisions of Article 126 of this Constitution the office of a member of the Teaching Service Commission shall become vacant -

(a) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;

(b) if he becomes a member of either House or a public officer.

(4) If the office of Chairman of the Teaching Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed

those functions, as the case may be, they shall be performed by such one of the other members of the Commission as may for the time being be designated in that behalf by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(5) If the office of a member of the Teaching Service Commission other than the Chairman is vacant or the holder thereof is for any reason unable to perform the functions of his office, the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may appoint a person who is qualified for appointment as a member of the Commission to act in the office of that member; and any person so appointed shall, subject to the provisions of sub-paragraph (3) (b) of this Article and Article 126 of this Constitution, continue so to act until a person has been appointed to the office in which he is acting and has assumed the functions thereof or, as the case may be, the holder thereof resumes those functions or until his appointment so to act is revoked by the Governor-General, acting as aforesaid.

(6) A former member of the Public Service Commission or Teaching Service Commission shall not, within a period of five

years commencing with the date on which he last held or acted in that office, be eligible for appointment to any office with power to make appointments to which is vested by this Constitution in the Governor-General acting on the recommendation or in accordance with the advice of the Teaching Service Commission.

Appoint-
ment of
teachers.

121B. Subject to the provisions of this Constitution, power to appoint persons to hold or act in public offices in the Teaching Service and to remove and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor-General acting in accordance with the advice of the Teaching Service Commission."

OBJECTS AND REASONS

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clause 3 seeks to introduce a new Article 121A and Article 121B in the Constitution. The existence of a Teaching Service Commission in the Constitution of The Commonwealth of The Bahamas will be created by virtue of this clause. The purpose of the Teaching Service Commission will be to advise the Governor-General to -

- (a) appoint persons to hold or act in public offices in the Teaching Service;
- (b) remove persons out of the Teaching Service;
- (c) exercise disciplinary control over persons in the Teaching Service.

SESSION 2000

BILL NO.88

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

AND WHEREAS it is further enacted by Article 54(2) of the Constitution that in so far as an Act alters inter alia Article 107 of the Constitution a Bill for an Act of Parliament under the said Article 54 shall not be passed by Parliament unless -

- (i) at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House; and
- (ii) the Bill, after its passage through both Houses has been submitted to the electors qualified to vote for the

election of members of the House of Assembly and, on a vote taken in such manner as Parliament may prescribe the majority of electors voting have approved the Bill.

AND WHEREAS it is further enacted by Article 54(3) of the Constitution that in so far as an Act alters inter alia Article 54 of the Constitution a Bill for an Act of Parliament under the said Article 54 shall not be passed by Parliament unless -

(i) at the final voting thereon in each House it is supported by the votes of not less than three-quarters of all the members of each House; and

(ii) the Bill, after its passage through both Houses has been submitted to the electors qualified to vote for the election of members of the House of Assembly and, on a vote taken in such manner as Parliament may prescribe the majority of electors voting have approved the Bill:

AND WHEREAS it is expedient that Articles 54 and 107 of the Constitution should be altered:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short

1. (1) This Act may be cited as The Bahamas

title Constitution (Amendment) (No. 6) Act, 2002.

and (2) This Act shall have effect for the purpose of
commence- the alteration of the Constitution.

ment. (3) This Act shall come into operation on such day
as the result of the referendum is published in the Gazette after
the majority of the electors voting have approved the Bill.

Interpre- 2. In this Act "the Constitution" means the
tation. Constitution set out in the Schedule to The Bahamas
Independence Order, 1973.

Amendment 3. Article 54 of the Constitution is amended in
of Article paragraph (2)(a), by the insertion after the number and
54 of the symbol "121," of the number and symbols "121A, 121B,".
Consti-
tution.

Amendment 4. Paragraph (6) of Article 107 of the
of Article Constitution is amended by the insertion after the words
107 of the "Public Service Commission" where they first occur of the
Consti- words "or Teaching Service Commission".
tution.

Question 5. The electors shall, in respect of the
to be put amendments made by this Bill to the Constitution, be asked,
into the a referendum held under the Constitutional
Referendum Act,

electors. 1977, to answer either "Yes" or "No" to the following
question -

"Do you approve The Bahamas Constitution
(Amendment) (No. 6) Bill, 2002 which refers to
and entrenches a Teaching Service Commission
in the Constitution?"

OBJECTS AND REASONS

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clause 3 seeks to amend Article 54 of the Constitution to insert the new Articles.

Clause 4 seeks to amend Article 107 of the Constitution so that the Teaching Service Commission is equated to the other Commission referred to in this Article.

It should be noted that by virtue of Article 54 of the Constitution -

- (a) Article 54 must, at the final voting thereon in each House, be supported by the votes of not less than three-quarters of all the members of each House,
- (b) Article 107 must, at the final voting thereon in each House, be supported by the votes of not less than two-thirds of all the members of each House,

and a vote must be taken by way of a referendum held in accordance with the Constitutional Referendum Act, Chapter 1

Consti-
tution.
Amendment
of Article
109 of the

4. Paragraph (2) of Article 109 of the Constitution is amended by the insertion after the words "Financial Secretary" of the words "and the Parliamentary

Consti-
tution.
Question

Commissioner".

to be put
to the
electors.

5. The electors shall, in respect of the amendments made by this Act to the Constitution, be asked, in a referendum held under the Constitutional Referendum Act, 1977, to answer either "Yes" or "No" to the following question -

"Do you approve The Bahamas Constitution (Amendment) (No.7) Act, 2002 which refers to and entrenches the position of an independent Parliamentary Commissioner, in the Constitution?".

OBJECTS AND REASONS

This Act seeks to make an amendment to the Constitution of The Bahamas.

Clause 3 seeks to amend Article 54 of the Constitution to insert new Articles.

Clause 4 seeks to amend Article 109 of the Constitution so that the office of Permanent Secretary includes the office of Parliamentary Commissioner.

It should be noted that by virtue of Article 54 of the Constitution

(a). Article 54 must, at the final voting thereon in each House, be supported by

the votes of not less than three-quarters of all the members of each House;

(b) Article 109 must at the final voting thereon in each House, be supported by the votes of not less than two-thirds of all the members of each House.

and a vote must be taken by way of a referendum held in accordance with the Constitutional Referendum Act, Chapter 1.

SESSION 2000

BILL NO.90

Rt. Hon. Hubert Ingraham
or a Member of Government
10th January, 2002

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

AND WHEREAS it is further enacted by Article 54(3) of the Constitution that in so far as an Act alters inter alia Article 69 of the Constitution a Bill for an Act of Parliament under the said Article 54 shall not be passed by Parliament unless -

- (i) at the final voting thereon in each House it is supported by the votes of not less than three-quarters of all the members of each House; and
- (ii) the Bill, after its passage through both Houses has been submitted to the electors qualified to vote for the election of members of the House of Assembly and, on a

vote taken in such manner as Parliament may prescribe the majority of electors voting have approved the Bill:

AND WHEREAS it is expedient that Article 69 of the Constitution should be altered:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short title and commencement.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No. 8) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

(3) This Act shall come into operation on such day as the result of the referendum is published in the Gazette

after the majority of the electors voting have approved the Bill.

Interpretation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Repeal and replacement of Article 69 of the Constitution.

3. Article 69 of the Constitution is repealed and replaced by the following ..

"Boundaries Commission. 69. (1) There shall be a Boundaries Commission for The Bahamas (in this Part referred to as the "Commission").

(2) The Commission shall consist of a Chairman, a Deputy

Chairman, two other members, and the Parliamentary Commissioner as an ex officio member.

(3) The Chairman and one other member of the Commission shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal, and the Deputy Chairman and one other member shall be appointed by the Governor-General, acting on the recommendation of the Leader of the Opposition after consultation with the Prime Minister, by instrument under the Public Seal.

(4) A person shall not be qualified to hold office as a member of the Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to the House of Assembly, a Senator or a public officer other than the Parliamentary Commissioner.

(5) Subject to the provisions of this Article, the office of a member of the Commission becomes vacant -

(a) at the expiration of five years from the date of his appointment or such shorter period as may be specified in the instrument by which he was appointed; but he is eligible for reappointment;

(b) where any circumstances arise, that, if he were not a member of the

Commission, would cause him to be disqualified for appointment as a member; or

(c) if he resigns his office by writing under his hand addressed to the Governor-General

(6) Whenever a member other than the Chairman is unable, by reason of his illness, or for any other reason, to perform the functions of his office, the Governor-General may in accordance with the manner prescribed by paragraph (3) appoint a person to act as a temporary member of the Commission and authorise him to perform the functions of that office.

(7) If the Chairman is unable, by reason of his illness, or for any other reason to perform the functions of his office, the Deputy Chairman shall perform the functions of that office.

(8) The provisions of Article 126 (which relate to removal from office) shall apply to a member of the Commission, and the prescribed authority for the purposes of paragraph (4) of that Article shall be the Prime Minister acting after consultation with the Leader of the Opposition.

(9) At any meeting of the Commission, a quorum shall be constituted if three members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members or the absence of any member, and any proceedings of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part there in.

(10) The Commission may regulate its own procedure.

(11) Any question proposed for decision at any meeting of the Commission shall be determined by a majority of the votes of the members thereof present and voting.

(12) The Commission shall be provided with a staff adequate for the efficient discharge of its functions and the salaries and allowances of the staff of the Commission are hereby charged on and shall be paid out of the Consolidated Fund."

Question to be put to the electors.

4 The electors shall, in respect of the amendments made by this Bill to the Constitution, be asked, in a referendum held under the Constitutional Referendum Act, 1977, to answer either "Yes" or "No" to the following question -

"Do you approve The Bahamas Constitution (Amendment) (No.8) Bill, 2002 which creates an independent boundaries commission in the Constitution?"

OBJECTS AND REASONS

This Act seeks to make an amendment to the Constitution of The Bahamas.

Clause 3 deals with the complete overhauling of the entire membership of the Constituencies Commission of The Bahamas, to be more accurately named "The Boundaries Commission", from which all political representation and judicial presence will be removed. It is calculated to ensure that the new membership of the Commission will be characterised by persons qualified by their respective training and qualifications as well as non-political ties to faithfully undertake and properly discharge the duties which the Constitution has laid upon them.

It should be noted that by virtue of Article 54 of the Constitution Article 69 must, at the final voting thereon in each House, be supported by the votes of not less than three-quarters of all the members of each House and a vote must be taken by way of a referendum held in accordance with the Constitutional Referendum Act, Chapter 1.

SESSION 2000

BILL NO.91

Rt.Hon. Hubert Ingraham
Or a Member of Government
10th January, 2002

A BILL

for

AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS

WHEREAS it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

AND WHEREAS it is further enacted by Article 54(3) of the Constitution that in so far as an Act alters inter alia Articles 96 and 102 of the Constitution a Bill for an Act of Parliament under the said Article 54 shall not be passed by Parliament unless -

- (i) at the final voting thereon in each House it is supported by the votes of not less than three-quarters of all the members of each House; and
- (ii) the Bill, after its passage through both Houses has been submitted to the electors qualified to vote for the election of members of the House of Assembly and, on a vote taken in such manner as Parliament may prescribe the majority of electors voting have approved the Bill:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short title and commencement.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No. 9) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

(3) This Act shall come into operation on such day as the result of the referendum is published in the Gazette

after the majority of the electors voting have approved the Bill.

Interpretation.

2. In this Act "the Constitution" means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Amendment of Article 96 of the Constitution.

3. Article 96 of the Constitution is amended in paragraph (1) by the deletion of the words "sixty-five years" wherever they appear therein and "sixty-seven years" and by the substitution therefor of the words "sixty-eight years" and "seventy-two years" respectively.

Amendment of Article 102 of the Constitution.

4. Article 102 of the Constitution is amended in paragraph (1), by the deletion of the words "sixty-eight years" wherever they appear therein and "seventy years" and by the substitution therefor of the words "seventy-two years" and "seventy-five years" respectively.

Saving.

5. The amendments made by this Act to Articles 96, and 102 of the Constitution shall not apply to any person holding judicial office at the date of the coming into operation of this Act, unless that person has within sixty days from that date indicated in writing to the Registrar of the Supreme Court his option that Articles 96 or 102, as the case may be, shall continue to apply to him subject to the amendments.

Question
to be put
to the
electors.

6. The electors shall, in respect of the amendments made by this Bill to the Constitution, be asked, in a referendum held under the Constitutional Referendum Act, 1977, to answer either "Yes" or "No" to the following question -

"Do you approve The Bahamas Constitution (Amendment) (No. 9) Bill, 2002 which increases the normal retirement age of a judge of the Supreme Court to age sixty-eight with a possible extension to age seventy-two and the normal retirement age of a judge of the Court of Appeal to age seventy-two with a possible extension to age seventy-five?".

OBJECTS AND REASONS

This Act seeks to make an amendment to the Constitution of The Bahamas.

Clauses 3 and 4 seek to amend Articles 96 and 102 of the Constitution, respectively. The retiring age of a Supreme Court Judge will be 68 years with a possible extension to 72 years and the retiring age of a Justice of the Court of Appeal will be 72 years with a possible extension to 75 years.

It should be noted that by virtue of Article 54 of the Constitution Articles 96 and 102 must, at the final voting thereon in each House, be supported by the votes of not less than three-quarters of all the members of each House and a vote must be taken by way of a referendum held in accordance with the Constitutional Referendum Act, Chapter 1.