

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

The Bahamas Constitution (Amendment) (No. 10) Act, 2002.

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 Article 10 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 10 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. 10) 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 10 of the Constitution.

3. Article 10 of the Constitution is amended –

(a) by the renumbering the Article as paragraph (1) of Article 10;

(b) by the insertion after the words “provided she is still so married” of the words “and has been so married for a period of at least five years”;

(c) by the insertion after paragraph (1) of the following –

“(2) Any man or woman who marries a person who is or becomes a citizen of The Bahamas shall be entitled, provided he or she is still so married, upon making application in such manner as may be prescribed, to the grant of a permit permitting him or her to remain in The Bahamas for the purpose of residing or engaging in gainful occupation for a period commencing on the date of the grant of the permit and ending not more than five years after the date of the marriage of that man or woman to that citizen of The Bahamas.

(3) Paragraph (1) shall not affect the right of a spouse who, before the commencement of the amendment to that paragraph, was entitled to be registered as a citizen of The Bahamas.”

Question to be put to electors.

4. 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. 10) Act, 2002 which gives the foreign spouse of a Bahamian citizen the right to citizenship after five years of marriage and the right to engage in immediate gainful occupation?”.

OBJECTS AND REASONS

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

Clauses 4 seek to amend Article 10 of the Constitution, to provide that the spouse of a Bahamian citizen has a right to citizenship only after being married to that Bahamian for at least five years and the right to engage in gainful occupation.

It should be noted that by virtue of Article 54 of the Constitution Article 10 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.