

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

The Bahamas Constitution (Amendment) (No. 7) 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(2) of the Constitution that in so far as an Act alters inter alia Article 109 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 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 109 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. 7) 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 54 of the Constitution.

3. Article 54 of the Constitution is amended in paragraph (b), by the insertion after the number “70,” of the numbers and symbols “70A, 70B and 70C”.

Amendment of Article 109 of the Constitution.

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 Commissioner”.

Question 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 –

firstly amends Article 109 of the Constitution thereby making reference to the office of Permanent Secretary in the Constitution to include a reference to the new office of Parliamentary Commissioner; and

secondly, amends Article 54 of the Constitution to include within that Article reference to Articles 70A, 70B and 70C so that these Articles which relate to the office of Parliamentary Commissioner become entrenched 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.