

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

The Bahamas Constitution (Amendment) (No. 8) 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 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 Article 69 of the Constitution is repealed and replaced by the following -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 Boundaries Commission for 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

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 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 therein.

(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 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.8) Act, 2002 which replaces Article 69 of the Constitution with an Article providing for the establishment of an independent boundaries commission?”

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.