

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

The Bahamas Constitution (Amendment) (No. 9) 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 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:

AND WHEREAS it is expedient that Articles 96 and 102 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. 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 electors.

6. 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. 9) Act, 2002 which amends Articles 96 and 102 of the Constitution to make the normal retirement age of a judge of the Supreme Court to be 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 be 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.