

**THE CONSTITUTION OF THE COMMONWEALTH OF  
THE COMMONWEALTH OF THE BAHAMAS**

**CHAPTER X**

**INTERPRETATION**

**137.** (1) In this Constitution, unless it is otherwise provided or required by the context-

Interpretation.

"Act" or "Act of Parliament" means any law made by Parliament;

"The Bahamas" means The Commonwealth of The Bahamas;

"The Commonwealth" means, save as otherwise prescribed, The Bahamas, the United Kingdom, Canada, Australia, New Zealand, India, Sri Lanka, Ghana, Malaysia, Nigeria, Cyprus, Sierra Leone, Malta, Zambia, The Gambia, Singapore, Guyana, Lesotho, Botswana, Barbados, Mauritius, Swaziland, Tonga, Fiji, Western Samoa, Nauru, Bangladesh and any dependency of any such country;

"election" means an election of a member or members of the House of Assembly;

"the Gazette" means the Official Gazette of The Bahamas;

"House" means either the Senate or the House of Assembly or both, as the context may require;

"high judicial office" means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

"law" includes any instrument having the force of law and any unwritten rule of law, and "lawful" and "lawfully" shall be construed accordingly;

"Minister" includes a temporary Minister appointed under Article 76 of this Constitution, except in relation to Articles 72, 73, 76 and 86 of this Constitution;

"Minister of Finance" means the Minister, by whatever title styled, responsible for Government finance;

"oath" includes affirmation;

"Parliament" means the Parliament of The Bahamas;

"the Police Force" means the Police Force established in and for The Bahamas and maintained under the provisions of the Police Act 1965(a) or any law amending or replacing that Act;

"prescribed" means provided by or under an Act of Parliament;

"public office" means, subject to the provisions of paragraph (6) of this Article and Article 127 of this Constitution, any office of emolument in the public service;

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"the public service" means, subject to the provisions of Article 127 of this Constitution, the service of the Crown in a civil capacity in respect of the Government of The Bahamas;

"session" means, in relation to a House, the sitting of that House commencing when it first meets after this Constitution comes into operation or after any general election or prorogation of Parliament and terminating when Parliament is prorogued or is dissolved without having been prorogued;

"sitting" means, in relation to a House, a period during which that House is sitting continuously without adjournment and includes any period during which the House is in committee.

(2) For the purposes of this Constitution the territory of The Bahamas shall comprise all the areas that were comprised therein immediately before 10th July 1973 together with such other areas as Parliament may declare to form part thereof.

(3) For the purposes of Articles 42, 43, 48 and 49 of this Constitution-

(a) "government contract" means, subject to such exception as Parliament may prescribe, any contract made with the Government of The Bahamas or with a department of that Government or with an officer of that Government contracting as such; and

(b) a person shall be deemed to be interested in a government contract if-

(i) subject to such exceptions as Parliament may prescribe, he is a party to such a contract or a partner in a firm or director or manager of a company which is a party to such a contract; or

(ii) he is otherwise interested in such a contract in such manner as

Parliament may prescribe.

(4) In this Constitution, unless it is otherwise provided or required by the context-

(a) any reference to the date on which this Constitution comes into operation shall be construed as a reference to the appointed day referred to in section 1(2) of the Order in Council to which this Constitution is scheduled;

(b) any reference to a law (which term shall, without prejudice to the definition in paragraph (1) of this Article, include an Act) shall be construed as including a reference to a law made at any time before this Constitution comes into operation;

(c) any reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to act in that office during any period during which it is vacant or the holder thereof is unable (whether by reason of absence or of infirmity of body or mind or any other cause) to perform the functions of that office;

(d) any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person for the time being acting in that office or, to the extent of his authority, otherwise authorized to perform the functions of that office.

(5) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in or otherwise to perform the functions of an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(6) For the purpose of this Constitution, a person shall not be considered to hold a public office by reason only that he is in

receipt of a pension or other like allowance in respect of public service.

(7) References in this Constitution to the power to remove a public officer from his office shall, subject to the provisions of this Constitution, be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service.

(8) Save as otherwise provided in this Constitution, any provisions of this Constitution that vests in any person or authority power to remove any public officer (other than a public officer mentioned in paragraph(9) of this Article) from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

(9) If any circumstances arise that, under the provisions of this Constitution, require the Governor to remove a Justice of the Supreme Court or a Justice of Appeal or the Commissioner of Police, the Deputy Commissioner of Police or the Auditor-General from office for inability to discharge the functions of his office, such removal may be carried out either by dismissing that officer or by requiring him to retire.

(10) Where any power is conferred by this Constitution to make any proclamation, order, rules or regulations or to give any direction, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, rules, regulation or direction.

(11) Any person appointed to an office under any provisions in this Constitution may resign that office. Except as otherwise provided in this Constitution such resignation shall be made in writing to the person in whom under this Constitution the power is vested to make appointments to the office concerned.

(12) Where two or more persons are holding the same office by reason of an appointment made in pursuance of paragraph (4) of this Article, then-

(a) for the purposes of any function conferred upon the holder on that office; and

(b) for the purposes of any reference in this Constitution to the absence, illness or inability to perform the functions of his office of the holder of that office; the person last appointed to the office shall be deemed to be the sole holder of the office.

(13) The Interpretation Act of The Bahamas (a) and all

amendments thereto as in force on 10th July 1973 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament of The Bahamas.

EXPLANATORY NOTE  
*(This Note is not part of the Order.)*

By virtue of the Bahamas Independence Act 1973, The Bahamas will attain fully responsible status within the Commonwealth on 10th July 1973, This Order makes provisions for a Constitution for The Bahamas to come into effect on that day, including provision for the legislature, the executive government, the judicature and the public service. The Constitution also contains provisions relating to citizenship of the Bahamas and fundamental rights and freedoms of the individual.