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23/7/14

**THE BAHAMAS CONSTITUTION (AMENDMENT)
(NO. 2) BILL, 2014**

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**THE BAHAMAS CONSTITUTION (AMENDMENT)
(NO. 2) BILL, 2014**

**A BILL FOR AN ACT TO AMEND THE CONSTITUTION OF THE
BAHAMAS**

Enacted by the Parliament of The Bahamas

WHEREAS it is provided *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 provided by Article 54(3) of the Constitution that in so far as an Act alters *inter alia* 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 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.

1. Short title and commencement.

- (1) This Act may be cited as The Bahamas Constitution (Amendment) (No. 2) Act, 2014.
- (2) This Act shall have effect for the purpose of the alteration of the Constitution.
- (3) This Act shall come into operation on the day the result of the referendum held in accordance with Article 54 for a Bill to alter Article 10 is published in the Gazette and showing that the majority of electors voting at that referendum have approved that Bill which promulgates this Act.

2. Amendment to Article 10 of the Constitution.

Article 10 of the Constitution is repealed and replaced by the following —

“10. Marriage to citizens of The Bahamas.

- (1) Any man or woman who marries a person who is or becomes a citizen of The Bahamas shall, subject to paragraph (2) and any other prescribed conditions, be entitled, upon making application in such manner as may be prescribed and upon taking the oath of allegiance or such declaration as may be prescribed, to be registered as a citizen of The Bahamas.
- (2) A person may be denied registration under this Article if —
 - (a) there is satisfactory evidence that —
 - (i) the marriage no longer subsists;
 - (ii) the marriage was entered into for the purpose of enabling that person to acquire citizenship of The Bahamas; or
 - (iii) the parties to the marriage have no intention of permanently co-habiting with each other as spouses, after marriage;
 - (b) the person has been convicted in any country of an indictable criminal offence involving moral turpitude.
- (3) Paragraph (2) shall not affect the right of any person who, before the date of commencement of that paragraph was

entitled to apply for citizenship of The Bahamas by virtue of any provision of this Constitution in force before that date.

3. Approval of alteration to Article 10 of the Constitution.

Do you approve of this Bill, The Bahamas Constitution (Amendment)(No. 2) Bill, 2014 which seeks to alter Article 10 of the Constitution to enable the foreign husband of a Bahamian woman to have the same constitutional right to obtain citizenship as a foreign wife of a Bahamian male but subject to ensuring that the marriage in question is not a marriage of convenience or that the foreign person in question has never been convicted in any country of an indictable offence involving moral turpitude.

YES []

NO []

OBJECTS AND REASONS

Clause 2 of this Bill seeks in accordance with Article 54 to alter Article 10 of the Constitution to enable a Bahamian woman married to a foreign man to secure for him the same entitlements to citizenship that a Bahamian man married to a foreign woman already has under the constitution.