

**AN ACT TO AMEND THE CONSTITUTION
OF THE BAHAMAS**

The Bahamas Constitution (Amendment) (No.5) Act, 2002.

(Date of coming into force: 1st February 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:

ENACTED by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short title.

1. (1) This Act may be cited as The Bahamas Constitution (Amendment) (No.5) Act, 2002.

(2) This Act shall have effect for the purpose of the alteration of the Constitution.

Interpretation.

2. In this Act “the Constitution” means the Constitution set out in the Schedule to The Bahamas Independence Order, 1973.

Amendment of the Constitution.

3. The Constitution is amended in Chapter VIII by the insertion after Part V of the following —

“PART VA

THE TEACHING SERVICE COMMISSION

Establishment and composition of Teaching Service Commission.

121A. (1) There shall be a Teaching Service Commission for The Bahamas which shall consist of a Chairman and not less than two nor more than four other members, who 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.

(2) No person shall be qualified to be appointed as a member of the Teaching Service Commission if he is a member of either House or a public officer.

(3) Subject to the provisions of Article 26 of this Constitution the office of a member of the Teaching Service Commission shall become vacant —

- (a) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;
- (b) if he becomes a member of either House or a public officer.

(4) If the office of Chairman of the Teaching Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, they shall be performed by such one of the other members of the Commission as may for

the time being be designated in that behalf by the Governor—General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(5) If the office of a member of the Teaching Service Commission other than the Chairman is vacant or the holder thereof is for any reason unable to perform the functions of his office, the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may appoint a person who is qualified for appointment as a member of the Commission to act in the office of that member; and any person so appointed shall, subject to the provisions of sub—paragraph (3) (b) of this Article and Article 126 of this Constitution, continue so to act until a person has been appointed to the office in which he is acting and has assumed the functions thereof or, as the case may be, the holder thereof resumes those functions or until his appointment so to act is revoked by the Governor—General, acting as aforesaid.

(6) A former member of the Public Service Commission or Teaching Service Commission shall not, within a period of five years commencing with the date on which he last held or acted in that office, be eligible for appointment to any office with power to make appointments to which is vested by this Constitution in the Governor-General acting on the recommendation or in accordance with the advice of the Teaching Service Commission.

Appointment of
teachers.

121B. Subject to the provisions of this Constitution, power to appoint persons to hold or act in public offices in the Teaching Service and to remove and to exercise disciplinary

control over persons holding or acting in such offices shall vest in the Governor-General acting in accordance with the advice of the Teaching Service Commission.”.

OBJECTS AND REASONS

This Act seeks to make several amendments to the Constitution of The Bahamas.

Clause 3 seeks to introduce a new Article 121A and Article 121B in the Constitution. The existence of a Teaching Service Commission in the Constitution of The Commonwealth of The Bahamas will be created by virtue of this clause. The purpose of the Teaching Service Commission will be to advise the Governor-General to -

- (a) appoint persons to hold or act in public offices in the Teaching Service;
- (b) remove persons out of the Teaching Service;
- (c) exercise disciplinary control over persons in the Teaching Service.