

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

The Bahamas Constitution (Amendment) (No. 6) 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 (2) of the Constitution that in so far as an Act alters inter alia Article 107 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 two-thirds 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 further enacted by Article 54(3) of the Constitution that in so far as an Act alters inter alia Article 54 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 54 and 107 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. 6) 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 54 of the Constitution.

3. Article 54 of the Constitution is amended in paragraph (2) (a), by the insertion after the number and symbol “121,” of the number and symbol “121A 121B ”

symbols “121A, 121B,”.

Amendment of Article 107 of the Constitution.

4. Paragraph (6) of Article 107 of the Constitution is amended by the insertion after the words “Public Service Commission” where they first occur of the words “or Teaching Service Commission”.

Question to be put to the electors.

5. 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.6) Act, 2002 which-

firstly, amends Article 107 of the Constitution to include a reference to the proposed new Teaching Service Commission thereby equating the Commission to the other Commission presently referred to in that Article; and

secondly, amends Article 54 of the Constitution to include within that Article references to Articles 121A and 121B so that these Articles which relate to the Teaching Service Commission become entrenched in the Constitution?”.

OBJECTS AND REASONS

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

Clause 3 seeks to amend Article 54 of the Constitution to insert the new Articles.

Clause 4 seeks to amend Article 107 of the Constitution so that the Teaching Service Commission is equated to the other Commission referred to in this Article.

It should be noted that by virtue of Article 54 of the Constitution -

- (a) Article 54 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;
- (b) Article 107 must, at the final voting thereon in each House, be supported by the votes of not less than two-thirds 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.