
STATUTORY INSTRUMENTS

1973 No. 1080

The Bahamas Independence Order 1973

Transitional provisions relating to existing Commissions

13.—(1) Any power of the Governor and Commander-in-Chief of the Bahama Islands acting on the recommendation of the Public Service Commission established by the existing Order which has been validly delegated to any public officer under that Order shall, as from the appointed day, be deemed to have been delegated to that public officer to the extent that that power could be so delegated under Article 110 of the Constitution.

(2) Any matter which, immediately before the appointed day, is pending before an existing Commission or, as the case may be, before any person or authority on whom the power to deal with such matter has been conferred under the existing Order shall as from the appointed day be continued before the Public Service Commission established by the Constitution, or the Public Service Board of Appeal, or the Judicial and Legal Service Commission, or the Police Service Commission, so established or, as the case may be, the said person or authority: Provided that where an existing Commission or, as the case may be, any person or authority as aforesaid has, immediately before the appointed day, partly completed the hearing of a disciplinary proceeding (in this section referred to as “the original hearing”), no person shall take part in the continued hearing unless he has also taken part in the original hearing; and where by virtue of this subsection the original hearing cannot be so continued the hearing of the disciplinary proceeding shall be recommenced.

(3) A person who immediately before the appointed day holds the office of Chairman or other member of an existing Commission shall, as from the appointed day, continue to hold the like office as if he had been appointed thereto in accordance with the provisions of the Constitution and shall be deemed to have been duly appointed to each office under the Constitution.

(4) The provisions of Articles 107(3), 114(3), 116(3) or 118(3), as the case may be, of the Constitution shall have effect in relation to such a person as if the date of this appointment under the existing Order were the date of his appointment under the Constitution.

(5) Until Parliament otherwise prescribes under Article 117(2) of the Constitution the public offices to which Article 117(1) thereof applies shall be the offices of Solicitor-General, Registrar of the Supreme Court, Legal Draftsman, Senior Crown Counsel, Chief Magistrate, Registrar General, Stipendiary and Circuit Magistrate, Crown Counsel, Assistant Legal Draftsman, Assistant Registrar, Deputy Registrar General and Assistant Crown Counsel.

(6) In this section “an exiting Commission” means the Public Service Commission established under the existing Order or, as the case may be, the Public Service Board of Appeal, or the Judicial and Legal Service Commission, or the Police Service Commission, so established.