

## SCHEDULE TO THE ORDER

### THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

## CHAPTER V

### PARLIAMENT

#### PART 4

#### Powers and Procedure of Parliament

##### **Power to make laws**

**52.**—(1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of The Bahamas.

(2) Subject to the provisions of Articles 60, 61 and 62 of this Constitution, the power of Parliament to make laws shall be exercised by Bills passed by both Houses, either without amendment or with such amendments only as are agreed to by both Houses, and assented to by the Governor General in accordance with Article 63 of this Constitution.

##### **Privileges of Parliament**

**53.**—(1) Without prejudice to the generality of Article 52(1) of this Constitution and subject to the provisions of paragraph (2) of this Article, Parliament may by law determine the privileges, immunities and powers of the Senate and the House of Assembly and the members thereof.

(2) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Senate or the House of Assembly while it is sitting, or through the President or the Speaker, the Clerk or any other officer of either House.

##### **Alteration of this Constitution**

**54.**—(1) Subject to the provisions of this Article, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of this Constitution or (in so far as it forms part of the law of The Bahamas) any of the provisions of The Bahamas Independence Act, 1973.

(2) In so far as it alters—

(a) Articles 32, 33, 34, 35, 41, 42, 43, 47, 48, 49, 79, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, or 136 of this Constitution; or

(b) Articles 127 or 137 of this Constitution in their application to any of the provisions specified in sub-paragraph (a) of this paragraph,

a Bill for an Act of Parliament under this Article 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 in such manner as Parliament may prescribe the majority of the electors voting have approved the Bill.

(3) In so far as it alters—

(a) this Article;

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- (b) Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 38, 39, 40, 45, 46, 51, 52, 60, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, or 105 of this Constitution; or
  - (c) Articles 106, 127 or 137 of this Constitution in their application to any of the provisions specified in sub-paragraphs (a) or (b) of this paragraph; or
  - (d) any of the provisions of The Bahamas Independence Act 1973, a Bill for an Act of Parliament under this Article 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 House 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 the electors voting have approved the Bill.
- (4) In this Article—
- (a) references to any of the provisions of this Constitution or the Bahamas Independence Act 1973 include references to any law that amends or replaces that provision; and
  - (b) references to any of the alteration of any of the provisions of this Constitution or The Bahamas Independence Act 1973 include references to the amendment, modification or re-enactment with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of a different provision in lieu of that provision.
- (5) No Act of Parliament shall be construed as altering this Constitution unless it is stated in the Act that it is an Act for that purpose.

### **Regulation of procedure in Parliament**

**55.**—(1) Subject to the provisions of this Constitution, each House may regulate its own procedure and for this purpose may make rules of procedure.

(2) Each House may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

### **Presiding in the Senate and House of Assembly**

**56.**—(1) The President of the Senate or, in his absence, the Vice-President or, if they are both absent, a Senator (not being a Minister or Parliamentary Secretary) elected by the Senate for that sitting shall preside at each sitting of the Senate.

(2) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member (not being a Minister or Parliamentary Secretary) elected by the House for that sitting shall preside at each sitting of the House of Assembly.

(3) References in this Article to circumstances in which the President, Vice-President, Speaker or Deputy Speaker is absent include references to circumstances in which the office of President, Vice-President, Speaker or Deputy Speaker is vacant.

### **Quorum**

**57.**—(1) If at any time during a sitting of either House objection is taken by a member that there is not a quorum present and, after such interval as may be prescribed by the rules of procedure of that House, the person presiding ascertains that there is still not a quorum present, he shall thereupon adjourn the House.

- (2) For the purposes of this Article—
  - (a) a quorum of the Senate shall consist of six Senators including the person presiding; and
  - (b) a quorum of the House of Assembly shall consist of ten members including the person presiding, or of such greater number of members as may be specified by an Order made by the Governor-General in accordance with the provisions of Article 70 of this Constitution.

### **Voting**

**58.**—(1) Save as is otherwise provided in this Constitution, all questions proposed for decision in either House shall be determined by a majority of the votes of the members thereof present and voting.

- (2) The person presiding in either House shall not vote—
  - (a) unless on any question the votes are equally divided, in which case he shall have and exercise a casting vote; or
  - (b) except in the case of the final vote on a Bill for an Act of Parliament under Article 54 of this Constitution in which case he shall have an original vote.

### **Introduction of Bills, etc**

**59.**—(1) Subject to the provisions of this Constitution and of the rules of procedure of the Senate or the House of Assembly, as the case may be, any member of either House may introduce any Bill or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the rules of procedure of that House.

(2) A Bill other than a Money Bill may be introduced in either House, but a Money Bill shall not be introduced in the Senate.

(3) Except on the recommendation of the Cabinet signified by a Minister, the House of Assembly shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for imposing or increasing any tax, for imposing any charge on the Consolidated Fund or any other public fund or altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to The Bahamas; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, is that provision shall be made for any of the purposes aforesaid.

(4) The Senate shall not—

- (a) proceed upon any Bill, other than a Bill sent from the House of Assembly, or any amendment to a Bill which, in the opinion of the person presiding, makes provision for imposing or increasing any tax, for imposing any charge on the Consolidated Fund or any other public fund or altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to The Bahamas; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, is that provision shall be made for any of the purposes aforesaid.

### **Restriction on powers of Senate as to Money Bills**

**60.**—(1) Subject to the provisions of this Constitution, if a Money Bill, having been passed by the House of Assembly and sent to the Senate at least one month before the end of the session, is

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not passed by the Senate without amendment within one month after it is sent to that House, the Bill shall, unless the House of Assembly otherwise resolves, be presented to the Governor-General for his assent notwithstanding that the Senate has not consented to the Bill.

(2) There shall be endorsed on every Money Bill when it is sent to the Senate the certificate of the Speaker signed by him that it is a Money Bill; and there shall be endorsed on any Money Bill that is presented to the Governor-General for assent in pursuance of paragraph (1) of this Article the certificate of the Speaker signed by him that it is a Money Bill and that the provisions of that paragraph have been complied with.

### **Restriction on powers of Senate as to Bills other than Money Bills**

**61.**—(1) If any Bill other than a Money Bill is passed by the House of Assembly in two successive sessions (whether or not Parliament is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that Bill shall, on its rejection for the second time by the Senate, unless the House of Assembly otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill.

Provided that the foregoing provisions of this paragraph shall not have effect unless at least nine months have elapsed between the date on which the Bill is passed by the House of Assembly in the first session and the date on which it is passed by the House of Assembly in the second session.

(2) For the purposes of this Article a Bill that is sent to the Senate from the House of Assembly in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The House of Assembly may, if it thinks fit, on the passage through the House of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the House of Assembly; but the exercise of this power by the House of Assembly shall not effect the operation of this Article in the event of the rejection of the Bill in the Senate.

(4) There shall, be inserted in any Bill that is presented to the Governor-General for, assent in pursuance of this Article any amendments that are certified by the Speaker to have been made in the Bill by the Senate in the second session and agreed to by the Assembly.

(5) There shall be endorsed on any Bill that is presented to the Governor-General for assent in pursuance of this Article the certificate of the Speaker signed by him that the provisions of this Article have been complied with.

(6) The Provisions of this Article shall not apply to a Bill which is required by Article 54 of this Constitution to be passed by both Houses.

### **Provisions relating to Articles 59, 60 and 61**

**62.**—(1) In Articles 59, 60 and 61 of this Constitution “Money Bill” means a public Bill which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on the Consolidated Fund or any other public funds or on monies provided by Parliament or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant, the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising

or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this paragraph the expressions “taxation”, “debt”, “public fund”, “public money”, and “loan” do not include any taxation imposed, debt incurred, fund or money provided or loan raised by any local authority or body for local purposes.

(2) For the purposes of Article 61 of this Constitution, a Bill shall be deemed to be rejected by the Senate if—

- (a) it is not passed by the Senate without amendment; or
- (b) it is passed by the Senate with any amendment which is not agreed to by the House of Assembly.

(3) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any function conferred upon him by paragraph (1) of this Article or by Articles 60 or 61 of this Constitution, that function may be performed by the Deputy Speaker.

(4) Any certificate of the Speaker or Deputy Speaker given under Article 60 or 61 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court.

### **Assent to Bills**

**63.**—(1) A Bill shall not become law until the Governor-General has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed it in token of such assent.

(2) Subject to the provisions of Articles 60 and 61 of this Constitution, a Bill shall be presented to the Governor-General for assent if, and shall not be so presented unless, it has been passed by both Houses either without amendment or with such amendments only as are agreed to by both Houses.

(3) Any Bill to which Article 54(2) or (3) of this Constitution applies shall be presented to the Governor-General endorsed with certificates of the President of the Senate and the Speaker that it has been passed by the requisite majorities in accordance with whichever of those paragraphs applies to the Bill, and with a certificate of the Parliamentary Registrar that it has been approved by the majority of the electors voting on the Bill.

(4) When a Bill is presented to the Governor-General for assent he shall signify that he assents or that he withholds assent.

### **Oath of allegiance**

**64.** No member or either House shall take part in the proceedings thereof unless he has taken the oath of allegiance in such manner as is prescribed by any law in force in The Bahamas:

Provided that the election of a President of the Senate or the election of a Speaker of the House of Assembly may take place before the members of the Senate or the House of Assembly, as the case may be, have taken such oath.