

## SCHEDULE TO THE ORDER

### THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

## CHAPTER V

### PARLIAMENT

#### PART 1

##### Composition of Parliament

##### **Establishment of Parliament**

**38.** There shall be a Parliament of The Bahamas which shall consist of Her Majesty, a Senate and a House of Assembly.

#### PART 2

##### The Senate

##### **Composition of Senate**

**39.**—(1) The Senate shall consist of sixteen members (in this Constitution referred to as “Senators”) who shall be appointed by the Governor-General by instrument under the Public Seal in accordance with the provisions of this Article.

(2) Nine Senators shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(3) Four Senators shall be appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition.

(4) Three Senators shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister after consultation with the Leader of the Opposition.

(5) Whenever any person vacates his seat as a Senator for any reason other than a dissolution of Parliament, the Governor-General shall as soon as practicable appoint a person to fill the vacancy under the same provisions of this Article as those under which the person whose seat has become vacant was appointed.

##### **Purpose of appointment of certain Senators**

**40.** In the exercise of the functions conferred upon him by Article 39(4) of this Constitution, the purpose of the Prime Minister shall be to secure that the political balance of the Senate reflects that of the House of Assembly at the time.

##### **Qualifications for appointment as Senator**

**41.** Subject to the provisions of Article 42 of this Constitution, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he is a citizen of The Bahamas, of the age of thirty years or upwards and has ordinarily resided in The Bahamas for a period of not less than one year immediately before the date of his appointment.

##### **Disqualifications for appointment as Senator**

**42.**—(1) No person shall be qualified to be appointed as a Senator who—

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- (a) is a citizen of a country other than The Bahamas having become such a citizen voluntarily;
  - (b) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
  - (c) is disqualified for membership of the Senate by any law in force in The Bahamas enacted in pursuance of paragraph (2) of this Article;
  - (d) is a member of the House of Assembly;
  - (e) has been adjudged or otherwise declared bankrupt under any law in force in The Bahamas and has not been discharged;
  - (f) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in The Bahamas;
  - (g) is under sentence of death imposed on him by a court in The Bahamas, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
  - (h) is disqualified for membership of the House of Assembly by virtue of any law in force in The Bahamas by reason of his having been convicted of any offence relating to elections; or
  - (i) is interested in any government contract and has not disclosed to the Governor-General the nature of such contract and of his interest therein.
- (2) Parliament may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the Senate by virtue of—
- (a) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;
  - (b) his belonging to any armed force of The Bahamas or to any class of person so specified that is comprised in any such force; or
  - (c) his belonging to any police force of The Bahamas or to any class of person so specified that is comprised in any such force.
- (3) For the purposes of sub-paragraph (1)(g) of this Article—
- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
  - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

### **Tenure of office of Senators**

- 43.**—(1) The seat of a Senator shall become vacant—
- (a) upon the next dissolution of Parliament after he has been appointed;
  - (b) if he resigns by writing under his hand addressed to the President of the Senate, or, if the office of President is vacant or the President is absent from The Bahamas, to the Vice-President;
  - (c) if, with his consent, he is nominated as a candidate for election to the House of Assembly;
  - (d) if he is absent from The Bahamas for a period exceeding forty days at any time when the Senate is sitting, without the leave of the President given in accordance with the provisions of paragraph (2) of this Article;

- (e) if he ceases to be a citizen of The Bahamas;
- (f) subject to the provisions of paragraph (3) of this Article, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of sub-paragraph (a), (b), (c), (e), (f), (g) or (h) of Article 42(1) of this Constitution or of any law enacted in pursuance of Article 42(2) of this Constitution;
- (g) in the case of a Senator who was appointed as such in accordance with the advice of the Prime Minister or in accordance with the advice of the Leader of the Opposition or on the advice of the Prime Minister after consultation with the Leader of the Opposition, if the Governor-General, acting in accordance with the advice of the Prime Minister or in accordance with the advice of the Leader of the Opposition or on the advice of the Prime Minister after consultation with the Leader of the Opposition, as the case may be, by instrument under the Public Seal, declares the seat of that Senator to be vacant; or
- (h) if he becomes interested in any government contract:

Provided that—

- (i) if in the circumstances it appears to the Senate to be just so to do, the Senate may exempt any Senator from vacating his seat under the provisions of this sub-paragraph, if that Senator, before becoming interested in such contract as aforesaid or as soon as practicable after becoming so interested, discloses to the Senate the nature of such contract and his interest therein;
- (ii) if proceedings are taken under a law made under Article 45 of this Constitution to determine whether a Senator has vacated his seat under the provisions of this sub-paragraph he shall be declared by the court not to have vacated his seat if he establishes to the satisfaction of the court that he, acting reasonably, was not aware that he was or had become interested in such contract; and
- (iii) no proceedings under the preceding sub-paragraph shall be instituted by any person other than a Senator or Member of the House of Assembly.

(2) The President of the Senate may grant leave to any Senator to be absent from The Bahamas for any period not exceeding six months at any one time.

(3) If the circumstances such as are referred to in sub-paragraph (1)(f) of this Article arise because a Senator is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted or reported guilty of a corrupt or illegal practice at elections and if it is open to the Senator to appeal against the decision (either with the leave of a court of other authority or without such leave), he shall forthwith cease to perform his functions as a senator but, subject to paragraph (4) of this Article, he shall not vacate his seat until the expiration of a period of thirty days thereafter;

Provided that the President of the Senate may, at the request of the said Senator, from time to time extend that period for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

(4) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the Senator, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he shall forthwith vacate his seat.

(5) If at any time before the Senator vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (3) of this Article and he may resume the performance of his functions as a Senator.

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### **President and Vice-President**

**44.**—(1) When the Senate first meets after this Constitution comes into operation or after any general election and before it proceeds to the despatch of any other business, the Senate shall, in accordance with such procedure as may be prescribed by the rules of procedure of the Senate, elect a Senator to be President of the Senate; and, if the office of President falls vacant at any time, the Senate shall, as soon as practicable, proceed in like manner to fill the vacant office.

(2) When the Senate first meets after this Constitution comes into operation or after any general election and before it proceeds to the despatch of any other business except the election of the President, it shall elect a Senator to be Vice-President of the Senate; and if the office of Vice-President falls vacant at any time, the Senate shall, as soon as practicable, elect a Senator to that office.

(3) The Senate shall not elect a Senator who is a Minister or Parliamentary Secretary to be the President or Vice-President of the Senate.

(4) A person shall vacate the office of President or Vice-President of the Senate—

- (a) if he ceases to be a Senator;
- (b) if he is appointed to be a Minister or Parliamentary Secretary;
- (c) if he announces the resignation of his office to the Senate or if, by writing under his hand addressed, in the case of the President, to the Clerk of the Senate and, in the case of the Vice-President, to the President (or, if the office of President is vacant or the President is absent from The Bahamas, to the Clerk), he resigns that office; or
- (d) in the case of the Vice-President, if he is elected to be President.

(5) If, by virtue of Article 43(3) of this Constitution, the President or Vice-President is required to cease to perform his functions as a Senator he shall also cease to perform his functions as President or Vice-President, as the case may be, and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed—

- (a) in the case of the President, by the Vice-President or, if the office of Vice-President is vacant or the Vice-President is required to cease to perform his functions as a Senator by virtue of Article 43(3) of this Constitution, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose;
- (b) in the case of the Vice-President, by such Senator (not being a Minister or Parliamentary Secretary) as the Senate may elect for the purpose.

(6) If the President or Vice-President resumes the performance of his functions as a Senator in accordance with the provisions of Article 43(5) of this Constitution, he shall also resume the performance of his functions as President or Vice-President, as the case may be.

### **Determination of questions as to membership**

**45.**—(1) The Supreme Court shall have jurisdiction to hear and determine any question whether—

- (a) any person has been validly appointed as a Senator; or
- (b) any Senator has vacated his seat or is required under Article 43(3) of this Constitution to cease to perform his functions as a Senator.

(2) Subject to the following provisions of this Article and to the provisions of Article 43(1) of this Constitution, Parliament may by law make provision with respect to—

- (a) the institution of proceedings for the determination of any question referred to in paragraph (1) of this Article; and
- (b) the powers, practice and procedure of the Supreme Court in relation to any such proceedings.

(3) Proceedings for the determination of any question referred to in paragraph (1) of this Article shall not be instituted except with the leave of a Justice of the Supreme Court.

(4) No appeal shall lie from the decision of a Justice of the Supreme Court granting or refusing leave to institute proceedings in accordance with paragraph (3) of this Article.

### PART 3

#### House of Assembly

#### **Composition of House of Assembly**

**46.**—(1) The House of Assembly shall consist of thirty-eight members or 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.

(2) The members of the House shall be known as “Members of Parliament” and shall be persons who, being qualified for election as Members of Parliament in accordance with the provisions of this Constitution, have been so elected in the manner provided by any law in force in The Bahamas.

#### **Qualifications for membership of House of Assembly**

**47.** Subject to the provisions of Article 48 of this Constitution, a person shall be qualified to be elected as a member of the House of Assembly if, and shall not be qualified to be so elected unless, he—

- (a) is a citizen of The Bahamas of the age of twenty-one years or upwards; and
- (b) has ordinarily resided in The Bahamas for a period of not less than one year immediately before the date of his nomination for election.

#### **Disqualifications for election as members of House of Assembly**

**48.**—(1) No person shall be qualified to be elected as a member of the House of Assembly who—

- (a) is a citizen of a country other than The Bahamas having become such a citizen voluntarily;
- (b) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (c) is disqualified for membership of the House of Assembly by any law enacted in pursuance of paragraph (2) of this Article;
- (d) has been adjudged or otherwise declared bankrupt under any law in force in The Bahamas and has not been discharged;
- (e) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in The Bahamas;
- (f) is under sentence of death imposed on him by a court in The Bahamas, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (g) is disqualified for membership of the House of Assembly by any law in force in The Bahamas by reason of his holding, or acting in, any office the functions of which involve—
  - (i) any responsibility for, or in connection with, the conduct of any election; or
  - (ii) any responsibility for the compilation or revision of any electoral register;
- (h) is disqualified for membership of the House of Assembly by virtue of any law in force in The Bahamas by reason of his having been convicted of any offence relating to elections;

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- (i) is a Senator; or
  - (j) is interested in any government contract and has not disclosed the nature of such contract and of his interest therein by publishing a notice in the Gazette within one month before the day of election.
- (2) Parliament may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the House of Assembly by virtue of—
- (a) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;
  - (b) his belonging to any armed force of The Bahamas or to any class of person so specified that is comprised in any such force; or
  - (c) his belonging to any police force or to any class of person that is comprised in any such force.
- (3) For the purposes of sub-paragraph (1)(f) of this Article—
- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
  - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

#### **Tenure of office of members of House of Assembly**

- 49.**—(1) Every member of the House of Assembly shall vacate his seat in the House—
- (a) upon a dissolution of Parliament;
  - (b) if he resigns it by writing under his hand addressed to the Speaker or, if the office of Speaker is vacant or the Speaker is absent from The Bahamas, to the Deputy Speaker;
  - (c) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the rules of procedure of the House;
  - (d) if he ceases to be a citizen of The Bahamas;
  - (e) subject to the provisions of paragraph (2) of this Article, if any circumstances arise that, if he were not a member of the House, would cause him to be disqualified for election as such by virtue of sub-paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of Article 48(1) of this Constitution; or
  - (f) if he becomes interested in any government contract:
- Provided that—
- (i) if in the circumstances it appears to the House of Assembly to be just to do so, the House of Assembly may exempt any member of the House from vacating his seat under the provisions of this sub-paragraph, if that member, before becoming interested in such contract as aforesaid or as soon as practicable after becoming so interested, discloses to the House the nature of such contract and his interest therein;
  - (ii) if proceedings are taken under a law made under Article 51 of this Constitution to determine whether a member of the House has vacated his seat under the provisions of this sub-paragraph he shall be declared by the court not to have vacated his seat if he establishes to the satisfaction of the court that he, acting reasonably, was not aware that he was or had become interested in such contract; and
  - (iii) no proceedings under the preceding sub-paragraph shall be instituted by any person other than a Senator or member of the House of Assembly.

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(2) If circumstances such as are referred to in sub-paragraph (1)(e) of this Article arise because any member of the House is under sentence of death or imprisonment, declared bankrupt, adjudged to be of unsound mind or convicted of an offence relating to elections and it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to paragraph (3) of this Article, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House of Assembly.

(3) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(4) If at any time before the member vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (2) of this Article and he may resume the performance of his functions as a member of the House.

### **Speaker and Deputy Speaker**

**50.**—(1) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business, the House shall, in accordance with such procedure as may be prescribed by the rules of procedure of the House, elect from among the members who are not Ministers or Parliamentary Secretaries one member to be the Speaker of the Assembly and another member to be Deputy Speaker; and, if the office of Speaker or Deputy Speaker falls vacant at any time before the next dissolution of the House of Assembly, the House shall, as soon as practicable, proceed in like manner to fill the vacant office.

(2) A person shall vacate the office of Speaker or Deputy Speaker—

(a) if he ceases to be a member of the House of Assembly:

Provided that the Speaker shall not vacate his office by reason only that he has ceased to be a member on a dissolution of Parliament, until the House of Assembly first meets after that dissolution;

(b) if he is appointed to be a Minister or Parliamentary Secretary;

(c) if he announces the resignation of his office to the House of Assembly or if, by writing under his hand addressed, in the case of the Speaker, to the Clerk of the House and, in the case of the Deputy Speaker, to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from The Bahamas, to the Clerk), he resigns that office; or

(d) in the case of the Deputy Speaker, if he is elected to be Speaker.

(3) If by reason of Article 49(2) of this Constitution the Speaker or Deputy Speaker is required to cease to perform his functions as a member of the House of Assembly, he shall also cease to perform his functions as Speaker or Deputy Speaker and those functions shall, until he vacates his seat in the House or resumes the performance of the functions of his office, be performed—

(a) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant or the Deputy Speaker is required to cease to perform his functions as a member of the House of Assembly by virtue of Article 49(2) of this Constitution, by such member (not being a Minister or Parliamentary Secretary) as the House may elect for the purpose;

(b) in the case of the Deputy Speaker, by such member (not being a Minister or Parliamentary Secretary) as the House may elect for the purpose.

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(4) If the Speaker or Deputy Speaker resumes the performances of his functions as a member of the House in accordance with the provisions of Article 49(4) of this Constitution, he shall also resume the performance of his functions as Speaker, or Deputy Speaker, as the case may be.

#### **Determination of questions as to membership**

**51.**—(1) An Election Court, consisting of two Justices of the Supreme Court appointed by the Chief Justice or, if for any reason two such Justices are not available, one such Justice and the Chief Magistrate or a Stipendiary and Circuit Magistrate appointed by the Chief Justice, shall have jurisdiction to hear and determine any question whether—

- (a) any person has been validly elected as a member of the House of Assembly; or
- (b) any member of the House of Assembly has vacated his seat or is required, under the provisions of Article 49(2) of this Constitution, to cease to perform his functions as a member.

(2) Subject to the following provisions of this Article and to the provisions of Article 49(1) of this Constitution, Parliament may make, or provide for the making of provision, with respect to—

- (a) the institution of proceedings for the determination of any question referred to in paragraph (1) of this Article; and
- (b) the powers, practice and procedure of an Election Court in relation to any such proceedings.

(3) The determination by an Election Court of any question referred to in paragraph (1) of this Article shall be final.

(4) Proceedings for the determination of any question referred to in paragraph (1) of this Article shall not be instituted except with the leave of a Justice of the Supreme Court.

(5) An appeal shall lie to the Court of Appeal on a point of law from the decision of a Justice of the Supreme Court granting or refusing leave to institute proceedings in accordance with this Article; but, subject as aforesaid, that decision shall be final.

### **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;
- (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.

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(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—

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- (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 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

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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.

## **PART 5**

### **Summoning, Prorogation and Dissolution**

#### **Sessions of Parliament**

**65.**—(1) Each session of Parliament shall be held at such place and commence at such time as the Governor-General may by proclamation appoint.

(2) The time appointed for the commencement of any session of Parliament shall be such that a period of twelve months does not intervene between the end of one session and the first sitting of Parliament in the next session.

#### **Prorogation and dissolution of Parliament**

**66.**—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may at any time by proclamation prorogue Parliament.

(2) The Governor-General, acting in accordance with the advice of the Prime Minister, may at any time by proclamation dissolve Parliament:

Provided that if the office of Prime Minister is vacant and the Governor-General considers that there is no prospect of his being able within a reasonable time to appoint to that office a person who can command the confidence of a majority of the members of the House of Assembly, he shall dissolve Parliament.

(3) Subject to the provisions of paragraph (4) of this Article, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(4) At any time when The Bahamas is at war, Parliament may extend the period of five years specified in paragraph (3) of this Article for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this paragraph for more than two years.

(5) If, between a dissolution of Parliament and the next ensuing general election of members to the House of Assembly, an emergency arises of such a nature that, in the opinion of the Prime Minister, it is necessary for the two Houses or either of them to be summoned before that general election can be held, the Governor-General, acting in accordance with the advice of the Prime Minister, may summon the two Houses of the Preceding Parliament, and that Parliament shall thereupon be deemed (except for the purposes of Article 67 of this Constitution) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the polls are held in the next ensuing general election.

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## **General elections, bye-elections and appointment of Senators**

67.—(1) After every dissolution of Parliament the Governor-General shall issue writs for a general election of members of the House of Assembly returnable within ninety days from that dissolution.

(2) As soon as may be after every general election the Governor-General shall proceed under Article 39 of this Constitution to the appointment of Senators.

(3) Whenever any person vacates his seat as a member of the House of Assembly for any reason other than a dissolution of Parliament, the Governor-General shall issue a writ for the election of a member to fill the vacancy and such election shall be held within sixty days after the occurrence of the vacancy or, where the question whether a vacancy has occurred is determined under Article 51 of this Constitution, after that determination, unless Parliament is sooner dissolved or the date by which Parliament will be dissolved under the provisions of Article 66 of this Constitution is less than four months after the occurrence of the vacancy or, as the case may be, that determination.

## **PART 6**

### **Delimitation of Constituencies**

#### **Constituencies**

68. The Bahamas shall be divided into thirty-eight constituencies or such greater number as may be provided for by an Order made by the Governor-General in accordance with the provisions of Article 70 of this Constitutions and each such constituency shall return one member to the House of Assembly.

#### **Constituencies Commission**

69.—(1) There shall be a Constituencies Commission for The Bahamas (in this and the next following Article referred to as “the Commission”).

(2) The Members of the Commission shall be—

- (a) the Speaker who shall be Chairman;
- (b) a Justice of the Supreme Court who shall be Deputy Chairman and shall be appointed by the Governor-General acting on the recommendation of the Chief Justice;
- (c) two members of the House of Assembly who shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister; and
- (d) one member of the House of Assembly who shall be appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition.

(3) The office of a member of the Commission shall become vacant—

- (a) if he ceases to be the Speaker, a Justice of the Supreme Court or a member of the House of Assembly, as the case may be; or
- (b) in the case of a member appointed under sub-paragraph (2)(b), (c) or (d) of this Article, if his appointment is revoked by the Governor-General.

(4) If the office of a member of the Commission, appointed under sub-paragraph (2)(b), (c) or (d) of this Article is vacant or any such member is for any reason unable to perform the functions of his office, the Governor-General may appoint a person qualified for appointment under the said sub-paragraph (b), (c) or (d), as the case may be, to act in the office of that member and any person so appointed may continue so to act until his appointment is revoked.

(5) In revoking the appointment of a member of the Commission under sub-paragraph (3)(b) of this Article, and in making or revoking an appointment to act in the office of a member of the Commission under paragraph (4) of this Article, the Governor-General shall act in the same manner

as he would act if he were making an appointment to the office of that member under paragraph (2) of this Article.

(6) Any decision of the Commission shall require the concurrence of not less than three members of the Commission.

(7) Subject to the provisions of paragraph (6) of this Article, the Commission may act notwithstanding a vacancy in its membership, and no proceedings of the Commission shall be invalidated by reason only that some persons not entitled to do so has taken part in them.

### **Procedure for review of constituencies**

**70.**—(1) The Commission shall in accordance with the provisions of this Article, at intervals of not more than five years, review the number and boundaries of the constituencies into which The Bahamas is divided and shall submit to the Governor-General a single report either—

- (a) stating that in the opinion of the Commission, no change is required; or
- (b) recommending certain changes,

and the Governor-General shall cause such report to be laid before the House of Assembly forthwith.

(2) In carrying out a review for the purposes of this Article, the Commission shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special considerations such as the needs of sparsely populated areas, the practicability of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.

(3) When the Commission intends to proceed under paragraph (1) of this Article, it shall, by notice in writing, inform the Prime Minister, who shall cause a copy of that notice to be published in the Gazette.

(4) As soon as may be after the Commission has submitted a report recommending changes in the boundaries of any constituencies, the Prime Minister shall lay before the House of Assembly for its approval a draft of an Order by the Governor-General for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft may make provision for any matters (including variation of the quorum specified in Article 57 of this Constitution) which appear to the Prime Minister to be incidental to or consequential upon the other provisions of the draft.

(5) Where any draft Order laid under this Article would give effect to any such recommendations with modifications, the Prime Minister shall lay before the House of Assembly together with the draft a statement of the reasons for the modifications.

(6) If the motion for the approval of any draft Order laid under this Article is rejected by the House of Assembly, or is withdrawn by leave of the House, an amended draft shall be laid without undue delay by the Prime Minister before the House of Assembly.

(7) If any draft Order laid under this Article is approved by resolution of the House of Assembly, the Prime Minister shall submit it to the Governor-General who shall make an Order (which shall be published in the Gazette) in terms of the draft; and that Order shall come into force on such day as may be specified therein and, until revoked by a further Order made by the Governor-General in accordance with the provisions of this Article, shall have the force of law in The Bahamas:

Provided that the coming into force of any such Order shall not affect any election to the House of Assembly until a proclamation is made by the Governor-General appointing the date for the holding of a general election of members of the House of Assembly or affect the constitution of the House of Assembly then in being.

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(8) Save as provided in the next following paragraph the question of the validity of any Order by the Governor-General purporting to be made under this Article and reciting that a draft thereof has been approved by resolution of the House of Assembly shall not be inquired into in any court of law.

(9) Parliament may by law provide for an appeal to the Supreme Court against a statement or recommendation submitted by the Commission in pursuance of sub-paragraph (1)(a) or (b) of this Article.