

The Bahamas Constitution (Amendment) Bill, 2014

**PROPOSED AMENDMENT**

**2. Amendment to Article 8 of the Constitution.**

Article 8 of the Constitution is repealed and replaced by the following –

“8. A person born outside The Bahamas shall become a citizen at the date of his birth if at that date his father or mother is a citizen of The Bahamas otherwise than by virtue of this Article or Article 3(2) or Article 10 of the Constitution.”

**N.B. At present only when the father is a Bahamian citizen, a child of a marriage born outside of The Bahamas is automatically a Bahamian citizen. The amendment would grant automatic citizenship if the mother or father are Bahamian citizens.**

**The amendment would not be retroactive.**

**PROPOSED AMENDMENT**

**2. Amendment to Article 10 of the Constitution.**

Article 10 of the Constitution is repealed and replaced by the following –

**“10. Marriage to citizens of The Bahamas.**

- (1) Any man or woman who marries a person who is or becomes a citizen of The Bahamas shall, subject to paragraph (2) and any other prescribed conditions, be entitled, upon making application in such manner as may be prescribed and upon taking the oath of allegiance or such declaration as may be prescribed, to be registered as a citizen of The Bahamas.
- (2) A person may be denied registration under this Article if –
  - (a) there is satisfactory evidence that –
    - (i) the marriage no longer subsists;
    - (ii) the marriage was entered into for the purpose of enabling that person to acquire citizenship of The Bahamas; or
    - (iii) the parties to the marriage have no intention of permanently co-habiting with each other as spouses, after marriage;
  - (b) the person has been convicted in any country of an indictable criminal offence involving moral turpitude.
- (3) Paragraph (2) shall not affect the right of any person who, before the date of commencement of that paragraph was entitled to apply for citizenship of The Bahamas by virtue of any provision of this Constitution in force before that date.

**N.B. the amendment enables a foreign husband of a Bahamian woman to have the same constitutional right to obtain citizenship as foreign wife of a Bahamian male but subject to ensuring that the marriage in question is not a marriage of convenience or that the foreign person in question has never been convicted in any country of an indictable offence.**

**PROPOSED AMENDMENT**

**2. Amendment to Article 14 of the Constitution.**

Article 14 of the Constitution is amended in the following manner –

- (a) by the deletion of paragraph (1) and the substitution thereof of the following –
  - (i) “father” in relation to a child born out of wedlock means a person who is proved in a manner recognized in law to be the father of that child;
- (b) by the replacement of paragraph (3) by the following –
  - “(3) Any reference in this Chapter to the national status of the parent of a person at the time of that person’s birth shall, in relation to a person born after the death of his parent, be construed as a reference to the national status of the parent at the time of the parent’s death.”

**N.B. The proposed amendment enables the Bahamian father of a child born outside of marriage to pass his citizenship to that child just as an unmarried Bahamian woman can presently do but subject to proof of paternity.**

**PROPOSED AMENDMENT**

**2. Replacement of Article 26 of the Constitution.**

Article 26 of the Constitution is amended by the deletion of the words “or creed” appearing in paragraphs (3) and (5), respectively, and by the substitution therefor of the words “, creed or sex”.

**N.B. By inserting the word “sex” in the definition of the expression “discriminatory” so as to make it unconstitutional for any law or any person acting thereunder or in the performance of any public office to discriminate on the basis of sex but subject to the existing exceptions mentioned in paragraph (4) of Article 26(1) of the Constitution.**