

## SCHEDULE TO THE ORDER

### THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

## CHAPTER II

### CITIZENSHIP

#### **Persons who become citizens on 10th July 1973**

3.—(1) Every person who, having been born in the former Colony of the Bahama Islands, is on 9th July 1973 a citizen of the United Kingdom and Colonies shall become a citizen of The Bahamas on 10th July 1973.

(2) Every person who, having been born outside the former Colony of the Bahama Islands, is on 9th July 1973 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death have become a citizen of The Bahamas in accordance with the provisions of the preceding paragraph, become a citizen of the Bahamas on 10th July 1973.

(3) Every person who on 9th July 1973 is a citizen of the United Kingdom and Colonies having become such a citizen under the British Nationality Act 1948 by virtue of his having been registered in the former Colony of the Bahamas Islands under that Act shall become a citizen of the Bahamas on 10th July 1973:

Provided that this paragraph shall not apply to any citizen of the United Kingdom and Colonies—

- (a) who was not ordinarily resident in that Colony on 31st December 1972, or
- (b) who became registered in that Colony on or after 1st January 1973, or
- (c) who on 9th July 1973 possesses the citizenship or nationality of some other country.

#### **Persons who become citizens on 9th July 1974**

4. Every person who on 9th July 1973 is a citizen of the United Kingdom and Colonies—

- (a) having become such a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in the former Colony of the Bahamas Islands before that Act come into force; or
- (b) having become such a citizen by virtue of his having been naturalised in the former Colony of the Bahama Islands under that Act,

shall become a citizen of The Bahamas on 9th July 1974, unless, prior to that date, he has in such manner as may be prescribed declared that he does not desire to become a citizen of The Bahamas:

Provided that this section shall not apply to a citizen of the United Kingdom and Colonies who on 9th July 1973 possesses the citizenship or nationality of some other country.

#### **Persons entitled to be registered as citizens**

5.—(1) Any woman who, on 9th July 1973, is or has been married to a person—

- (a) who becomes a citizen of The Bahamas by virtue of Article 3 of this Constitution; or
- (b) who, having died before 10th July 1973, would, but for his death, have become a citizen of the Bahamas by virtue of that Article,

shall be entitled, upon making application and upon taking the oath of allegiance or such declaration in such manner as may be prescribed, to be registered as a citizen of The Bahamas:

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Provided that the right to be registered as a citizen of The Bahamas under this paragraph shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

(2) Any person who, on 9th July 1973, possesses Bahamian Status under the provisions of the Immigration Act 1967<sup>(1)</sup> and is ordinarily resident in the Bahamas Islands, shall be entitled, upon making application before 10th July 1974, to be registered as a citizen of The Bahamas.

(3) Notwithstanding anything contained in paragraph (2) of this Article, a person who has attained the age of eighteen years or who is a woman who is or has been married shall not, if he is a citizen of some county other than The Bahamas, be entitled to be registered as a citizen of the Bahamas under the provisions of that paragraph unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

(4) Any application for registration under paragraph (2) of this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

(5) Any woman who on 9th July 1973 is or has been married to a person who subsequently becomes a citizen of The Bahamas by registration under paragraph (2) of this Article shall be entitled, upon making application and upon taking the oath of allegiance or such declaration as may be prescribed, to be registered as a citizen of The Bahamas:

Provided that the right to be registered as a citizen of The Bahamas under this paragraph shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

(6) Any application for registration under this Article shall be made in such manner as may be prescribed as respects that application:

Provided that such an application may not be made by a person who has not attained the age of eighteen years and is not a woman who is or has been married, but shall be made on behalf of that person by a parent or guardian of that person.

### **Persons born in The Bahamas after 9th July 1973**

6. Every person born in The Bahamas after 9th July 1973 shall become a citizen of The Bahamas at the date of his birth if at that date either of his parents is a citizen of The Bahamas.

### **Persons born in The Bahamas after 9th July 1973 of non-citizen parents**

7.—(1) A person born in The Bahamas after 9th July 1973 neither of whose parents is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years or within twelve months thereafter in such manner as may be prescribed, to be registered as a citizen of The Bahamas:

Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas under this Article unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed.

(2) Any application for registration under this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

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(1) Statute Law of the Bahamas Islands, No. 25 of 1967.

### **Persons born outside The Bahamas after 9th July 1973**

8. A person born outside The Bahamas after 9th July 1973 shall become a citizen of The Bahamas at the date of his birth if at that date his father is a citizen of The Bahamas otherwise than by virtue of this Article or Article 3(2) of this Constitution.

### **Further provisions for persons born outside The Bahamas after 9th July 1973**

9.—(1) Notwithstanding anything contained in Article 8 of this Constitution, a person born legitimately outside The Bahamas after 9th July 1973 whose mother is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years and before he attains the age of twenty-one years, in such manner as may be prescribed, to be registered as a citizen of The Bahamas:

Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas under this Article unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed.

(2) Where a person cannot renounce his citizenship of some other country under the law of that country, he may instead make such declaration concerning that citizenship as may be prescribed.

(3) Any application for registration under this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

### **Marriage to citizens of The Bahamas**

10. Any woman who, after 9th July 1973, marries a person who is or becomes a citizen of The Bahamas shall be entitled, provided she is still so married, 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:

Provided that the right to be registered as a citizen of The Bahamas under this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

### **Deprivation of citizenship**

11.—(1) If the Governor-General is satisfied that any citizen of The Bahamas has at any time after 9th July 1973 acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any other country, the Governor-General may by order deprive that person of his citizenship.

(2) If the Governor-General is satisfied that any citizen of The Bahamas has at any time after 9th July 1973 voluntarily claimed and exercised in any other country any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Governor-General may by order deprive that person of his citizenship.

### **Renunciation of citizenship**

12. Any citizen of The Bahamas who has attained the age of twenty-one years and who—

- (a) is also a citizen or national of any other country; or
- (b) intends to become a citizen or national of any other country,

shall be entitled to renounce his citizenship of The Bahamas by a declaration made and registered in such manner as may be prescribed;

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Provided that—

- (a) in the case of a person who is not a citizen or national of any other country at the date of registration of his declaration or renunciation, if he does not become such a citizen or national within six months from the date of registration he shall be, and shall be deemed to have remained, a citizen of The Bahamas notwithstanding the making and registration of his declaration of renunciation; and
- (b) the right of any person to renounce his citizenship of The Bahamas during any period when The Bahamas is engaged in any war shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.

### **Power of Parliament**

13. Parliament may make provision—

- (a) for the acquisition of citizenship of The Bahamas by persons who do not become citizens of The Bahamas by virtue of the provisions of this Chapter;
- (b) for depriving of his citizenship of The Bahamas any person who is a citizen of The Bahamas otherwise than by virtue of paragraphs (1) or (2) of Article 3 or Articles 6 or 8 of this Constitution; or
- (c) for the certification of citizenship of The Bahamas for persons who have acquired that citizenship and who desire such certification.

### **Interpretation**

14.—(1) Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 10th July 1973, be construed as a reference to the mother of that person.

(2) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth, shall, in relation to a person born after the death of the father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before 10th July 1973 and the birth occurred after 9th July 1973 the national status that the father would have had if he had died on 10th July 1973 shall be deemed to be his national status at the time of his death.