

## SCHEDULE TO THE ORDER

### THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

## CHAPTER IV

### THE GOVERNOR-GENERAL

#### **Establishment of office of Governor-General**

**32.** There shall be a Governor-General of The Bahamas who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in The Bahamas.

#### **Acting Governor-General**

**33.—(1)** Whenever the office of Governor-General is vacant or the holder of the office is absent from The Bahamas or is for any other reason unable to perform the functions of his office, those functions shall be performed—

- (a) by any person for the time being designated by Her Majesty in that behalf who is in The Bahamas and able to perform those functions; or
- (b) at any time when there is no person in The Bahamas so designated and able to perform those functions, by the holder of the office of Chief Justice; or
- (c) at any time referred to in sub-paragraph (b) of this paragraph when the office of Chief Justice is vacant or the holder thereof is absent from The Bahamas or is for any other reason unable to perform those functions, by the President of the Senate.

(2) The holder of the office of Governor-General or any person designated under sub-paragraph (1)(a) of this Article or by sub-paragraph (1)(b) of this Article shall not, for the purposes of this Article, be regarded as absent from The Bahamas or as unable to perform the functions of the office of Governor-General at any time when there is a subsisting appointment of a deputy under Article 34 of this Constitution.

#### **Deputy to Governor-General**

**34.—(1)** Whenever the Governor-General—

- (a) has occasion to be absent from The Bahamas for a period which he has reason to believe will be of short duration; or
- (b) is suffering from an illness that he has reason to believe will be of short duration,

he may, acting in accordance with the advice of the Prime Minister, by instrument under the Public Seal, appoint any person in The Bahamas to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor-General as may be specified in that instrument.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a deputy under this Article, and in the exercise of any function that is exercisable by the Governor-General acting in accordance with his own deliberate judgment or after consultation with any person or authority a deputy shall conform to and observe any instructions that the Governor-General, acting in like manner, may address to him:

Provided that the question whether or not a deputy has conformed to or observed any such instructions shall not be enquired into in any court.

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(3) A person appointed as a deputy under this Article shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by the Governor-General acting in accordance with the advice of the Prime Minister.

### **Personal staff of Governor-General**

**35.**—(1) Parliament may prescribe the offices that are to constitute the personal staff of the Governor-General, the salaries and allowances that are to be paid to the members of the staff and the other sums that are to be paid in respect of the expenditure attaching to the office of Governor-General.

(2) Any salaries or other sums prescribed under paragraph (1) of this Article are hereby charged on and shall be paid out of the Consolidated Fund.

(3) Subject to the provisions of paragraph (4) of this Article, power to make appointments to the offices for the time being prescribed under paragraph (1) of this Article as offices that are to constitute the personal staff of the Governor-General, and to remove and to exercise disciplinary control over persons holding or acting in any such office, is hereby vested in the Governor-General acting in accordance with his own deliberate judgment.

(4) The Governor-General, acting in accordance with his own deliberate judgment, may appoint to any of the offices prescribed under paragraph (1) of this Article such public officers as he may select from a list submitted by the Public Service Commission, but—

- (a) the provisions of paragraph (3) of this Article shall apply in relation to an officer so appointed as respects his service on the personal staff of the Governor-General but not as respects his service as a public officer;
- (b) an officer so appointed shall not, during continuance on the personal staff of the Governor-General, perform the functions of any public office; and
- (c) an officer so appointed may at any time be appointed by the Governor-General, if the Public Service Commission so recommend, to assume or resume the functions of a public office and he shall thereupon vacate his office on the personal staff of the Governor-General, but the Governor-General may, in his own deliberate judgment, decline to release the officer for that appointment.

(5) All offices prescribed under paragraph (1) of this Article as offices that are to constitute the personal staff of the Governor-General shall, for the purposes of Chapter VIII, be deemed to be public offices.

### **Public Seal**

**36.** The Governor-General shall keep and use the Public Seal for sealing all things that shall pass the Public Seal.

### **Oaths to be taken by Governor-General**

**37.** A person appointed to the office of Governor-General or assuming the functions of that office under Article 33 of this Constitution shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and an oath for the due execution of the office of Governor-General in such form as is prescribed by any law in force in The Bahamas, such oaths being administered by the Chief Justice or such other Justice of the Supreme Court as may be designated by the Chief Justice.