

## SCHEDULE TO THE ORDER

### THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

## CHAPTER VIII

### THE PUBLIC SERVICE

#### PART 2

#### Appointments etc. of Public Officers

##### **Appointments, etc. of public officers**

**108.** Subject to the provisions of this Constitution power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in such offices is hereby vested in the Governor-General, acting in accordance with the advice of the Public Service Commission.

##### **Appointments of Permanent Secretaries and certain other public officers**

**109.**—(1) Notwithstanding anything contained in the preceding Article of this Chapter—

- (a) power to make appointments to the office of Permanent Secretary or Head of a Department of Government (or to be the holder of any such other office of similar status as the Governor-General may, acting in accordance with the advice of the Prime Minister, specify by notice in the Gazette) is hereby vested in the Governor-General acting on the recommendation of the Public Service Commission after the Commission has consulted the Prime Minister;
- (b) power to make appointments to the office of Permanent Secretary on transfer from another such office carrying the same salary is hereby vested in the Governor-General acting on the advice of the Prime Minister.

(2) In this Article “Permanent Secretary” includes the Secretary of the Cabinet and the Financial Secretary.

##### **Delegation of Governor-General's powers**

**110.** The Governor-General acting in accordance with the advice of the Public Service Commission, may by directions given by instruments under the Public Seal delegate, to such extent and subject to such conditions as may be specified in those directions, the powers vested in him by Article 108 of this Constitution (other than powers to make appointments to the offices referred to in Article 109 of this Constitution and to remove or exercise disciplinary control over persons holding or acting in such offices) to such public officers as may be so specified.

##### **Appointments, etc. of principal representatives of The Bahamas abroad**

**111.**—(1) Power to appoint persons to hold or act in the offices to which this Article applies (including power to make appointments on promotion and transfer and to confirm appointments) and to remove persons so appointed from any such office shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Before tendering any advice for the purposes of this Article in relation to any person who holds or acts in any public office other than an office to which this Article applies, the Prime Minister

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shall consult the Service Commission which is responsible for advising in respect of appointments to the office which the person concerned holds or in which he is acting.

(3) The offices to which this Article applies are the offices of Ambassador, High Commissioner or any other principal representative of The Bahamas in any other country or accredited to any international organisation.

#### **Appointments on transfer in respect of certain offices**

**112.**—(1) Power to make appointments on transfer to the offices to which this Article applies shall vest in the Prime Minister.

(2) The offices to which this Article applies are—

- (a) offices, the holders of which are required to reside outside The Bahamas for the proper discharge of their functions;
- (b) such offices in the Ministry responsible for the conduct of the external affairs of The Bahamas as may, from time to time, be designated by the Prime Minister.

#### **Appointment of Secretary to the Cabinet**

**113.**—(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) Power to appoint any person to the office of Secretary to the Cabinet and to remove such person from that office shall vest in the Governor-General acting in accordance with the advice of the Prime Minister.

(3) Before tendering advice for the purposes of this Article, the Prime Minister shall consult the Public Service Commission.

(4) The Secretary to the Cabinet shall have charge of the Cabinet Office and shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for the supervision of any department of the Government for which the Prime Minister has responsibility.