

SCHEDULE TO THE ORDER

THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

CHAPTER VIII

THE PUBLIC SERVICE

PART 4

The Judicial and Legal Service Commission

Establishment and composition of the Judicial and Legal Service Commission

116.—(1) There shall be a Judicial and Legal Service Commission for The Bahamas.

(2) The members of the Judicial and Legal Service Commission shall be—

- (a) the Chief Justice, who shall be Chairman;
- (b) such other Justice of the Supreme Court or Justice of Appeal as may be designated by the Governor-General, acting on the recommendation of the Chief Justice, by instrument under the Public Seal;
- (c) the Chairman of the Public Service Commission; and
- (d) two persons appointed by the Governor-General by instrument under the Public Seal, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(3) Subject to the provisions of Article 126 of this Constitution, the office of a member of the Judicial and Legal Service Commission referred to in sub-paragraph (2)(d) of this Article shall become vacant—

- (a) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;
- (b) if he becomes a member of either House.

(4) A person shall not be qualified to be appointed as a member of the Commission under subparagraph (2)(d) of this Article unless he holds or is qualified to hold or has held high judicial office; and a person shall be disqualified for appointment as such if he is a member of either House.

(5) If the office of Chairman of the Judicial and Legal Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, they shall be performed by such one of the other members of the Commission as may for the time being be designated in that behalf by the Governor-General, acting on the recommendation of the Chief Justice, or, if he is for any reason incapacitated from making a recommendation, of the other Justice of the Supreme Court or Justice of Appeal who is a member of the Commission.

(6) If at any time one of the members of the Commission referred to in sub-paragraphs (2)(b), (c) or (d) of this Article is for any reason unable to exercise the functions of this office, the Governor-General, in the case of the Chairman of the Public Service Commission, may appoint another member of the Public Service Commission to act as a member, and in the case of a member referred to in sub-paragraphs (2)(b) or (d) of this Article may, acting on the same recommendation as for the appointment of that member, appoint a person who is qualified to be appointed as a member of the Commission to act as a member. Any person so appointed shall, subject to the provisions of sub-paragraphs (3)(b) of this Article and Article 126 of this Constitution, continue to act until the office

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in which he is acting has been filled or, as the case may be, until the holder thereof has resumed his functions or until his appointment to act has been revoked by the Governor-General, acting as aforesaid.

Appointments, etc. of judicial and legal officers

117.—(1) Subject to the provisions of this Constitution, power to make appointments to public offices to which this Article applies 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 Judicial and Legal Service Commission.

(2) This Article applies to such public offices for appointment to which persons are required to possess legal qualifications as may be prescribed by Parliament.