



SUPPLEMENT PART I
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

28th January, 2016

No. 4

NATIONAL HONOURS ACT, 2016

Arrangement of Sections

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No. 1 of 2016

NATIONAL HONOURS ACT, 2016

AN ACT TO REPEAL AND REPLACE THE NATIONAL HONOURS ACT, 2007 AND THE NATIONAL HEROES ACT, 2007

[Date of Assent - 27th January, 2016]

Enacted by the Parliament of The Bahamas

PART I – PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the National Honours Act, 2016.
- (2) This Act shall come into operation on such date as the Governor-General may by notice in the Gazette appoint.

2. Interpretation.

In this Act —

“**Advisory Committee**” means the Advisory Committee referred to in section 3;

“**Chancellor**” means the Governor-General;

“**national honour**” means any honour, decoration, medal or award created under this Act;

“**Secretary**” means Secretary of the Order appointed pursuant to section 4.

3. Advisory Committee.

- (1) There shall be an Advisory Committee for the purposes of this Act.
- (2) It shall be the duty of the Advisory Committee to—
 - (a) make recommendations to the Prime Minister of persons fit to be conferred with an honour under this Act;

- (b) consult with the Prime Minister and the Leader of the Opposition regarding the nominations including those made by members of the public for an honour under this Act;
 - (c) make such investigations as it thinks fit to determine persons, living or dead, upon whom may be conferred the honour of National Hero in accordance with section 8; and
 - (d) report to the Chancellor the result of those investigations.
- (3) The provisions of the *Schedule* shall have effect as to the constitution and procedures of the Advisory Committee and otherwise in relation thereto.

4. Duties of Secretary.

- (1) There shall be a Secretary who shall be responsible for—
- (a) the maintenance of the records of all Orders under this Act;
 - (b) the notification, gazetting and publication of the names of those to be admitted to the Orders;
 - (c) the procurement of the insignia on any person admitted to an Order;
 - (d) relations between the Orders and the Advisory Committee;
 - (e) inviting members of the general public to submit nominations of persons to be appointed an Order, other than the Order of National Hero and Order of the Nation, as the Chancellor may direct him so to do; and
 - (f) such other functions as the Chancellor shall from time to time require of the Secretary.
- (2) The office of Secretary of the Order shall be a public office.
- (3) The Secretary shall not by virtue only of his office of Secretary, be a Member of any Order.

PART II – SOCIETIES OF HONOUR AND AWARDS

5. Societies of honour.

- (1) There shall be societies of honour, namely —
- (a) the Order of National Hero;
 - (b) the Order of the Nation;
 - (c) the Order of The Bahamas;
 - (d) the Order of Excellence;
 - (e) the Order of Distinction;
 - (f) the Order of Merit;

- (g) the Order of Lignum Vitae; and
 - (h) any other honour constituted by the Governor-General by Order.
- (2) There shall be distinguished service medals in honour of exceptional service by Bahamians serving in—
- (a) public service;
 - (b) military service;
 - (c) police, fire and prison services; and
 - (d) uniformed services.
- (3) Each of the societies referred to in subsection (1) shall be governed by regulations made hereunder.
- (4) There shall exist a hierarchy among the Orders in the order in which they are listed in subsection (1) and any further honour constituted by the Governor-General under subsection (1)(h) shall be of the last priority unless otherwise provided.

6. Administration of Orders.

- (1) The Governor-General shall be the Chancellor for the societies of honour under this Act.
- (2) The Chancellor shall be responsible for the administration of all societies of honours under this Act.
- (3) The Chancellor shall appoint such person as he sees fit to be Secretary of the Orders.
- (4) The Chancellor may appoint such other persons as he sees fit to hold an office and such persons shall have designated functions to assist with the administration of the Orders.
- (5) Any office to which a person is appointed under paragraph (4) shall be a public office.

7. Conferment of Honours generally.

- (1) The Chancellor shall, on the advice of the Prime Minister after consultation with the Advisory Committee, appoint a person to an Order by written instrument bearing the signature of the Chancellor and the seal of the Order and such appointment shall take effect from the date on which the instrument is dated.
- (2) The honours of Order of the Nation and Order of Excellence may be conferred upon a person during his lifetime or posthumously.
- (3) Every person upon whom an honour under this Act has been conferred is entitled to wear the regalia as is prescribed in the Regulations made under this Act.

- (4) The Secretary shall cause the appointment to be published in the Official Gazette.

8. Date for announcement of Awards and conferment of Honours.

- (1) All awards under this Act shall be announced by the Chancellor on the 10th day of July annually.
- (2) Conferment of all Honours shall take place on the second Monday in October annually.
- (3) Notwithstanding subsection (1), the Chancellor may make appropriate arrangements for conferment where conferment is not possible on the aforementioned date.

9. Conferment of the Order of National Hero.

- (1) A person—
 - (a) who is a citizen of The Bahamas; or
 - (b) who prior to 10th July 1973, resided within The Bahamas or any of the islands now within the Commonwealth of The Bahamas, and but for their death prior to 10th July 1973 would have been a citizen of The Bahamas;and who satisfies the criteria set out in subsection (5) is eligible for the conferment of the honour of National Hero.
- (2) The honour of National Hero may be conferred upon a person during his lifetime or posthumously.
- (3) Subject to subsection (2) and without prejudice to section 3(2) the Chancellor may by instrument under seal, confer the honour of National Hero upon any person conferred in section 7.
- (4) The power conferred on the Governor-General by subsection (1) shall be exercised on the advice of the Prime Minister given by him after consultation with the Leader of the Opposition and consideration of any report made by the Advisory Committee.
- (5) In determining the eligibility of a person referred to herein, the Advisory Committee shall have regard to whether that person —
 - (a) has made a seminal contribution to The Bahamas and which contribution has altered the course of the history of The Bahamas in a positive way;
 - (b) has given service to The Bahamas which has been exemplified by visionary and pioneering leadership, extraordinary achievement and the attainment of the highest excellence which has rebounded to the honour of The Bahamas and which service and attainment have

been acknowledged as a source of inspiration by a significant portion of the nation; or

- (c) has, through that person's heroic exploits and sacrifice, having gone beyond their personal and historic limitations, contributed to the improvement of the economic, spiritual and social conditions of the nation as a whole.

10. Recognition of National Heroes Day.

The second Monday in the month of October shall be commemorated as National Heroes Day and shall be a public holiday.

11. Ownership of insignia.

Except as otherwise provided, any insignia of an Order shall remain the property of the Order.

12. Cessation of appointment to Orders.

- (1) A person shall cease to be a member of an Order—
 - (a) upon his written resignation from the Order, which shall take effect from the date on which such resignation is accepted by the Chancellor;
 - (b) where it appears to the Advisory Committee that there are reasonable grounds for deprivation of an honour by the Chancellor as recommended to him in accordance with paragraph (2).
- (2) Where any person who has received an honour—
 - (a) is convicted of an offence under the laws of The Bahamas or any other country;
 - (b) behaves in a manner that is inconsistent with the purposes of the Order;
 - (c) except where an honour is conferred on a foreign national, a Bahamian who subsequently renounces his citizenship of The Bahamas;

the Advisory Committee may make a recommendation to the Chancellor for such person to be deprived of the honour.
- (3) Any person deprived of an honour under paragraph (1)(b) may, on appeal to the Chancellor, be restored by written instrument bearing the signature of the Chancellor and the seal of the Order.
- (4) The Secretary shall cause the acceptance of any resignation and the termination or restoration of any appointment under this regulation to be published.

- (5) Where any person ceases to be a member of any Order by reason of his resignation or of his having been deprived of the honour, it shall be notified in the Gazette by the Secretary and his name shall be erased from the register and he shall forthwith return the insignia of the Order to the Secretary.

PART III - MISCELLANEOUS

13. Promotions.

- (1) Any person who is promoted to another Order shall—
- (a) cease to be a member of the Order of which he is a member on the date on which his new appointment takes effect;
 - (b) upon admission to another Order, return to the Secretary, the instrument issued to him and the insignia of the Order, and
 - (c) be entitled to the privileges of the rank to which he is appointed.
- (2) Any person appointed a member of an Order who is promoted to a higher rank shall be entitled to the privileges of the rank to which he is appointed.

14. Conferment of Honours by other countries.

- (1) Where any citizen of The Bahamas is offered an honour by any other country, that person must seek approval in writing from the Chancellor prior to the acceptance of the honour, such approval will not be unreasonably withheld.
- (2) Any person who fails to comply with subsection (1) commits an offence.

15. Offences.

- (1) A person who—
- (a) agrees to accept or obtains or attempts to obtain for himself or any other person for any Order or award under this Act; and
 - (b) gives, or agrees or proposes to give, or offers to any person, any gift or other valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the award of a national honour to any person, or otherwise in connection with such an award, commits an offence.
- (2) A person who claims or knowingly engages in conduct calculated to mislead others into believing that he is the recipient of a national honour that he has not received, commits an offence.

- (3) The conduct referred to in subsection (2) may include, but is not limited to
- (a) wearing or displaying insignia or facsimile thereof; and
 - (b) using or allowing others to use post-nominal letters or any facsimile thereof.
- (4) Any person who is a party to the sale or manufacture of insignia, regalia, medals or badges by an unauthorised supplier, commits an offence.

16. General penalty.

Any person convicted of an offence under this Act or any regulations made thereunder shall be liable on conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment, and any gift or other valuable consideration received shall be liable to forfeiture.

17. Regulations.

The Governor-General may make regulations for carrying out the purposes and provisions of this Act and in particular, without prejudice to the generality of the foregoing, for—

- (a) the constitution of an honour and the divisions of any society of honour into ranks;
- (b) the eligibility of conferment of an honour;
- (c) the seal and motto of an Order;
- (d) the investitures in relation to an Order;
- (e) the insignia and regalia of an Order;
- (f) the wearing of insignia, regalia, medals and badges issued in relation to an Order or award under this Act;
- (g) the rights or privileges appurtenant to the conferment of an honour of any Order;
- (h) the restriction of the sale and manufacture of insignia, regalia, medals and badges to authorised suppliers; and
- (i) the prevention of abuses in the wearing of insignia, regalia, medals and badges issued in relation to any Order or in assuming any style or title assigned to any such Order.

18. Savings.

- (1) For the avoidance of doubt, any honour conferred upon any citizen of The Bahamas by Her Majesty the Queen shall not be extinguished by reason of this Act coming into force or the appointment of such a person to an Order, or the award of any other honour prescribed by this Act.

- (2) Nothing in this Act shall cause a person who has been conferred with an honour awarded by Her Majesty the Queen, or any other honour, to be ineligible for conferment of an honour under this Act.

19. Repeal.

The National Honours Act, 2007 and the National Heroes Act, 2007 are hereby repealed.

SCHEDULE

(section 3)

CONSTITUTION AND PROCEDURE OF THE ADVISORY COMMITTEE

1. Constitution and procedure of the Advisory Committee.

- (1) The Advisory committee shall be appointed by the Prime Minister and shall consist of ten members of whom—
- (a) two shall be from the Houses of Parliament, one of whom shall be nominated by the Prime Minister and the other of whom shall be nominated by the Leader of the Opposition;
 - (b) one shall be a serving member of the judiciary nominated by the Chief Justice;
 - (c) one shall be nominated by the Commander of the Royal Bahamas Defence Force;
 - (d) one shall be nominated by the Commissioner of Police;
 - (e) one shall be nominated by the Council of the College of The Bahamas; and
 - (f) four shall be nominated by the Prime Minister after consultation with the leader of the Opposition of whom —
 - (i) one shall be a well qualified and recognized historian;
 - (ii) one shall be a person who resides in the Northern Bahamas which includes the islands of Abaco, Berry Islands, Bimini and Grand Bahama;
 - (iii) one shall be a person who resides in the Central Bahamas which includes the islands of Andros, Cat Island, Eleuthera, Exuma and New Providence; and
 - (iv) one shall be a person who resides in the Southern Bahamas which includes the islands of Acklins, Crooked Island, Inagua, Long Island, Mayaguana, Rum Cay and San Salvador.

- (2) The office of the Chairman or member of the Advisory Committee shall not be a public office for the purpose of Chapter VIII of the Constitution of The Bahamas.

2. Tenure of Office.

Subject to the provisions of this Schedule the appointment of a member of the Advisory Committee shall be for a period not exceeding three years, and such member shall be eligible for re-appointment.

3. Chairman.

The Prime Minister shall appoint a Chairman of the Advisory Committee from amongst the members thereof.

4. Resignation.

Any member of the Advisory Committee may at any time resign his office by instrument in writing addressed to the Prime Minister, and from the date on the receipt by the Prime Minister of such instrument such member shall cease to be a member of the Advisory Committee.

5. Cessation of appointment to Advisory Committee.

- (1) If any member of the Advisory Committee who was nominated from the Senate or the House of Assembly ceases to be a member—
 - (a) of the governing party or opposition from which he has been nominated; or
 - (b) of the Senate or House of Assembly;
as the case may be, he shall cease to be a member of the Advisory Committee.
- (2) The Prime Minister may at any time revoke the appointment of any member of the Advisory Committee nominated by him if he thinks it expedient so to do.

6. Vacancy.

- (1) If any vacancy occurs in the membership of the Advisory Committee such vacancy shall be filled by the appointment of another person who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.
- (2) In the case of the absence or inability to act of any member, the Prime Minister may appoint any person to act temporarily in the place of such member, provided that person is from the same category as provided in paragraph 1(1) of this Schedule.

7. Gazetting of appointments.

The names of all members of the Advisory Committee as first constituted and every change in the membership thereof shall be published in the Gazette.

8. Validity of proceedings.

The validity of the proceedings of the Advisory Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. Procedures of meetings.

- (1) The Advisory Committee shall meet at such times as may be convenient or expedient for the transaction of business, and at such places as it may deem fit.
- (2) The Chairman shall preside at meetings of the Advisory Committee and in the case of his absence from any meetings the members present shall elect one from amongst their number to preside at that meeting.
- (3) The decisions of the Advisory Committee shall be by majority of votes of the members present and voting and the Chairman or any person presiding at the meeting shall have a casting vote in any case in which the voting is equal.
- (4) The quorum of the Advisory Committee shall be five members thereof.
- (5) Minutes in proper form shall be kept of the proceedings of the Advisory Committee.
- (6) Subject to the provisions of this Schedule the Advisory Committee shall have power to regulate its own proceedings, and may delegate to any member or committee thereto the power and authority to carry out on behalf of the Advisory Committee such duties as the Advisory Committee may determine.

10. Staff.

The Chairman may appoint such other persons as he sees fit to hold an office and such persons shall have designated functions to assist with the administration of the Advisory Committee.

11. Expenses of the Advisory Committee.

Any expenses incurred by the Chairman and other members of the Advisory Committee in the performance of their duties shall be chargeable on the Consolidated Fund.