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MINISTRY OF FOREIGN AFFAIRS ACT, 2014

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(No. 50 of 2014)

MINISTRY OF FOREIGN AFFAIRS ACT, 2014

**AN ACT TO PROVIDE FOR THE CONTINUATION OF THE
MINISTRY OF FOREIGN AFFAIRS; THE CONTINUATION OF
THE MINISTER OF FOREIGN AFFAIRS AS A CORPORATION
SOLE; THE ESTABLISHMENT OF A DEPARTMENT OF
FOREIGN AFFAIRS; THE APPOINTMENT, POWERS AND
DUTIES OF A DIRECTOR GENERAL TO HEAD THE
DEPARTMENT OF FOREIGN AFFAIRS; THE
ADMINISTRATION AND REGULATION OF THE FOREIGN
SERVICE; THE REPEAL OF CHAPTER 24 AND FOR
CONNECTED MATTERS**

[Date of Assent - 23rd December, 2014]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Ministry of Foreign Affairs Act, 2014.
- (2) This Act comes into force on such date as the Minister may appoint by notice published in the *Gazette*.

2. Interpretation.

In this Act, unless the context otherwise requires —

“Department” means the Department of Foreign Affairs established under section 7;

“Director General” means the Director General appointed to head the Department of Foreign Affairs referred to in section 7(3);

“foreign service” means the branch of the public service, the administration of which is the responsibility of the Minister,

comprised of staff members of the Ministry serving as officers and employees at headquarters or a mission;

"Foreign Service Committee" means the advisory body established under section 10;

"foreign service employee" means a staff member of the Ministry, serving at headquarters or a mission, in the capacity of —

- (a) administrative and technical staff;
- (b) service staff;
- (c) staff locally employed at a mission;

"foreign service officer" means a staff member of the Ministry serving at headquarters or a mission in the capacity of a diplomatic or consular officer;

"Foreign Service Orders" means the Orders referred to in section 12;

"head of mission" means the person for the time being in charge of a mission and includes the holder of the office of —

- (a) ambassador extraordinary and plenipotentiary or high commissioner;
- (b) ambassador;
- (c) consul-general;
- (d) *charge d'affaires*;
- (e) principal or permanent representative of The Bahamas accredited to a country or an international or other organisation;

"headquarters" means the head office of the Ministry, inclusive of all of its branches, located within The Bahamas;

"Minister" means the Minister responsible for Foreign Affairs;

"Ministry" means the Ministry of Foreign Affairs continued under section 3;

"mission" means a diplomatic or consular office of The Bahamas overseas and includes —

- (a) the buildings or parts of buildings, and the land ancillary, used for the purposes of the mission, irrespective of ownership;
- (b) the residence of the head of mission;

"repealed Act" means the Ministry of Foreign Affairs Act (*Ch. 24*);

3. Continuation of the Ministry of Foreign Affairs.

- (1) There is continued under this Act the Ministry of the Government of The Bahamas called the Ministry of Foreign Affairs established under section 3 of the repealed Act.
- (2) The Ministry continues under the general direction and control of the Minister and the Minister may give general and specific directions to a foreign service officer or employee pursuant to this Act.
- (3) A reference to the Ministry of External Affairs or the Minister of External Affairs in any written agreement, instrument, or law in force or having effect on or after the commencement of this Act is a reference to the Ministry of Foreign Affairs and the Minister of Foreign Affairs respectively.

4. Functions of the Ministry of Foreign Affairs.

- (1) The Ministry of Foreign Affairs is responsible for —
 - (a) the conduct of all official communications between the Government of The Bahamas and the Government of any other country in connection with the foreign affairs of The Bahamas; and
 - (b) the conduct and management of international negotiations so far as they may appertain to the Government of The Bahamas.
- (2) The Ministry is, in addition to the duties referred to in subsection (1), charged with such other duties in relation to the foreign affairs of The Bahamas as the Governor-General, acting in accordance with the advice of the Prime Minister, may assign to the Ministry.

5. Continuation of Minister as a corporation sole.

- (1) The Minister of Foreign Affairs continues under this Act as a corporation sole with power to —
 - (a) acquire, hold, lease and dispose of property of any description;
 - (b) enter into contracts; and
 - (c) sue and be sued.
- (2) All property transferred to or held by the Minister under or pursuant to the repealed Act or any other Act, or which is otherwise vested in or hereafter becomes vested in the Minister, is held by the Minister in trust for Her Majesty in right of Her Government of The Bahamas.

6. Foreign service is a disciplined force.

- (1) The foreign service of The Bahamas is, for the purposes of Chapter III and Article 31 of the Constitution, a disciplined force.

- (2) Members of the foreign service are required to serve at headquarters or at a mission.
- (3) The administrative head of the foreign service is the Permanent Secretary of the Ministry who —
 - (a) serves at headquarters and has the rank of ambassador;
 - (b) has primary responsibility for the administration of the Ministry, including financial and personnel matters; and
 - (c) in consultation with the Director General, advises the Minister on matters of a technical nature.

7. Establishment of the Department of Foreign Affairs.

- (1) There is established within the Ministry a department to be known as the Department of Foreign Affairs.
- (2) The Department is the technical arm of the Ministry responsible for the performance of the functions of the Ministry referred to in section 4.
- (3) The head of the Department is the Director General of Foreign Affairs who is the —
 - (a) chief technical officer of the Ministry, with responsibility for all technical matters related to the foreign service including the formulation, promotion and advancement of foreign policy; and
 - (b) advisor to the Minister and the Permanent Secretary respectively.
- (4) The Director General —
 - (a) serves at headquarters and has the rank of ambassador; and
 - (b) reports directly to the Minister in the presence of, or after consultation with, the Permanent Secretary.
- (5) The academic and professional qualifications, training and experience required of the Director General are as may be prescribed in the Foreign Service Orders.
- (6) The powers and duties of the Director General are as set out in the *Schedule*.

8. Administration and structure of the foreign service.

- (1) The foreign service is a part of the public service of The Bahamas and members of the foreign service, with the exception of staff locally employed at a mission, are public officers.
- (2) Members of the foreign service who serve as diplomatic and consular officers must —
 - (a) be citizens of The Bahamas; and

- (b) possess such qualifications and experience as may be prescribed in the Foreign Service Orders.
- (3) The foreign service is headed by the Minister and, in order of seniority —
 - (a) the Permanent Secretary;
 - (b) the Director General;
 - (c) foreign service officers, with such hierarchy and responsibility in relation to their offices as may be prescribed in the Foreign Service Orders; and
 - (d) foreign service employees, with such hierarchy and responsibility in relation to their employment as may be prescribed in the Foreign Service Orders and, where applicable, their contracts of employment.

9. Appointments to the foreign service.

The appointment of a person to the foreign service is made —

- (a) in case of appointment to an office serving as a head of mission, by the Governor-General acting in accordance with the advice of the Prime Minister in accordance with Article 111 of the Constitution;
- (b) in case of appointment on transfer to an office serving at a mission, other than an office as a head of mission, by the Prime Minister in accordance with Article 112 of the Constitution; and
- (c) in case of appointment to an office serving at headquarters, by the Governor-General acting in accordance with the advice of the Public Service Commission in accordance with Articles 108, 109 and 110 of the Constitution.

10. Establishment of Foreign Service Committee.

- (1) There is established for the purposes of this Act a body to be known as the Foreign Service Committee.
- (2) The Foreign Service Committee is an advisory body with responsibility, through the Permanent Secretary, to advise and make recommendations to the Prime Minister and the Public Service Commission respectively in relation to the appointments referred to in paragraphs (a), (b) and (c) of section 9.
- (3) For the purposes of this section, "appointment" means an act or omission in respect of a posting, promotion, transfer or secondment and includes —
 - (a) grievances, disciplinary actions, and the appeals process in relation to an appointment; and
 - (b) the review of remuneration and allowances.
- (4) The members of the Foreign Service Committee are —

- (a) the head of human resources within the Ministry, *ex officio*;
 - (b) the head of accounts within the Ministry, *ex officio*;
 - (c) two Heads of Technical Divisions appointed by the Permanent Secretary, on a rotational basis;
 - (d) a former career diplomat at the ambassadorial level, appointed by the Minister; and
 - (e) a representative from the Department of Public Service with responsibility for foreign affairs.
- (5) The chairman of the Foreign Service Committee is the Director General.
- (6) Subject to this Act and the regulations, the Foreign Service Committee shall determine its own rules and procedures.

11. Governor-General may make regulations.

The Governor-General may, acting in accordance with the advice of the Public Service Commission, make regulations —

- (a) establishing appropriate orders to govern and regulate the foreign service of The Bahamas and the conduct, classification, ranks, and terms and conditions of service of —
 - (i) foreign service officers; and
 - (ii) foreign service employees, including non-Bahamian staff locally employed at a mission; and
- (b) providing for such other matters as may be required in order to effectively and efficiently perform the functions of the Ministry.

12. Foreign Service Orders.

- (1) Foreign Service Orders established pursuant to paragraph (a) of section 11 apply to all officers and employees of the foreign service.
- (2) Members of the foreign service are subject, in addition to Foreign Service Orders, to other regulations and general orders governing the public service which apply where no specific provision in respect of a matter has been made in Foreign Service Orders.
- (3) Foreign Service Orders prevail where there is a conflict between the provisions of such orders and those contained in other regulations and general orders governing the public service.

13. Minister may make regulations.

The Minister may from time to time make regulations —

- (a) establishing, codifying and regulating the issuance and terms and conditions of visas for the entry of persons who are not citizens or permanent residents of The Bahamas; and
- (b) imposing fees to be charged for services rendered by the Ministry.

14. Savings and transitional.

- (1) Every visa or other document granted or issued under the repealed Act and in force immediately before the coming into force of this Act continues in force after this Act comes into force on the same conditions and with the same effect as if this Act had not come force.
- (2) An appointment made under the repealed Act continues and is valid until that appointment is rescinded, amended or another appointment is made in its stead.

15. Repeal.

The Ministry of Foreign Affairs Act (*Ch. 24*) is repealed.

SCHEDULE (Section 7(6))

POWERS AND DUTIES OF THE DIRECTOR GENERAL

The duties of the Director General are to —

- (a) be a technical advisor to the Minister of Foreign Affairs on foreign policy issues;
- (b) be responsible for the technical direction of the Ministry of Foreign Affairs;
- (c) provide briefings to the public on Foreign Affairs and policy issues as directed by the Minister;
- (d) prepare analytical assessment and forecasting of issues affecting The Bahamas;
- (e) monitor development of bilateral relations and provide policy guidance;
- (f) monitor relations with multilateral organizations and institutions and provide policy guidance;
- (g) liaise with Diplomatic and Consular Missions on Foreign Policy issues;
- (h) manage and organize professional development of foreign service officers;
- (i) coordinate foreign policy issues with the respective Departments in the Public Service;
- (j) prepare reports and obligations under the International Treaties and Conventions;
- (k) coordinate foreign policy briefs on issues relevant to The Bahamas;
- (l) coordinate information on the Ministry's website and social media;
- (m) represent The Bahamas at Bilateral and Multilateral Meetings;
- (n) coordinate diplomatic representation and the Protocol Department;
- (o) provide periodic briefing to the departments in the Public Service on foreign affairs and policy issues;
- (p) provide briefing on the role of the Ministry of Foreign Affairs to agencies of the Government;
- (q) produce annual reports of the Ministry of Foreign Affairs;
- (r) prepare Cabinet Memoranda; and
- (s) maintain Treaty Register of all Bilateral and Multilateral Treaties and Convention applicable to The Bahamas.



MINISTRY OF FOREIGN AFFAIRS AND IMMIGRATION

S. I. No. 96 of 2014

MINISTRY OF FOREIGN AFFAIRS ACT, 2014
(No. 50 of 2014)

MINISTRY OF FOREIGN AFFAIRS ACT, 2014
(APPOINTED DAY) NOTICE, 2014

In exercise of the powers conferred by section 1 (2) of the Ministry of Foreign Affairs Act, 2014, the 23rd day of December, 2014 is appointed the day on which the Ministry of Foreign Affairs Act, 2014 shall come into operation.

Dated this 23rd day of December, 2014.

Signed
FREDERICK MITCHELL
Minister responsible for Foreign Affairs