

Country Code:	BS 2000 Rev. CH. 128
Title:	MAINTENANCE OF EMIGRANTS' CHILDREN ACT
Country:	THE BAHAMAS
Date of entry into force:	May 7, 1923 (3/1923)
Date of Amendment:	5/1987
Subject:	Children – Law – The Bahamas
Key words:	Child, meaning of; Child maintenance; emigrant

CHAPTER 128

MAINTENANCE OF EMIGRANTS' CHILDREN

ARRANGEMENT OF SECTIONS

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CHAPTER 128

MAINTENANCE OF EMIGRANTS' CHILDREN

3 of 1923. 5 of 1987

An Act to provide for the maintenance of children by emigrants

[Commencement 7th May, 1923]

Short title.

1. This Act may be cited as the Maintenance of Emigrants' Children Act.

Interpretation.

2. In this Act, unless the context otherwise requires-

"child" means a person who, in the opinion of a magistrate, is under fourteen years of age;

"parent" includes the mother of an illegitimate child.

Proceedings against parent supposed to be about to leave The Bahamas without making provision for child.

3. Where it is made to appear to any magistrate upon oath that there is reasonable ground for believing that a parent is about to leave The Bahamas without making adequate provision for the maintenance and care during his absence of any child of his living in The Bahamas, it shall be lawful for such magistrate to issue a summons directed to such parent requiring him to appear before the magistrate at the time therein mentioned and to show cause why an order should not be made against him prohibiting him from leaving The Bahamas:

Provided that the magistrate may, if he thinks it expedient so to do, either in the first instance or subsequently to the issue of a summons issue a warrant addressed to the Commissioner of Police and all peace officers to apprehend such parent and cause him to be brought before him or any other magistrate.

Power to magistrate to prohibit parent from leaving The Bahamas.

4. Where on the appearance of the parent before a magistrate it appears to the magistrate that the parent is about to leave The Bahamas, and the magistrate is not satisfied that the parent has made adequate provision for the maintenance and care of such child during his absence, the magistrate may, if he thinks it expedient so to do, order that such parent shall not leave The Bahamas.

Contravention of magistrate's order an offence. 5 of 1987, *Sch.*

5. Any parent against whom an order has been made under section 4 of this Act who shall leave or attempt to leave The Bahamas before such order shall have ceased to be operative, or shall have been rescinded, shall on summary conviction be liable to a fine of seventy-five dollars or to be imprisoned for six months.

Power of peace officer to arrest without a warrant.

6. A peace officer may arrest without a warrant and bring before any magistrates any person who is subject to an order made under section 4 of this Act, and -

- (a) who has left The Bahamas and is found within the territorial waters thereof; or
- (b) whom such peace officer has reason to suspect to be attempting to leave The Bahamas.

Duration and rescission of order.

7. (1) No order made under section 4 of this Act shall have any force or validity after the expiration of two years from the day upon which the same was made.

(2) A magistrate may, upon application by or on behalf of any parent against whom an order has been made under section 4 of this Act, rescind such order.