

CHAPTER 16

**INTERNATIONAL OBLIGATIONS (ECONOMIC
AND ANCILLARY MEASURES)**

ARRANGEMENT OF SECTIONS

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CHAPTER 16

INTERNATIONAL OBLIGATIONS (ECONOMIC
AND ANCILLARY MEASURES)

An Act to provide for the imposition of economic sanctions and for the taking of ancillary measures to give effect to the international obligations of The Bahamas. *17 of 1993*

*[Assent 30th July, 1993]
[Commencement 2nd September, 1993]*

1. This Act may be cited as the International Obligations (Economic and Ancillary Measures) Act, 1993. Short title.

2. In this Act — Interpretation.

“Bahamian” means a person who is a citizen of The Bahamas or a body corporate incorporated or continued by or under the laws of The Bahamas;

“foreign state” means a country other than The Bahamas and includes —

- (a) any political subdivision of a foreign state;
- (b) the government, and any department, of a foreign state or of a political subdivision thereof, and
- (c) any agency of a foreign state or of a political subdivision thereof;

“national”, in relation to a foreign state, means an individual who possesses the nationality of that state as determined in accordance with the laws of that state or a body corporate incorporated or continued by or under the laws of that state;

“property” means any real or personal property;

“technical data” includes blueprints, technical drawings, photographic imagery, computer software, models, formulas, engineering designs and specifications, technical and operating manuals and any technical information or know-how.

Orders and
regulations.

3. (1) The Governor-General may, for the purpose of implementing a decision, resolution or recommendation of an international organization or association of states, of which The Bahamas is a member, that requests its members to take economic measures against a foreign state, or where the Governor-General is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis —

- (a) make such orders or regulations with respect to the restriction or prohibition of any of the activities referred to in subsection (2) in relation to a foreign state as the Governor-General considers necessary; and
- (b) by order, cause to be seized, frozen or sequestrated in the manner set out in the order any property situated in The Bahamas that is held by or on behalf of —
 - (i) a foreign state,
 - (ii) any person in that foreign state, or
 - (iii) a national of that foreign state who does not ordinarily reside in The Bahamas,

with a view to preventing the removal of such property in contravention of the laws of The Bahamas.

(2) Orders and regulations may be made pursuant to paragraph (1)(a) with respect to the restriction or prohibition of any of the following activities, whether carried out in or outside The Bahamas, in relation to a foreign state —

- (a) any dealing by any person in The Bahamas or Bahamian outside The Bahamas in any property wherever situated held by or on behalf of that foreign state, any person in that foreign state, or a national of that foreign state who does not ordinarily reside in The Bahamas;
- (b) the exportation, sale, supply or shipment by any person in The Bahamas or Bahamian outside The Bahamas of any goods wherever situated to that foreign state, or any other dealing by any person in The Bahamas or Bahamian outside The Bahamas in any goods wherever situated destined for that foreign state or any person in that foreign state;

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- (c) the importation, purchase, acquisition or shipment by any person in The Bahamas or Bahamian outside The Bahamas of any goods that are exported, supplied or shipped from that foreign state after a date specified in the order or regulations, or any other dealing by any person in The Bahamas or Bahamian outside The Bahamas in any such goods;
 - (d) the provision or acquisition by any person in The Bahamas or Bahamian outside The Bahamas of financial services or any other services to, from or for the benefit of or on the direction or order of that foreign state or any person in that foreign state;
 - (e) the docking in that foreign state of ships registered or licensed, or for which an identification number has been issued under the laws of The Bahamas;
 - (f) the landing in that foreign state of aircraft registered in The Bahamas or operated in connection with a Bahamian air service licence;
 - (g) the docking in or passage through The Bahamas by ships registered in that foreign state or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign state or a person in that foreign state; and
 - (h) the landing in or flight over The Bahamas by aircraft registered in that foreign state or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign state or any person in that foreign state.

(3) Any order or regulation made pursuant to subsection (1) may exclude any person, property, goods, technical data, services, ships or aircraft or any class thereof from the application of the order or regulation.

(4) The Governor-General may issue to any person in The Bahamas or Bahamian outside The Bahamas a permit to carry out a specified activity that is restricted or prohibited pursuant to this Act or any order or regulations made under this Act.

(5) The Governor-General may issue a permit pursuant to subsection (4), subject to such terms and conditions as are, in the opinion of the Governor-General, consistent with this Act and any order or regulations made under this Act.

(6) The Governor-General may amend, suspend, revoke or reinstate any permit issued by him under subsection (4).

Costs.

4. (1) Any costs incurred by or on behalf of The Government of The Bahamas in relation to the seizure, freezing or sequestration of property pursuant to an order made under paragraph 3(1)(b) are the liability of the owner of the property and constitute a debt due to The Government of The Bahamas that may be recovered in any court of competent jurisdiction.

(2) The property referred to in subsection (1) may be sold under execution of a judgment in favour of The Government of The Bahamas for the costs referred to in that subsection and, subject to subsection (3), the proceeds of the sale shall first be applied in execution of the judgment and any balance shall be paid to the owner of the property.

(3) All equities held by persons, other than —

- (a) a foreign state to which the order referred to in subsection (1) applies;
- (b) persons in that foreign state; and
- (c) nationals of that foreign state who do not ordinarily reside in The Bahamas,

are entitled to the same priority over the rights of The Government in the proceeds of the sale referred to in subsection (2) as they would have been entitled to had this section not been enacted.

Administration
of the Act.

5. (1) The Minister of Foreign Affairs is responsible for the administration and enforcement of this Act.

(2) The Governor-General may, by order, designate from time to time a Minister as a Minister having the duty for the purpose only of submitting a report to the Governor-General with respect to claims for compensation, to — receive and assess reasonable claims for compensation from any person who alleges to have

suffered any loss or damages as a result of anything done or purported to have been done under this Act or any order or regulations made under this Act.

6. Every person who wilfully contravenes or fails to comply with an order or regulation made under section 3 commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or to both. Offences.

7. (1) A person having the powers of an officer under the Customs Management Act shall be deemed to be a peace officer for the purposes of this Act. Search and Seizure.

(2) A peace officer may search any building, receptacle or place for anything —

- (a) in respect of which there are reasonable grounds to believe that any offence against this Act has been committed,
- (b) that there are reasonable grounds to believe will afford evidence with respect to the commission of an offence against this Act,

without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would be impractical to obtain a warrant, and may seize any such thing found therein.

8. (1) The original or a copy of a bill of lading, customs document, commercial invoice or other document is admissible in evidence in a prosecution under this Act in relation to any dealing with respect to goods where it appears from the document that — Evidence.

- (a) the goods were sent or shipped from The Bahamas or into The Bahamas;
- (b) a person, as shipper, consignor or consignee, sent or shipped the goods from The Bahamas or into The Bahamas; or
- (c) the goods were sent or shipped to a particular destination or person.

(2) In the absence of evidence to the contrary, a document that is admissible in evidence under subsection (1) is proof of any of the facts set out in paragraphs (a), (b) or (c) of subsection (1) as appear from the document.

Proceedings
offences.

9. (1) Proceedings with respect to an offence under this Act may only be commenced with the consent of the Attorney-General of The Bahamas and notwithstanding anything in any other law the time within which those proceedings may be brought in a court of summary jurisdiction shall be three years from the date of the commission of the offence and in the case where the offence was committed by a person abroad the period of three years shall be deemed not to have commenced until the time that person has first returned to The Bahamas subsequent to the commission of the offence.

(2) Where an offence under this Act is committed by a body corporate and it is proved that such offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, or any person purporting to act in such capacity, then he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.