

Act No. 22 of 1957**LONG RANGE PROVING GROUND AND
OCEANOGRAPHIC RESEARCH STATIONS
(EXEMPTIONS)**

22 cf 1957
1 cf 1958
7 cf 1959
6 cf 1964
G N 187/1964

An Act to implement certain provisions of agreements made between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning a long range proving ground for guided missiles and oceanographic research stations and to implement like provisions of other agreements which may be made between the said Governments.

[Commencement 15th July, 1957]

WHEREAS with the concurrence of the Government of the Bahama Islands an Agreement between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning the establishment in the Bahama Islands of a Long Range Proving Ground for guided missiles was concluded in Washington on the Twenty-first day of July, 1950:

and WHEREAS the Government of the Bahama Islands has concurred in the Government of the United Kingdom of Great Britain and Northern Ireland concluding an Agreement with the Government of the United States of America concerning the establishment of Oceanographic Research Stations in the Bahama Islands:

and WHEREAS It is desirable and expedient that certain concessions and exceptions should be made by the Government of the Bahama Islands in order to implement within the Bahama Islands the provisions of the said Agreements and like provisions of any other Agreements which hereafter may be made with the concurrence of the Government of The Bahama Islands between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America.

1. This Act may be cited as the Long Range Proving Ground and Oceanographic Research Stations (Exemptions) Act. Short title

2. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say: Interpretation

- (a) “British authorities” means the authority or authorities from time to time authorised or designated by the Government of the United Kingdom of Great Britain and Northern Ireland for the purpose of exercising powers in relation to an undertaking;
- (b) “British Forces” means Her Majesty’s Armed Forces;
- (c) “British National” means any British subject, Commonwealth citizen or British protected person;
- (d) “undertaking” means —
 - (i) the Long Range Proving Ground for guided missiles to which reference is made in the preamble to this Act;
 - (ii) Oceanographic Research Stations to which reference is made in the preamble to this Act;
 - (iii) any purposes declared by the Governor to be an undertaking under the provisions of section 10 of this Act;
- (e) “United States authorities” means the authority or authorities from time to time authorised or designated by the Government of the United States of America for the purpose of exercising powers in relation to an undertaking;
- (f) “United States Forces” means the Armed Forces of the United States of America;
- (g) “United States National” means a citizen of the United States of America or a person who although not a citizen of the United States of America owes allegiance of the United States of America.

Right of audience
of United States
counsel.
Ch. 64.

3. Notwithstanding the provisions of the Legal Profession Act, in any criminal or civil proceedings in any court within the Bahama Islands in which a member of the United States Forces is a party by reason of an alleged act or omission which arises or is alleged to arise out of or in the course of his official duties in connection with an undertaking any person who is authorised to practise in the courts of the United States of America shall have the right of audience, provided that such person is in the service of the Government of the United States of America and upon production to the court of a certificate in writing that he has been appointed for that purpose either generally or specifically by the appropriate authority.

Exemption from
provisions of
Chs. 191 and
379.
6 cf 1964, s 2

4. The provisions of the Immigration Act and the Passenger Tax Act shall not apply to any member of the United States Forces or any member of the British Forces who has been posted to the Bahama Islands for the purposes of an undertaking or any person (not being a national of a power at war with Her Majesty) who is employed by, or is under control of, the Government of the United States of America in connection with the establishment, maintenance or use in the Bahama Islands of an undertaking, or any British national employed in connection therewith, so long as such posting or employment subsists, provided always that the Governor-General acting in his discretion may require the departure from The Bahamas of any civilian person so employed.

GN 178/1964

Exemption from
taxes on motor
vehicles.

5. Notwithstanding the provisions of any Act no tax or fee shall be payable in respect of the registration or licensing for use in the Bahama Islands of any motor vehicle which belongs to the Government of the United States of America or to Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and which is used or intended to be used for purposes connected directly with the establishment, maintenance or operation of an undertaking.

Customs duties
and other taxes
on goods.

6. (1) Notwithstanding the provisions of any Act, no import, customs, excise, consumption or other tax, duty or impost (hereinafter called duty) shall be charged on —

(a) material, equipment, supplies or goods intended for use in the establishment, maintenance or use of an undertaking imported into the Bahama

Islands by, and consigned to or destined for United States authorities or British authorities or a contractor engaged by the United States authorities or British authorities in respect of an undertaking; *7 cf 1959, s 2*

- (b) goods imported into The Bahamas, for use or consumption aboard vessels or aircraft of the Army, Navy, Air Force, Coast Guard, Coast and Geodetic Survey of the United States of America or of Her Majesty and consigned to the appropriate authorities;
- (c) goods consigned to the United States authorities or British authorities in the Bahama Islands for the use of institutions under the control of the Government of the United States of America or under the control of the Government of the United Kingdom of Great Britain and Northern Ireland, known as Post Exchanges, Ships' Service Stores, Commissary Stores, Service Clubs or other institutions of a similar nature, or for sale thereout to members of the United States Forces or British Forces or civilian employees, being United States nationals or British nationals, and employed in connection with an undertaking and present in the Bahama Islands by reason only of such employment, or members of their families resident with them and not engaged in any business or occupation in the Bahama Islands;
- (d) the personal belongings or household effects of persons referred to in paragraph (c) of this subsection and all contractors and their employees being United States nationals or British nationals employed in the establishment, maintenance or use in the Bahama Islands of an undertaking and present in the Bahama Islands by reason only of such employment;
- (e) goods for consumption and goods (other than personal belongings and household effects) acquired after first arrival, including gifts, consigned to persons referred to in paragraph (c) of this subsection; *6 cf 1964, s 3*

Provided that such goods are —

- (i) of United States origin if the Governor-General so requires; and

(ii) imported for the personal use of the recipient.

(2) No duty shall be charged on the material, equipment, supplies or goods mentioned in subsection (1) of this section in the event of the export thereof from the Bahama Islands.

(3) This Section shall apply notwithstanding that the said material, equipment, supplies or goods may pass within the Bahama Islands from one part of an undertaking to another part thereof or from one undertaking to another undertaking.

(4) No material, equipment, supplies, goods or personal effects which have been imported free of duty in accordance with the provisions of subsection (1) of this section for use in connection with an undertaking or for personal use of a person employed in connection with an undertaking may be used within The Bahamas for any other purpose unless and until duty thereon has been paid.

Returns

7. A monthly return shall be prepared by the Comptroller of Customs of all material, equipment, supplies, goods, personal belongings or household effects brought into The Bahamas under section 6 of this Act which return shall show quantities and values, and a copy of such return shall once in every month be laid upon the table of the House of Assembly, or if the Legislature is not then in session shall be forwarded to the Recess Finance Committee of the House of Assembly.

Offences

5 cf 1987, s 2

8. (1) Any person who is not entitled to the privileges conferred by section 6 of this Act and who sells or purchases any article which is exempted from customs duty by this Act, shall be liable —

- (a) on summary conviction before a magistrate, to a fine not exceeding five times the value of the goods so sold or purchased or one thousand two hundred dollars, whichever shall be the greater, or to imprisonment for not more than six months, or to both such fine and imprisonment; or
- (b) on conviction on indictment, to a fine not exceeding five times the value of the goods so sold or purchased or four thousand dollars,

whichever shall be the greater, or to imprisonment for not more than three years, or to both such fine and imprisonment,

and unless the court for special reasons thinks fit to order otherwise, a person convicted of an offence under this Act shall be sentenced to pay a fine of not less than three times the value of the articles so sold or purchased or to imprisonment for not less than half the maximum period which may be imposed by the court by which he is convicted:

Provided that it shall be a defence to a charge under this section for the accused to prove that he did not know and had no reason to believe that the goods so sold or purchased were imported as aforesaid.

(2) For the purposes of this section the value of any article shall be the rate or price for which articles of the like kind but of the best quality upon which all duties have been paid were sold at or about the time of the offence, or according to the rate or price for which the like kind of article was sold in bond at or about the time of the offence, with all duties thereon added to such rate or price in bond. A certificate in writing signed by or on behalf of the Comptroller of Customs shall be prima facie evidence of the value of the article.

(3) For the purposes of this section every acquisition for valuable consideration shall be deemed to be a purchase.

(4) Notwithstanding the previous provisions of this section the sale or purchase or any article, shall not be an offence if—

- (a) it is made with the written permission of the Comptroller of Customs; and
- (b) all terms and conditions as to payment of duty or otherwise which the Comptroller may impose in granting such permission are duly fulfilled:

9. The Governor-General shall have power to make rules for the safeguarding of the revenue of The Bahamas and generally for carrying into effect the objects of this Act.

Power to make
rules

New
undertakings

GN 187/1964

10. In the event of the Government of the United Kingdom of Great Britain and Northern Ireland, with the concurrence of the Government of the Bahama Islands, entering into or proposing to enter into any new agreement with the Government of the United States of America under which the Government of the United States of America is given or will be given facilities in the Bahama Islands similar to those provided for the Long Range Proving Ground for guided missiles and for Oceanographic Research Stations, the Governor-General may by Order declare that the purpose of such an agreement shall be an undertaking within the meaning of this Act.