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Act 1/10

**UNITED STATES OF AMERICA AND THE  
BAHAMAS PRECLEARANCE AGREEMENT  
(AMENDMENT) ACT, 2010**

**Arrangement of Sections**

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No. 1 of 2010

**UNITED STATES OF AMERICA AND THE  
BAHAMAS PRECLEARANCE AGREEMENT  
(AMENDMENT) ACT, 2010**

**AN ACT TO AMEND THE UNITED STATES OF AMERICA AND THE  
BAHAMAS PRECLEARANCE AGREEMENT ACT.**

[Date of Assent - 26<sup>th</sup> January, 2010]

**Enacted by the Parliament of The Bahamas.**

**1. Short title and commencement.**

- (1) This Act, which amends the United States of America and The Bahamas Preclearance Agreement Act (*Ch. 296*), may be cited as the United States of America and The Bahamas Preclearance Agreement (Amendment) Act, 2010.
- (2) This Act shall come into force on a day to be appointed by the Minister by Notice published in the Gazette.

**2. Amends section 2 of the principal Act.**

Section 2 of the principal Act is amended as follows —

- (a) by the deletion of the definition of the term “the Agreement” and the substitution therefor of the following —

“the Agreement” means the Agreement on Preclearance signed on the twenty-third day of April, 1974, between the Government of the United States and the Government of The Bahamas concerning the establishment and operation of preclearance facilities in The Bahamas, as amended from time to time by the Government of the United States and the Government of The Bahamas ;”;

- (b) by the insertion of the following new term and corresponding definition —

“Minister” means the Minister responsible for Foreign Affairs;”;

and

- (c) by the deletion of the term “officer of the United States” and its corresponding definition and the substitution therefor of the following new term and corresponding definition —

“Preclearance Officer” means an officer of the United States Customs and Border Protection Agency, being a person not ordinarily resident in The Bahamas but present therein for the purposes of the enforcement of the provisions of the Agreement and includes an officer formerly of any United States Inspectional Agency;”.

**3. Amends section 3 of the principal Act.**

Section 3 of the principal Act is amended as follows —

- (a) by the deletion of the marginal note and the substitution therefor of the following —

“Control of persons departing from or in transit through The Bahamas for the United States.”;

- (b) by the deletion of subsection (1) and the substitution therefor of the following —

“(1) Any person departing from The Bahamas for entry into the United States on a precleared flight, or in transit through The Bahamas on a precleared flight, shall declare to a Preclearance Officer any thing contained in his baggage or carried with him.”; and

- (c) by the deletion of subsection (2) and the substitution therefor of the following —

“(2) Any person departing from The Bahamas for entry into the United States on a precleared flight, or in transit through The Bahamas on a precleared flight, shall answer such questions as a Preclearance Officer may put to him with respect to his baggage and any thing contained therein or carried with him and shall, if required by any such officer, produce that baggage and any such thing for examination.”.

**4. Amends section 4 of the principal Act.**

Section 4 of the principal Act is amended as follows —

- (a) by the deletion of the marginal note and the substitution therefor of the following —  
“Powers of search in respect of persons departing from or in transit through The Bahamas for the United States.”; and
- (b) by the deletion of the words “an officer of the United States” and the substitution therefor of the words “a Preclearance Officer”.

**5. Amends section 5 of the principal Act.**

Section 5 of the principal Act is amended as follows —

- (a) by the deletion of the marginal note and the substitution therefor of the following —  
“Refusal of permission to depart or passage onwards on precleared flights.”;
- (b) by the deletion of subsection (1) and the substitution therefor of the following —  
“(1) A Preclearance Officer may, in his discretion, refuse to allow any person who contravenes any of the provisions of this Act to depart from The Bahamas for entry into the United States on a precleared flight or passage onwards to the United States on an in transit precleared flight.”;
- (c) by the deletion of subsection (2) and the substitution therefor of the following —  
“(2) Any person who boards a precleared flight after permission to do so has been refused by a Preclearance Officer commits an offence and shall, on summary conviction therefor, be liable to a fine of five hundred dollars or to imprisonment for a term of six months or to both.”.

**6. Inserts new sections 6 and 7 into the principal Act.**

The principal Act is amended by the insertion immediately after section 5 of the following new sections —

**“6. Cost of preclearance.**

The cost of preclearance shall be borne by the Parties in accordance with the Agreement.

**7. Regulations.**

The Minister may make regulations —

- (a) prescribing fees in relation to the preclearance of passengers and crew;

- (b) prescribing any other matter relating to the payment or collection of fees;
- (c) for the better carrying out of the provisions of this Act and for the purpose of prescribing any thing required or permitted by this Act.”.