

CHAPTER 296

**UNITED STATES OF AMERICA AND THE BAHAMAS
PRECLEARANCE AGREEMENT**

ARRANGEMENT OF SECTIONS

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CHAPTER 296

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An Act to provide for the implementation by the Government of The Bahamas of an agreement made between the Government of the United States of America and the Government of The Bahamas for the establishment and operation of preclearance facilities in The Bahamas, and for purposes connected therewith.

7 cf 1978
10 cf 1988
2 cf 1999

[Commencement 24th May, 1978]

1. This Act may be cited as the United States of America and The Bahamas Preclearance Agreement Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “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;
- “officer of the United States” means an officer of a United States Inspectional Agency, being a person not ordinarily resident in The Bahamas but present therein for the purposes of the Agreement;
- “precleared flight” means flight by means of an aircraft eligible for preclearance under the Agreement;
- “United States” means the United States of America.
3. (1) Any person departing from The Bahamas for entry into the United States on a precleared flight shall declare to an officer of the United States any thing contained in his baggage or carried with him. Control of persons leaving The Bahamas for the United States
- (2) Any person departing from The Bahamas for entry into the United States on a precleared flight shall answer such questions as an officer of the United States may put to him with respect to his baggage and any thing *6 cf 1992, s 2*

contained therein or carried with him and shall, if required by any such officer, produce that baggage and any such thing for examination.

- (3) Any person who —
 - (a) makes any declaration which is false or incorrect in any material particular;
 - (b) fails to declare any thing as required by this section;
 - (c) when required by this section to answer any question lawfully put to him by an officer of the United States, refuses to answer such question or makes any false or incorrect statement in reply thereto;
 - (d) fails to produce any baggage or thing for examination as required by this section,

6 cf 1992, s 2 commits an offence, which shall be prosecuted summarily, and if found guilty thereof, such person shall be liable to a
10 cf 1988, s 2 fine of two thousand dollars or to imprisonment for a term of two years or to both and —

10 cf 1988, s 2 (i) any baggage or thing (other than any currency) in relation to which the offence is committed, shall be liable to forfeiture;

10 cf 1988, s 2 (ii) all currency the subject matter of the false statement or declaration to which the offence relates shall be forfeited.

10 cf 1988, s 2 (4) In this section “currency” means the currency of The Bahamas or of any foreign country and includes any traveller’s cheque, draft or other document of a kind intended to enable the person to whom such is issued to obtain currency of The Bahamas or of any foreign country from some other person on the credit of the person issuing it.

Powers of search
in respect of
persons
departing from
The Bahamas for
the United
States

4. (1) Where there are reasonable grounds to suspect that any person departing from The Bahamas for entry into the United States on a precleared flight is carrying any article which he has acquired outside the United States and which he has not declared to an officer of the United States, any peace officer or any person acting under the directions of any such peace officer may search him or any article with him:

Provided that —

- (i) no female shall be searched except by a female;
- (ii) the person to be searched may require to be taken before a justice of the peace or a superior of the peace officer, who shall consider the grounds for suspicion and direct accordingly whether or not the search is to take place.

(2) Where, on the search of any person under this section any article is found in his possession whether upon his person or in his baggage, in relation to which an offence under this Act has been committed, the article shall be liable to forfeiture.

5. (1) An officer of the United States 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.

Refusal of
permission to
depart on
precleared
flights

(2) Any person who boards a precleared flight after permission to do so has been refused by an officer of the United States 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.