

CHAPTER 298

IMPORT CONTROL REGULATIONS

IMPORT CONTROL REGULATIONS

(SECTION 3)

G.N. 197/1957
5 of 1987*[Commencement 10th December, 1957]*

1. These Regulations may be cited as the Import Control Regulations. Title.
2. In these Regulations, unless the context otherwise requires — Interpretation.
- “competent authority” means such person or body of persons as the Minister by notice in the *Gazette* may appoint.
3. The competent authority may make such Orders and give such instructions and directions as may in his opinion be necessary for supplementing the provisions of these Regulations. Competent authority may make orders.
4. (1) The competent authority may appoint all such agents, servants, employees and other persons as may be necessary for the efficient carrying out of the competent authority’s duties under these Regulations. Appointment of agent, etc., by competent authority.
- (2) Without prejudice to the generality of the powers conferred upon him by this regulation, the competent authority may delegate to his agent the powers conferred upon him by these Regulations in respect of the grant of or refusal to grant any licence, certificate, permit or other authorization required by these Regulations.
5. The importation into The Bahamas of all goods capable of being imported, save and except as hereinafter mentioned, is prohibited except under a licence from the competent authority. Licence to import goods.

Application for
licence.
Schedule.

6. (1) Every person applying for a licence shall submit his application in the form set out in the Schedule hereto, to the competent authority, who may call for further particulars or evidence as he may consider necessary in support of such application.

Schedule.

(2) The competent authority may, in his discretion, but subject nevertheless to such instructions as may be given to him by the Minister, refuse absolutely the grant of any licence applied for in respect of the importation of any goods, or he may grant such a licence, as set out in the Schedule hereto, generally or in respect of any goods or class or description of goods or in respect of any particular country or place or in respect of any person or class or persons; and, the competent authority may, when granting such a licence, impose such conditions, restrictions and limitations as he shall deem necessary, and as may be applicable in the case of such goods or such place or such person.

Exemptions.

7. The importation into The Bahamas of the following goods, is exempted from the provisions of these Regulations —

- (a) commercial travellers samplers;
- (b) baggage and private effects;
- (c) goods shown to the satisfaction of the competent authority to be *bona fide* gifts to consignees resident in The Bahamas;
- (d) goods being the produce or manufacture of the United Kingdom;
- (e) non-commercial importations not exceeding ten dollars in value at any one time and not being imported at intervals of less than a month:

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Provided that the Minister may by Order declare that any or all goods the produce or manufacture of any part of the United Kingdom named in such Order shall be subject to the provisions of these Regulations notwithstanding any exemption in this regulation contained.

Penalties for
false statements,
etc.

8. Any person who for the purpose of obtaining any licence under these Regulations —

- (a) makes or presents any declaration or statement or representation which is false in any material particular; or

- (b) produces a guarantee certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with, shall be guilty of an offence under these Regulations unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any documents so presented or produced, or to satisfy himself of the genuineness of the guarantee, certificate or undertaking.

9. (1) If any goods are imported in contravention either of these Regulations or of a licence issued hereunder those goods shall be deemed to be prohibited goods and shall be forfeited; and the importer of the goods or his agent shall without prejudice to any other penalty incurred under the customs laws, be guilty of an offence under these Regulations.

Prohibited goods.

(2) If any goods are imported, a customs officer may require any person possessing or having control of the goods to furnish proof that the importation is not unlawful by virtue either of these Regulations or of a licence issued under these Regulations; and if such proof is not furnished to the satisfaction of the competent authority, the goods shall be deemed to be prohibited goods unless the contrary is proved.

In any proceedings taken by virtue of this paragraph, an averment in the information that such proof as aforesaid has not been furnished to the satisfaction of the competent authority shall, unless the contrary is proved, be sufficient evidence that no such proof has been furnished to his satisfaction.

10. Where any goods are seized, under the provisions of these Regulations, notice of the seizure shall be given to the owner of the goods, and if the owner has no address in The Bahamas publication of the notice of the seizure in the *Gazette* shall be sufficient notice.

Notice of seizure of goods.

11. For the avoidance of doubt it is hereby declared that, without prejudice to the provisions of the Customs Management Act and any other Act with respect to ships

Savings.
Ch. 293.

and aircraft, the bringing into The Bahamas of ships or aircraft may be prohibited or regulated under these Regulations as an importation of goods, notwithstanding that the ships or aircraft are conveying goods or passengers and whether or not they are moving under their own power.

Penalties.

12. Any person guilty of an offence under these Regulations shall be liable —

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(a) on summary conviction, to imprisonment for six months or to a fine of five hundred dollars, or to both such imprisonment and such fine; or

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(b) on conviction before the Supreme Court, to imprisonment for two years or to a fine of two thousand dollars, or to both such imprisonment and such fine,

and any goods the subject-matter of the offence shall be forfeited to the Crown.

SCHEDULE (Regulation 6)

FORM OF APPLICATION FOR LICENCE TO IMPORT GOODS

THE IMPORT CONTROL REGULATIONS ACT

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To The Director of Supplies,
Nassau, New Providence,
Bahamas.

1. I/We (*Name in block letters*)
carrying on business as (*business name*)
at
hereby apply for licence to import goods specified in the order (in triplicate) attached hereto.

2. I/We desire to forward this order on or about the
day of 19 (*State whether by cable, mail or otherwise.*)

3. (a) I/We will remit the necessary amount to cover the cost of the goods, insurance, shipping expenses, etc., with the order.

(b) I/We will settle with Bank on arrival of the goods in The Bahamas.

(c) Payment will be effected
(*Strike out (a), (b) or (c) as the case may be.*)

I/We hereby declare that the goods specified in the attached order cannot be obtained or produced within The Bahamas in sufficient quantity to meet normal requirements nor can they be obtained from a Commonwealth source for the following reasons:

I further declare that all the particulars herein contained are true and correct.

Dated this day of 19

.....
(Signature of Applicant.)

NB. If a firm, sign the firm’s trading title, and by “X.Y.”, a partner in the said firm.

The authorized agent of a corporation may sign for the corporation thus: “For the Company Ltd.”

(Sgd.)

(Duly authorized under the Seal of the Company.)

The authority may be required to be produced for inspection.

FORM OF IMPORT LICENCE

THE IMPORT CONTROL REGULATIONS ACT

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Licence is hereby granted under the Import Control Regulations Act, to

.....

of

to import the goods as set out in the order attached hereto, subject to such conditions, restrictions and limitations as are specified hereon.

Dated this day of 19

.....

Competent authority.

CONDITIONS

1. This licence shall remain in force until the day of 19

2. This licence must be presented to the bank through which you conduct your business within days from the date hereof.

3. *(Insert here any other conditions that may be imposed.)*