



*EXTRAORDINARY*

**OFFICIAL GAZETTE**

**THE BAHAMAS**

PUBLISHED BY AUTHORITY

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NASSAU

10<sup>th</sup> August, 2018

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# TRAVELLERS CURRENCY DECLARATION (AMENDMENT) ACT, 2018

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No. 26 of 2018

## TRAVELLERS CURRENCY DECLARATION (AMENDMENT) ACT, 2018

AN ACT TO AMEND THE TRAVELLERS CURRENCY  
DECLARATION ACT

[Date of Assent - 10<sup>th</sup> August, 2018]

Enacted by the Parliament of The Bahamas

**1. Short title and commencement.**

- (1) This Act which amends the Travellers Currency Declaration Act, 2015 may be cited as the Travellers Currency Declaration (Amendment) Act, 2018.
- (2) This Act shall come into force on the date the Travellers Currency Declaration Act, 2015 comes into force.

**2. Amendment to section 1 of the principal Act.**

The Short Title of the principal Act is amended by the deletion of the word “Travellers”.

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

Section 3 of the principal Act is amended—

- (a) in subsection (1) by the insertion immediately after the words “instruments” the words “or precious metals or precious stones”;
- (b) in subsection (2)(a)—
  - (i) by the insertion immediately after the words “Form No. C17” the words “or Form No. C18 as applicable,”;
  - (ii) by the deletion of the words “Customs Management Regulations, 2014” and the substitution therefor of the words “Customs Management Regulations, 2013”;

- (c) in subsection (2)(b), by the insertion immediately after the words “Protection;”, the word “and”; and
- (d) by the insertion after subsection (2), of the following new subsection—
  - “(3) The declaration in subsection (1) shall be recorded by the proper officer who shall provide the information to the Financial Intelligence Unit.”.

**4. Repeal and replacement of sections 4 and 5 of the principal Act.**

Sections 4 and 5 of the principal Act are repealed and replaced as follows—

**“4. Detention and forfeiture of currency, other negotiable instruments or precious metals or precious stones.**

- (1) Customs may seize and detain in whole or in part the amount of the non-declared or falsely declared currency or bearer negotiable instruments or precious metals or precious stones —
  - (a) if there are reasonable grounds for suspecting that —
    - (i) it is or they are proceeds of an offence; or
    - (ii) it is or they are terrorist property;
    - (iii) it represents or they represent an instrumentality used or intended for use in the commission of such an offence; or
  - (b) if there is a false declaration or a failure to declare.
- (2) Property detained under subsection (1) shall not be detained for more than seventy two hours after seizure, unless a magistrate orders its continued detention for a period not exceeding three months from the date of the original detention or seizure.
- (3) The magistrate may order such further detention upon being satisfied that—
  - (a) there was a false declaration or disclosure or a failure to declare or disclose, or there are reasonable grounds for the suspicion referred to in subsection (1); and
  - (b) the continued detention of the property is justified while —
    - (i) its origin or derivation is further investigated; or
    - (ii) consideration is given to the institution in The Bahamas or elsewhere of criminal proceedings against any person for an offence with which the seized item is connected.

- (4) A magistrate may subsequently order the continued detention of the seized property if satisfied of the matters in subsection (3) for further periods of three months but the total period of all detentions shall not exceed two years from the date of the first order made under that subsection.
- (5) Subject to subsection (6), property detained under this section may be released in whole or in part to the person on whose behalf it was transported —
  - (a) by order of a magistrate that its continued detention is no longer justified, upon application by or on behalf of that person and after considering any representations of the Customs Department; or
  - (b) by Customs if satisfied that the continued detention of the seized property is no longer justified.
- (6) Property detained under this section shall not be released if —
  - (a) an application for restraint, confiscation or forfeiture of the property is made or pending under the Proceeds of Crime Act; or
  - (b) proceedings have been instituted in The Bahamas or elsewhere against any person for an offence with which the property is connected, unless and until the proceedings related to an offence have been concluded.
- (7) For the purposes of this section —
  - “**precious metals**” means any precious metal in bullion;
  - “**precious stones**” means any loose or uncut precious stones or jewellery which are intended for trade;
  - “**terrorist property**” has the same meaning as in section 2 of the Proceeds of Crime Act.

## 5. Offences and penalties.

- (1) Any person who—
  - (a) makes a declaration which is false or incorrect in any material particular commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars or to imprisonment of a term not exceeding three years or to both such fine and imprisonment;
  - (b) fails to declare anything as required by this Act commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars;



Hotel/House/Apt. No.

Street Address

Island

7. Household members for whom you are declaring:

Family Name	First	Middle
Family Name	First	Middle
Family Name	First	Middle

8. I/We have cash and/or negotiable instruments and/or precious metals or precious stones, of a value equivalent to ten thousand dollars or more to declare.

Yes [ ] No [ ]

If Yes, I/We have cash and/or negotiable instruments, in the value of \$ \_\_\_\_\_.

If Yes, I/We have precious metals or precious stones in the value of \$ \_\_\_\_\_.

I have read the information on the reverse of this form and have made a true, accurate and complete declaration.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Day Month Year

*Customs Use Only* \_\_\_\_\_

**CURRENCY DECLARATION (CUSTOMS FORM)  
REVERSE  
IMPORTANT INFORMATION**

You are required to declare imports and exports —

- (a) of cash and negotiable instruments of a value equivalent to ten thousand dollars or more;
- (b) of loose or uncut precious stones or jewellery with intention to trade of a value equivalent to ten thousand dollars or more and;
- (c) precious metals in bullion.

“Cash” includes coins and bank notes in any currency. “Negotiable instruments” includes monetary instruments such as cheques, travellers cheques, promissory notes, money orders and instruments in bearer form.

Any person who makes an oral or written declaration that is false or incorrect is liable upon

conviction to a fine not exceeding ten thousand dollars, or imprisonment for a term not exceeding three years or to both fine and imprisonment or forfeiture of the baggage and its contents.

All expressions of value shall be in Bahamian currency.”.

**7. Transitional.**

Any reference to the Travellers Currency Declaration Act in any written law in force or having effect on or after the commencement of this Act shall be construed as a reference to the Currency Declaration Act.