

PROCEEDS OF CRIME (AMENDMENT) BILL, 2014

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PROCEEDS OF CRIME (AMENDMENT) BILL, 2014

A BILL FOR AN ACT TO AMEND THE PROCEEDS OF CRIME ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Proceeds of Crime Act (*Ch. 93*) may be cited as the Proceeds of Crime (Amendment) Act, 2014.
- (2) This Act shall come into force on a day to be appointed by the Minister by notice in the Gazette.

2. Amendment to Heading of Part VI of the principal Act.

Part VI of the principal Act is amended by deleting the heading “SEIZURE OF CASH” and substituting therefor the heading “SEIZURE OF CASH AND PERSONAL PROPERTY”.

3. Amendment of section 46 of the principal Act.

Section 46 of the principal Act is amended —

- (a) by inserting immediately following the word “cash” wherever that word appears, the words, “or any other personal property”;
- (b) by inserting immediately following subsection (4) the following new subsections—

“(4A) Where a detention order is made under subsection (2), the Stipendiary and Circuit Magistrate may—

 - (a) at any time appoint a receiver to take possession of any personal property, other than cash;
 - (b) give directions to the receiver to manage or maintain the personal property in respect of which he is appointed, subject to such exceptions and conditions as he may specify; and

- (c) require any person having possession of the personal property, in respect of which the receiver is appointed, to give possession of it to the receiver.
- (4B) Where a receiver appointed under subsection (4A) takes any action in relation to any personal property in respect of which he is appointed, which he believes and has reasonable grounds for believing, that he is entitled to take that action in relation to that property, he shall not be liable to any person in respect of any loss or damage resulting from his action, except in so far as the loss or damage is caused by his negligence.
- (4C) Any amount due in respect of the remuneration and expenses of a receiver so appointed shall be paid out of the Confiscated Assets Fund.
- (4D) The appointment of the receiver shall come to an end where an order is made under subsection (5) or section 47.”.

4. Amendment of section 47 of the principal Act.

Section 47 of the principal Act is amended —

- (a) in subsection (1) and (2), by inserting immediately following the word, “cash” wherever that word appears, the words “or any other personal property”; and
- (b) in subsection (4), by inserting immediately following the words “any accrued interest” the words, “or any other personal property”.

5. Amendment of Schedule to the principal Act.

The Schedule to the principal Act is amended by the insertion immediately following Item (5) of the following new items —

- “(6) An offence under the Gaming Act.
- (7) An offence under the Travellers Currency Declaration Act.”

OBJECTS AND REASONS

This Bill seeks to amend sections 46 and 47 of the Proceeds of Crime Act to include any personal property; to be seized, detained and forfeited pursuant to the provisions of the Act. It also seeks to provide for the appointment of a receiver to manage and maintain the said personal property.

This Bill also seeks to include in the Schedule to the Act an offence under the Gaming Act, so as to establish such offences as a “relevant offence” for the purposes of the Act, thereby enabling confiscation orders to be made relating to property obtained from the commission of such offences.