



**BERMUDA  
1862 : 3**

**ARMS EXPORTATION ACT 1862**

ARRANGEMENT OF SECTIONS

1	Interpretation	5	Forfeiture of goods
2	Power of Governor to prohibit export of arms	6	Disposal of ships and goods seized
3	Offences	7	Governor's discretion
4	Seizure and forfeiture of ships	8	Direction by Secretary of State

[2 August 1862]

*[preamble and words of enactment omitted]*

**Interpretation**

1 In this Act "ship", where the context allows, includes an aircraft.

**Power of Governor to prohibit export of arms**

2 (1) The Governor may by order prohibit the export from Bermuda of any of the following—

- (a) arms, ammunition and explosives, military, naval and air force stores;
- (b) any articles which the Governor judges capable of being converted into or made useful in increasing the quantity of military, naval or air force stores, provisions, or any sort of victual which may be used as food by man.

(2) The Governor may by order prohibit the exportation from Bermuda of all or any of the following—

## **ARMS EXPORTATION ACT 1862**

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- (a) arms, ammunition, military, naval or air force stores;  
and
- (b) any article which the Governor judges capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military, naval or air force stores,

to any country or place named in such order whenever the Governor judges such prohibition to be expedient in order to prevent such arms, ammunition, military, naval or air force stores, being used against Her Majesty's subjects or forces, or against any forces engaged or which may be engaged in military, naval or air operations in co-operation with Her Majesty's forces.

(3) If any goods so prohibited are exported from Bermuda, or are waterborne for the purpose of being exported, they shall be forfeited.

(4) The Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply to an order made under this section.

### **Offences**

3 Any person who assists or is concerned in the shipment, exportation or removal for the purpose of facilitating or assisting in the exportation of any goods prohibited to be exported under this Act commits an offence against this Act:

Punishment on summary conviction: a fine of the level 3 amount.

*[Section 3 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]*

### **Seizure and forfeiture of ships**

4 (1) All ships, boats, carriages, and other means of conveyance, together with all horses and other animals made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and all goods, ships, vessels, boats, carriages and animals liable to forfeiture under this Act shall and may be seized and secured by any customs officer or by any person employed for that purpose by or with the concurrence of the Collector of Customs or other principal officer of the port, and the forfeiture of any ship or boat shall be deemed to include her tackle, apparel, and furniture.

(2) A person who in any way hinders, opposes, molests, or obstructs any customs officer or any person so employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, commits an offence against this Act:

Punishment on summary conviction: a fine of the level 5 amount.

*[Section 4 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]*

**Forfeiture of goods**

- 5 If any goods which are prohibited to be exported under this Act—
- (a) are put on board any ship or boat with intent to be laden or shipped for exportation; or
  - (b) are brought to any quay or wharf or other place within Bermuda, in order to be put on board any ship or boat for the purpose of being exported; or
  - (c) are found in any package produced to any customs officer as containing goods not so prohibited; or
  - (d) are found or discovered to have been concealed in any manner on board any ship or boat within Bermuda,

then all such goods shall be forfeited, together with any goods which are found packed with or used in concealing them, and all packages in which the goods are found.

**Disposal of ships and goods seized**

6 All ships, boats, goods, and other things whatsoever, which have been seized and condemned in respect of a contravention of this Act shall be sold or otherwise disposed of in such manner as the Governor may order and direct.

**Governor's discretion**

7 The Governor may direct that any ship's goods, animals or commodities whatsoever seized under this Act shall be delivered to the proprietor thereof, whether condemnation has taken place or not, upon such terms and conditions as the Governor sees fit.

**Direction by Secretary of State**

8 All forfeitures under this Act shall be and enure to the use of Her Majesty, and shall be applied and appropriated in such manner and to such purposes as a Secretary of State may direct.

*[Queen Victoria approved this Act on 14 March 1863 on which date it was brought into operation]*

*[The Act, as printed, incorporates the Arms Exportation Act 1900 (1900:48) and was continued in force indefinitely by the Arms Exportation Act Continuation and Amendment Act 1864 (1864:6)]*

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*[Amended by:*

## **ARMS EXPORTATION ACT 1862**

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1900 : 48  
1902 : 55  
1949 : 26  
1951 : 42  
1951 : 98  
1952 : 3  
1952 : 11  
1967 : 242  
1970 : 109  
1977 : 35  
2004 : 6]