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**SUBSIDIARY LEGISLATION OMITTED FROM THE  
2000 EDITION OF THE LAW OF THE BAHAMAS**

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**SUBSIDIARY LEGISLATION OMITTED FROM THE  
2000 EDITION OF THE LAW OF THE BAHAMAS**

**CHAPTER 2  
INTERPRETATION AND GENERAL CLAUSES**

**SUMMERTIME DECLARATION ORDER**

*S.I. 43/1986*

(SECTION 66)

*[Commencement 20th November, 1986]*

1. This Order may be cited as the Summertime Declaration Order. Citation.

2. It is hereby declared that summer time shall commence at two o'clock in the morning of the first Sunday in April of each year and expire at two o'clock in the morning of the last Sunday in October of each year. Period of summer time.

**CHAPTER 39  
PUBLIC SERVICE**

**PUBLIC SERVICE (VEHICLES) REGULATIONS**

*G.N. 184/1964*

(SECTION<sup>3</sup>)

*[Commencement 11th July, 1964]*

1. These Regulations may be cited as the Public Service (Vehicles) Regulations. Title.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“Government motor car” includes any motor car, truck or other four wheeled mechanically propelled vehicle owned by the Government;

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<sup>3</sup> Originally made under Section 28 of the Public Service Act, 1964 (No. 11 of 1964).

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“Government motor scooter” includes any mechanically propelled scooter or bicycle owned by the Government.

Purchase of  
Government  
motor cars.

**3.** (1) The Governor-General may from time to time approve the categories of public officers who shall be entitled to purchase Government motor cars as hereinafter provided.

(2) Any public officer to whom this Regulation applies may be granted a loan out of public funds for the purpose of either —

- (a) purchasing the Government motor car allocated to him at the market price thereof as assessed by a person to be appointed by the Governor-General ; or
- (b) purchasing a suitable motor vehicle from private sources at the market price thereof.

(3) All loans granted under the provisions of this Regulation shall bear interest at four per centum per annum and shall be repaid by the officer concerned over a period not exceeding three years by way of monthly deduction from his salary or otherwise as may be agreed between such officer and the Treasurer.

(4) Every public officer to whom a loan is granted under the provisions of this regulation shall, as a condition thereof, insure the motor vehicle concerned comprehensively with an insurer approved by the Governor-General in an amount at least equal to the amount of the loan as from the date of purchase and shall keep the vehicle so insured until such time as the loan shall be repaid in full.

Commuted  
allowance.

**4.** (1) Any public officer to whom the provisions of regulation 3 of these Regulations applies may apply for the payment to him of a commuted allowance in respect of the use by him of his private motor vehicle on official business and the Governor-General shall thereupon determine —

- (a) whether or not the amount of official travelling normally undertaken by such officer warrants the payment of any commuted allowance; and
- (b) if a commuted allowance is warranted in any particular case, the amount of such allowance per annum based on the expected distance which any such officer will travel on official business during a normal year.

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(2) Commuted allowance under the provisions of this regulation shall be paid out of the Treasury monthly to the officer concerned upon the certificate of the Cabinet Secretary or some other officer on his behalf.

5. (1) Any public officer holding a post specified by the Governor-General may be granted the use of a specified Government motor car or Government motor scooter in connection with his official duties and for private and domestic purposes at all times.

Government motor car for official duties and private use.

(2) It shall be a condition of the grant of the use of very such vehicle that no person other than the public officer concerned shall drive or operate such vehicle and that no such vehicle shall be allowed to ply for hire at any time.

(3) Every public officer who is granted the use of any such vehicle shall in respect of his private and domestic use thereof pay to the Treasury monthly the following charges, that is to say —

- |                                       |         |
|---------------------------------------|---------|
| (a) for every Government motor car    | \$60.00 |
| (b) or every Government motor scooter | \$10.00 |

Such charges may be recovered by deduction from the salary of the officer concerned.

(4) The use of a vehicle under the provisions of this regulation may be withdrawn from any public officer for breach of any of the conditions laid down in paragraph (2) of this regulation or if such officer is convicted of any offence in connection with the use of such vehicle.

## **PUBLIC SERVICE (HOUSING ACCOMMODATION) REGULATIONS**

(SECTION<sup>4</sup>)

G.N. 185/1964

*[Commencement 11th July, 1964]*

1. These Regulations may be cited as the Public Service (Housing Accommodation) Regulations. Title.

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<sup>4</sup> Originally made under Section 28 of the Public Service Act, 1964 (No. 11 of 1964).

Interpretation.

**2.** In these Regulations, unless the context otherwise requires —

“Government housing accommodation” includes every private dwelling and apartment owned or leased by the Government for the purpose of providing living accommodation for public officers and their families, but does not include Government House or any other accommodation provided for the use of the Governor-General;

“public utility” includes water, sewerage, electricity and telephone services.

Annual charge for Government accommodation.

**3.** (1) Subject to the provisions of these Regulations every public officer occupying Government housing accommodation shall pay to the Treasury therefor an annual charge based on the economic rental of that accommodation.

(2) The economic rental of all Government housing accommodation owned by the Government shall be assessed by two assessors appointed by the Governor-General and shall be finally determined by the Governor-General and certified by the Cabinet Secretary or by some other officer on his behalf.

First Schedule.

(3) Notwithstanding the provisions of paragraph (1) of this regulation the maximum annual charge payable by any public officer for the occupation by him of Government housing accommodation shall be the amount specified in the second column of the First Schedule hereto in respect of the annual salary of the officer concerned as specified in the first column of that Schedule.

Second Schedule.

(4) The provisions of this regulation shall not apply to public officers holding any post specified in the Second Schedule hereto.

Payment for public utilities.

**4.** (1) Every public officer occupying Government housing accommodation shall pay to the Treasury a charge corresponding to the total cost borne by the Treasury for provision of public utilities to that accommodation.

(2) The provisions of this regulation shall not apply in any case where a public officer assumes personal responsibility for payment of charges for public utilities supplied to any Government housing accommodation and for which no liability falls upon the Treasury.

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5. Any charge payable by any public officer in respect of the occupation of Government housing accommodation or for the provision of public utilities thereto may be recovered monthly by the Treasurer by deduction from the salary of such officer. Payments recoverable monthly.

**FIRST SCHEDULE (Regulation 3(3))**

Salary	Maximum Charge
Over \$17,200	\$4,800
\$16,000-\$17,200	\$4,400
\$13,200-\$15,999	\$4,000
\$12,000-\$13,199	\$3,600
\$10,400-\$11,999	\$3,200
\$ 8,000-\$10,399	\$2,400
\$ 7,200-\$ 7,999	\$2,000

**SECOND SCHEDULE (Regulation 3(4))**

1. Medical officer in any Out Island.
2. Principal matron, matron, assistant matron, principal sister tutor, sister tutor, nursing sister.
3. Out Island Commissioner.
4. Customs Officer in any Out Island.
5. Any officer of the Departments of Health, Customs, Immigration, Telecommunications or Police, any teacher or inspector of the Department of Education, and any other officer holding a post specified by the Governor-General, where any such officer is stationed in an Out Island and is occupying Government housing accommodation provided specifically in connection with his post.

**PUBLIC OFFICERS LEAVE RULES**

*G.N. 161/1958*

(SECTION<sup>5</sup>)

*[Commencement 20th September, 1958]*

1. These Rules may be cited as the Public Officers Leave Rules. Title.

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<sup>5</sup> Originally made under Section 57 of the Public Service Act. 1964 (No. 11 of 1964).

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Application.

**2.** Application for leave must be made on the approved form and submitted in time to allow the application to be dealt with and arrangements to be made for the performance of the officer's duties during his absence on leave, and in any case not less than two weeks before the leave is due to commence.

Leave on pay not granted under one year.

**3.** Vacation leave or leave of absence will be not granted to any public officer who has not completed one full year's service, nor will leave be granted in respect of any previous term of service.

Vacation leave.

**4.** Vacation leave will, subject to the exigencies of the service, be granted without any special grounds being shown.

Leave of absence.

**5.** Leave of absence will not be granted as of course.

Leave of retiring officer.

**6.** (1) An officer applying for leave with the intention of retiring will be granted any vacation leave for which he is eligible.

(2) An officer applying for leave with the intention of retiring will not be granted leave of absence save in exceptional circumstances, such as serious indisposition, or as a reward for outstanding services.

Leave of resigning officer.

**7.** (1) An officer resigning may be granted vacation leave but only when his intention to resign has been communicated to the Governor-General in reasonable time for arrangements to be made for the performance of the duties of his post after his resignation.

(2) An officer resigning will not be granted any leave of absence.

Sick leave.

**8.** (1) In the event of an officer remaining on the sick list for more than 28 days, full pay will be granted in respect of any full pay leave due after the expiration of the period of normal sick leave. Thereafter seven-eighths salary may be paid for periods up to an inclusive total of six months' absence from duty. Medical certificates must be submitted to the Establishment Secretary through the Head of Department and the Chief Medical Officer for each extension. One certificate may cover up to three months' extension if necessary.



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(2) Should the officer still be unfit to resume duty further sick leave, up to a maximum of six months, will be granted on half pay. Medical certificates must be submitted as prescribed by paragraph (1).

(3) If at the end of this additional period of sick leave the officer is still ill a medical board will be convened for the purpose of invaliding him out of the service.

**9.** (1) Staff with less than five years' service will be granted sick leave available up to four weeks plus whatever full pay vacation leave is due.

Maternity leave.

(2) Staff with more than five years' service and up to ten years' service will be granted sick leave available up to four weeks plus any full pay vacation leave earned plus half pay leave available, provided the total leave granted does not exceed ten weeks.

(3) Staff having completed ten years' service or more will be granted sick leave available up to four weeks plus any full pay vacation leave and half pay leave earned, provided the total leave granted does not exceed twelve weeks.

(4) No sick leave for pregnancy will be granted more than once in three years.

**10.** Service for leave will commence from the date on which an officer takes up the duties of the office to which he is appointed, and on the completion of every twelve months after that date he will be regarded as having earned the annual leave laid down in the Act notwithstanding the fact that he may have been on leave for any period during the preceding twelve months.

Calculation.

**11.** Before commencing his leave every officer shall furnish the Head of his Department with an address at which he may be communicated with during his leave.

Address to be furnished.

**12.** Leave will commence —

(a) in the case of an officer stationed in Nassau, from the date from which the leave is granted;

(b) in the case of an officer stationed in an Out Island —

(i) if the leave is to be spent in Nassau, from the date of arrival in Nassau, provided that he proceeds thither by the first available direct opportunity after handing over to his relief;

Commencement of leave.

- 
- (ii) if the leave is to be spent on an Out Island other than that on which he is stationed, from the date of departure from the Out Island on which he is serving provided that he proceeds thence by the first available opportunity after handing over to his relief;
  - (iii) if the leave is to be spent outside The Bahamas from the date of his departure from The Bahamas provided that no undue delay occurs between the date of handing over to his relief and the date of departure from The Bahamas.

Leave of officers  
stationed in Out  
Islands.

**13.** An officer proceeding on leave from an Out Island must report in writing to the Head of his Department —

- (a) the date of his departure from the Out Island on which he is serving if his leave is to be spent in another Out Island; or in other cases,
- (b) the date of his arrival in Nassau,

and in the event of his spending his leave outside The Bahamas will during any period from which he may be unavoidably detained in Nassau prior to departure on leave perform such duties as the Head of his Department may require.

Return to duty.

**14.** An officer who has been granted leave will report for duty in Nassau or such other place as may be notified to him not later than the date on which the leave granted expires. If for any reason an officer is unable to report for duty by the date of the expiration of his leave he must apply for such extension of leave as may be necessary giving as much notice as possible to the Governor-General if the leave is being spent in the United Kingdom or to the Head of his Department if the leave is being spent elsewhere; and such extension of leave may be granted with such salary as he may be entitled to receive under the Act or without salary if he is not entitled to any further leave with salary.

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**CHAPTER 53**  
**SUPREME COURT**

**PART I**

**Subsidiary Legislation under the Administration of  
Justice Act, 1956 (4 & 5 Eliz. 2 c. 46) of the United  
Kingdom**

S.I. 1962 No. 2348.

**OVERSEAS TERRITORIES**

**ADMIRALTY JURISDICTION (BAHAMA ISLANDS)  
ORDER IN COUNCIL, 1962**

*Made* ..... 24th October 1962

*Coming into Operation* ..... 25th October 1962

At the Court of Buckingham Palace, the 24th day of  
October, 1962.

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, by virtue and in exercise of the power  
vested in Her by section 56 of the Administration of Justice  
Act 1956 (a) and of all other powers enabling Her in that  
behalf, is pleased, by and with the advice of Her Privy  
Council, to order, and it is hereby ordered, as follows:

4 & 5 Eliz. 2.  
c. 46.

**1.** (1) This Order may be cited as the Admiralty  
Jurisdiction (Bahama Islands) Order in Council 1962.

Citation and  
commencement.

(2) This Order shall come into operation on the 25th  
October 1962.

**2.** The Colonial Courts of Admiralty Act 1890 (b)  
shall, in relation to the Supreme Court of the Bahama  
Islands, have effect as if for the reference in section 2(2)  
thereof to the Admiralty jurisdiction of the High Court in  
England there were substituted a reference to the  
Admiralty jurisdiction of that court as defined by section 1  
of the Administration of Justice Act 1956 subject to the  
adaptation and modification of the said section 1 that is  
specified in schedule 1 to this Order.

Admiralty  
jurisdiction of  
Supreme Court  
of Bahama  
Islands.

53 & 54 Vict.  
c. 27.

Application of provisions of Administration of Justice Act 1956 to Bahama Islands.

**3.** The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to the Bahama Islands with the adaptations and modifications that are specified in Column II of schedule 2 to this Order.

*W. G. Agnew.*

### **SCHEDULE 1 (Article 2)**

#### **ADAPTATION AND MODIFICATION OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956**

In subsection (1) the words “and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division” shall be deleted.

### **SCHEDULE 2 (Article 3)**

#### **PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO THE BAHAMA ISLANDS AND ADAPTATIONS AND MODIFICATIONS THERETO**

*Column I.*

*Column II.*

Section 3

In subsections (1), (3), (5), (6) and (7) the words “the High Court, the Liverpool Court of Passage, and any county court” shall be deleted and the words “the Supreme Court of the Bahama Islands” shall be substituted;

In subsection (2) the words “the High Court” shall be deleted and the words “the Supreme Court of the Bahama Islands” shall be substituted;

In subsection (4) the words “High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court” shall be deleted and the words “Supreme Court of the Bahama Islands” shall be substituted;

In subsection (8) the words “England and Wales” shall be deleted and the words “the Bahama Islands” shall be substituted.

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Section 4 Subsection (1) shall be deleted and the following subsection shall be substituted:

“(1) No court in the Bahama Islands shall entertain an action in personam to enforce a claim to which this section applies unless —

- (a) the defendant has his habitual residence or a place of business in the Bahama Islands; or
- (b) the cause of action arose within the territorial waters of the Bahama Islands; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection “territorial waters of the Bahama Islands” include any port, dock or harbour in the Bahama Islands;

In subsection (2) the words “in England and Wales” shall be deleted and the words “in the Bahama Islands” shall be substituted, and the words “outside England and Wales” shall be deleted and the words “outside the Bahama Islands” shall be substituted;

In subsection (5) the words “the High Court” shall be deleted and the words “the High Court of the Bahama Islands” shall be substituted;

Subsection (6) shall be omitted.

Section 6 The words “England and Wales” shall be deleted and the words “the Bahama Islands” shall be substituted.

Section 7 Subsection (1) shall be deleted and the following subsection shall be substituted:

“(1) Section 688 of the Merchant Shipping Act 1894 (a) (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section 552 of the Merchant Shipping Act 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim)”;

Subsection (2) shall be omitted.

57 & 58 Vict.  
c. 60.

PART II  
**Subsidiary Legislation under the Supreme Court Act  
(Chapter 53)**

**RULES OF COURT (SUMMARY SIDE)**

(SECTION 29)

These Rules have been omitted from this Edition by virtue of S.I. 145/1965 which amends the Second Schedule to the Revised Edition of the Laws Act contained in Volume I of the Revised Edition of the Statute Law of the Bahama Islands 1965.

G.N. 238/1958

**PROBATE (CORPORATION) RULES**

(SECTION 41)

*[Commencement 13th December, 1958]*

1. These Rules may be cited as the Probate (Corporation) Rules.
2. Any officer of a corporation to which section 7 of the Probate Act applies authorised for the purpose by a resolution passed by the directors or in a general meeting of that corporation, may on behalf of the corporation swear affidavits, give security and do any other act or thing which the court may require with a view to the grant to the corporation of probate; and the acts of an officer so authorised shall be binding on the corporation.
3. A copy of the resolution required under rule 2 of these Rules, properly sealed with the seal of the corporation concerned, shall be filed with the application for the grant of probate.

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**CHAPTER 84  
PENAL CODE**

**OUT ISLAND DISTRICTS (STRAYING CATTLE)  
ORDER**

(SECTION 169(2))

*G.N. 102/1929*

*[Commencement 15th June, 1929]*

**1.** This Order may be cited as the Out Island District (Straying Cattle) Order. Citation.

**2.** It is hereby ordered that the provisions of sections 169 and 170 of the Act shall be and the same are hereby extended to all magisterial districts and settlements in The Bahamas with the following exceptions: Application of sections 169 and 170.

- (a) Long Island. Those sections or localities which are included in pastures made by the erection of gates across the public roads;
- (b) Exuma. The settlement of Rolle Town, Steventon and Mount Thompson;
- (c) Abaco. The district of Millville.

**EXUMA AIRSTRIP (STRAYING CATTLE) ORDER**

(SECTION 169(2))

*G.N. 247/1958*

*[Commencement 27th December, 1958]*

**1.** This Order may be cited as the Exuma Airstrip (Straying Cattle) Order. Citation.

**2.** It is hereby ordered that the provisions of sections 169 and 170 of the Act shall be and the same are hereby extended to the Airstrip at George Town, Exuma and the approaches thereto. Application of sections 169 and 170.

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G.N. 76/1957

**PROHIBITION OF TRADING (ELEUTHERA) ORDER**  
(SECTION 214(2))

*[Commencement 25th May, 1957]*

Citation.

**1.** This Order may be cited as the Prohibition of Trading (Eleuthera) Order.

Application of section 214.

**2.** It is hereby ordered that the provisions of subsection (21) of section 214 of the Act shall apply to the Districts of Governor's Harbour and Rock Sound in the Island of Eleuthera subject however to the exceptions contained in section 215 of the Act.

**PROHIBITION OF TRADING (OUT ISLANDS) ORDER**

S.I. 144/1965

(SECTION 214(2))

*[Commencement 31st July, 1965]*

Citation.

**1.** This Order may be cited as the Prohibition of Trading (Out Islands) Order.

Application of section 214.

**2.** With effect from the date hereof the provisions of subsection (1) of section 214 of the Act shall apply to all the Out Island Districts of The Bahamas except the Districts of Governor's Harbour and Rock Sound in the Island of Eleuthera.



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**PROHIBITION OF THE USE OF BURIAL GROUND  
(MARSHALL VIEW CEMETERY) ORDER**

S.I. 2/1984

(SECTION 222)

*[Commencement 3rd February, 1984]*

1. This Order may be cited as the Prohibition of the Use of Burial Ground (Marshall View Cemetery) Order. Citation.

2. The use of the burial ground known as Marshall View Cemetery as a place of interment is hereby prohibited. Prohibition of interment.

**CHAPTER 297  
CUSTOMS DUTY (MOST-FAVOURED-NATION  
TARIFF)**

**CUSTOMS DUTY (MOST-FAVOURED-NATION  
TARIFF) AGREEMENT ORDER**

G.N. 134/1958

(SECTION 5)

*[Commencement 2nd August, 1958]*

WHEREAS by section 5 of the Customs Duty (Most-Favoured-Nation Tariff) Act the approval of both Houses of the Legislature by Resolution is required before a Most-Favoured-Nation Tariff Agreement (as defined by the Act) may be brought into operation by the Governor in Council.

AND WHEREAS the Government of the United Kingdom of Great Britain and Northern Ireland has entered into a Most-Favoured-Nation Tariff Agreement with the Government of the United States of America whereby the Government of the United States of America has agreed to reduce its customs duties on the importation of sodium chloride or salt in bulk in return for a reduction in the customs duties on the importation into The Bahama Islands of (a) bacon and hams, (b) beef and pork pickled and salted and (c) other meats salted, or cured, as set out in an extract from the Agreement appearing as the Schedule to this Order.

Schedule.

AND WHEREAS it is a term of the said Agreement that the rates of Customs Duty specified in columns B and C of the Schedule relating to the United States of America will become effective upon the expiration of one and two years respectively after the related rate in Column A becomes initially effective.

AND WHEREAS The Legislature has approved of the Governor in Council, by Order in Council declaring that the terms of the said Agreement shall become effective in The Bahamas from a date to be specified in such Order in Council.

NOW THEREFORE it is hereby ordered that the said Agreement shall be deemed to have come into effect as from the date of the making of this Order.

This Order may be cited as the Customs Duty (Most-Favoured-Nation Tariff) Agreement Order.

## SCHEDULE

### G.A.T.T. TARIFF CONFERENCE

#### EXTRACT FROM SCHEDULE XX — UNITED STATES OF AMERICA

##### PART I MOST-FAVOURED-NATION TARIFF

American Tariff  
Act 1930,  
Paragraph 81.

Description of Products.	Rates of Duty.		
	A.	B.	C.
Sodium:	1.9c. per	1.8c. per	1.7c. per
Chloride or salt, in bulk.	100 lb.	100 lb.	100 lb.

#### EXTRACT FROM SCHEDULE XIX-UNITED KINGDOM SECTION B BAHAMAS

##### PART I MOST-FAVOURED-NATION TARIFF

Bahamas Tariff  
Act 1939 First  
Schedule Item 36.

Description of Products.	Rates of Duty.
Meats:	
(a) Bacon and ham	.75c. per 100 lbs.
(b) Beef and pork, pickled and salted	.35c. per 100 lbs.
(c) Other, salted or cured	.35c. per 100 lbs.

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**PART II**  
**PREFERENTIAL TARIFF**

Meats:

- (a) Bacon and hams      50 per cent of the most-favoured-nation  
rate shown in Part I of this Schedule.