

ARTICLE 1

Interpretation

In this Agreement:

- (a) references to “forfeiture” or “confiscation” shall be taken to be references to any procedure under national law resulting in:
 - (i) in the case of Canada, an order of forfeiture of assets related to crime or an order for the payment of funds equivalent to a forfeiture, made on behalf of Her Majesty the Queen in Right of Canada; and
 - (ii) in the case of the Commonwealth of The Bahamas, a confiscation order which is made by a court and which is not, or is no longer, capable of being the subject of any form of appeal proceedings;
- (b) references to “co-operation” shall be taken to be references to any assistance, including intelligence, operational, legal or judicial assistance, which has been given by one Party and which has contributed to, or significantly facilitated, forfeiture or confiscation in the territory of the other Party;
- (c) references to “assets” shall be taken to be references to assets which are in the possession of a Party, and which comprise the net proceeds realised as a result of forfeiture or confiscation, after deduction of the costs of realisation,

and the provisions of this Agreement are to be interpreted accordingly.

ARTICLE 2

Circumstances in Which Assets May Be Shared

In any case in which a Party is in possession of assets, and it appears to that Party (the Holding Party) that co-operation has been given by the other Party, the Holding Party may, at its discretion and in accordance with its domestic laws, share those assets with that other Party (the Co-operating Party).