

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C110

CONVICTS LICENCES ACT

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CONVICTS LICENCES ACT

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SCHEDULE 1: Licence
SCHEDULE 2: Certificate of Conviction

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CONVICTS LICENCES ACT

Interpretation

1. In this Act—

"imprisonment" means imprisonment in a prison;

"licence holder" means a person to whom a licence is granted under this Act, and who holds or is entitled to hold such licence;

"prison" means a prison established under the Prison Act;

"prisoner" means a person undergoing, or hereafter to undergo, imprisonment, the term of whose original sentence was, or shall not be, less than 2 years.

Power of pardon not affected

2. Nothing in this Act shall affect Her Majesty's royal prerogative of mercy, or any like prerogative or power vested in the Governor.

Licence and discharge of prisoners

3. (1) The Governor may, by order under his hand, grant to any prisoner in Anguilla a licence to be at large in Anguilla during such portion of his imprisonment as to the Governor may seem fit; and the Governor may, by order under his hand, revoke or alter such licence, at his pleasure.

(2) Such licence may be in the form in Schedule 1, or in such other form as the Governor may order.

(3) On any licence being granted, a copy thereof shall be kept in the Governor's office and another copy thereof shall be sent to the Commissioner of Police in Anguilla and shall be kept by him at his office.

(4) Any person to whom a licence is granted under this Act shall be set at liberty in Anguilla.

Rights of licence holder

4. So long as a licence shall continue in force and unrevoked, the licence holder shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such licence.

Duties and liabilities of licence holder

5. Every licence holder shall, within 48 hours after he is set at liberty, notify the place of his residence to the Magistrate and, whenever he changes such residence, shall notify such change of residence to the Magistrate. And every licence holder shall, once in every month, report himself and the place of his residence either to the Commissioner of Police or to the police officer in charge of the nearest police station, and such report shall be made at such time in the month, and either personally or by letter, as the Commissioner of Police may direct, and it shall be the duty of every police officer who receives any such report to forward it immediately to the Commissioner of Police.

Licence forfeited on subsequent conviction

6. If any licence holder is convicted, either by the verdict of a jury or upon his own confession, of any offence for which he is indicted, his licence shall be forthwith forfeited by virtue of such conviction.

Punishment for breach of conditions of licence

7. If any licence holder who is at large in Anguilla, remains after he is set at liberty for 48 hours without notifying his place of residence to the Magistrate, or fails to comply with the requisitions of section 5 on the occasion of any change of residence, or with the requisitions of that section as to reporting himself once in each month, he, unless he proves to the satisfaction of the Court before whom he is tried that he did his best to act in conformity with the law, is guilty of an offence under this Act punishable summarily, and, upon conviction thereof, his licence may, in the discretion of the Court, be forfeited, or, if the original term of imprisonment in respect of which his licence was granted has expired at the date of his conviction, it shall be lawful for the Court to sentence him to imprisonment for a term of 6 months, or, if the original term of imprisonment has not expired but the remainder unexpired thereof is a lesser period than 6 months, then in addition to the forfeiture of his licence, to sentence him to imprisonment to commence at the expiration of the original term of imprisonment, for such a time as together with the remainder unexpired of his original term of imprisonment will not exceed 6 months.

Punishment for failing to produce licence, etc.

8. If any licence holder—

(a) fails to produce his licence when required so to do by any Judge or Magistrate before whom he is brought charged with any offence, or by any constable or police officer in whose custody he is, and also fails to make any reasonable excuse for not producing the same; or

(b) breaks any of the other conditions of his licence by an act that is not of itself punishable either upon indictment or upon summary conviction;

he shall be deemed guilty of an offence punishable summarily and liable to imprisonment for a period of 3 months.

Apprehension of suspected licence holder

9. Any constable or police officer may, without warrant, take into custody any licence holder whom he reasonably suspects of having committed any offence, or of having broken any of the conditions of his licence, and may detain him in custody until he can be taken before the Magistrate and dealt with according to law.

Procedure

10. Any offence under this Act may be prosecuted summarily before the Magistrate.

Magistrate to forward to Governor certificate of conviction

11. Where any holder of a licence granted under this Act is convicted of an offence punishable summarily under this or any other Act, the Magistrate convicting the prisoner shall, without delay, forward by post or otherwise to the Governor, a certificate in the form in Schedule 2, and thereupon the licence of the licence holder may be revoked in manner provided by this Act.

Apprehension on revocation of licence

12. Whenever the Governor revokes a licence and signifies such revocation to the Magistrate, the Magistrate shall, if the licence holder is not already in custody, immediately issue his warrant for his apprehension. On any licence holder being brought before the Magistrate, either on such warrant or otherwise, after the Governor's revocation signified as aforesaid, the Magistrate shall, by warrant under his hand, commit such licence holder to prison and thereupon the licence holder shall be remitted to his original sentence and shall undergo the residue thereof as if no licence had been granted.

Licence holder convicted of an offence to undergo remainder of original term

13. Where a licence is forfeited by a conviction for any offence, the licence holder, after undergoing the punishment for the offence in consequence of which his licence is forfeited, shall further undergo a term of imprisonment equal to the portion of his term of imprisonment that remains unexpired at the time his licence was granted, and he shall for such purpose be committed to prison under the order of the Court or Magistrate before whom he is convicted, there to be dealt with accordingly.

Power to frame forms

14. The Governor may, from time to time, if necessary, cause to be framed forms to be used under this Act and may, from time to time, alter or annul any of such forms.

Citation

15. This Act may be cited as the Convicts Licences Act, Revised Statutes of Anguilla, Chapter C110.

SCHEDULE 1

(Section 3(2))

ANGUILLA

LICENCE

I ....……………………….……………..….......…………… Governor of Anguilla in exercise of the powers in this behalf in me vested, do hereby grant to ......…………....……...........………………….. who was convicted of ……………………..……….................................. at the High Court in Anguilla, on the ……………..... day of ……………………….... in the year 20...... , and was then and there sentenced to be kept to ....….... imprisonment, and is now confined in the Prison in ....……....... this my licence to be at large in Anguilla, from the day of liberation under this my order, during the remaining portion of the said term of imprisonment, unless the said ....……....…………................ shall, before the expiration of the said term, be convicted of some indictable offence within Anguilla, in which case this licence will be immediately forfeited by law, or unless the licence be revoked by me in accordance with the provisions of the Convicts Licences Act.

This licence is given subject to the conditions endorsed hereupon, and, upon the breach of any such conditions, this licence will be liable to be revoked, whether such breach is followed by a conviction or not.

And I the said Governor do hereby order that the said ....………….......................... be set at liberty within ....……….............. days from the date of this my order.

Given under my hand at the Governor's Office in Anguilla, this day of ……………………...................., 20...... .

CONDITIONS

1. The holder shall preserve this licence, and produce it when called upon to do so by the Magistrate or police officer.

2. The holder shall abstain from any violation of the law.

3. The holder shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

4. The holder shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If this licence is revoked by the Governor the holder will be liable to undergo a term of imprisonment equal to the portion of his term of .....……..... years which remained unexpired when this licence was granted, namely:— the term of ……..... years. And if this licence is forfeited in consequence of a conviction of the holder for any offence, the holder will be liable to undergo the unexpired term of imprisonment above-mentioned, in addition to the punishment inflicted on him for such offence.

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SCHEDULE 2

(Section 11)

CERTIFICATE OF CONVICTION

I do hereby certify that .....……....., the holder of a licence under the Convicts Licences Act, was, on the ..... day of .....…….....…., 20 .....….. duly convicted by me of the offence of ..…...…….....…….....…..... and sentenced to …….…….. .

(Signed)

MAGISTRATE

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