

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E60

ESSENTIAL SERVICES ACT

Showing the Law as at 15 December 2000

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ESSENTIAL SERVICES ACT

Breach of contract in essential services

1. (1) Every person employed in an essential service who wilfully breaks or terminates his contract of service, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the public, wholly or to a great extent, of that service, is guilty of an offence and on summary conviction is liable to a fine of $1,250 or to imprisonment for a term of 3 months or to both, but where any collective withdrawal of labour from an essential service is contemplated, whether in pursuance of a trade dispute or otherwise, and notice in writing of their intended participation in such withdrawal is given either individually by persons employed in that service or on their behalf by a registered trade union or registered trade unions of which such persons are members, any such person is not liable under this subsection unless he breaks or terminates his contract of service before the expiration of the period of 28 days next following delivery of that notice, or otherwise than strictly in accordance with the valid terms of that notice.

(2) The Governor in Council may make regulations prescribing the form and manner in which the notice referred to in the preceding subsection shall be rendered, and the period and time for which such notice shall be valid.

(3) Every person who incites or instigates or in any way encourages, persuades or influences a person employed in an essential service to break or terminate his contract of service, knowing or having reasonable cause to believe that the probable consequences of that employed person so doing, either alone or in combination with others, would be to deprive the public, wholly or to a great extent, of that service, is, if breach or termination of contract has taken place—

(a) without notice having been given as provided in subsection (1); or

(b) such notice having been given, and remaining valid otherwise than on the expiration of that notice not being earlier than 28 days after delivery thereof;

guilty of an offence and is liable on summary conviction to a fine of $2,500 or to imprisonment for a term of 6 months or to both.

(4) Every employer in an essential service shall cause to be posted up on premises used for the purposes of that service, a printed copy of this section in some conspicuous place where it may conveniently be read by persons employed therein, and as often as such copy becomes defaced, obliterated, destroyed or removed, shall cause it to be replaced with all reasonable despatch.

(5) Every employer, other than Government, who fails to comply with the provisions of subsection (4) is guilty of an offence and is liable on summary conviction to a fine of $125 for every day during which he fails to comply.

(6) Every person who unlawfully injures, defaces, obliterates, destroys or removes any printed copy of this section posted up as required by subsection (4) is guilty of an offence and is liable on summary conviction to a fine of $250 or to imprisonment for a term of 1 month or to both.

(7) For the purposes of this section—

(a) each of the services specified in the Schedule shall be an essential service; and

(b) save as is otherwise provided in this Act, the term "employer" includes Government and the term "person employed" or "employed person" includes a person employed by Government.

(8) The Governor in Council may, by regulation, add any service to, and delete any service from, the Schedule or otherwise amend the contents thereof, but the effect of any such addition, deletion or amendment shall lapse at the expiration of a period of 30 days beginning with the date of publication thereof unless it has in the meantime been approved by a resolution of the House of Assembly.

Breach of contract endangering life or property

2. (1) Any person who wilfully breaks or terminates a contract of service or hiring knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, is guilty of an offence and is liable on summary conviction to a fine of $1,250 or to imprisonment for a term of 3 months or to both.

(2) Every person who incites or instigates, or in any way encourages, persuades or influences another to break or terminate a contract of service or hiring, knowing or having reasonable cause to believe that the probable consequences of that other person so doing would be to endanger human life or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, is guilty of an offence and is liable on summary conviction to a fine of $2,500 or to imprisonment for a term of 6 months or to both.

Prosecutions

3. (1) No prosecution for an offence under either section 1 or 2 shall be commenced without the written consent of the Attorney General.

(2) No person shall be prosecuted for an offence—

(a) under section 1(1) where the Government, being the employer, has failed to comply with the duties required of an employer under section 1(4); or

(b) under section 1(1) or section 2(1) if he—

(i) terminates his contract with the written consent of his employer, or

(ii) terminates his contract—

(A) in the case of a contract of service made in writing, by giving his employer such notice as may be specified therein, or

(B) in all other cases, by giving his employer 1 month's notice in writing.

Citation

4. This Act may be cited as the Essential Services Act, Revised Statutes of Anguilla, Chapter E60.

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SCHEDULE

(Section 1(7)(a))

ESSENTIAL SERVICES

Air Traffic (including meteorological, telecommunications, security, fire and crash services connected with airports).

Electricity

Fire

Medical and Health

Telecommunications

Water

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