ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER M10

MAINTENANCE OF CHILDREN (PARENTS ABOUT TO LEAVE THE JURISDICTION) ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises and consolidates—
Act 6/2019, in force 15 February 2019
Act 8/2019, in force 7 September 2020

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MAINTENANCE OF CHILDREN (PARENTS ABOUT TO LEAVE THE JURISDICTION) ACT

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MAINTENANCE OF CHILDREN (PARENTS ABOUT TO LEAVE THE JURISDICTION) ACT

Interpretation

1. In this Act—

"child" means—

(a) a person 18 years or younger; or

(b) a person 18 years or older whose special circumstances are such that he is unable to reasonably provide for his daily requirements;

"parent" means a birth or adoptive parent and includes a person adjudged to be the putative father of a child born out of wedlock;

"special circumstances" means the person has—

(i) a serious illness; or

(ii) a physical or mental disability.

(Act 6/2019, s. 116)

Proceedings against parent supposed to be about to leave Anguilla without making adequate provision for his child

2. Where it is made to appear to the Magistrate upon oath that there is reasonable ground for believing that a parent is about to leave Anguilla without making adequate provision for the maintenance and care during his absence of any child of his living in Anguilla, it shall be lawful for the Magistrate to issue a summons directed to such parent requiring him to appear before the Magistrate at the time therein mentioned and to show cause why an order should not be made against him prohibiting him from leaving Anguilla, but the Magistrate may, if he thinks it expedient so to do, either in the first instance or subsequently to the issue of a summons, issue a warrant addressed to the Commissioner of Police and all police officers of Anguilla, to apprehend such parent and to cause him to be brought before him.

Power to Magistrate to prohibit parent from leaving Anguilla

3. Where on the appearance of the parent before the Magistrate it appears to the Magistrate that the parent is about to leave Anguilla, and the Magistrate is not satisfied that the parent has made adequate provision for the maintenance and care of such child during his absence, the Magistrate may, if he thinks it expedient so to do, order that such parent shall not leave Anguilla.

Contravention of Magistrate's order an offence

4. Any parent against whom an order has been made under section 3 who shall leave or attempt to leave Anguilla before such order shall have ceased to be operative, or shall have been rescinded, is liable on summary conviction to a fine of $3,840 or to imprisonment for a term of 6 months.

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Power of police officer to arrest without warrant

5. Any police officer may arrest without warrant and bring before the Magistrate any person who is subject to an order made under section 3 and—

(a) who has left Anguilla and is found within the territorial waters thereof; or

(b) who such police officer has reason to suspect to be attempting to leave Anguilla.

Presumption of age of child

6. Where any proceedings are taken against a parent under this Act in respect of a child who appears to the Magistrate to be under 18 years of age, such child is deemed to be under that age unless the contrary is proved.

What to be deemed adequate provision in case of person adjudged to be the putative father of a child

7. A person who has been adjudged to be the putative father of a child is deemed to have made adequate provision for the maintenance and care of such child within the meaning of this Act if he has made sufficient provision for the payment during his absence from Anguilla of all money which may become payable by him during such absence under the order by which he was adjudged to be the putative father of such child or any order varying the same.

Duration and rescission of order

8. (1) No order made under section 3 shall have any force or validity after the expiration of 2 years from the day upon which the same was made.

(2) The Magistrate may, upon application by or on behalf of any parent against whom an order has been made under section 3, rescind such order.

Citation

9. This Act may be cited as the Maintenance of Children (Parents about to Leave the Jurisdiction) Act, Revised Statutes of Anguilla, Chapter M10.

(Act 8/2019, s. 56(1))

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