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UNITED KINGDOM FORCES (JURISDICTION OF CIVIL COURTS) ACT

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UNITED KINGDOM FORCES (JURISDICTION OF CIVIL COURTS) ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Exercise of powers by service courts
3. Restriction of trial of service offenders
4. Courts not to try offences tried by service courts
5. Savings of powers of arrest, etc.
6. Restriction on proceedings in respect of service of members of Her Majesty's forces
7. Coroners' inquests
8. Evidence
9. Citation

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UNITED KINGDOM FORCES (JURISDICTION OF CIVIL COURTS) ACT

Interpretation

1. (1) In this Act—

"coroner" means any person appointed under the Coroners Act to hold inquests;

"court" means a court exercising jurisdiction in Anguilla other than a service court;

"dependant", in relation to any person, means any of the following—

(a) the wife or husband of that person;

(b) any other person wholly or mainly maintained by him or in his custody, charge or care;

"Her Majesty's forces" means the naval, military or air forces of Her Majesty in right of Her Government in the United Kingdom but does not include a force raised under a law enacted by the Legislature of Anguilla;

"Her Majesty's ships or aircraft" does not include ships or aircraft belonging to Her Majesty otherwise than in right of Her Majesty's Government in the United Kingdom;

"service court" means an officer or court exercising jurisdiction under the Naval Discipline Act, 1957 (6 Eliz. 2 c. 53), the Army Act, 1955 (4 Eliz. 2 c. 18), or the Air Force Act, 1955 (4 Eliz. 2 c. 19), and includes a confirming officer or reviewing authority under any of those Acts.

(2) In this Act, a reference to the holder of an office by the term designating his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to exercise the functions of that office.

(3) References in this Act to a member of a civilian component of any of Her Majesty's forces are references to persons (being persons subject to the jurisdiction of a service court) of any such description as may be prescribed by regulation made by the Governor.

(4) References in this Act to a person having at any time a relevant association with Her Majesty's forces are references to his being at that time a person of one or other of the following descriptions, that is to say—

(a) a member of Her Majesty's forces or a member of a civilian component of any of those forces;

(b) a person who is a dependant of any such member.

(5) References in this Act to any law are references to that law as from time to time amended or extended by or under any other law.

(6) In the exercise of the powers conferred upon him by this Act, the Governor shall not be obliged to obtain the advice of or otherwise to consult with any other person or authority in Anguilla.

Exercise of powers by service courts

2. (1) The service courts may within Anguilla, or on board any of Her Majesty's ships or aircraft, exercise over persons subject to their jurisdiction all such powers as are exercisable by them according to the law of the United Kingdom.

(2) The persons subject to the jurisdiction of the service courts in accordance with this section are the following, that is to say—

(a) members of Her Majesty's forces;

(b) a member of a civilian component of any of those forces.

(3) Where any sentence has, whether within or outside Anguilla, been passed by a service court upon a person who immediately before sentence was passed was subject to the jurisdiction of that court in accordance with this section, then for the purposes of any proceeding in a court the service court shall be deemed to have been properly constituted, and the sentence shall be deemed to be within the jurisdiction of that service court and in accordance with the law of the United Kingdom and, if executed according to the terms of the sentence, shall be deemed to have been lawfully executed.

(4) Any person who—

(a) is detained in custody in pursuance of a sentence as respects which subsection (3) has effect; or

(b) being subject in accordance with this section to the jurisdiction of the service courts to which this Act applies, is detained in custody pending or during the trial by such service court of a charge brought against him;

shall for the purposes of any proceedings in a court be deemed to be in legal custody.

Restriction of trial of service offenders

3. (1) Subject to the provisions of this section, a person charged with an offence against the laws of Anguilla shall not be liable to be tried for that offence by a court if at the time that the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces and—

(a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or a member of that civilian component, as the case may be;

(b) the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed had at the time thereof a relevant association with Her Majesty's forces; or

(c) the alleged offence is an offence against property, and the whole of the property in relation to which it was alleged to have been committed (or, in cases where different parts of that property were differently owned, each part of the property) was at the time thereof the property either of a department of the Government of the United Kingdom or of some other authority of the United Kingdom or of Her Majesty's forces or of the Navy, Army and Air Force Institutes or of any other institution or organization operating for the benefit of Her Majesty's forces that is prescribed by order of the Governor or the property of a person having such an association as aforesaid.

(2) Nothing in subsection (1)—

(a) shall prevent a person from being tried by a court in any case where a certificate is issued by or on behalf of the Governor, either before or in the course of the trial, that the officer commanding Her Majesty's forces in Anguilla has notified the Governor that it is not proposed that the case should be dealt with by a service court;

(b) shall affect anything done or omitted in the course of a trial unless in the course thereof objection has already been made that by reason of that subsection the court is not competent to deal with the case; or

(c) shall, after the conclusion of a trial, be treated as having affected the validity thereof if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(3) In relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or being accessory to the commission of an offence, paragraphs (1)(b) and (c) shall have effect as if references in those paragraphs to the alleged offence were references to the offence which the person charged is alleged to have attempted or conspired to commit or, as the case may be, the offence as respects which it is alleged that he aided, abetted, procured or was accessory to the commission thereof; and references in those paragraphs to persons in relation to whom, or property in relation to which, the offence is alleged to have been committed shall be construed accordingly.

(4) Nothing in this section shall be construed as derogating from the provisions of any law of Anguilla restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(5) The Governor may by regulation prescribe the offences which shall respectively be offences against the person and offences against property for the purposes of this section.

Courts not to try offences tried by service courts

4. Without prejudice to the provisions of section 3, where a person has been tried by a service court, he shall not be tried for the same crime by a court.

Savings of powers of arrest, etc.

5. (1) Nothing in sections 3 or 4 shall affect—

(a) any powers of arrest, search, entry, seizure or custody exercisable under any law of Anguilla with respect to offences committed or believed to have been committed against that law;

(b) any obligation of any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

(2) Where a person has been taken into custody by a member of the Royal Anguilla Police Force without a warrant for such an offence as aforesaid, and there is reasonable ground for believing that in accordance with section 2 he is subject to the jurisdiction of a service court, then with the view of its being determined whether he is to be dealt with for an offence under the law of Anguilla or dealt with by a service court for an offence against the law of the United Kingdom, he may be detained in custody for a period not exceeding 3 days without being brought before the Magistrate; but, if within that period he is not delivered into the custody of an authority of the United Kingdom, he shall be released on bail or brought before the Magistrate as soon as practicable after the expiration of that period.

Restriction on proceedings in respect of service of members of Her Majesty's forces

6. No proceedings shall be entertained by any court with regard to the pay of any person in respect of service as a member of Her Majesty's forces or as a member of a civilian component of such a force, with regard to the terms of such service or with regard to a person's discharge from such service.

Coroners' inquests

7. (1) If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with Her Majesty's forces, then, unless the Governor otherwise directs, the coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest.

(2) Subject to the provisions of subsection (1), if on an inquest touching a death the coroner is satisfied—

(a) that a person who is subject to the jurisdiction of a service court has been charged before a service court with the homicide of the deceased person, whether or not that charge has been dealt with; or

(b) that such a person is being detained by an authority of the United Kingdom with a view to being so charged;

then, unless the Governor otherwise directs, the coroner shall adjourn the inquest.

(3) Where an inquest is adjourned under this section, the coroner shall not resume it except on the direction of the Governor.

(4) Where an inquest is adjourned under this section, the jury (if any) shall be discharged, and if the inquest is resumed, the coroner shall proceed in all respects as if the inquest had not previously been begun except that any requirement to view the body shall not apply.

Evidence

8. (1) For the purposes of this Act, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in Anguilla stating that at a time specified in the certificate a person so specified either was or was not a member of Her Majesty's forces shall in any proceedings in any court be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Act, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in Anguilla, stating as respects a person specified in the certificate—

(a) that he has been charged before a service court with the homicide of a deceased person or is detained in custody by an authority of the United Kingdom with a view to being so charged; or

(b) that he has been tried, at a time and place specified in the certificate, by a service court for a crime so specified;

shall in any proceedings in any court be conclusive evidence of the facts so stated.

(3) Where a person is charged with an offence against the laws of Anguilla and at the time when the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in Anguilla stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or that component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

Citation

9. This Act may be cited as the United Kingdom Forces (Jurisdiction of Civil Courts) Act, Revised Statutes of Anguilla, Chapter U10.

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