ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

PROBATION ACT
R.S.A. c. P96

Showing the Law as at 15 December 2014

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.

Regulation	Citation	Page
PROBATION REGULATIONS *Revises R.A. 40/2012, in force 13 August 2012*	R.R.A. P96-1 *(15/12/2014)*	3

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Revised Regulations of Anguilla: P96-1

PROBATION ACT (R.S.A. c. P96)

PROBATION REGULATIONS

Note: These Regulations are enabled under section 39 of the Probation Act, R.S.A. c. P96.

TABLE OF CONTENTS

1. Interpretation
2. Designation of institution
3. Probation order
4. Recognizance by parent of juvenile offender
5. Application to vary or discharge probation order
6. Summons to offender on application to vary or discharge probation order
7. Summons for breach of probation order
8. Warrant for breach of probation order
9. Notice of action on breach of probation order
10. Conviction after revocation of probation order
11. Citation

SCHEDULE: Forms

PROBATION REGULATIONS

Interpretation

1. (1) In these Regulations, "the Act" means the Probation Act.

(2) A reference in these Regulations to a form shall be construed as a reference to that form as prescribed in the Schedule.

Designation of institution

2. The Juvenile Rehabilitation Centre located at The Forest is designated as an institution for the rehabilitation of juvenile offenders.

Probation order

3. A probation order shall be in Form 1.

Recognizance by parent of juvenile offender

4. A recognizance by a parent under section 23(2)(d) of the Act for the good behaviour of a juvenile offender, shall be in Form 2.

Application to vary or discharge probation order

5. An application to vary or discharge a probation order shall be in Form 3.

Summons on application to vary or discharge probation order

6. A summons to an offender to appear at the hearing of an application to vary or discharge a probation order shall be in Form 4.

Summons for breach of probation order

7. A summons to a person alleged to be in breach of probation order shall be in Form 5.

Warrant for breach of probation order

8. A warrant for the arrest of an offender in relation to an alleged breach of a probation order shall be in Form 6.

Notice of action on breach of probation order

9. A notice from the Magistrate's Court to the High Court under section 34(1)(c) of the Act regarding the action taken by the Magistrate's Court in relation to a person who allegedly breached a probation order made by the High Court, shall be in Form 7.

Conviction after revocation of probation order

10. When the Magistrate's Court makes a probation order without proceeding to conviction and that order is subsequently revoked, a conviction for the offence in relation to which the probation order was made, shall be in Form 8.

Citation

11. These Regulations may be cited as the Probation Regulations, Revised Regulations of Anguilla P96-1.

SCHEDULE

FORM 1

(Section 3)

ANGUILLA

IN THE …….COURT

PROBATION ORDER

…….
(specify type of probation order, if applicable)

…….. of ……. (the offender) *(an adult/ a juvenile) is charged for that *(he/she), on the …… day of ……..…..…., 20…., at …….in Anguilla did ….....…….…… AND THE COURT—

*(having accepted the offender's guilty plea and having decided not to pass sentence)

*(having convicted the offender and having decided not to pass sentence)

*(having fined the offender the sum of ……)

*(being satisfied that the charge is proved, but having decided not to proceed to conviction)

AND being of the opinion that it is expedient to release the offender on probation, HEREBY ORDERS that the offender is discharged on the condition that *(he/ she) complies with the following conditions of this probation order for a period of ……..... years from ……..

1. not to commit another offence during the period of the order;

2. to appear before the Court when required to do so by the Court;

3. to notify the Department of Probation in writing in advance of any intended change of address and to promptly notify the Department of Probation of any change of employment or occupation;

4. to report to the Department of Probation …….*(indicate when)* and thereafter when required by the Department of Probation and in the manner directed by the Department of Probation;

5. not to leave Anguilla without the written permission of the Department of Probation; and

6. *(to maintain employment with an employer approved by the Department of Probation/ to attend the following educational institution …….)

**7. to abide by the terms of the following curfew…… *(specify curfew)* for a period of …….. *(specify duration)*

(One or more optional conditions may be added here)

If the offender *(or his parents(s)/the appointed person) fails to observe any of the conditions of this probation order, *(he/ she) will be liable to be apprehended and brought before this Court and the offender may be—

*((sentenced/ further dealt with) for the offence for which *(he/ she) was convicted)

*(convicted and sentenced for the offence which was proved against *(him/ her)).

Dated this …….. day of ……., 20……

…….

*(High Court Judge/ Magistrate)

……
Signature of offender

……
*(parent/ appointed person)

* *Delete as appropriate*

** *Insert only if offender is a juvenile*

FORM 2

(Section 4)

ANGUILLA

IN THE ……. COURT

RECOGNIZANCE BY PARENT(S) OF JUVENILE OFFENDER

..... of ……..……..,
*(and …….. of ……)
*(severally acknowledge themselves/ acknowledge myself) to owe to our Sovereign Lady the Queen the sum of $ ……..…….. (each) to be levied on *(their/my) several goods, lands and tenements if ……. of …….. (the offender) fails in the condition hereon endorsed.

Dated the …….. day of ……, 20……

Signed (*where not taken orally)* ……
……

Taken *(orally)* before me this ……. day of ……, 20…..…….

…….
*(High Court Judge/ Magistrate)

CONDITION

The condition of the above recognizance is such that if above-named parent(s) takes proper care of and exercises proper control over the offender and if the offender shall be of good behaviour and shall abide by the conditions in the attached probation order and appear before the *(High Court/the Magistrate's Court) sitting at ……..……. when called on at any time during the period of …….. now next ensuing; then the said recognizance shall be void, but otherwise shall remain in force.

* *Delete as appropriate*

FORM 3

(Section 5)

ANGUILLA

IN THE ……. COURT

APPLICATION TO VARY OR DISCHARGE PROBATION ORDER

…… of …….., (the Applicant) applies to the Court under the Probation Act for an order that the probation order made on the ……. day of ……..……., …… in relation to ……. of ……..…..……. (the offender) be *(varied/discharged).

*(The applicant seeks the following variations to the probation order—

1 ……..

2. ……..)

The grounds of the application are that:

1. ……

2. ……

And the Applicant prays that the Court grants the order sought.

Dated the …… day of ……., 20……..

……

Applicant

* *Delete as appropriate*

FORM 4

(Section 6)

ANGUILLA

IN THE ……. COURT

SUMMONS TO OFFENDER ON APPLICATION TO VARY OR DISCHARGE PROBATION ORDER

To ……

You are hereby summoned to appear before the *(High Court/Magistrate's Court) sitting at …….. on ……..……. the …… day of ……., 20…… at …….. am/pm, on the hearing of an application by ……., to vary the terms of your Probation Order made by the said Court on the …… day of ……, 20…….. under the Probation Act.

Dated the …….. day of …… 20……

…….
*(High Court Judge/ Magistrate)

* *Delete as appropriate*

FORM 5

(Section 7)

ANGUILLA

IN THE MAGISTRATE'S COURT

SUMMONS FOR BREACH OF PROBATION ORDER

To: ……. of …….

Information on oath *(or affirmation) has been laid on the …….. day of ……..……., 20…….. by …… of the Department of Probation that you were bound to comply with conditions stipulated in a probation order made by *(this Court/the High Court) on the ……. day of ……., 20……. and that you did fail on the …… day of …….., 20.……, to observe the following condition(s) of the probation order:

1. ……
2. ……

You are HEREBY SUMMONED to appear before the Magistrate's Court sitting at ……..... on the ……. day of …….., 20……. at …….. am/ pm *(to answer the said information)

Dated the ……. day of ……., 20..….

……
Magistrate

* *Delete as appropriate*

FORM 6

(Section 8)

ANGUILLA

IN THE MAGISTRATE'S COURT

WARRANT FOR BREACH OF PROBATION ORDER

To: Each and All of the Peace Officers of Anguilla

Information on oath *(or affirmation) has been laid on the …… day of ……., 20……..… by …….. of the Department of Probation that ……..……. of ……was bound to comply with conditions stipulated in a probation order made by *(this Court/the High Court) on the ……. day of ……., 20……. and that *(he/she) did fail on the …… day of …….., 20……, to observe the following condition(s) of the probation order:

1. ……
2. ……

You are HEREBY COMMANDED to bring ……..……. (the Offender) before the Magistrate's Court sitting at ……..... forthwith *(to answer the said information).

Dated the ……. day of ……., 20…….

……

Magistrate

* *Delete as appropriate*

FORM 7

(Section 9)

ANGUILLA

IN THE MAGISTRATE'S COURT

NOTICE OF ACTION ON BREACH OF PROBATION ORDER

To: The High Court of Justice

TAKE NOTICE that:

1. Information on oath *(or affirmation) was laid on the …… day of ……., 20… by …….. of the Department of Probation that …… of ……was bound to comply with conditions stipulated in a probation order made by the High Court on the ……. day of ……, 20……. and that *(he/ she) did fail on the …… day of …….., 20……, to observe the following condition(s) of the probation order:

   (a)……
   (b)……

2. *(On the ……. day of ……., 20……., a summons was issued for the said …….. to appear before this Court on the …….. day of …….., 20….. / On the …… day of ……, 20…. a warrant was issued for the arrest of the said ……..)

3. The said …….. appeared before this Court on the …….. day of ……., …… and was *(remanded to ……. until *(he/ she) could be brought before the High Court/granted bail in the sum of …….. to appear before the High Court).

4. The following documents are submitted with this Notice:

   (a) information on oath
   (b) breach report *(and supporting documentation)
   (c) *(remand order/ order for bail).

Dated the……. day of ……., 20……..

……
Magistrate

* *Delete as appropriate*

FORM 8

(Section 10)

ANGUILLA

IN THE MAGISTRATE'S COURT

CONVICTION AFTER REVOCATION OF PROBATION ORDER

…… of …….. (the offender) *(an adult/a juvenile), was on the …….. day of ……..……, …….. charged that *(he/she) on the ……. day of ……..……, 20….. at ……. in Anguilla did……..……
……
……

AND the Court thought the charge was proved, but, pursuant to the Probation Act did order that the offender be discharged on the condition that *(he/she) complies with conditions set out in a probation order for a period of ……. from the …… day of ……., 20…..

AND this day the offender has been brought before the Court and the Court was satisfied that the …… had failed to observe certain conditions of the said probation order.

The offender is therefore this day convicted of the above-mentioned offence, and it is adjudged that the offender shall

……
……
……
……..... *(insert sentence here)*

Dated the ……. day of ……, 20…….

……
Magistrate

**Delete as appropriate*