

Date of coming into operation and repeal.

32. This Law shall come into operation on a day to be fixed by the Governor by notice in the *Gazette* and thereupon the enactments set forth in the Schedule hereto shall be repealed.

SCHEDULE.

(SECTION 32.)

The Vagrants' Exclusion Law, 1882, (No. 1 of 1882).

The Aliens Law, 1921, (No. 8 of 1921).

The Passports Law, 1923, (No. 11 of 1923).

This Law came into operation on 11th December, 1936.

No. 17 OF 1936.

A LAW TO REGULATE THE DEPORTATION OF UNDESIRABLE BRITISH SUBJECTS.

H. R. PALMER,]
Governor.

[12th June, 1936.

BE it enacted :—

Short title.

1. This Law may be cited as the Deportation (British Subjects) Law, 1936.

Interpretation.

2.—(1) In this Law, unless the context otherwise requires—

“ convicted person ” means a person in respect of whom any Court certifies to the Governor that he has been convicted, either by that Court or by any inferior Court from which his case has been brought by way of appeal, of any offence punishable with imprisonment otherwise than only in default of payment of a fine ;

“ deportation order ” means an order requiring the person in respect of whom it is made to leave and remain out of the Colony ;

“ destitute person ” means a person who is, or is likely to be, a charge upon public funds by reason of mental or bodily health or insufficiency of means to support himself and his dependants (if any) ;

“ Judge ” means a President of a District Court ;

“ person charged ” means a person in respect of whom it is alleged that there are grounds for making a deportation order under this Law and includes a person in respect of whom such an order has been made ;

“ prohibited immigrant ” means a person who has entered the Colony contrary to the provisions of the Immigration Law, 1936, but has not wilfully contravened any of the provisions of that Law ;

“ undesirable person ” means a person who is or has been conducting himself so as to be dangerous to peace, good order, good government or public morals.

(2) For the purposes of this Law a person shall be deemed to belong to the Colony if he is a British subject and—

(a) was born in the Colony or of parents who at the time of his birth were ordinarily resident in the Colony ; or

(b) has been ordinarily resident in the Colony continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident in any other part of His Majesty's dominions or any territory under His Majesty's protection continuously for a period of seven years or more ; or

(c) obtained the status of a British subject by virtue of the Cyprus (Annexation) Orders in Council, 1914 to 1929, or by reason of the grant by the Governor of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914 ; or

(d) is the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a competent Court or a deed of separation ; or

(e) is a child, stepchild or adopted child having been adopted in a manner recognized by law, under the age of eighteen years, of a person to whom any of the foregoing paragraphs applies.

(3) For the purposes of this Law a person shall be deemed to be an immigrant British subject if at the date of the service upon him of a notice under section 5, or, in the case of a convicted person, the date upon which he is charged with the offence, he is a British subject and has been resident in the Colony for less than the following periods and not otherwise, unless the approval of the Secretary

of State shall have been given to the making of a deportation order in respect of such person at any time before it is made—

- (a) in the case of a prohibited immigrant, a period of three months ;
- (b) in the case of a convicted person other than a person who is a convicted person solely by reason of his being a prohibited immigrant, or of an undesirable person, a period of two years ; and
- (c) in the case of a destitute person, a period of one year :

Provided that in determining whether any person is an immigrant British subject, any period during which a deportation order made under this Law has been in force as respects that person shall not be taken into account.

Power to
make
deportation
order.

3. Subject to the provisions of this Law, the Governor in Council may, if he thinks fit, make a deportation order in respect of an immigrant British subject who does not belong to the Colony and who is—

- (a) a convicted person in respect of whom the Court certifying to the Governor that he has been convicted recommends that a deportation order shall be made in his case, either in addition to or in lieu of sentence ;
- or
- (b) an undesirable person ; or
- (c) a destitute person ; or
- (d) a prohibited immigrant.

Procedure
for making
order.

4. Except where a Court has in accordance with the provisions of this Law given a certificate recommending that a deportation order should be made, no deportation order shall be made under this Law except where a Judge has, in accordance with the provisions of the next following two sections, made a report on the case and the Governor in Council is satisfied, having regard to the findings of fact and any conclusion of law as stated in the report, that such order may lawfully be made.

Service of
notice and
arrest.

5.—(1) A notice in the prescribed form shall be served upon the person charged specifying, with sufficient particulars to give him reasonable information as to the nature of the facts alleged against him, the grounds upon which it is alleged that a deportation order may be made against him under this Law, and requiring him to show cause, before a Judge in chambers at a time to be stated in the notice, why such order should not be made in respect of him,