

**THE DEPORTATION (COMMONWEALTH
CITIZENS) ACT**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Power to make deportation orders.
4. Power to make restriction orders.
5. Power to make security orders.
6. Procedure for making orders.
7. Service of notice and arrest.
8. Powers of Judge.
9. Detention in custody pending decision.
10. Contents of orders.
11. Execution of orders.
12. Expenses.
13. Persons undergoing sentence.
14. Revocation and variation of orders.
15. Penalties for breach of orders.
16. Penalty for harbouring.
17. Institution of proceedings.
18. Evidence.
19. Regulations.

THE DEPORTATION (COMMONWEALTH
CITIZENS) ACTCap. 96.
Act
8 of 1962
S. 16.

[11th July, 1942.]

1. This Act may be cited as the Deportation (Common- Short title.
wealth Citizens) Act.

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

“convicted person” means a person in respect of whom any court certifies to the Minister 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;

“dependant” in relation to another person means—

- (a) the wife of such person if she is not living apart from him under a decree of a competent court or a deed of separation; or
- (b) the child or step-child under the age of sixteen years, of such person; or
- (c) an adopted child under the age of sixteen years, having been adopted by such person in a manner recognized by law;

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

“destitute person” means a person who is, or is likely to be, a charge upon public funds by reason of mental or

DEPORTATION (COMMONWEALTH CITIZENS)

bodily health or of insufficiency of means to support himself and his dependants (if any);

“Judge” means a Judge of the Supreme Court sitting in Chambers, or a Resident Magistrate who is specially authorized by the Minister to enquire and report in respect of any matter under this Act;

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

“prohibited immigrant” means a person who has entered the Island contrary to the provisions of the Immigration Restriction (Commonwealth Citizens) Act;

“restriction order” means an order prohibiting the person in respect of whom it is made from entering, or from leaving, an area within the Island without the consent of the officer specified in the order;

“security order” means an order requiring the person in respect of whom it is made to give security in one or more sureties in such amount and for such time as may be therein specified to keep the peace and to be of good behaviour, or for indemnifying public funds for all costs, charges and expenses incurred in his regard, or for both such purposes, as may be appropriate in the case;

“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 Act a person shall be deemed to belong to the Island if he is a Commonwealth citizen and—

(a) was born in the Island or of parents who at the time of his birth were domiciled in the Island; or

- (b) has been ordinarily resident in the Island 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 Commonwealth country continuously for a period of seven years or more; or
- (c) became a citizen of Jamaica by registration or by naturalization; or 8/1962
S. 16.
- (d) is a dependant of a person to whom any of the foregoing paragraphs of this subsection applies.

(3) For the purposes of this Act a person shall be deemed to be an immigrant Commonwealth citizen if he is a Commonwealth citizen at the date of the service upon him of a notice under section 7 or, in the case of a convicted person, the date upon which he is charged with the offence, and has been resident in the Island for less than the following periods immediately before that date and not otherwise— 8/1962
S. 16.

- (a) in the case of a prohibited immigrant, a period of six months;
- (b) in the case of a convicted person 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 Commonwealth citizen, any period during which a deportation order, a restriction order, or a security order, made under this Act has been in force as respects that person shall not be taken into account.

3. Subject to the provisions of this Act, the Minister may, if he thinks fit, make a deportation order in respect of an immigrant Commonwealth citizen who does not belong to the Island and who is— Power to
make
deportation
orders.

- (a) a convicted person in respect of whom the court certifying to the Minister that he has been convicted recommends that a deportation order should 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.

Power to
make
restriction
orders.

4. Subject to the provisions of this Act, the Minister may, if he thinks fit, make a restriction order in respect of any Commonwealth citizen who is—

- (a) a convicted person in respect of whom the court certifying to the Minister that he has been convicted recommends that a deportation order or a restriction order should be made in his case, either in addition to or in lieu of sentence; or
- (b) an undesirable person.

Power to
make
security
orders.

5.—(1) Subject to the provisions of this Act, the Minister may, if he thinks fit, make a security order in respect of any Commonwealth citizen who is—

- (a) a convicted person in respect of whom the court certifying to the Minister that he has been convicted recommends that a deportation order or a restriction order or a security order in conjunction with either of those orders should be made in his case, either in addition to or in lieu of sentence; or
- (b) an undesirable person;
or, in the case of an immigrant Commonwealth citizen who does not belong to the Island—
- (c) a destitute person; or
- (d) a prohibited immigrant.