

JAMAICA

No. 21 -2010

I assent,

[L.S.]

(sgd) P. L. Allen

Governor-General

July 23, 2010

AN ACT to Make interim provision extending the powers of arrest and detention under sections 50B and 50F of the Constabulary Force Act.

[*July 23, 2010*]

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Jamaica and by the authority of the same, as follows:—

1. This Act may be cited as the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010. Short title.

2.—(1) This Act shall continue in force for a period of one year from the date of its commencement and shall then expire unless its duration is extended by resolution of each House of Parliament. Duration of this Act.

- (2) A resolution under subsection (1)—
- (a) shall be in the same terms for each House;
 - (b) shall specify the period for which the duration of this Act is extended; and
 - (c) may amend any provision of this Act.

Interim provisions in relation to sections 50B and 50F of the Constabulary Force Act.

3.—(1) While this Act continues in force, the provisions specified in subsections (2) and (3) shall have effect in relation to the Constabulary Force Act (hereinafter referred to as the Act).

(2) Section 50B(4) of the Act shall be read and construed as if the words “, whether within or outside of the particular locality,” were inserted immediately after the word “exercise”.

(3) The Act shall be read and construed as if the following provision were substituted for section 50F—

- “Arrest and detention. 50F.—(1) Where the Security Forces are carrying out any operations in any particular locality in relation to which action is taken under section 50B, no person shall be arrested or detained under the powers given by this Part unless a Divisional Commander, Area Commander or a member of the Force not below the rank of Assistant Commissioner, is satisfied that—
- (a) there is reasonable ground for the arrest or detention of such person; or
 - (b) in the case of a person who is outside of that locality, there is reasonable ground to suspect that the person is, or has been, or is about to be, involved in the commission of a criminal offence in the locality.

(2) Where any person is arrested or detained pursuant to the powers conferred by section 50B(4), that person shall—

- (a) immediately be told the reason for his arrest or detention;
- (b) forthwith be taken before a Justice of the Peace who shall determine whether or not there is reasonable ground—
 - (i) for the arrest or detention; and
 - (ii) in the case of a person who is arrested or detained outside of the locality in relation to which action is taken under section 50B, there is reasonable ground to suspect that the person is, or has been, or is about to be, involved in the commission of a criminal offence in the locality.

(3) If a Justice of the Peace is satisfied that the arrest or detention of any person is reasonably required in the interest of justice he may, having regard to such further investigations as may be necessary, order that the person—

- (a) notwithstanding the provisions of section 22 of the Bail Act, be remanded in custody for a period not exceeding seventy-two hours; and
- (b) at the expiration of the period of remand ordered under paragraph (a), be taken before a Resident Magistrate.

(4) Notwithstanding subsection (3)(b), where it is intended to hold an identification parade in respect of the person so arrested or detained,

*The Constabulary Force (Interim Provisions
for Arrest and Detention) Act, 2010*

the provisions of section 63A of the Judicature (Resident Magistrates) Act shall apply.

(5) Where a Justice of the Peace makes an order pursuant to subsection (3) in respect of any person so arrested or detained, the person shall be taken to a police station or lock-up without delay, and an entry shall be made in accordance with the Prisons (Lock-ups) Regulations, 1980.

(6) Where a Justice of the Peace is not satisfied that the arrest or detention of any person is reasonably required in the interest of justice, he shall order that the person be released forthwith.”.

Passed in the House of Representatives this 22nd day of June, 2010 with one (1) amendment.

DELROY CHUCK
Speaker.

Passed in the Senate this 9th day of July, 2010.

OSWALD G. HARDING, OJ, CD, QC
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.