

THE DEPORTATION (COMMONWEALTH CITIZENS) ACT

REGULATIONS
(under section 19)

THE DEPORTATION (COMMONWEALTH CITIZENS) (FORMS)
REGULATIONS, 1943

(Made by the Governor in Privy Council on the 16th day of January, 1943) L.N. 5/43

1. These Regulations may be cited as the Deportation (Commonwealth Citizens) (Forms) Regulations, 1943.
2. The certificate of conviction and recommendation by the Court referred to in sections 3, 4 and 5 of the Act shall be in the form set out as Form 1 in the Schedule. Schedule.
Form 1.
3. A deportation order made under section 3 of the Act shall be in the form set out as Form 2 in the Schedule. Form 2.
4. A restriction order made under section 4 of the Act shall be in the form set out as Form 3 in the Schedule. Form 3.
5. A security order made under section 5 of the Act shall be in the form set out as Form 4 in the Schedule. Form 4.
6. The notice required by section 7 of the Act shall be in the form set out as Form 5 in the Schedule. Form 5.
7. A warrant for arrest issued under subsection (2) of section 7 of the Act shall be in the form set out as Form 6 in the Schedule. Form 6.
8. A warrant for detention made under section 9 of the Act shall be in the form set out as Form 7 in the Schedule. Form 7.
9. The orders for detention made under subsections (2), (3) and (4), respectively, of section 11 of the Act shall be in the forms set out as Forms 8, 9 and 10 in the Schedule. Forms 8,
9, & 10.

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Form 11.

10. An order to the Master of a ship made under subsection (6) of section 11 of the Act shall be in the form set out as Form 11 in the Schedule.

11. Where in the circumstances of any case it is necessary that any of the forms set out in the Schedule should be varied, such forms as so varied shall be deemed to comply with the provisions of these Regulations and no such variation in any such form shall have the effect of invalidating any act done or proceedings taken under the Act.

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SCHEDULE

FORM 1

(Regulation 2)

(Sections 3, 4 and 5)

Certificate of Conviction and Recommendation by the Court

In the Resident Magistrate's Court
Petty Sessions

For the parish of

Holden at

on the

day of

19

I (or We) hereby certify

That to whom the particulars shown
in the Schedule relate (1) was on the
day of convicted of the offence
shown in the said Schedule, being an offence punishable with imprisonment
otherwise than only in default of payment of a fine (and was committed to the
Prison, Penitentiary, Lock-up, there to be kept
for the space of):

And that the Court recommends that a Deportation
Restriction Order should be made
Security

in the case of the said in addition to the said
sentence (or in lieu of sentence).

Resident Magistrate
Justices of the Peace

SCHEDULE

Name
Age
Offence
Sentence
Prison to which committed
Place where offence committed

(1) Here state whether immigrant Commonwealth Citizen or Commonwealth
Citizen.

FORM 2

(Regulation 3)

(Section 3)

Deportation Order

In exercise of the powers conferred upon me under section 3 of the Deportation
(Commonwealth Citizens) Act, and of every other power hereunto enabling,
I, the Minister, do hereby order that
an immigrant Commonwealth Citizen, who does not belong to the Island shall
leave and remain out of the Island [(1) for a period of
from the date of this Order] [(2) I do further order that the said
do comply with the provisions of this Order within a period
of from the date of this Order]

Minister

Made at Kingston by the Minister on the

day of

19 .

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- (1) To be deleted if the Order is for an unlimited time.
(2) To be deleted if the person against whom the Order is made is taken into custody pending the execution of the Order.

FORM 3

(Regulation 4)

(Section 4)

Restriction Order

In exercise of the powers conferred upon me under section 4 of the Deportation (Commonwealth Citizens) Act, and of every other power hereunto enabling, I, the Minister, do hereby order that Commonwealth Citizen shall not, without the consent of

enter

_____the area specified in the Schedule [(1) for a period of leave

from the date of this Order] [(2) during such time as the said remains in the Island:] and that the said report himself to the Superintendent of Police for the parish of once in every thirty days while this Order remains in force.

shall

SCHEDULE

Made at Kingston by the Minister on the

Minister
day of

19 .

- (1) To be deleted if the Order is for an unlimited time.
(2) To be deleted if the Order is for a limited time.

FORM 4

(Regulation 5)

(Section 5)

Security Order

In exercise of the powers conferred upon me under section 5 of the Deportation (Commonwealth Citizens) Act, and of every other power hereunto enabling, I, the Minister, do hereby order that

a Commonwealth Citizen

_____ who does not belong to the Island shall an immigrant Commonwealth Citizen

give security in the sum of \$

with ^{one} sureties in a like

sum (1) to keep the peace and to be of good behaviour for the space of

and/or (2) to indemnify the public funds of the Island for all costs, charges and expenses incurred in his regard.

Minister,

Made at Kingston by the Minister on the

day of

19 .

FORM 5

(Regulation 6)

(Section 7)

Notice to Person Charged

TAKE NOTICE THAT on the _____ day of 19 _____ at _____ o'clock in the forenoon at

Judge in Chambers

application will be made to a— _____ for an order to

Resident Magistrate

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be made against you under the Deportation (Commonwealth Citizens) Act, on the grounds that—

(1)

AND TAKE NOTICE FURTHER THAT on the said _____ day of _____ 19____ you are hereby required to appear at the time and place specified and show cause why such an order should not be made against you.

Registrar of the Supreme Court or
Clerk of the Resident Magistrate's Court.

(1) Here state the grounds.

FORM 6

(Regulation 7)

(Section 7)

Warrant for Arrest

To each and all the Constables of _____ and to all other Peace Officers of the said parish of _____

Whereas it has this day been represented to the undersigned _____ Judge of the _____ Resident _____

_____ Supreme Court _____ upon _____ oath _____ that _____ Magistrate _____ affidavit _____

[(1) _____], now residing at _____ in the parish of _____ is an undesirable person within the meaning of section 2 of the Deportation (Commonwealth Citizens) Act:

These are therefore to command you, in Her Majesty's name forthwith, to apprehend the said _____ and to detain him until such time as he can be brought before me to show cause why an order under the said Act should not be made against him and to be further dealt with according to law. And for so doing this shall be your sufficient Warrant. Given under my hand this _____ day of _____

19____ at _____ in the parish of _____
Judge of the Supreme Court
Resident Magistrate.

(1) Here state whether immigrant Commonwealth Citizen or Commonwealth Citizen.

FORM 7

(Regulation 8)

(Section 9)

Warrant for Detention

To each and all the Constables of _____ and the Superintendent of the _____ Prison at _____

Whereas I, (or we) have recommended the making of a [(1) Deportation Order, or Restriction Order, or Security Order, against _____ on the grounds that he is] [(2) an undesirable person, or a prohibited immigrant, or a convicted person:]

These are therefore to command you, the said Constables, to take the said _____ and him safely to convey to the prison at _____ aforesaid and there to deliver him to the Superintendent thereof, together with this precept; and I do hereby command you, the said Superintendent

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of the said Prison, to receive the said
into your custody and there safely keep
him until such time as the decision of the Minister in his behalf shall be made
known to you but so that in no case shall the said
be kept for any longer period than twenty-eight days.

Given under my hand at in the parish of
day of
19 this

Judge
Resident Magistrate
Justice of the Peace,

- (1) Delete the type of order inapplicable.
(2) Delete the type of class inapplicable.

FORM 8

(Regulation 9)

(Section 11 (2)). Order for Detention: Class A

To each and all the Constables of Prison at
and to the Superintendent of the

Whereas I, the Minister, on the day of
19 in exercise of the powers conferred upon me by
section 5 of the Deportation (Commonwealth Citizens) Act, and of every
other power thereunto enabling, made a Security Order in respect of

[(1) an immigrant] Commonwealth Citizen:
These are therefore to command you, the said Constables, to take the said
and him safely convey to the
Prison at aforesaid and there to deliver him to
the Superintendent thereof, together with this precept; and I do hereby command
you, the said Superintendent of the Prison, to receive
the said into your custody and there safely keep
him until the said has complied with each
and every the provisions of the aforesaid Order but so that in no case shall the
said be kept for any longer period
than twenty-eight days.

Given under my hand this day of
19 Minister,

- (1) Delete if inapplicable.

FORM 9

(Regulation 9)

(Section 11 (3)) Order for Detention: Class B

To each and all the Constables of and to the
Superintendent of the Prison at

Whereas I, the Minister on the day of
19 in exercise of the powers conferred upon me by section 3 of the
Deportation (Commonwealth Citizens) Act, and every other power thereunto
enabling, made a Deportation Order in respect of , an
immigration Commonwealth Citizen:

These are therefore to command you, the said Constables, to take the said
and him safely convey to the
Prison at aforesaid and there to deliver

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him to the Superintendent thereof, together with this precept; and I do hereby command you, the said Superintendent of the Prison to receive the said _____ into your custody and there safely keep him until I order that he shall be taken and placed on board a ship about to leave the Island but so that in no case shall the said _____ be kept for any longer period than twenty-eight days.

Given under my hand this _____ day of _____
19_____
Minister.

FORM 10 (Regulation 9)

(Section 11 (4)) Order for Detention: Class C

To each and all the Constables of _____ and to the Superintendent of the _____ Prison at _____
Whereas I, the Minister on the _____ day of _____
19_____, in exercise of the powers conferred upon me by section 4 of the Deportation (Commonwealth Citizens) Act and every other power thereunto enabling, made a Restriction Order in respect of
[(1) an immigrant] Commonwealth Citizen:

These are therefore to command you, the said Constables, to detain the said _____ for so long as may be necessary for the purpose of removing him (2) from any place which he is prohibited from entering or to any place which he is prohibited from leaving, and him safely convey for such purpose, but so that in no case shall the said _____ be detained for any longer period than twenty-eight days.

Given under my hand this _____ day of _____
19_____
Minister.

(1) Delete if inapplicable.
(2) Delete purpose inapplicable.

FORM 11 (Regulation 10)

(Section 11 (6)) Order to Master of a Ship

To each and all the Constables of _____ and the Master of the good ship _____ now at _____
Whereas I, the Minister, on the _____ day of _____
19_____, in exercise of the powers conferred upon me by section 3 of the Deportation (Commonwealth Citizens) Act and of every other power thereunto enabling, made a Deportation Order in respect of
an immigrant Commonwealth Citizen:

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These are therefore to command you, the said Constables, to take the said
and him safely convey to the good ship
now at aforesaid and
there to deliver him to the Master thereof, together with this precept; and
I do hereby command you, the said Master of the good ship
to receive the said [(1) and his
dependents] on board your ship and afford him [(1) and them] a passage to
and proper accommodation and maintenance
during the passage.

Given under my hand this
19 .

day of

Minister.
Immigration Officer.

(1) Delete if no dependents.