

CHAPTER 99.

EXPULSION OF UNDESIRABLES.

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CHAPTER 99.

EXPULSION OF UNDESIRABLES.

An Ordinance to make provision for preventing the entry of undesirable persons into the Colony and for the expulsion of undesirable persons from the Colony. 30 of 1930.

[1ST NOVEMBER, 1930.]

1. This Ordinance may be cited as the Expulsion of Undesirables Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them :— Interpreta-
tion.

“undesirable person” means any person, other than a British subject domiciled in the Colony or resident therein throughout the preceding two years (exclusive of any time spent in prison) and other than a consul or vice-consul of a foreign power duly accredited to the Colony, who, not having received a free pardon, has been convicted in the Colony or elsewhere of murder or of an offence for which

the Court convicting him could have sentenced him to imprisonment for at least six months without the option of a fine or whose presence in the Colony is considered by the Governor in Council to be detrimental to the preservation of peace and good order ;

“expulsion order” means an order made by the Governor

(a) prohibiting an undesirable person from entering the Colony ; or,

(b) requiring an undesirable person to leave the Colony within the time fixed by the order and thereafter to remain out of the Colony ; or

(c) directing that an undesirable person be apprehended and deported from the Colony.

Undesirable person may be prohibited from entering the Colony.

3. Should the Governor have reason to believe that an undesirable person is about to arrive or may arrive in the Colony he may make an order against such person prohibiting him from entering the Colony. Thereupon such person shall not be permitted to enter the Colony, but if, after service upon him of the order, he does so enter, he may be apprehended without warrant by any member of the police force and shall be deported from the Colony.

Undesirable person may be ordered to leave the Colony.

4. The Governor may at any time make an order against an undesirable person requiring him to leave the Colony within a time fixed by the order and thereafter to remain out of the Colony, or directing that such person be apprehended by any member of the police force and be deported from the Colony. The Governor may extend the time fixed by any such order.

Order prohibiting entry or requiring departure from Colony to be communicated to undesirable person if British subject.

5. (1) If the undesirable person with whom it is proposed to deal under sections 3 and 4 of this Ordinance is a British subject, an order prohibiting him from entering the Colony or requiring him to leave the Colony shall not be made until the grounds upon which it is proposed to make any such order are communicated in writing to the undesirable person, who may make such answer thereto as he may be advised.

(2) Such answer shall be made—

(i) in case of an undesirable person against whom it is proposed to make an order prohibiting him from entering the Colony, immediately ;

(ii) in case of an undesirable person against whom it is proposed to make an order requiring him to leave the Colony, within three days after the grounds upon which the order is to be made are served upon him, personally.

6. (1) Any other person against whom an expulsion order has been made may make representations in writing to the Governor setting forth reasons for non-compliance with such order or for non-enforcement thereof or for allowance of further time to comply therewith, and on any such person signifying his desire so to make representations the person in whose custody he shall be shall give him all reasonable assistance for their preparation and forward the writing to the Governor.

Representations against expulsion order.

(2) On receipt of any such representations the Governor shall with all due despatch inquire into them and decide upon them.

7. (1) Any person required to leave the Colony by an expulsion order who shall be within the Colony after the expiration of the time fixed by the order or of any extension thereof allowed by the Governor shall be guilty of an offence against this Ordinance.

Contra-vention of expulsion order requiring person to leave Colony.

(2) Any such person may be apprehended without warrant by any member of the police force and shall be deported from the Colony forthwith or after he shall have served any term of imprisonment imposed on him for his offence.

8. (1) Any person who, having left the Colony in compliance with an expulsion order or having been deported therefrom under or for disobedience to any such order, returns to the Colony shall be guilty of an offence against this Ordinance, unless previous to his return such order shall have been revoked or suspended or the Governor shall have authorised such person to return.

Return to Colony after expulsion.

(2) Any such person may be apprehended without warrant by any member of the police force and shall be deported from the Colony forthwith or after he shall have served any term of imprisonment imposed on him for his offence.

9. (1) Any person apprehended under or for disobedience to an expulsion order shall, pending deportation from the Colony, be detained in custody in such place and manner as the Governor may direct.

Custody pending deportation.

(2) No person so detained shall be admitted to bail except with the consent of the Governor.

10. (1) Any person liable to be deported under the provisions of this Ordinance shall be deported in such manner as the Governor may direct.

Deportation.

(2) The Governor may seize and apply any money or property of any such person in payment of the whole or any part of the expenses of or incidental to his deportation and to his maintenance in custody pending deportation.

Harbouring person contravening this Ordinance.

11. Any person who harbours any other person whom he knows or has reasonable grounds for believing to be acting in contravention of this Ordinance shall be guilty of an offence against this Ordinance.

Prosecution and punishment of offences.

12. (1) Every offence against this Ordinance shall be prosecuted under the Summary Jurisdiction Ordinances.

(2) Every person who is convicted of an offence against this Ordinance shall be liable to a penalty not exceeding two hundred and fifty dollars or to imprisonment, with or without hard labour, for any period not exceeding six months, or to both such penalty and imprisonment.

Lapsing, revocation and suspension of expulsion orders.

13. (1) Should any person apprehended under or for disobedience to an expulsion order not be deported from the Colony within six weeks after his apprehension or after the expiration of any term of imprisonment imposed on him for an offence against this Ordinance he shall be released from custody and the order shall lapse and cease to have force.

(2) The Governor may at any time revoke an expulsion absolutely or suspend its operation simply or subject to conditions as he may think fit.

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