

## CHAPTER 80A DEPORTEES REGISTRATION ACT

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• Act • Subsidiary Legislation •

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### ACT

Act No. 14 of 2003

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## CHAPTER 80A DEPORTEES REGISTRATION ACT

**An Act to make provision for persons who were convicted of certain serious offences in a foreign country and deported to Grenada, subject to an application to the High Court by the Commissioner of Police, to be designated as restricted persons and for a central register to be kept under the management of the Commissioner.**

[Act No. 14 of 2003.]

[31st October, 2003.]

### 1. Short title

This Act may be cited as the Deportees Registration Act.

### 2. Interpretation

In this Act—

“central register” means the register kept pursuant to section 5;

“Commissioner” means the Commissioner of Police;

“deportation order” means an order (however described) made by an authority of a foreign state which requires the person subject to the order to leave and remain out of that state, and “deportation” shall be construed accordingly;

“firearm” has the same meaning as in the Firearms Act;

“Minister” means the Minister responsible for national security;

“parish or island register” means a register kept pursuant to section 5;

“registration officer” means a person designated as such under section 5;

“restricted person” means a person in respect of whom an order is made by the Minister pursuant to section 3;

“specified offence” means an offence constituted by an act or omission which if it took place in Grenada (or in the case of an extra-territorial offence, in corresponding circumstances outside Grenada) would constitute an offence specified in the First Schedule and would be punishable under the law of Grenada with imprisonment for a term of five years or any greater punishment;

“Tribunal” means the Restricted Persons Review Tribunal established under section 7.

### **3. Designation of restricted persons**

(1) Subject to subsection (2), the Minister may, by order, upon application by the Commissioner and upon being satisfied that it is necessary to do so in the interest of public safety or public order, designate as a restricted person any citizen of Grenada—

- (a) who has been convicted of a specified offence in a foreign state;
- (b) who is the subject of a deportation order made in the foreign state or who has elected to return to Grenada from that state in lieu of deportation; and
- (c) whose conduct and activities have been of such a nature that he or she may be reasonably regarded as constituting a threat to the public safety or public order of Grenada.

(2) The Commissioner shall—

- (a) before making an application under subsection (1), notify a Judge of the Supreme Court *ex parte* of his or her intention to make the application and the reasons therefor;
- (b) attach to the application a certificate issued by the Judge pursuant to subsection (3).

(3) The Judge shall consider the matter and if the Judge is satisfied that in the circumstances the making of such application would be appropriate, he or she shall issue a certificate to that effect.

(4) An order under subsection (1) may impose on a restricted person such restrictions as to residence, reporting to the police, registration, the use or possession of firearms or other weapons, or otherwise as the Minister may deem to be necessary in the interest of public order and public safety.

(5) The restrictions referred to in subsection (4) shall be in force for such period not exceeding twelve months as the order may specify.

### **4. Restrictions on restricted persons**

(1) Every restricted person, shall during the period specified in an order under section 3 be under the supervision of the police and shall be subject to the requirements of subsection (2).

(2) The requirements referred to in subsection (1) are that the restricted person shall—

- (a) notify his or her place of residence, and such other particulars as may be prescribed, to the registration officer of the parish in which he or she resides;

- (b) once in each week or at such time as the registration officer of the parish in which he or she resides may require, report in person to such officer;
- (c) if at any time he or she is absent or likely to be absent from his or her residence for a period exceeding seven days supply to the registration officer of the parish in which he or she resides his or her current address and every subsequent change of address including his or her return to his or her residence;
- (d) forthwith supply to the registration officer of the parish in which he or she resides, particulars of any circumstances affecting or likely to affect in any manner the accuracy of the particulars previously supplied by him or her pursuant to any of the preceding paragraphs;
- (e) upon reporting to the registration officer pursuant to paragraph (b), produce to the registration officer, the registration certificate furnished to him or her under section 6.

## **5. Register**

(1) For the purposes of this Act, there shall be a central register of restricted persons which shall be kept under the management of the Commissioner or such other person as the Commissioner may designate.

(2) The central register shall be in such form and contain such particulars as may be prescribed.

(3) The Commissioner or such other officer of the Royal Grenada Police Force as he or she may designate, shall be the registration officer for the parish of Saint George and the officer in charge of each other parish, shall be the registration officer for that parish.

(4) The respective officers in charge of the islands of Carriacou and Petit Martinique shall be the registration officers for those islands.

(5) The central register shall not be open to inspection by any person except pursuant to the order of a court consequent upon an application by that person.

## **6. Duties of registration officer**

Each registration officer shall—

- (a) keep for his or her parish or island a register of the restricted persons resident therein which shall be in the form and contain such particulars as may be prescribed;
- (b) supply to the person responsible for keeping the central register returns from his or her parish register containing such particulars, at such times and in such manner as may be prescribed;
- (c) supply registration certificates to restricted persons in accordance with the provisions of this Act.

## **7. Establishment of Restricted Persons Review Tribunal**

(1) There is hereby established for the purposes of this Act, a body to be known as the Restricted Persons Review Tribunal which shall not be subject to the direction or control of any other person or authority.

(2) The provisions of the Second Schedule shall have effect with respect to the constitution of the Tribunal and otherwise in relation thereto.

## **8. Functions of the Tribunal**

(1) The functions of the Tribunal shall be—

- (a) to receive and consider the application of any restricted person for a review of the restrictions placed on that person;
- (b) to make recommendations to the Minister concerning the necessity or expediency of continuing the restrictions.

(2) In performing its functions the Tribunal may carry out such investigations and conduct such inquiry as it may consider necessary or desirable in connection with matters falling within the provisions of this Part, and in respect of any such inquiry shall have the powers of Commissioners appointed under the Commissions of Inquiry Act, Chapter 58.

## **9. Application for review**

(1) Any restricted person may apply in writing to the Tribunal for a review of the restrictions placed upon him.

(2) In considering an application made under subsection (1), the Tribunal shall—

- (a) consult with the registration officer for the parish or island in which the applicant resides;
- (b) have regard to all material considerations, including the facts and representations on which the applicant relies in support of his or her application, the behaviour of the applicant since the restrictions were imposed and the results of any investigations made by the Tribunal pertaining to the application.

## **10. Recommendation of Tribunal**

The Tribunal after considering an application shall forthwith prepare and submit to the Minister a report of its deliberations, together with its recommendations and a copy thereof shall be sent to the Commissioner.

## **11. Decision of Minister**

(1) The Minister after consideration of the report and recommendation of the Tribunal pursuant to section 10 may make an order—

- (a) that the restrictions placed on the restricted person be discontinued;
- (b) for the variation of the restrictions imposed on the restricted person; or
- (c) that the restrictions be continued,

and shall cause the applicant to be informed in writing of the Minister's decision and the reasons therefor.

(2) The Commissioner shall be notified in writing of any order made by the Minister under subsection (1).

(3) Where the Minister orders the discontinuance of restrictions, the Commissioner shall direct that the central register and the appropriate parish register be appropriately altered to reflect the Minister's order.

## **12. Re-application for review**

Where the Minister orders the continuance of any restrictions or varies such restrictions in respect of any restricted person, that person may re-apply for a review of his or her case after the expiration of six months from his or her last application.

## **13. Offences**

(1) Any restricted person who contravenes the provisions of an order under section 3(1) or any provision of section 4(2) is, subject to subsection (2), guilty of an offence and liable on summary conviction before a District Magistrate to imprisonment for a term not exceeding twelve months.

(2) It shall be a defence to a charge for an offence against subsection (1) if the person charged proves that he or she did his or her best to act in conformity with the provisions of the order under section 3(1) or 4(2) as the case may be.

(3) Every person who—

- (a) supplies to any registration officer acting pursuant to this Part, information or documents, which that person knows to be false;
- (b) alters or tampers with a registration certificate;
- (c) destroys or damages a registration certificate,

is guilty of an offence and liable on summary conviction before a Resident Magistrate to imprisonment for a term not exceeding twelve months.

#### **14. Regulations**

The Minister may make regulations with respect to anything required by this Act to be prescribed and for the better carrying out of the provisions of this Act.

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#### **First Schedule**

##### DEPORTEES REGISTRATION ACT

##### *Categories of Offences*

[Section 2.]

1. Indictable offences involving injury to the person or substantial injury to property.
2. Offences against the Drug Abuse Control Act.
3. Offences involving the use or possession of a firearm.

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#### **Second Schedule**

##### DEPORTEES REGISTRATION ACT

##### *Constitution and Procedure of Restricted Persons Review Tribunal*

[Section 7(2).]

#### **1. Constitution of Tribunal**

The Tribunal shall consist of a chairperson and two other members.

#### **2. Appointments**

(1) The chairperson of the Tribunal shall be appointed by the Governor-General on the advice of Cabinet from among persons entitled to practise or admitted to practise in Grenada as attorneys-at-law.

(2) The other members shall be appointed by the Governor-General acting in his or her discretion.

#### **3. Tenure of office**

(1) The appointment of each member shall be evidenced by instrument in writing and shall, subject to the provisions of this Schedule, be for a period not exceeding three years.

(2) Each member shall be eligible for re-appointment.

#### **4. Acting appointments**

(1) If the chairperson is by reason of illness, absence or other sufficient cause unable to perform his or her functions under this Act, the Governor-General may, by instrument in writing, appoint a person qualified under paragraph 2(1) to act as Chairperson.

(2) If any other member is by reasons of illness, absence or other sufficient cause unable to perform his or her functions under this Act, the Minister may, by instrument in writing, appoint any person to act temporarily in the place of such member.

#### **5. Resignations**

(1) Any member, other than the chairperson, may at any time resign his or her office by instrument in writing addressed to the Governor-General and transmitted through the chairperson, and such resignation shall take effect from the date of receipt by the Governor-General of such instrument.

(2) The chairperson may at any time resign his or her office by instrument in writing addressed to the Governor-General and such resignation shall take effect from the date of receipt by the Governor-General of such instrument.

#### **6. Revocation of appointments**

The Governor-General may at any time revoke the appointment of the Chairperson of any other member if he or she thinks it expedient to do so.

#### **7. Publication of membership**

The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

#### **8. Procedure**

(1) Subject to the provisions of subparagraph (2) and of the Act the Tribunal shall regulate its own proceedings and may meet at such places as the chairperson may, from time to time, determine.

(2) The decisions of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the chairperson shall have a casting vote in any case in which the voting is equal.

#### **9. Remuneration of members**

There shall be paid to the chairperson and other members such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

#### **10. Protection of members**

No action, suit, prosecution or other proceeding shall be brought or instituted personally against any member in respect of any act done *bona fide* in pursuance or execution of the functions of the Tribunal.

#### **11. Office of member not a public office**

The office of chairperson or member of the Tribunal is not a public office for the purposes of section 84 of the Constitution of Grenada.

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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