



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.07

CONVICTS' LICENCES ACT

Revised Edition

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CONVICTS' LICENCES ACT

Act 2 of 1886 ... in force 11th February 1886

Amended by: Act 6 of 1976

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CHAPTER 3.07

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CHAPTER 3.07

CONVICTS' LICENCES ACT

AN ACT TO PROVIDE FOR THE CONDITIONAL DISCHARGE OF PRISONERS UNDER LICENCES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Convicts' Licences Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“District” means District within the meaning of the Magistrate’s Code of Procedure Act, Cap. 3.17;

“imprisonment” means imprisonment in a prison, with or without hard labour, as the case may be;

“licence-holder” means person to whom a licence is granted under this Act, and who holds or is entitled to hold such licence;

“prison” means prison established under the Prison Act, Cap. 19.08;

“prisoner” means person undergoing, or hereafter to undergo imprisonment, whether under sentence of any Court of this or any other State or Colony, the term of whose original sentence was, or shall not be, less than two years.

License and discharge of prisoners.

3. (1) The Governor-General may, by order under his or her hand, grant to any prisoner in the State a licence to be at large in the State during such portion of his or her imprisonment as to the Governor-General may seem fit; and the Governor-General may, by order under his or her hand, revoke or alter such licence, at his or her pleasure.

(2) Such licence may be in the form set out in the First Schedule, or in such other form as the Governor-General may order.

(3) On any licence being granted, a copy thereof shall be kept in the Governor-General’s office and another copy thereof shall be sent to the Chief of Police and shall be kept by him or her at his or her office.

(4) Any person to whom a licence is granted under this Act shall be set at liberty in the State.

(Amended by Act 6 of 1976)

Rights of licence-holder.

4. So long as a licence shall continue in force and unrevoked, the licence-holder shall not be liable to be imprisoned by reason of his or her sentence, but shall be allowed to go and remain at large according to the terms of such licence.

Duties and liabilities of licence-holder.

5. Every licence-holder shall, within forty-eight hours after he or she is set at liberty, notify the place of his or her residence to the Magistrate of the district in

which he or she resides, and, whenever he or she changes such residence within the same district, shall notify such change of residence to the Magistrate of such district, and, whenever he or she changes his or her residence from the district of one Magistrate into the district of another Magistrate, he or she shall notify such change of residence to the Magistrate of the district which he or she is leaving, and also to the Magistrate of the district into which he or she goes to reside. And every licence-holder shall, once in every month, report himself or herself and the place of his or her residence either to the senior police officer in the island in which he or she resides or to the police officer in charge of the nearest police station, and such report shall be made at such time in the month, and either personally or by letter, as the Chief of Police may direct, and it shall be the duty of every police officer who receives any such report to forward the same immediately to the chief officer of police for such island, who shall communicate the same to the Chief of Police.

Licence forfeited on subsequent conviction.

6. If any licence-holder is convicted, either by the verdict of a jury or upon his or her own confession, of any offence for which he or she is indicted, his or her licence shall be forthwith forfeited by virtue of such conviction.

Punishment for breach of conditions of licence.

7. If any licence-holder who is at large in the State, remains in any district after he or she is set at liberty for forty-eight hours without notifying his or her place of residence to the Magistrate of the district in which such place is situated, or fails to comply with the requisitions of section 5 of this Act on the occasion of any change of residence, or with the requisitions of the said last mentioned section as to reporting himself or herself once in each month, he or she shall in every such case, unless he or she proves to the satisfaction of the Court before whom he or she is tried that he or she did his or her best to act in conformity with the law, be guilty of an offence under this Act punishable summarily, and, upon conviction thereof, his or her licence may, in the discretion of the Court, be forfeited, or, if the original term of imprisonment in respect of which his or her licence was granted has expired at the date of his or her conviction, it shall be lawful for the Court to sentence him or her to imprisonment, with or without hard labour, for a term not exceeding six months, or, if the said original term of imprisonment has not expired but the remainder unexpired thereof is a lesser period than six months, then in addition to the forfeiture of his or her licence, to sentence him or her to imprisonment, with or without hard labour, to commence at the expiration of the said original term of imprisonment, for such a time as together with the remainder unexpired of his or her said original term of imprisonment will not exceed six months.

Punishment for failing to produce licence, etc.

8. If any licence-holder—

- (a) fails to produce his or her licence when required so to do by any Judge or Magistrate before whom he or she is brought charged with any offence, or by any constable or police officer in whose custody he or she is, and also fails to make any reasonable excuse for not producing the same; or
- (b) breaks any of the other conditions of his or her licence by an act that is not of itself punishable either upon indictment or upon summary conviction,

he or she shall be deemed guilty of an offence punishable summarily by imprisonment for any period not exceeding three months, with or without hard labour.

Apprehension of suspected licence-holder.

9. Any police officer may, without warrant, take into custody any licence-holder whom he or she reasonably suspects of having committed any offence, or of having broken any of the conditions of his or her licence, and may detain him or her in custody until he or she can be taken before a Magistrate and dealt with according to law.

Procedure.

10. Any offence under this Act may be prosecuted summarily before a Magistrate.

Magistrate to forward to Governor-General certificate of conviction.

11. Where any holder of a licence granted under this Act is convicted of an offence punishable summarily under this or any other Act, the Magistrate convicting the prisoner shall, without delay, forward by post or otherwise to the Governor-General, a certificate in the form in the Second Schedule, and thereupon the licence of the said licence-holder may be revoked in manner provided by this Act.

(Amended by Act 6 of 1976)

Apprehension on revocation of licence.

12. (1) Whenever the Governor-General revokes a licence and signifies such revocation to a Magistrate, such Magistrate shall, if the licence-holder be not already in custody, immediately issue his or her warrant for his or her apprehension.

(2) On any licence-holder being brought before any Magistrate, either on such warrant or otherwise, after the Governor-General's revocation signified as aforesaid, the Magistrate shall, by warrant under his or her hand, commit such licence-holder to prison and thereupon the licence-holder shall be remitted to his or her original sentence and shall undergo the residue thereof as if no licence had been granted.

(Amended by Act 6 of 1976)

Licence-holder convicted of an offence to undergo remainder of original term.

13. Where a licence is forfeited by a conviction for any offence, the licence-holder, after undergoing the punishment for the offence in consequence of which his or her licence is forfeited, shall further undergo a term of imprisonment equal to the portion of his or her term of imprisonment that remains unexpired at the time his or her licence was granted, and he or she shall for such purpose be committed to prison under the order of the Court or Magistrate before whom he or she is convicted, there to be dealt with accordingly.

Power to frame forms.

14. The Minister may, from time to time, if necessary, cause to be framed forms to be used under this Act and may, from time to time, alter or annul any of such forms.

(Amended by Act 6 of 1976)

Power of pardon not affected.

15. Nothing in this Act shall affect Her Majesty's royal prerogative of mercy, or any like power vested in the Governor-General or the Advisory Committee on the Prerogative of Mercy.

(Amended by Act 6 of 1976 and the Constitution)

FIRST SCHEDULE

(Section 3)

LICENCE.

State of Saint Christopher and Nevis.

I, Governor-General of the State of Saint Christopher and Nevis in exercise of the powers in this behalf in me vested, do hereby grant to who was convicted of at the High Court in this State, on the day of in the year /20, and was then and there sentenced to be kept to imprisonment, and is now confined in the Prison in this my licence to be at large in the said State, from the day of liberation under this my order, during the remaining portion of the said term of imprisonment, unless the said shall, before the expiration of the said term, be convicted of some indictable offence within this State, in which case this licence will be immediately forfeited by law, or unless the licence be revoked by me in accordance with the provisions of the Convicts' Licences Act, Cap. 3.07.

This licence is given subject to the conditions indorsed hereupon, and, upon the breach of any such conditions, this licence will be liable to be revoked, whether such breach is followed by a conviction or not.

And I the said Governor-General do hereby order that the said be set at liberty within days from the date of this my order.

Given under my hand at The Governor-General's Office in the said State, this day of 20

CONDITIONS

1. The holder shall preserve this licence, and produce it when called upon to do so by a Magistrate or police officer.
2. The holder shall abstain from any violation of the law.
3. The holder shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.
4. The holder shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If this licence is revoked by the Governor-General the holder will be liable to undergo a term of imprisonment equal to the portion of his or her term of years which remained unexpired when this licence was granted viz:—the term of years. And if this licence is forfeited in consequence of a conviction of the holder for any offence, the holder will be liable to undergo the unexpired term of imprisonment above mentioned, in addition to the punishment inflicted on him or her for such offence.

SECOND SCHEDULE

(Section 11)

I do hereby certify that,
the holder of a licence under the Convicts' Licences Act, was, on the
day of, 20..... duly convicted by me of the offence
of and sentenced to

(Signed)

Magistrate,

District.
