

CHAPTER 150**THE EMIGRANTS PROTECTION ACT**

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EMIGRANTS PROTECTION

(15th June., 1929.)

1011929.
611931.
S.R.O. 2211956.
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S.I. 3911989.

1. This Act may be cited as the Emigrants Protection Act. Short title.
2. In this Act— Interpretation.
- "dependant" means the wife of any emigrant, or any person wholly or partially unable to maintain himself who has been wholly or partially supported by any emigrant;
- "labourer" includes mechanics, artizans, grooms, gardeners, porters, labourers, domestic servants and other persons working at manual labour;
- "Master" includes a captain of an aircraft and "Master's list" shall be construed accordingly;
- "notified place" means any place named by the Cabinet by any notice for the time being in force under section 3;
- "permit" means a permit to leave Antigua and Barbuda for a notified place granted in accordance with the provisions of this Act, and in the prescribed form;
- "recruiting agent" means any person who engages any other person in Antigua and Barbuda to proceed to a notified place under a contract of service;
- "registered recruiting agent" means a recruiting agent registered under section 9;
- "ship" includes aircraft and "shipping agent" shall be construed accordingly.

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Application of
Act to foreign
country or place.

3. It shall be lawful for the Cabinet, by notice in the Gazette, to declare any country or place out of Her Majesty's Dominions to be a country or place to which this Act shall apply, and in the same manner to revoke any such declaration relating to any notified country or place.

PERMITS

Proceeding to
notified place
without permit
prohibited.

4. From and after the publication in the Gazette of any notice under section 3 and so long thereafter as such notice remains unrevoked, no person shall proceed from Antigua and Barbuda to the country or place named in such notice without a permit granted under the provisions of this Act:

Provided that the Cabinet may, if they think fit, exempt any person or any class or description of persons from the obligation to obtain a permit.

Grant of permit
to individuals.

5. On application in writing in the prescribed form by or on behalf of a person desiring to leave Antigua and Barbuda for a notified place, a permit (which shall be in duplicate) shall be granted to him by the Commissioner of Police, or such other person as the Governor-General may appoint for the purpose:

Provided that the applicant establishes to the satisfaction of such Commissioner or other person—

- (a) that he is not a native of Antigua and Barbuda,
or
- (b) being a native of Antigua and Barbuda—
 - (i) that he has already made that notified place his temporary home; or
 - (ii) that he is carrying on business in that notified place; or
 - (iii) that he is possessed of independent means sufficient to remove all risk of his having to be repatriated at any time at the cost of Antigua and Barbuda; or
 - (iv) that he has deposited in the Treasury the sum provided for by section 13 or any regulations made thereunder.

6. (1) If any person is recruited by a registered recruiting agent a permit (which shall be in duplicate) shall be granted to such person by the Commissioner of Police or such other person as the Governor-General may appoint for the purpose, if—

Granting of permits to persons recruited by recruiting agents.

(a) the recruiting agent has paid into the Treasury the sums provided for in sections 11 and 14 in respect of such person, and

(b) the recruiting agent and such person have entered into the contract provided for in section 10.

(2) If any person who has obtained a permit under the provisions of section 5 and has made a deposit as required thereby is subsequently recruited by a registered recruiting agent, such person shall—

(a) on application to the Treasury have such deposit returned to him;

(b) before any permit is granted to him under the provisions of this section surrender to the Commissioner of Police the permit granted to him under section 5.

7. Every permit shall be in force for four weeks from the granting thereof and no longer.

Duration of permit.

8. Any person who—

(a) attempts to proceed to any notified place without a permit (not being a person exempted under the proviso to section 4) or with a permit which has become void; or

(b) obtains or attempts to obtain any permit for himself or for any other person by any false pretence; or

(c) uses or attempts to use for the purpose of proceeding to any notified place any permit granted to any other person;

Offences in connection with permits.

shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

RECRUITING AGENTS

**Recruiting
agents.**

9. (1) No person shall act as a recruiting agent in Antigua and Barbuda unless he is registered under this Act as a person entitled so to act in Antigua and Barbuda.

(2) A register of all persons entitled to act as recruiting agents in Antigua and Barbuda shall be kept by the Commissioner of Police.

(3) Any person desirous of being registered as a recruiting agent shall pay into the Treasury the sum of twenty-four dollars and shall procure a receipt for the same, he shall then apply to the Commissioner of Police to be registered, and such officer—

(a) on view of such receipt, and

(b) on the production of such evidence as he may deem satisfactory that the applicant is duly authorized by some person or persons to bind him or them by any contract of service entered into by him on his or their behalf with any emigrant,

shall enter the name of the applicant in the register provided for in subsection (2):

Provided that the Cabinet may at any time cancel the registration of any person as a recruiting agent and may upon such cancellation return to such person the whole or any part of the sum of twenty-four dollars paid by him under the provisions of this subsection, or may direct that the name of any person shall be registered in such register notwithstanding that his application to be registered has been refused.

(4) Subject to the provisions of subsection (3), any person registered as a recruiting agent under the provisions of this section shall remain so registered for a period of twelve months.

**Contract of
service.**

10. (1) A registered recruiting agent shall enter into a contract of service in the prescribed form with every person recruited by him.

(2) Every such contract shall be executed in the presence of the Commissioner of Police or any other person appointed by the Governor-General to grant permits.

(3) Every such contract shall be executed in triplicate originals, one of which shall be kept by the recruiting agent, one by the person recruited, and one by the Commissioner of Police.

11. Every registered recruiting agent shall pay into the Treasury the sum of four dollars and eighty cents in respect of every person engaged by him to proceed to a notified place under a contract of service.

**Payment by
recruiting agent.**

12. Any person who—

**Offences in
connection with
recruiting.**

(a) not being registered as a recruiting agent, shall engage, agree with, procure, cause, induce or attempt to engage, agree with, procure, cause or induce any labourer to proceed to a notified place under contract of service or otherwise, or to leave any place in Antigua and Barbuda with a view to proceeding to a notified place;

(b) by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any labourer to proceed to a notified place, or to enter into any agreement to so proceed or to leave any place in Antigua and Barbuda with a view to so proceeding;

(c) being a registered recruiting agent shall employ or otherwise authorize any person to engage, agree with, procure, cause or induce, any labourer to proceed to a notified place, or shall give any remuneration or reward to any person who has acted in any of the ways aforesaid;

(d) being a registered recruiting agent shall make or agree to any variation of the prescribed form of the contract of service provided for in section 10;

(e) not being a registered recruiting agent shall make any promise or give any undertaking, verbal or otherwise to any labourer, to the effect that if he proceeds to a notified place he will be given work;

(f) makes any false statement with a view to being registered as a recruiting agent;

shall be guilty of an offence against this Act and shall be

liable on summary conviction to a fine not exceeding ten thousand dollars.

DEPOSITS

Deposits by individuals.

13. Any person applying for a permit under the provisions of section 5 shall deposit in the Treasury of Antigua and Barbuda the sum of six dollars or such other sum as the Cabinet may fix by regulations as sufficient to remove all risk of that person having to be repatriated at the cost of Antigua and Barbuda:

Provided that the Cabinet may in specific cases and for specific periods declare that no sum shall be deposited.

Deposit by recruiting agent.

14. (1) A registered recruiting agent shall deposit in the Treasury the sum of six dollars or such other sum as the Cabinet may fix by regulations for each permit issued under the provisions of subsection (1) of section 6 in respect of persons recruited by him:

Provided that the Cabinet may in lieu of such deposit accept a Bank guarantee in respect of any part of such sum and a correspondingly reduced deposit.

(2) Neither the person to whom the permit is issued nor the recruiting agent on behalf of such person shall have any interest in any sum deposited under the provisions of subsection (1).

Deductions from deposits.

15. Where a permit is granted to any person there shall be deducted from the deposit made by such person or from the deposit made by a registered recruiting agent in respect of such person the sum of forty-eight cents; twenty-four cents thereof shall be deemed a fee in respect of such permit, and shall be paid into the general revenue of Antigua and Barbuda and twenty-four cents shall be appropriated as a contribution toward the costs and expenses of such British Consulates in notified places as the Cabinet may think fit.

APPLICATION OF MONEYS

Distressed emigrants' fund.

16. All moneys coming into the hands of the Accountant-General under sections 9 and 11 shall be carried by him to the credit of a fund to be called "The Distressed Emigrants' Fund"; and the said fund may be

applied as the Cabinet may direct in meeting such expenses as may be incurred in repatriating or otherwise relieving natives of Antigua and Barbuda or their dependants who may become destitute, or incurred in sending any destitute person in Antigua and Barbuda to his native place out of Antigua and Barbuda.

17. (1) If any person who has made a deposit under section 13 fails to proceed to any notified place, or having proceeded to a notified place returns to Antigua and Barbuda, such deposit shall be returned to him:

Applications of moneys deposited by individuals.

Provided that it shall be lawful to deduct from such deposit—

(a) any expenses incurred by a British Consular officer or other like authority in repatriating or otherwise assisting such person;

(b) any expenses incurred by Antigua and Barbuda in repatriating or otherwise assisting such person;

(c) any amount which may have been paid to the dependants of such person during his absence from Antigua and Barbuda out of moneys provided from the revenue of Antigua and Barbuda;

(d) the deduction provided for in section 15.

(2) If the Accountant-General is satisfied that any person who has made a deposit under section 13 is dead, he may return such deposit to the personal representative of such person, or to such other person as the Cabinet may direct:

Provided that it shall be lawful to make therefrom the deductions provided for in subsection (1).

18. (1) A registered recruiting agent or his principal shall recover from the Accountant-General so much of the amount deposited by him under the provisions of section 14 in respect of a recruited person who has returned to Antigua and Barbuda under the terms of his contract, as has not been expended by or on behalf of the Government in the relief of such recruited person in any place out of Antigua and Barbuda or in payment of the cost of his return to Antigua and Barbuda, if the Accountant-General

Application of money deposited by recruiting agent.

is satisfied that the cost of the return of such recruited person to Antigua and Barbuda has been paid by the recruiting agent or his principal.

(2) Any deposits, or the balance of any deposits made under the provisions of section 14 in respect of recruited persons which shall be in the hands of the Accountant-General after the expiration of twelve months after the making thereof shall be placed "on deposit" in the Treasury for a period of five years. If during such period, the recruiting agent or his principal is able to prove to the satisfaction of the Accountant-General that any recruited person in respect of whom any moneys are so on deposit has been repatriated to Antigua and Barbuda without expense to Antigua and Barbuda, the Accountant-General shall pay to the recruiting agent or his principal so much of the moneys so deposited as represents the cost of such repatriation. If no such claim is made during such period of five years such moneys so deposited shall at the end thereof lapse to general revenue.

Repayment of
cost of
repatriation.

19. If any British Consular Officer or other like authority in any notified place pays the cost of the repatriation to Antigua and Barbuda of any emigrant named in a permit, such cost not exceeding the sum stated in the permit to have been deposited in the Treasury by or in respect of such emigrant shall be repaid out of such sum so deposited.

PASSAGE AND SHIPPING OF EMIGRANTS

Shipping agent
booking
passenger to a
notified place.

20. (1) Any shipping agent or other person engaged in booking or receiving passengers for any ship, who books or receives any passenger to a notified place without the passenger having first produced and left with him a permit to such passenger to proceed to the notified place duly signed by the Commissioner of Police or other person appointed by the Minister to issue permits, shall be guilty of an offence against this Act.

(2) The shipping agent or other person aforesaid shall sign and deliver to the passenger a receipt for the permit left with him by the passenger, and the receipt shall set out the date of the permit, the name of the person mentioned in the permit as the person to whom the permit was granted and the name of the notified place mentioned in the permit.

Any shipping agent or other person aforesaid who fails to deliver such a receipt shall be guilty of an offence against this Act.

21. The Master of any ship bound directly or indirectly for any notified place, who shall receive or have on board as a passenger any person who is not furnished with a permit granted to him under this Act or with a receipt for that permit signed by the shipping agent or other person who booked him as a passenger by that ship, shall be guilty of an offence against this Act.

Master of ship not to receive passenger for a notified place without permit or receipt.

22. (1) The Master of any ship bound directly or indirectly, for any notified place shall, before demanding a clearance for his ship, sign in duplicate a passengers' list, that is to say, a list correctly setting forth the name and other particulars of the ship and of every passenger going by such ship giving their names and the places to which they have respectively taken passages.

Master of ship to furnish list of passengers to Commissioner of Police.

(2) The passengers' list shall be countersigned by the Commissioner of Police or by any police officer deputed by him in writing for the purpose, and then delivered by the Master to the Customs Officer from whom a clearance is demanded, and that officer shall thereupon countersign and return to the Master one copy which will be marked the "Master's list" and shall retain the other which will be attached to the outward manifest of the ship

(3) If at any time after the passengers' list has been signed and delivered as aforesaid any additional passenger is taken on board, the Master shall add to the Master's list and also enter on a separate list signed by him the name and other particulars of such additional passenger.

(4) The separate list shall be countersigned by the Commissioner of Police or by any police officer deputed by him in writing for the purpose and shall, together with the Master's list to which the addition has been made, be delivered to such Customs Officer who shall thereupon countersign the Master's list and return the same to the Master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

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(5) The Master of any ship who fails to comply with any of the requirements of this section shall be guilty of an offence against this Act.

Power to search ships.

23. (1) It shall be lawful for any police officer to go on board any ship bound directly or indirectly for any notified place, or on board any ship in which he suspects any passenger from Antigua and Barbuda to be, whose destination is a notified place, and to require the Master of the ship to produce to him any passenger on board such ship who has taken passage from Antigua and Barbuda, and any Master who fails to comply with any such requisition shall be guilty of an offence against this Act.

(2) It shall be lawful for any police officer to search such ship for, and to cause to be removed from such ship, if found, any passenger whose destination is a notified place and who has not been granted a permit under this Act.

(3) If a person is found on board such ship with intent to obtain a passage therein without the consent of the owner, charterer, or Master thereof, he shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine not exceeding one thousand dollars and any person so found on board may be arrested without warrant by any police officer.

GENERAL

List of emigrants to be sent to British Consul.

24. A list of all persons proceeding to any notified place, whether proceeding individually or under contract of service entered into with a registered recruiting agent shall be sent by the Minister to the British Consular Officer of the country or place to which such persons are proceeding.

Penalty for offence not otherwise provided for.

25. Every person guilty of an offence against this Act for which no penalty is therein expressly provided shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

Power to make regulations.

26. The Cabinet may make regulations prescribing the forms of application, of permit and of contract to be used under this Act:

Provided that until such regulations are made the forms in the Schedule shall be used. Schedule.

SCHEDULE

S. 26

FORM 1

Application for a permit under the Emigrants Protection Act.

I of
desire to proceed to a notified place, and
hereby apply for a permit authorizing me to do so.

(a) I am not a native of

See (f) if he is
proceeding under
contract of
service.

(b) I have already made my temporary
home

(c) I am carrying on business in

(d) I am possessed of independent means

(e) I am a native of and have deposited
in the Treasury the sum of , to cover the
cost of my repatriation if necessary.

(f) I am a native of and I am
proceeding to under a contract of service
with dated which appears
to be in accordance with the law, and the sum of
has been paid into the Treasury on my behalf by
of a registered recruiting agent.

Dated at the day of

Signature of Applicant.

FORM II

Form of Permit.

PERMIT

..... of
is permitted to leave Antigua and Barbuda for
he having satisfied me that he

See (f) if he is
proceeding under
contract of
service.

- (a) is not a native of
- (b) has already made his temporary
home
- (c) is carrying on business in
- (d) is possessed of independent means
- (e) is a native of and has deposited
in the Treasury the sum of to cover the
cost of his repatriation if necessary.
- (f) is a native of , and is proceeding
to under a contract of service with
dated which appears to be in accordance
with the law and that the sum aforesaid has been paid into
the Treasury in respect of him by
of a registered recruiting agent.

Dated at the day of

.....

NOTE— This permit shall be in force for one month from the
granting thereof and no longer.

If the applicant comes under the terms of any one of
the six provisions (a), (b), (c), (d), (e) or (f) above the other
five may be struck out.

This permit should be retained as a voucher by the per-
son to whom it is granted in the event of his being entitled
to a refund of the sum deposited by him in the Treasury.
Any claim by the representatives of any deceased emigrant
to such deposit should be supported by the production of
his permit and a certificate of his death endorsed thereon
by the British Consular Authority in the place where he died.

FORM III

Form of Agreement

Memorandum of Agreement made this _____ day of _____, 19____, between _____ of _____ for and on behalf of _____ (hereinafter called the employer) of the one part and _____ of _____ (hereinafter called the labourer) of the other part.

Subject to the provisions of the Emigrants Protection Act, the labourer hereby agrees to serve the employer as _____ at _____ for the term of _____ months, and to obey all lawful and reasonable orders of the employer or his overseers or authorized agents; in consideration whereof and subject as aforesaid the employer agrees with the labourer to convey him free of cost, whether for transport or maintenance, to his place of employment, and as from the date of his departure from Antigua and Barbuda in which he was recruited to pay him wages at the rate of _____ per _____, together with adequate daily rations or an allowance in lieu thereof at the rate of _____ per _____; such wages and allowance (if any) to be paid not less frequently than once a month.

The employer further agrees to provide the said labourer with medicine and medical attendance when sick; and also within one month after the expiration of this contract to convey the labourer free of cost, whether for transport or maintenance, to the place from which he first embarked for the purpose of fulfilling this contract.

The employer further agrees that he will not at any time deduct from the said wages of the labourer or otherwise obtain from the labourer the sum or any part thereof deposited by him or his agent in respect of the labourer under the provisions of the Emigrants Protection Act.

It is further mutually agreed that this contract shall be cognizable before and enforceable in the Courts of Antigua and Barbuda, or the Courts of _____ at the option of the labourer.

In witness whereof the parties have hereunto set their hands the day and year first above written.

Signed by the said _____

_____ on behalf of the

said employer

Signed by the said labourer

I hereby certify that this contract was executed in my presence in accordance with the provisions of section 10 of the Emigrants Protection Act.

.....

NOTE—This contract must be executed in triplicate originals, one of which shall be kept by the recruiting agent, one by the labourer and one by the Commissioner of Police.
