STATUTORY INSTRUMENTS

1987 No. 454

FUGITIVE CRIMINAL
PREVENTION AND SUPPRESSION OF TERRORISM

The Internationally Protected Persons (Anguilla) Order 1987

Made - - - -	*18th March 1987*
Laid before Parliament	*26th March 1987*
Coming into force	*17th April 1987*

At the Court at Buckingham Palace, the 18th day of March 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 3(2) and 4 of the Internationally Protected Persons Act 1978(**a**), sections 2, 17 and 21 of the Extradition Act 1870(**b**), and section 17 of the Fugitive Offenders Act 1967(**c**), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Internationally Protected Persons (Anguilla) Order 1987 and shall come into force on 17th April 1987.

2. Sections 1, 2 and 3 of the Internationally Protected Persons Act 1978, modified and adapted as in the Schedule hereto, shall extend to Anguilla, including its territorial waters.

3. The Extradition (Internationally Protected Persons) Order 1979(**d**) is amended by the insertion of Anguilla in Schedule 4 thereto (territories to which the Order extends).

Clerk of the Privy Council

(**a**) 1978 c.17. (**b**) 1870 c.52. (**c**) 1967 c.68. (**d**) S.I. 1979/453, amended by S.I. 1982/147, 1985/1990, 1986/2013.

Article 2

SCHEDULE

SECTIONS 1, 2 AND 3 OF THE INTERNATIONALLY PROTECTED PERSONS ACT 1978 AS EXTENDED TO ANGUILLA

1.—(1) If a person, of whatever nationality, does outside Anguilla –

(a) any act to or in relation to a protected person which, if he had done it in Anguilla, would have made him guilty of the offence of murder, manslaughter, rape, assault occasioning actual bodily harm, kidnapping, false imprisonment or an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 56 of the Offences against the Person Act 1861**(a)** or section 2 of the Explosive Substances Act 1883**(b)**; or

(b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in Anguilla, would have made him guilty of an offence under section 2 of the Explosive Substances Act 1883 or section 1 of the Criminal Damage Act 1971**(c)**,

he shall in Anguilla be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in Anguilla or elsewhere, of whatever nationality –

(a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph (b) of that subsection in connection with an attack so mentioned; or

(b) aids, abets, counsels or procures the commission of such an offence or of an attempt to commit such offence,

he shall in Anguilla be guilty of attempting to commit the offence in question or, as the case may be, of aiding, abetting, counselling or procuring the commission of the offence or attempt in question.

(3) If a person in Anguilla or elsewhere, of whatever nationality –

(a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection; or

(b) attempts to make or aids, abets, counsels or procures the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids, abets, counsels or procures the making of it, shall in Anguilla be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

(4) For the purposes of the preceding subsections it is immaterial whether a person knows that another person is a protected person.

(5) For the purposes of this section the said sections of the Offences against the Person Act 1861, of the Explosive Substances Act 1883 and of the Criminal Damage Act 1971, if not already in force in Anguilla, shall be deemed to be in force in Anguilla as they are in force in England.

(6) In this section –

"act" includes omission;

"a protected person" means, in relation to an alleged offence, any of the following, namely –

(a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds kffice;

(b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organisation of an inter-governmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;

(a) 1861 c.100. **(b)** 1883 c.3. **(c)** 1971 c.48.

(c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and –

(i) if the other person is mentioned in paragraph (a) above, is accompanying him,

(ii) if the other person is mentioned in paragraph (b) above, is a member of his household;

"relevant premises" means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person; and

"vehicle" includes any means of conveyance;

and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Governor of Anguilla and stating any fact relating to the question shall be conclusive evidence of that fact.

2. Proceedings for an offence which would not be an offence apart from the preceding section shall not be instituted in Anguilla except by or with the consent of the person for the time being performing the functions of Attorney-General of Anguilla.

3. An offence under section 1(3)(a) of this Act shall be deemed to be included among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 as extended to Anguilla.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Anguilla, with adaptations and modifications, certain provisions of the Internationally Protected Persons Act 1978. It also extends to Anguilla the amendments made by the 1978 Act to the Extradition Acts 1870 to 1895.