



**ANGUILLA**

**A BILL FOR**

**ANGUILLA POLICE (AMENDMENT) ACT, 2015**

Published by Authority

I Assent

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Christina Scott  
Governor

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Date

ANGUILLA

No. /2015

A BILL FOR

**ANGUILLA POLICE (AMENDMENT) ACT, 2015**

An Act to amend the Anguilla Police Act, R.S.A. c. A70 to give the police power to take measurements, photographs, fingerprint impressions and non-intimate samples on arrest.

[Gazette Dated: , 2015] [Commencement: Assent under section 57 of the Constitution]

ENACTED by the Legislature of Anguilla

**Amendment of Section 26**

1. The Anguilla Police Act is amended in section 26—

(a) by deleting subsection (1) and substituting the following—

“(1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorized by the Commissioner of Police to take and record for the purposes of identification, the measurements, photograph and fingerprint impressions of any person when he suspects that that person, from the nature or character of the offence with which he has been arrested, has been previously convicted or has been engaged in crime or that his measurements and photograph and fingerprint impressions (or any of them) are required in the interest of justice or for the purpose of investigating or prosecuting the offence for which he has been arrested.”;

(b) in subsection (2), by deleting the word “charged” and substituting the word “arrested”;

- (c) by deleting subsection (3) and substituting the following—

“(3) Where any measurements, photograph and fingerprint impressions (or any of them) are taken of a person who has not previously been convicted of any criminal offence, and such person is not charged with the offence for which he has been arrested or if charged with that offence is discharged or acquitted by a court, all records relating to such measurements, photograph and fingerprint impressions shall be forthwith destroyed in the presence of a Gazetted Police Officer or handed over to such person.”.

### **Amendment of Section 26A**

2. The Anguilla Police Act is amended in section 26A—

- (a) by deleting subsection (1) and substituting the following—

“(1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorized by the Commissioner of Police to take and record for the purposes of evidence, such non-intimate sample from any person where he suspects that that person, from the nature or character of the offence with which he has been arrested, has been previously convicted or has been engaged in crime and such non-intimate sample is required in the interest of justice or for the purpose of investigating or prosecuting the offence for which he has been arrested.”;

- (b) in subsection (2), by deleting the word “charged” and substituting the word “arrested”;

- (c) by deleting subsection (3) and substituting the following—

“(3) Where a non-intimate sample is taken from a person who has not previously been convicted of any criminal offence, and such person is not charged with the offence for which he has been arrested or if charged with that offence, discharged or acquitted by a court, the non-intimate sample and all records relating to that sample shall be forthwith destroyed in the presence of a Gazetted Police Officer or handed over to such person.” and;

- (d) in subsection (4) by deleting paragraphs (c) and (d) and substituting the following—

- “(c) a swab taken from the mouth;  
(d) a swab taken from any part of a person’s body other than a body orifice;  
(e) saliva;  
(f) a footprint or a similar impression of any part of a person’s body other than a part of his hand.”.

**Citation**

3. This Act may be cited as Anguilla Police (Amendment) Act, 2015.

Leroy C. Rogers  
*Speaker*

Passed by the House of Assembly this      day of                      , 2015.

Lenox J. Proctor  
*Clerk of the House of Assembly*

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**OBJECTS AND REASONS**

**[The Objects and Reasons do not form part of this Bill]**

The Anguilla Police (Amendment) Bill, 2015 seeks to amend sections 26 and 26A of the Anguilla Police Act to give the police the power to, on arrest, take measurements, photographs, fingerprint impressions and non-intimate samples.