



**ST HELENA**

**A BILL**

**FOR**

**AN ORDINANCE**

**to amend the Port and Aerodrome (Health) Ordinance, 2018, to define “Chief Magistrate”, amend the definition of “proper officer”, to make provision for an application to be made to extend the period for which a person may be detained and provide for the appointment of a “proper officer”; and for connected and incidental purposes.**

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Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

**Short title and interpretation**

1. (1) This Ordinance may be cited as the Port and Aerodrome (Health) (Amendment) Ordinance, 2020.
- (2) In this Ordinance “the principal Ordinance” means the Port and Aerodrome (Health) Ordinance, 2018.

**Amendment of section 2 - Interpretation**

2. Section 2 of the principal Ordinance is amended as follows—
  - (a) by inserting in the appropriate alphabetical sequence the following definition—

“**Chief Magistrate**” includes a Justice as defined in the Magistrates’ Court Ordinance, 2011;” and
  - (b) by deleting the definition of the words “proper officer” and substituting the following—

“**proper officer**” means a person appointed pursuant to section 3A;”.

**Insertion of section 3A - Proper officer**

3. The principal Ordinance is amended by inserting after section 3 the following section—

**“Proper officer**

**3A. (1)** The Governor may, on the recommendation of the Director of Health, appoint a proper officer for the term recommended by the responsible authority.

**(2)** A person appointed pursuant to subsection (1) must perform the functions specified to be performed by a proper officer in this Ordinance.”.

**Insertion of section 15A - Application to extend time for detention**

**4.** The principal Ordinance is amended by inserting after section 15 the following section—

**“Application to extend period for detention**

**15A. (1)** Where there are insufficient resources and in the opinion of a proper officer the period for which a person may be detained under this Ordinance is insufficient an application may be made to the Chief Magistrate to extend the period of time in which the person may be detained—

- (a) under section 14(4)(b) for a further period of up to 6 hours; and
- (b) under section 15(4) for a further period of up to 7 hours.

**(2)** Subject to subsection (3) an application under subsection (1) may be made orally to the Chief Magistrate and is not required to be made in person.

**(3)** Pursuant to an application under subsection (1) the Chief Magistrate may, prior to, during or subsequent to hearing the application or following the determination of the application and within the time specified by the Chief Magistrate, request any further information in respect of the application that the Chief Magistrate considers fit in the circumstances.

**(4)** The Chief Magistrate, if after considering the information submitted in accordance with subsection (3) is not satisfied that the application under subsection (1) should have been made may make such further order that the Chief Magistrate considers fit in the circumstances.”.

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EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Bill would define “Chief Magistrate”, amend the definition of “proper officer”, make provision for an application to be made to extend the period for which a person may be detained and provide for the appointment of a “proper officer”.