

## CHAPTER 187

### EMIGRATION

1904-2

This Act came into operation on 18th March, 1904.

#### **Amended by:**

*1943-18*

*1968-8*

*1958-55*

*1967/168*

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



**CHAPTER 187**

**EMIGRATION  
1904-2**

*Arrangement of Sections*

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**BARBADOS****EMIGRATION  
1904-2**

*An Act to consolidate the Acts of this Island relating to emigration.*

[Commencement: 18th March, 1904]

**Short title**

1. This Act may be cited as the Emigration Act.

**PART I****PRELIMINARY****Interpretation**

2. For the purposes of this Act, the expression “Minister” means the Minister responsible for Labour.

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[1967/168]

PART II  
EMIGRATION AGENTS

**Duties of emigration agents**

3.(1) It shall not be lawful for any person, unless under the licence of the Minister, to act as an emigration agent in this Island.

(2) Every person—

- (a) acting without such licence;
- (b) who, for hire or other emolument, is employed to induce any labourer or artificer to emigrate from this Island and promotes his object by falsehood or fraud; or
- (c) who aids and abets such offender,

shall be liable to a penalty not exceeding two hundred and forty dollars nor less than forty-eight dollars for the first offence and for every subsequent offence shall be guilty of a misdemeanour and on conviction thereof before the High Court sitting for the trial of criminal cases shall be liable to a fine of four hundred and eighty dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) Every emigration agent shall enter, with two sufficient sureties, into bond to the Crown in such form and in such amounts as the Minister may determine, conditioned for the due discharge of his duties and for duly paying all sums of money due from him to the Minister.

(4) Every labourer or artificer, who by falsehood or fraud is induced to emigrate from this Island, shall on his return have an action against the person who practised such falsehood or fraud upon him to recover his damages thereby sustained, with costs of suit.

**Contracts to be entered into by certain emigrants**

4.(1) Every emigration agent who recruits any labourer or artisan for any work, labour or service in any place out of the Commonwealth shall cause a contract to be entered into with such labourer or artisan and in default thereof shall be liable to a penalty of two hundred and forty dollars.

(2) Every contract made in this Island and binding any person to perform any work, labour or service in any place not within the Commonwealth shall be in writing and executed before and attested by a magistrate.

(3) After such execution and attestation every such contract to perform work, labour or service in any country named or deemed to be named in the Schedule shall be subject to such formality of legalisation and be dealt with in such manner as is or may be deemed to be prescribed in the Schedule, according to the place of performance and until this requirement is complied with such contract shall not be binding on the labourer, artisan or other person contracting to work.

(4) Every such contract shall contain conditions ensuring that the labourer entering into the same shall not during his contract be left destitute in the place to which he is going and shall be repatriated by the person employing him on the termination of the contract of service, or on the request of the Minister, at any time during the contract of service, and shall be in such form as may from time to time be prescribed or approved by the Minister.

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(5) Any such request of the Minister for repatriation shall be communicated to the employer or to his agent in this Island by writing.

(6) Where the conditions prescribed by subsection (4) are broken by the person employing the labourer, the emigration agent who causes the contract to be entered into shall, subject to subsection (7), be liable to pay the expenses incurred by the Minister in relieving the destitution of or repatriating the labourer.

(7) Where such labourer at any time after the termination of the contract executes a renunciation of his right to repatriation under this Act before a consular

representative for Barbados and satisfies such consular representative that his renunciation is voluntary, then in such case the liability of such emigration agent under subsection (6) shall determine.

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(8) Any emigration agent or any person employing any other person to perform any work, labour or service in any place not within the Commonwealth who causes or permits any contract to be entered into otherwise than in accordance with this section shall be liable to a penalty of two hundred and forty dollars.

### **Recovery of money, etc., advanced to intending emigrant**

5. Any person who, having received from an emigration agent any money, food or clothing in consideration of entering into a contract to perform any work, labour or service in any place not within the Commonwealth, refuses to execute the contract as required by subsection (2) of section 4 or having received any money, food or clothing as aforesaid and having executed such contract refuses to leave the Island shall be liable on being convicted thereof before a magistrate to pay to the emigration agent the amount of money and the value of the articles received by him as aforesaid, together with a fine of five dollars, and in default of payment to be imprisoned for three months.

### **Application of Part II**

6.(1) This Part applies to labourers and artisans who are Commonwealth citizens.

(2) Notwithstanding the provisions of this Part, if circumstances arise which in the opinion of the Minister render it expedient that any person shall be exempted from compliance with any or all of the provisions of this Part, it shall be lawful for the Minister, by licence under his hand, and subject to such conditions as the Minister shall specify in such licence, to exempt such person accordingly.

*[This subsection was made permanent by the Expiring Laws Act, 1968, 1968-8.]*

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*[1967/168]*

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PART III  
PROHIBITED EMIGRATION

**Order prohibiting recruiting of labourers**

7.(1) The Minister, with the approval of Parliament, may from time to time by order prohibit, either absolutely or conditionally, the recruiting of labourers or artificers for emigration to, or labour in, any place out of the Commonwealth to be mentioned in such order, and may from time to time revoke, rescind or vary any such order.

(2) Any emigration agent or person recruiting or inducing or attempting to induce any labourer or artificer to emigrate or enter into any contract for labour, in breach of such order, shall be liable to a penalty of two hundred and forty dollars.

PART IV  
EMIGRATION PERMITS

**Interpretation**

8. For the purposes of this Part, the expression—

“passenger” means any person, other than a labourer or artisan recruited under a contract of service by an emigration agent, proceeding by any ship directly or indirectly to a proclaimed place;

*[1967/168]*

“permit officer” means any person authorised by the Minister under this Act to grant a permit to a person for the purpose of leaving this Island for a proclaimed place.

**Application of Part IV**

**9.** It shall be lawful for the Governor-General from time to time to declare by proclamation any foreign country or place to be a country or place to which this Part shall apply and in the same manner to revoke any such declaration.

**Permits**

**10.(1)** From and after the making of any proclamation under this Part and so long thereafter as such proclamation remains unrevoked, no person shall proceed as a passenger from this Island to any place named in such proclamation without a permit granted under this Part.

(2) No permit shall be required in respect of any person who is not a citizen of Barbados.

**Permit officer**

**11.** It shall be lawful for the Minister from time to time to appoint some fit and proper person to be a permit officer for the purposes of this Part and to authorise such person to grant a permit to a person for the purpose of leaving this Island for a proclaimed place.

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**Power of Governor-General to exempt from obtaining permits**

**12.** It shall be lawful for the Governor-General if he thinks fit to exempt any person or any class or description of persons from the obligation to obtain a permit under this Part.

**Applications for permits**

**13.(1)** A person desiring to leave this Island as a passenger for any proclaimed place shall make application to a permit officer.

(2) It shall be lawful for a permit officer forthwith to grant a permit to the applicant on the following terms—

- (a) on payment by the applicant of the sum of one dollar; or
- (b) on the applicant establishing to the satisfaction of the permit officer that, being a citizen of Barbados, he is possessed of independent means sufficient to remove all risk of his having to be repatriated at any time at the cost of this Island.

*[1967/168]*

#### **Fund for relief of distressed citizens in proclaimed places**

**14.** The money collected by the permit officer under section 13 shall be paid to the credit of a fund for the relief of distressed citizens of Barbados in any proclaimed place and it shall be lawful for the Crown to employ such fund for the assistance and repatriation of citizens of Barbados who have become destitute in any proclaimed place.

*[1967/168]*

#### **Penalty**

**15.** Any person who attempts to proceed without a permit as a passenger to any proclaimed place or who obtains or attempts to obtain a permit as aforesaid, either for himself or for any other person, by any false pretence, or uses or attempts to use for the purpose of proceeding to any proclaimed place any permit granted to any other person shall be guilty of an offence and shall on summary conviction before a magistrate be liable to a fine of ninety-six dollars or to be imprisoned for three months.

PART V  
MISCELLANEOUS

**Recovery of penalties**

**16.** All penalties under this Act, where not otherwise provided for, may be recovered in a summary manner before a magistrate on the information of any person and half of any such penalty shall be paid to the complainant.

**Regulations**

**17.(1)** The Minister may from time to time make and, when made, amend or annul regulations for the guidance of emigration agents and for the guidance of masters of ships taking emigrants, and for carrying into effect the intention of this Act.

(2) Such regulations shall be laid before both Houses and, on being sanctioned by them, shall have the force of law, provided that all such regulations shall be duly published in the *Official Gazette*.

(3) Any person violating any such regulation shall be liable to a penalty of forty-eight dollars, to be recovered in a summary manner before any magistrate on the information of any person whatsoever.

(4) Requirements as to legalisation in the case of countries other than those named in the Schedule may be set forth in regulations made by the Minister from time to time and published in the *Official Gazette* and when so published such regulations shall have the force of law and such requirements and the names of such other countries as aforesaid shall be deemed to be inserted in the Schedule.

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[1967/168]

**SCHEDULE***(ss. 4(3) & 17(4))*

Country of performance	Nature of formality required
Brazil.....	Authentication according to the law of Brazil by the principal Brazilian Consular officer in this Island.
Colombia.....	Authentication by the Colombian Consul, according to the law of Colombia.
Ecuador.....	Duplicate of the contract in the Spanish language drawn up before, or certified to, by the Ecuadorean Consul.
Guatemala.....	Authentication in the Guatemalan Consulate according to the law of Guatemala.
Honduras.....	Attestation by the Honduran Consul and verification of his signature by a certificate to that effect given by the Secretary to the Cabinet.
Nicaragua.....	Legalisation by the Consul of Nicaragua according to the law of Nicaragua.
Paraguay.....	Legalisation according to the law of Paraguay by the Paraguayan Consul.
Peru.....	Legalisation according to the law of Peru before the Peruvian Consul.
Salvador.....	Signatures of the parties to be attested by the Consul or Vice-Consul of Salvador, and in default of these by the Secretary to the Cabinet.
Venezuela.....	Legalisation by the Consul of Venezuela, according to the law of that country, of the signature of the magistrate.

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In the cases of Colombia and Honduras, if there is no Consul of the country in this Island, authentication or attestation by the Consul of a friendly nation shall suffice.