

## SCHEDULE 2

### The Constitution of the Turks and Caicos Islands

## PART I

### FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

#### Protection of freedom of movement

**14.**—(1) Except with his or her consent, no person shall be hindered in the enjoyment of his or her freedom of movement, that is to say, the right to move freely throughout the Islands, the right to reside in any part of the Islands, the right to enter or leave the Islands and immunity from expulsion from the Islands.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) for the imposition of restrictions on the movement or residence within the Islands or on the right to leave the Islands of persons generally or any class of persons that are reasonably required—
  - (i) in the interests of defence, public safety, public order, public morality or public health; or
  - (ii) for the purpose of protecting the rights and freedoms of other persons, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society;
- (b) for the removal of a person from the Islands to be tried or punished in some other country for a criminal offence under the law of that country or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law of the Islands of which he or she has been convicted;
- (c) for the imposition of restrictions on the movement or residence within the Islands or the right to leave the Islands of public officers that are reasonably required for the purpose of ensuring the proper performance of their functions;
- (d) for the imposition of restrictions on persons who are not Belongers; but—
  - (i) no restriction may be imposed by virtue only of this paragraph on the right of any such person, so long as he or she is lawfully present in the Islands, to move freely throughout the Islands and to reside anywhere in the Islands;
  - (ii) no restriction may be imposed by virtue only of this paragraph on the right of any such person to leave the Islands; and
  - (iii) no such person shall be liable, by virtue only of this paragraph, to be expelled from the Islands unless the requirements specified in subsection (5) are satisfied;
- (e) for the imposition of restrictions on the acquisition or use by any person of land or other property in the Islands;
- (f) for the imposition of restrictions, by order of a court, on the movement or residence within the Islands of any person or on any person's right to leave the Islands either in consequence of his or her having been found guilty of a criminal offence under the law of the Islands or for the purpose of ensuring a fair trial or that he or she appears before a court at a later date for trial of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his or her extradition or lawful removal from the Islands; or

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- (g) for the imposition of restrictions on the right of any person to leave the Islands that are reasonably required in order to secure the fulfilment of any obligation imposed by law, except so far as the provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.
- (3) For the purposes of subsection (2)(c), “law” in that subsection includes directions in writing regarding the conduct of public officers generally or any class of public officer issued by the Government.
- (4) Any restriction on a person’s freedom of movement which is involved in his or her lawful detention shall not be held to be inconsistent with or in contravention of this section.
- (5) The requirements to be satisfied for the purposes of subsection (2)(d) (that is to say, before a person who is not a Belonger may be expelled from the Islands) are as follows—
  - (a) the decision to expel him or her is taken by an authority, in a manner and on grounds prescribed by law;
  - (b) he or she has the right, save where the interests of defence, public safety or public order otherwise require, to submit reasons against his or her expulsion to a competent authority prescribed by law;
  - (c) he or she has the right, save as aforesaid, to have his or her case reviewed by a competent authority prescribed by law; and
  - (d) he or she has the right, save as aforesaid, to be represented for the purposes of paragraphs (b) and (c) before the competent authority or some other person or authority designated in that behalf by the competent authority.