



[L.S]

I Assent,

James B. Carlisle,
Governor-General.

25th November, 1997.

ANTIGUA AND BARBUDA

No. 13 of 1997

AN ACT to prohibit the wearing or trading of military uniforms and accessories, purchase or sale of military stores and for matters connected therewith.

[*4th December, 1997*]

ENACTED by the Parliament of Antigua and Barbuda as follows

1. **This** Act may be cited as the Military Uniforms Act, 1997. **Short title.**

2. In this Act — **Interpretation.**

"Defence Force" means the Defence Force of Antigua and Barbuda established under Cap. 132;

"military uniforms" means combat or other distinctive dress generally worn by members of the Antigua and Barbuda Defence Force and includes any wearing apparel designed to resemble such dress or any part thereof but shall not include footwear;

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"Minister" means the Minister responsible for Defence.

"enlisted person" means a person who is in the service of the Antigua and Barbuda Armed Forces.

Prohibition against wearing military uniforms.

3. It shall not be lawful for any person not serving in the Antigua and Barbuda Defence Force to wear without the Governor-General's permission the uniform or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform.

Prohibition against importation, sale and purchase of military uniforms.

4. No person shall import, trade, sell or deal in military uniforms or decorations except with the approval of the Minister.

Offences.

5. (1) A person is guilty of an offence who —

- (a) wears in a public place the uniform of the Antigua and Barbuda Defence Force;
- (b) imports, sells or trades in military uniforms or 'camouflage uniforms';
- (c) has in his possession without authority articles of clothing, material or decorations resembling those used by or authorised by the Defence Force;
- (d) uses or wears without authority any naval, military or air force decorations, badge, wound stripe or emblem supplied or authorised by the Defence Council;
- (e) enters Antigua and Barbuda dressed in military uniform or camouflage uniform when not an enlisted person;
- (f) brings into Antigua and Barbuda any military uniforms or any of the patterned material commonly used for making military uniforms;
- (g) falsely represents himself to be a person who is entitled to wear, use or sell any decoration, military uniforms, badge, stripe or emblem used by the Antigua and Barbuda Defence Force or other military force;

(2) Nothing in subsection (1) prevents any person from wearing any uniform or decoration in the course of a stage play performed in a public place duly authorised for the public performance of stage plays or circus performances.

6. (1) Any person who acquires any military stores or solicits or procures any person to dispose of any military stores, or acts for any person in disposing military stores shall be guilty of an offence, unless he proves either —

Unlawful purchase
of military stores.

- (a) that he did not know, and could not reasonably be expected to know that the chattels in question were military stores; or
- (b) that those chattels had been disposed of by order or with the consent of some person or authority whom he had reasonable cause to believe had the power to order or consent to the disposal.

(2) For the purposes of this section —

"acquire" means buy, take in exchange, take in pawn or otherwise receive, whether apart from this section the receiving is lawful or not;

"dispose" means sell, give in exchange, pledge or otherwise hand over, whether apart from this section the handing over is lawful or not;

"military stores" means chattels of any description belonging to the Government, which has been issued for use for military purposes, or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged or had been issued or held at some time in the past by the Government.

(3) Property shall be deemed to be in the possession of a person if he has it under his control, whether he has it for his own use or benefit or for the use or benefit of another person.

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Power of seizure by
Police and Comptroller
of Customs.

7. (1) A policeman may arrest without warrant any person whom he has reasonable grounds to suspect has committed an offence under this Act and may seize any property that he has reasonable grounds to suspect is the subject of the offence.

(2) It shall be lawful for the Comptroller of Customs to seize any goods imported into Antigua and Barbuda which resembles military uniforms and accessories.

Minister to make
Regulations.

8. The Minister may, from time to time, make regulations for the proper implementation and administration of this Act.

Penalty.

9. (1) Any person who is guilty of an offence under this Act is liable on summary conviction to a fine of ten thousand dollars (\$10,000) and to imprisonment for one (1) year.

(2) The Magistrate may, in addition to any fine or imprisonment imposed on any person convicted of an offence under subsection (1) forfeit goods, equipment and accessories related to the commission of the offence.

Repeal of Cap 452.

10. The Uniforms Act is repealed.

Passed the House of Representatives this
25th day of September, 1997.

B. Harris,
Speaker.

S. Walker,
Clerk to the House of Representatives.

Passed the Senate this 20th
day of October, 1997.

M. Percival,
President.

S. Walker,
Clerk to the Senate.

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