

# THE FEBRUARY SIXTH (HOLCOMB) CONSTITUTION

## CONSTITUTION OF THE REPUBLIC OF ANGUILLA

### PREAMBLE

We, the People of Anguilla, in order to secure to ourselves and our posterity, the enjoyment of all rights of God, Freedom, Justice, Life, Liberty and Property, and the pursuit of Happiness, do mutually bind ourselves, each to the other, and hereby ordain and establish this Constitution as the Supreme Law of the Land.

### ARTICLE I NATIONAL TERRITORY:

The National Territory of the Republic of Anguilla is comprised of the Island of Anguilla, Dog Island, Scrub Island, Prickly Pear Cays, Sombrero Island, and the small Cays and Islands associated with them. This Territory and Government shall be known as the Republic of Anguilla.

### ARTICLE II FUNDAMENTAL RIGHTS:

The Fundamental Rights endowed by this Constitution to insure the People of Anguilla their God given heritage shall never be abridged and those rights shall remain inviolate forever.

Section 1. Personal Rights: All persons are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, pursuing happiness and obtaining safety.

Section 2. Political Rights: All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens, and they have the right to alter or amend the same whenever the public good may require it. The paramount allegiance of every citizen is due to the Government of Anguilla.

#### Section 3. Jury Trial:

(a) The right to jury trial shall be secured to all, except as otherwise provided in this Constitution, and shall remain inviolate forever.

(b) Trial by judge may be provided, by law, in civil cases where the total amount in controversy is less than five hundred dollars; or in criminal cases where the punishment, provided by law, does not exceed a fine of three hundred dollars, or imprisonment for a period of time greater than one hundred and eighty days, or both such fine and imprisonment.

(c) A jury shall be composed of no less than six laymen citizens selected at random, by lot, from the registered voters of the Republic of Anguilla, in a manner provided by law to secure a fair and impartial panel of jurors.

(d) In all criminal cases where the punishment, provided by law, exceeds twenty years imprisonment; or in a criminal case where the punishment is death, a jury of twelve shall be required.

(e) In all jury trials, either civil or criminal, a determination shall require the unanimous agreement of the jury.

(f) No person shall be excluded from serving as a juror by reason of race, colour, sex, political affiliation or creed, except that no person engaged in governmental employment, or a member of the Legislature, shall be permitted to serve on a jury.

(g) All trials, either civil or criminal, shall be open to the public.

Section 4. Courts Open; Remedies Guaranteed: All courts of the Republic of Anguilla shall be open, so that every person, either citizen or non-citizen, for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

Section 5. Religious Freedom: The free exercise and enjoyment of religious profession and worship shall forever be allowed in the National Territory of the Republic of Anguilla, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the people or society of the Republic of Anguilla.

Section 6. Religious Preference Prohibited: No preference shall be given by law to any church, sect or mode of worship and no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or religious denomination or in aid of any sectarian institution.

Section 7. Habeas Corpus: The writ of habeas corpus shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in the case of rebellion or invasion, the public safety may require its suspension.

Section 8. Excessive Bail; Punishment; Detention of Witnesses: Excessive bail shall not be required nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.