



PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

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DUCIE & OENO ISLANDS

No **1** of 2018

Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

PROTECTION OF ARTEFACTS ORDINANCE 2018

DATE MADE: 14/8/2018

DATE PUBLISHED: 14/08/2018

An Ordinance to strengthen protection of Pitcairn's historical artefacts

PART I – PRELIMINARY

Citation and
commencement

1. This Ordinance may be cited as the Protection of Artefacts Ordinance 2018 and shall come into operation on the day after it is published.

PART II – AMENDMENTS TO SUMMARY OFFENCES ORDINANCE

- Protected artefacts 2. Section 19 of the Summary Offences Ordinance is repealed and replaced with the following section:
- Protected artefacts 19.–(1) Any person removing, defacing or otherwise mutilating or injuring any prehistoric rock carvings shall be guilty of an offence and liable to a fine not exceeding \$20,000.
- (2) Any person removing or attempting to remove or conspiring with any other person, whether resident in the Islands or not, to remove or attempt to remove from the Islands any protected artefact without the written consent of the Governor shall be guilty of an offence and liable to a fine not exceeding \$20,000.
- (3) In this section, “protected artefact” means items in any of the following categories:
- (a) any relic of the ships “Bounty”, “Cornwallis”, “Arcadia”, or “Bowden”;
 - (b) any artefact of the Polynesian people resident on Pitcairn prior to the arrival of the “Bounty”;
 - (c) any coffin on Henderson Island.

PART III – AMENDMENTS TO JUSTICE ORDINANCE

- Powers of police 3. In Part IX of the Justice Ordinance, insert the following sections:
- Powers to search and examine baggage and goods 79A.–(1) Subsection (2) and (3) applies to –
- (a) any person who is departing from or arriving in Pitcairn; and
 - (b) the person’s accompanying baggage and any other goods in the person’s possession or under the person’s control.
- (2) The person must –
- (a) upon request by a police officer, make the baggage and other goods available for an examination by a police officer; and
 - (b) comply with any reasonable direction given by a police officer to facilitate an examination as referred to in paragraph (a).

(3) A police officer, or any person they may call upon for assistance, may search the person if the police officer has reasonable cause to suspect that the person has hidden on or about his or her person –

- (a) an item that is subject to a prohibition or restriction of import or export under any law; or
- (b) evidence relating to the unlawful import, export, or attempted export of any item under any law.

(4) Subsection (5) applies to –

- (a) any vessel that is departing from or arriving in Pitcairn; and
- (b) goods that are on that vessel or are to be loaded on to that vessel; and
- (c) goods contained in a parcel or package that has been received by the Post Office and is being sent to a destination outside of Pitcairn, whether or not the parcel or package is on a vessel.

(5) A police officer, or any person they may call upon for assistance, may –

- (a) board and search the vessel for the purpose of facilitating an examination under this section;
- (b) examine any goods, including by opening any parcel or package when necessary; and
- (c) give any reasonable direction to facilitate any of the activities in paragraphs (a) and (b).

(6) The powers of a police officer under this section may only be exercised for the purpose of enforcing any prohibition or restriction of import or export of goods under any law.

(7) A person who wilfully fails to comply with any requirement or any direction of a police officer under this section is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

(8) For the avoidance of doubt, nothing in this section limits any other power of search or examination under any other law.

Forfeiture and
seizure of goods

79B.-(1) The following goods are liable to forfeiture:

- (a) All goods that are unlawfully imported;
- (b) All goods that are unlawfully exported; and
- (c) All goods that any person or persons have attempted unlawfully to export.

(2) A police officer carrying out an examination or search under s 79A, or causing such a search to be carried out, may seize –

(a) any goods liable to forfeiture; or

(b) any item found if he or she has reasonable grounds to believe that the item is liable to forfeiture; or

(c) any item found if he or she has reasonable grounds to believe that the item is evidence relating to the unlawful import, export, or attempted export of any item under any law.

(3) For the avoidance of doubt, nothing in this section limits any other power of seizure under any other law.