



BELIZE

SUMMARY JURISDICTION (OFFENCES) ACT CHAPTER 98

REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

3

SUMMARY JURISDICTION (OFFENCES) ACT

8

Amendments in force as at 31st December, 2000.



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CHAPTER 98

SUMMARY JURISDICTION (OFFENCES)

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CHAPTER 98**SUMMARY JURISDICTION (OFFENCES)**

Ch. 23,
 R.L., 1958.
 CAP. 99,
 R.E. 1980-1990.
 14 of 1967.
 8 of 1970.
 33 of 1980.
 6 of 1986.
 5 of 1987.
 22 of 1987.
 16 of 1990.
 5 of 1991.
 11 of 1992.
 28 of 1994.
 18 of 1998.
 Short title.

[9th May, 1953]

1. This Act may be cited as the Summary Jurisdiction (Offences) Act.

PART I*Preliminary*

Interpretation.

- 2.-(1) In this Act, unless the context otherwise requires:-

“beast” includes any horse, mare, gelding, colt, filly, pony, mule, ass, bull, ox, cow, heifer, steer, ram, sheep, lamb, goat, pig or any beast of draught or burden;

“boat” includes any vessel, bateau, punt, scow, dorey, pitpan, barge, sloop or any other craft;

“derelict vehicle” means a vehicle that appears to the competent authority (as defined in section 6), by reason of its condition, to have been abandoned: 5 of 1991.

Provided that for the purposes of this definition the opinion of the competent authority shall be *prima facie* evidence of the truth of the matters therein contained, and in forming an opinion, the competent authority may, if it thinks fit, take into account-

- (a) the fact that the wheels or any of them, the engine or other parts have been removed;
- (b) any other factors taken together with the fact that the vehicle was unlicensed during the immediately preceding period of six months;

“goods” means any goods, chattels or effects, or any animal or bird, or other living thing which may by this Act be the subject of stealing;

“local authority” means the Belize City Council established under the Belize City Council Act, a Town Council established under the Town Councils Act, and in the case of Belmopan, the Belmopan City Council established under the Belmopan City Council Act; CAP. 85.
CAP. 87.
CAP. 86.

“owner” includes any tenant or occupier and the attorney, agent or servant of an owner;

“person”, “owner” and other words and expressions of the same kind include Her Majesty and all governments, public bodies, bodies corporate, societies and companies, in relation to the acts and things they are capable of doing and owning respectively;

“possession” includes constructive as well as actual possession, and the right to possession;

“premises” includes land, whether covered with water or not, canal, trench, pond, yard, garden, stelling, wharf, house or other property;

“public place” means any public place, road, church, chapel, court, courtyard, public office or room in which any public duty is carried on or performed, or to which the public have access;

“public way” means any highway, market-place, square, street, bridge or other way lawfully used by the public;

“street” includes any highway, public road, square, market-place, alley, thoroughfare, public passage or court in which several families may reside, and having one common entrance, whether with or without any door or gate;

5 of 1991.
CAP. 230.

“the competent authority” means a local authority or a transport officer appointed under the Motor Vehicles and Road Traffic Act;

“vehicle” includes any cart, sledge, caravan, carriage, wagon, wain, truck, barrow or other vehicle on wheels, however drawn or propelled, used to carry persons, loads or burdens.

CAP. 99.

(2) Subject to this Act, expressions defined in the Summary Jurisdiction (Procedure) Act, which are also used in this Act shall have the meanings given to them in that Act.

CAP. 101.

(3) Crimes created by the Criminal Code which are-

(a) constituted summary conviction offences under section 50 of this Act, and

(b) triable summarily under section 51 of this Act,

shall be interpreted and construed in accordance with the definitions and explanations contained in that Code and, accordingly, all the words and expres-

sions defined in the Code shall have application for that purpose.

PART II

Miscellaneous Summary Jurisdiction Offences

Petty Misdemeanours

3.-(1) A person who-

- (i) unlawfully and wilfully damages any public building, wall, parapet, sluice, bridge, causeway, jetty, road, path, paving, sewer, watercourse or other public property within Belize; or
- (ii) wantonly or maliciously breaks or injures any lamp or lamp-post, or any gate, post, paling, railing, wall or steps set up for public or private convenience, or any tiles, slates, shingles, sign-boards or windows; or
- (iii) knowingly takes in exchange from any boatman or other person not being the owner of any boat any thing belonging to any boat in any harbour, river or creek adjacent thereto, or to any part of the cargo of any such boat, or any stores or articles in charge of the owner or master of any such boat; or
- (iv) unlawfully cuts, damages or destroys any of the ropes, cables, cordage, tackle, headfasts or machinery or other furniture of or belonging to any boat lying in any harbour or river, or in a creek adjacent thereto, with intent to steal or otherwise unlawfully obtain it or any part thereof; or

Offences punishable as petty misdemeanours.

Breaking lamp, etc., set up for public convenience.

Taking things in exchange from boat.

Cutting or destroying ropes, etc., of boat.

Damaging casks on board boat.	(v)	looses, pierces, cuts, opens, breaks or otherwise injures any cask, box or package containing wines, spirits or other liquors on board any boat, or in or upon any warehouse, wharf, quay, jetty or bank, with intent feloniously to steal or otherwise unlawfully obtain any part of the contents thereof, or runs to waste any part of the contents thereof; or
Causing package to be broken open.	(vi)	wilfully causes to be broken, pierced, started, cut, torn or otherwise injured, any cask, chest, bag or other package containing any goods while on board any boat lying in any river or any jetty, creek, wharf, quay, beach, bank, waterside or landing-place adjacent to it, or on its way to or from any warehouse with intent that the contents of such package or part thereof may be spilled or dropped from such package or be otherwise wasted, destroyed or injured; or
Idle and disorderly person refusing to maintain family, etc.	(vii)	commits any of the offences mentioned in paragraphs (xxix), (xxx) and (xxxi) of section 4 (1), having been previously deemed an idle and disorderly person; or
Pretence to tell fortunes.	(viii)	pretends or professes to tell fortunes, or uses any subtle craft or device by palmistry, obeah or any such like superstitious means to deceive and impose upon any person whomsoever; or
Spreading false news.	(ix)	maliciously fabricates or knowingly spreads abroad or publishes, whether by writing or by word of mouth or otherwise, any false news or false report tending to create or foster public alarm or to produce public detriment; or

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| (x) | wanders abroad and lodges in any outhouse or in any deserted or unoccupied building, or in the open air, or in any vehicle or boat, not having visible means of subsistence and not giving a good account of himself; or | Wandering or lodging in unoccupied building, etc. |
| (xi) | wilfully exposes to view in any street or any public place, or in the window of any house or shop in any street or public place, any obscene print, picture or other indecent exhibition; or | Indecent exhibition. |
| (xii) | wilfully, openly, lewdly or obscenely exposes his person in any street, river or harbour, or in any place in view thereof, or in any place of public resort; or | Exposing person in public. |
| (xiii) | wanders abroad and endeavours by the exposure of wounds or deformities to obtain or gather alms; or | Gathering alms. |
| (xiv) | goes about as a gatherer or collector of alms, or endeavours to procure charitable contributions of any nature or kind under any false or fraudulent pretence; or | Fraudently obtaining charitable contributions |
| (xv) | runs away and leaves his wife or his or her child or children chargeable, or whereby she or they or any of them becomes chargeable, on any public fund; or | Running away from family. |
| (xvi) | has in his custody or possession any pick-lock, key, crow, jack, jemmy, bit or other implement with intent feloniously to break into any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, boiling-house, curing-house, distilling-house, outhouse, stable or building, or is armed with any gun, | Possession of house-breaking implements. |

		pistol, hanger, cutlass, machete, sheathknife, razor, club, bludgeon or other offensive weapon with intent to commit any felonious act; or
Found in dwelling-house.	(xvii)	is found in or upon any dwelling-house, warehouse, stable or outhouse, or in any enclosed or unenclosed yard, garden, court or other place for any unlawful purpose, or being found in any of those places, does not give a satisfactory account of himself; or
Frequent harbours, etc., to commit felony.	(xviii)	being a suspected person or reputed thief frequents any harbour, river, canal or navigable stream, dock or basin, or any quay, wharf or warehouse near or adjoining thereto, or any place of public resort, or any avenue leading thereto or any street, or any place adjacent to any street with intent to commit a felony; or
Apprehended person assaulting police officer.	(xix)	being apprehended for an offence on conviction of which he may be deemed an idle and disorderly person, violently resists any police officer so apprehending him, and is subsequently convicted of the offence for which he has been so apprehended; or
Entangling kite with telephone.	(xx)	allows any kite or the tail, string or any portion thereof or any sort or description of thing hanging therefrom or attached thereto, to fall on or become entangled with any telephone, telegraph or electric light wire; or
Affixing placard, etc., on building.	(xxi)	without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board

or other thing on, or paints, tars, marks, cuts, disfigures or drives nails or any other thing into any post, building, erection or other thing whatever used in the construction, maintenance, working or management of any electric light system or of any telegraph or telephone system in Belize; or

(xxii) in any street or in any public place or private enclosure, or in any house or in any yard or lot whether open or enclosed, or in or on any other place whatever within any of the towns or villages of Belize or within one hundred yards outside the limits of any such town or village, wantonly or without reasonable excuse discharges any firearms; or

Discharging firearms in public.

(xxiii) throws or discharges any fireworks or sets any bonfire, or causes any fireworks to be thrown or discharged or any bonfire to be set, without the written permission of a police officer first had and obtained,

Fireworks.

is guilty of a petty misdemeanour.

(2) In relation to paragraphs (xxii) and (xxiii) of subsection (1)-

(a) in addition to any punishment to which any person offending against either of those paragraphs may be liable, all firearms or fireworks found on or in the possession of any such offender shall be liable to be forfeited; and

(b) any person convicted under either of those paragraphs after a previous conviction for the same offence shall be liable to imprisonment without the option of a fine for any period not exceeding six months.

(3) In relation to paragraph (xxiii) of subsection (1), the permission mentioned therein shall specify the area within, the day upon and the hours between which such fireworks may be thrown or discharged or bonfire set, and the conditions, if any, upon which the permission is granted.

28 of 1994.

(4) A person guilty of a petty misdemeanour shall be liable as follows:-

- (a) for the first offence, to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months;
- (b) for a second or subsequent offence (whether it be the same or any other petty misdemeanour), to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding one year.

Petty Offences

Petty offences.

4.-(1) A person who-

Unmuzzled
ferocious dog.

- (i) permits any unmuzzled ferocious dog to be at large, or sets on or urges any dog or other animal to attack, worry or put in fear any person or beast; or

Negligently
driving beast.

- (ii) by negligence or ill-usage in driving any beast causes any mischief to be done by such beast, or in any wise misbehaves himself in the driving, care or management of such beast; or

Wantonly injuring
beast.

- (iii) not being hired or employed to drive any beast, wantonly or unlawfully pelts, drives or hurts any such beast; or

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| (iv) | rides or drives furiously so as to endanger the life or limb of any person, or to the common danger or terror of the passengers in any street; or | Endangering life or limb by furious riding, etc. |
| (v) | by means of any vehicle or beast wilfully obstructs any public crossing or street; or | Obstructing public crossing. |
| (vi) | leads or rides any beast or draws or drives any vehicles upon any footway or curbstone, or fastens any beast in a manner which enables it to wander across or upon any footway or sideway; or | Rides, etc., on footway. |
| (vii) | rolls or carries any cask, tub, hoop or wheel, or any ladder, plank, pole, showboard or placard upon any footway or sideway, except for the purpose of loading or unloading any vehicle or of crossing the footway or sideway; or | Carrying cask, etc., along footway. |
| (viii) | without the consent of the owner or occupier affixes any posting-bill or other paper against or upon any building, wall, fence, paling, post or tree, or chalks or paints, or in any other way whatever wilfully breaks, destroys or damages any part of such building, wall, fence, paling, post or any fixture or appendage thereunto, or wilfully damages any tree, shrub, border, hedge or plant in any public walk or garden; or | Affixing bills to buildings, etc. |
| (ix) | being a common prostitute or night-walker loiters or is in any street or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers or behaves in a riotous and indecent manner; or | Loitering for prostitution. |

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| Selling, etc.,
obscene articles. | (x) | sells or distributes, or offers for sale or distribution, or exhibits to public view, any profane, indecent or obscene book, paper, print, drawing, photograph, painting or representation, or sings any profane or obscene song or ballad, or writes or draws any indecent or obscene word, figure or representation upon any wall, door, window, shutter, paling or other conspicuous place, or upon any paper and exposes the said paper to public view, or uses any profane, indecent or obscene language in any street or in any public place, to the annoyance of any other person; or |
| Using threatening
etc., words or
behaviour. | (xi) | uses to or at any other person or in the hearing of any person, any threatening, abusive, profane, obscene, indecent or insulting words or behaviour, whether calculated to lead to a breach of the peace or not, such several offences being committed in a street, or public place, or in a private enclosure or ground; or |
| Disorderly
conduct. | (xii) | in any street or public place or in any private enclosure or ground is guilty of disorderly conduct, or in any street or public place or within public hearing or public view unlawfully fights with any other person; or |
| Carrying fire
dangerously. | (xiii) | by day or night, carries fire or a lighted torch or candle not enclosed in a lantern, or smokes or strikes any light in any field of sugar canes, any megass-house or megass-yard; or |
| Disturbing
religious meeting,
etc. | (xiv) | wilfully disturbs any meeting or assembly, or any congregation lawfully assembled for religious worship or for any religious service or rite in any burial ground, or disturbs or molests any person thereat; or |

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| (xv) | wantonly throws or discharges any stone or other missile to the damage or danger of any person or glass or window, tiles, shingles or slate; or | Throwing missiles. |
| (xvi) | wilfully or wantonly disturbs any inhabitant by pulling or ringing any doorbell or knocking at any door without lawful excuse, or wilfully and unlawfully extinguishes the light of any lamp; or | Wantonly ringing doorbell. |
| (xvii) | flies any kite, or plays at any game to the annoyance of the inhabitants or passengers; or | Annoying persons by playing at games. |
| (xviii) | stands or loiters about to the annoyance of the passers-by, or interferes with or impedes the free passage of foot passengers; or | Impeding foot-passengers. |
| (xix) | commits any wanton or mischievous act causing damage or annoyance not otherwise defined in this Act; or | General mischievous act. |
| (xx) | throws or places any dirt, litter or ashes, or any car-
rion, fish, offal, bottles, broken glass or rubbish, or
throws or causes any such thing to fall into any sewer,
pipe or drain, or into any stream or watercourse, pond
or reservoir for water, or causes any offensive matter
to run from any house or other place into any street or
thoroughfare, or into any uncovered place, whether or
not surrounded by a wall or fence; or | Throwing rubbish in streets, etc. |
| (xxi) | whether by night or day in a public or private place,
throws or causes to fall into any canal any matter
other than night soil; or | Throwing things in canal. |

Throwing litter, etc., in thoroughfare, etc. 16 of 1990.	(xxii) throws any refuse, litter or rubbish in or upon any public road or street, or upon the seashore or canal-bank, except upon such places as are appointed to be used as dust heaps or receptacles of rubbish or litter; or
Keeping pigsty near street.	(xxiii) keeps any pigsty to the front of any street or road not being shut out from such street or road by a sufficient wall or fence, or keeps any swine in or near any street, or in any dwelling so as to be a common nuisance; or
Removing night soil.	(xxiv) empties any privy or cesspool, or removes along any thoroughfare any night soil or other offensive matter, between the hours of four in the morning and nine in the evening, or carelessly slops or spills any such offensive matter in the removal thereof and fails to sweep and clean thoroughly every place in which any such offensive matter has been sloped or spilled; or
Sweeping footways.	(xxv) being the occupier of a house or other tenement, does not keep all footways, ditches and water-courses adjoining the premises occupied by him reasonably swept and cleaned; or
Exposing goods for sale over footway, etc.	(xxvi) exposes anything for sale upon or so as to hang over any carriage-way or footway, or on the outside of any house or shop, or sets up or continues any pole, blind, awning, line or any other projection from any window, parapet, or other part of any house, shop or other building so as to cause any annoyance or obstruction in any thoroughfare; or
Washes animal in street.	(xxvii) in any street washes or cleans any beast; or

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| (xxviii) in any street or public place is guilty, while drunk, of riotous or disorderly behaviour, or is drunk while in charge on any street or public place of any vehicle, beast or steam engine, or is drunk when in possession of any loaded firearm or of any cutlass, machete or sheath-knife; or | Various offences whilst drunk. |
| (xxix) being able wholly or in part to maintain himself or his family by work or other means, wilfully refuses or neglects so to do; or | Neglecting to maintain himself. |
| (xxx) being a common prostitute wanders in any street or place of public resort and behaves in a riotous and indecent manner; or | Common prostitute. |
| (xxxii) wanders abroad or places himself in any public place, street, court or passage to beg or gather alms, or causes or procures, or encourages any child or children so to do; or | Wandering abroad to collect alms. |
| (xxxiii) deposits or throws the carcass of any dead animal, or causes the same to be thrown or deposited, in any part of any town or into any canal, river, creek or caye in or adjacent to any town, or leaves or causes the same to be left upon the shores thereof; or | Depositing dead animal in inhabited place. |
| (xxxiiii) being the occupier of any premises or place within any town, or the owner of any such premises or place if unoccupied, neglects to keep clean all private avenues, passages, yards, privies and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise; or | Failure to clean private premises |

Removing boat, etc., in harbour without permission.	(xxxiv) in any river, estuary, creek or harbour, without lawful authority removes any boat from its usual anchorage or mooring, or from the place where it was last left by the owner or person in charge thereof, or his boatmen or servants, or removes out of any boat any mast, sail or other boat-furniture, or uses such boat or boat-furniture, without the consent of the owner or other lawful authority; or
Harbouring police constable. 42 of 1999.	(xxxv) knowingly harbours or entertains any member of the Police Department, or permits such member to abide or remain, on any premises licensed for the sale of fermented or spirituous liquors or in any house, shop, room or other place during any part of the time appointed for his being on duty elsewhere; or
Selling spirits to child.	(xxxvi) sells or delivers or permits any other person to sell or deliver any description of fermented or spirituous liquor to any person apparently under the age of fourteen years; or
Sending false telegram.	(xxxvii) knowingly sends any false telegram to any person with intent to aggrieve or annoy any person; or
Unauthorised signature.	(xxxviii) signs the name of any other person to any petition, prospectus or testimonial, knowing that he has no authority for so doing and with intent to aggrieve or annoy any person; or
Following passenger about.	(xxxix) in any street or public place without lawful authority or excuse (the proof whereof shall be on the party accused) accosts a passenger or follows him about; or

(xl)	wilfully or wantonly shouts or vociferates or makes any other loud or unseemly noise near any inhabited house after being required to depart; or	Boisterous behaviour.
(xli)	loiters or carouses in any street or public place or in any open space of ground in the immediate neighbourhood of such street or public place or in or about any shop or store and does not quietly leave or move away when desired so to do by any police constable or by the owner of such shop or store; or	Loitering in street.
(xlii)	while loitering or carousing as provided in paragraph (xli) above, threatens, insults or causes annoyance to a passerby; or	Insulting passerby while loitering. 18 of 1998.
(xliii)	unlawfully enters in an insulting, annoying or threatening manner upon any premises belonging to or in the possession of any other person; or	Annoying entry.
(xliv)	unlawfully enters upon any premises belonging to or in the possession of any other person after being forbidden so to do; or	Entry after being forbidden.
(xlv)	unlawfully enters and remains on any premises belonging to or in the possession of any other person after being required to depart therefrom; or	Remaining on premises after request to depart.
(xlvi)	having lawfully entered upon any premises belonging to or in the possession of any other person, misconducts himself by behaving thereon in an insulting, annoying or threatening manner; or	Misconduct after lawful entry.

Remaining after
request to depart.

(xlvii) having lawfully entered upon any premises belonging to or in the possession of any other person, remains thereon after being lawfully required to depart therefrom, or

Pulling down
posting-bill, etc.

(xlviii) without lawful authority or excuse, wilfully and wantonly pulls down, tears, defaces, soils or otherwise damages any posting-bill or notice affixed upon any building, wall, fence, pile or tree,

is guilty of a petty offence.

(2) In relation to paragraph (xxiii) of subsection (1), it shall be lawful for the convicting magistrate to allow a reasonable time at his discretion to the person convicted for the removal of such nuisance, within which time no further conviction shall be made on account of such nuisance.

(3) In relation to paragraph (xxv) of subsection (1), if any tenement is empty or unoccupied, the owner thereof shall be deemed the occupier with reference to that enactment.

(4) The provisions of paragraphs (xxi) to (xxvi) of subsection (1), shall only extend and be applicable to matters which occur within the limits of any town by law established.

(5) In relation to paragraph (xxxii) of subsection (1), no person shall be deemed to be an offender under that paragraph by reason of any such begging or gathering of alms as aforesaid, or by reason of his causing or procuring or encouraging any child so to do, unless it is made to appear to the satisfaction of the magistrate before whom he is charged with such offence, that the offender could by his own labour or other lawful means, or from any public funds appointed for that purpose, have been provided with the necessaries of life.

(6) In respect of breaches of the provisions of paragraphs (xxviii) to (xxxii) imprisonment, for any term not exceeding two months, may be imposed instead of a fine.

(7) In relation to paragraph (xxxii) of subsection (1), the owner of any animal, the carcass of which is deposited or thrown as in that paragraph described shall be deemed to have so thrown or deposited such carcass unless such owner proves affirmatively that it was deposited or thrown without his knowledge, consent, connivance or default.

(8) In relation to paragraphs (xliii) to (xlvi) of subsection (1), an information for any of those offences shall be laid by the owner or occupier of such premises.

(9) Every person who is guilty of a petty offence shall be liable as follows:- 28 of 1994.

- (a) for the first offence, to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two months;
- (b) for a second or subsequent offence (whether it be the same or any other petty offence or petty misdemeanour), to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months.

(10) Notwithstanding anything contained in this Act, a person guilty of an offence under paragraph (xxxix) (following passerby), (xli) (loitering in public place) or (xlii)(a) (insulting passerby while loitering) may be arrested without warrant by a police officer and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months. 18 of 1998.

5. In relation to any offence in sections 3 and 4 in respect of which it is necessary to prove unlawful purpose or intent to commit a felony- Proof of unlawful purpose or intent.

- (a) in proving the unlawful purpose or intent to commit a felony it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent and he may be convicted if, from the circumstances of the case, and from his known character as proved to the court before whom or which he is brought, it appears to such court that his purpose or intent was as alleged;
- (b) the concealment or carrying of any house-breaking implement or of any tool, such as is mentioned in paragraph (xvi) of subsection (1) of section 3, about the person of anyone brought before a magistrate by virtue of this Act on suspicion shall be *prima facie* evidence of intent to commit a felony and shall be sufficient to justify the conviction of such person unless such concealment or carrying is satisfactorily explained, and every such implement or weapon shall become forfeited.

Removal of
derelict vehicles.
5 of 1991.

6.-(1) Where a derelict vehicle is left or caused to be left in a public place, the competent authority may give notice to the owner or the person so leaving or causing the same to be left requiring him within forty-eight hours of such notice to remove the derelict vehicle.

5 of 1991.

(2) A notice under subsection (1) may be given by affixing it to the windshield or some other conspicuous part of the derelict vehicle.

5 of 1991.

(3) A person who fails to comply with the requirements of a notice under subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding one hundred dollars for every day during which the failure is continued after conviction, and the competent authority may, without prejudice to any further proceedings for a fine in respect of such failure, remove the derelict vehicle so left or caused to be left and may recover the expenses reasonably incurred in so doing from the person in default summarily as a civil debt.

(4) Without prejudice to subsection (3), if a vehicle is not removed within the specified time in compliance with a notice given under subsection (1), then, subject to subsections (8) and (9) below, such vehicle shall be deemed to have been abandoned and forfeited to the Crown. 5 of 1991.

(5) Without prejudice to the power of the competent authority to remove a derelict vehicle upon failure to comply with a notice issued under subsection (1) above, the competent authority may at any time without giving such notice remove any derelict vehicle found in a public place. 5 of 1991.

(6) Every person who intentionally and without lawful cause removes or defaces or causes it to be removed or defaced a notice affixed to a vehicle in accordance with subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars. 5 of 1991.

(7) Subject to subsection (8) below, where any vehicle has been deemed to have been abandoned and forfeited to the Crown in pursuance of subsection (4), such vehicle shall be disposed of in such manner as the Minister of Finance may direct: 5 of 1991.

Provided that where the competent authority is a local authority, such vehicle may be disposed of by the local authority and the sale proceeds credited to the account of such authority.

(8) If, before a derelict vehicle is disposed of by the competent authority in pursuance of subsection (7), the derelict vehicle is claimed by a person who satisfies the competent authority that he is its owner and pays the competent authority any expenses incurred in respect of its removal and storage, the competent authority shall permit him to remove the derelict vehicle from its custody during such period as may be specified by the competent authority. 5 of 1991.

(9) Where the competent authority disposes of a derelict vehicle by selling it and before the expiration of three months from the date of sale any person satisfies the competent authority that at the time of such sale he was the owner 5 of 1991.

of the derelict vehicle, the competent authority shall pay over to him any sum by which the proceeds of sale exceed the aggregate of the expenses incurred in respect of the removal, storage and disposal of the derelict vehicle.

5 of 1991.

(10) Where any derelict vehicle is removed or disposed of in pursuance of the provisions of this section, no action, suit or other cause shall lie against the competent authority or the Government, or their agents or servants, unless it is shown that such removal or disposal was motivated by malice or fraud.

Vagrants

Idle and disorderly person.

7. A person committing any of the offences mentioned in paragraphs (xxix), (xxx) and (xxxi) of section 4 (1) shall be deemed an idle and disorderly person.

Rogue and vagabond.

8. A person committing any of the offences mentioned in paragraphs (vii) to (xix) of section 3 (1) shall be deemed a rogue and vagabond.

Incorrigible rogue.

9. A person who-

- (a) breaks or escapes out of any place of legal confinement or out of lawful custody before the expiration of the term for which he was committed or ordered to be confined in consequence of a conviction under paragraphs (vii) to (xix) of section 3 (1), or paragraphs (xxix), (xxx), and (xxxi) of section 4 (1); or
- (b) commits any offence against any of the paragraphs (vii) to (xix) of section 3 (1) (which subjects him to be dealt with as a rogue and vagabond), he having been previously convicted of any such offence; or

(c) upon being apprehended for an offence in respect of which he is liable to be deemed a rogue and vagabond, violently resists any police constable or other peace officer so apprehending him, and being subsequently convicted of the offence for which he was so apprehended,

shall be deemed an incorrigible rogue.

10. A person who is convicted before a magistrate of being an incorrigible rogue shall be committed to prison until the next ensuing sitting of the Supreme Court within the Northern or Southern District, as the case may be, and the Supreme Court shall inquire into the circumstances of the case, and may, if it thinks fit, order such offender to be further imprisoned for any term not exceeding one year, which sentence shall have the same effect as if he had been convicted on indictment before the Supreme Court.

Incorrigible
rogue,
punishment.

11.-(1) A person deemed an idle and disorderly person, or a rogue and vagabond or an incorrigible rogue, under the provisions of this Act who is found in any hotel, club or house kept or purporting to be kept for the reception, lodging or entertainment of travellers and fails to give a satisfactory account of himself is guilty of a petty misdemeanour.

Idle and
disorderly
person, etc.,
found in hotel,
etc.

(2) A magistrate or a Justice of the Peace upon information upon oath being made before him that any person described in sections 7, 8, and 9 as an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue is, or is reasonably suspected to be, harboured or concealed, in any hotel, club or house kept or purporting to be kept for the reception, lodging or entertainment of travellers may by warrant under his hand, authorise any police officer, peace officer or other person or persons to enter into such hotel, club or house aforesaid and to apprehend and take before a magistrate every such idle and disorderly person, rogue and vagabond or incorrigible rogue who is found therein, to be dealt with in accordance with the provisions of this Act.

Power to seize things in possession of idle and disorderly person, etc.

12.-(1) A police officer, peace officer, or other person apprehending any person suspected of committing an offence in respect of which he is liable to be deemed an idle and disorderly person or a rogue and vagabond or an incorrigible rogue, may take any vehicle, beast or goods in the possession or use of such person, and convey the same as well as such person before a magistrate.

(2) Every magistrate by whom any person is adjudged to be an idle and disorderly person, or a rogue and vagabond or an incorrigible rogue, may order that such offender be searched, and that his trunks, boxes, bundles, parcels or packages be examined in the presence of the said magistrate and of the said offender, and also that any vehicle which was found in his possession or use be searched in the offender's presence.

Form of conviction.
First Schedule.

13. Every summary conviction under this Act as an idle and disorderly person, or as a rogue and vagabond or as an incorrigible rogue shall be in the form in the First Schedule, or to the effect thereof, or as near thereto as circumstances will permit, and the clerk shall keep it on record in his office.

Drunkenness

Drunkenness.

14. A person found drunk in any highway or other public place, whether a building or not, or on any licensed premises is liable on summary conviction to a fine not exceeding one hundred dollars.

Suppression of Brothels

Keeping brothel.

15.-(1) A person who-

- (a) keeps or manages, or acts or assists in the management of a brothel; or
- (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

- (c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel; or
- (d) being the lessor or landlord of any premises, or the agent of such lessor or landlord, is wilfully a party to the continued use of such premises or any part thereof, as a brothel,

is guilty of an offence and is on summary conviction liable-

- (i) in the case of a first conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months; and
- (ii) in the case of a second or subsequent conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months.

(2) In the case of a third or subsequent conviction, a person may, in addition to such fine or imprisonment as aforesaid, be required by the court to enter into a recognisance in a sum not exceeding one thousand dollars, with or without sureties, to the satisfaction of the court to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognisance, with or without sureties, as the case may be, such person may be imprisoned for any term not exceeding three months, in addition to any fine or term of imprisonment imposed as aforesaid.

(3) Where a person is convicted of an offence under paragraphs (a) or (b) of subsection (1), the Commissioner of Police shall cause a certified copy of the conviction to be served on the proprietor, the landlord and the agent, if any, of the premises to which the conviction relates.

(4) In this section-

“agent” means a person who lets premises on behalf of a lessor or landlord or collects rent in respect of the premises on behalf of the lessor or landlord or is authorised by him so to do;

“brothel” means a place where people of opposite sexes are allowed to resort for illicit intercourse, whether the women are common prostitutes or not and includes a common ill-governed or disorderly house.

Determination of tenancy.

16.-(1) Upon the conviction of the tenant, lessee or occupier of any premises of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor shall be entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination.

(2) If the landlord or lessor should so determine the lease or other contract of tenancy, the court which has convicted the tenant, lessee or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

(3) If the landlord or lessor, after a conviction for an offence as described in subsection (1) has been brought to his notice, fails to exercise his rights under subsection (1) and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of the offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(4) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section and subsequently grants another lease or enters into another contract of tenancy to, with or for the benefit of the same person without causing to be inserted in the lease or contract all reasonable provisions for the prevention of a recurrence of any such offence as aforesaid,

he shall be deemed to have failed to exercise his rights under this section, and any such offence as aforesaid committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

17.-(1) Where it is made to appear to a magistrate by information on the oath of any parent, relative or guardian, or any other person who, in the opinion of the magistrate, is *bona fide* acting in the interest of any woman or girl, or a member of the Police Department not below the rank of sergeant, that there is reason to suspect that any woman or girl is unlawfully being detained for immoral purposes by any person in any place within his jurisdiction, the magistrate may issue a warrant empowering and authorising any member of the Police Department to enter the said place or premises and any room or other part thereof, by force if necessary, at any hour of the day or night and to search the same for, and when found to take to and detain in a place of safety, such woman or girl until she can be brought before a magistrate.

Search warrant for persons suspected of being held for immoral purposes. 42 of 1999.

(2) The warrant shall be sufficient authority for the making of as many entries and searches, within the period of fourteen days from the date of the warrant, as may be considered necessary for any of the said purposes.

(3) The magistrate before whom a woman or girl is brought pursuant to an entry and search under this section may cause her to be delivered up to her parents or guardian, or otherwise dealt with as circumstances may permit and require.

(4) A magistrate issuing a warrant under this section may, by the same or any other warrant, cause any person accused of unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

(5) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and-

- (a) is under the age of sixteen years; or
- (b) if of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of any other person having the lawful care or charge of her; or
- (c) if of or above the age of eighteen years, is so detained against her will.

Trading on
prostitution.

18.-(1) A person who-

- (a) being a male person, knowingly lives wholly or in part on the earnings of prostitution; or
- (b) being a male person, in any public place persistently solicits or importunes for immoral purposes; or
- (c) loiters about, or importunes any person in any street or other place for the purpose of prostitution,

is guilty of an offence and is on summary conviction liable-

- (i) in the case of a first conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months; and
- (ii) in the case of a second or subsequent conviction, to imprisonment for a term not exceeding twelve months.

(2) If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house, or any part of a house, is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the

earnings of the prostitute, the court may issue a warrant authorising any police officer to enter and search the house and to arrest that male person.

(3) Where a male person is proved to live with, or to be habitually in the company of, a prostitute and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Dancing-House

19.-(1) The occupier of any house or building in a town in which a dance is held after the hour of twelve midnight of any day shall, at least twelve hours before the commencement thereof, apply for and obtain from the Commissioner of Police or other chief officer of police of the district in which the house or building is situate, a permit to hold it.

Dancing in town
after midnight.

(2) A member of the police department may enter into any house or building in which a dance is being held after the hour of twelve midnight and require the occupier to produce the permit to hold the same for his inspection. Failure to produce a permit on such requirement shall be deemed a failure to obtain a permit under subsection (1).

42 of 1999.

(3) Every occupier of a house or building who holds any dance, or permits any dance to be held in any such house or building in his occupation, without obtaining a permit as required by this section is guilty of an offence and is on summary conviction liable to a fine not exceeding one hundred dollars.

(4) If in the opinion of the Commissioner of Police or such other chief officer of police the holding of the dance will cause unreasonable annoyance or disturbance in the neighbourhood, he may refuse to grant a permit to hold it and thereupon the occupier may forthwith appeal to the magistrate of the district in a summary manner.

(5) "Dance" includes any exhibition, performance, amusement or other like entertainment at which any musical instrument is played and to which the public is admitted for payment.

Indecency and Obscenity

Circulation of or traffic in obscene objects.

20. A person who-

- (a) for the purposes or by way of trade, or for distribution or public exhibition, makes or produces, or has in his possession, or imports, conveys or exports, or causes to be imported, conveyed or exported, or in any manner whatever puts into circulation, any obscene writing, drawing, print, painting, printed matter, picture, poster, emblem, photograph, cinematograph film or any other obscene object; or
- (b) carries on or takes part in a business, whether public or private, concerned with any of those obscene matters or things, or deals in any of them in any manner whatever, or distributes them, or exhibits them publicly, or makes a business of lending them; or
- (c) advertises or makes known by any means whatever in view of assisting in that circulation or traffic, that any person is engaged in any of the above acts, or advertises or makes known how or from whom any of the obscene matters or things aforesaid may be procured either directly or indirectly,

is guilty of an offence and is on conviction liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for six months.

Power to search for, seize and destroy obscene objects.

21.-(1) On proof upon oath before a magistrate or a Justice of the Peace that there is reasonable cause to suspect that any of the obscene matters or things mentioned in section 20 are kept in any house, shop, room or other place,

within the limits of his jurisdiction for any of the purposes mentioned in that section, the magistrate or other justice of the peace may authorise, by warrant under his hand, any police officer to enter in the daytime, by force, if necessary, that house, shop, room or other place, and to search for, seize, and take before a magistrate any of the obscene matters or things found in the house, shop, room or other place.

(2) Upon any matters or things seized under a warrant being brought before him, a magistrate shall, if satisfied that they or any of them are or is obscene, issue a summons requiring the occupier of the house, shop, room or other place to appear before him to show cause why those matters or things should not be destroyed.

(3) If the occupier or some other person claiming to be the owner of the matters or things does not appear before the magistrate or, though appearing, fails to satisfy the magistrate that the matters or things were not being kept for any of the purposes aforesaid, the magistrate shall order the matters or things to be destroyed forthwith, however the magistrate may stay the execution of the order in respect of any of the matters and things aforesaid he may consider should be preserved for use in further proceedings or, on application being made in that behalf by any interested party, he may stay the execution pending an appeal.

(4) If the magistrate is satisfied that any matters or things seized under a warrant are not obscene or were not being kept for any of the purposes aforesaid, he shall direct that they be returned forthwith to the house, shop, room or other place in which they were seized.

22. A person who-

- (a) affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree or any other thing whatever so as to be visible to a person being in or passing along any street, public highway or footpath; or

Summary proceedings against persons affixing, etc., indecent or obscene pictures or written matter.

- (b) affixes to or inscribes on any public urinal; or
- (c) delivers or attempts to deliver, or exhibits, to any inhabitant or to any person being in or passing along any street, public highway or footpath; or
- (d) throws within the area of any house; or
- (e) exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature,

shall on summary conviction, be liable to a fine not exceeding twenty-five dollars or, in the discretion of the court, to imprisonment for any term not exceeding one month.

Indecent
advertisement.

23. Any advertisement relating to syphilis, gonorrhoea, nervous debility or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent and obscene nature within the meaning of section 22 if it is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree or any other thing whatever, so as to be visible to any person being in, or passing along, any public place, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in, or passing along, any public way or public place.

Bathing in public
insufficiently
clothed.

24. A person who, not being sufficiently and decently clothed, bathes in the daytime in the sea, or in any river, creek, stream, trench, canal or other place, near or within sight from any public way or public place shall, on conviction thereof, be liable to a fine of ten dollars.

Printers and Publishers Names, Etc.

25.-(1) A person who prints or publishes any publication shall cause to be printed, typewritten or written at the foot thereof or in some other conspicuous place therein in legible characters the true names and addresses of the printer and publisher of such publication.

Name and address of printer and publisher to be disclosed.

(2) A person who fails to comply with this section is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(3) "Publication" includes any book, circular, pamphlet, handbill, poster or any other publication in writing.

PART III

Offences Against Rights of Property

Wilful Trespass

26.-(1) A person who wilfully trespasses on any premises belonging to another, on or near to which there is posted up in one or more conspicuous place or places, a notice in large legible letters, forbidding in general terms all persons to trespass, and warning them that they will be prosecuted for so doing without leave of the owner of the premises, shall be deemed a wilful trespasser.

Wilful trespass notwithstanding notice.

(2) A trespasser described in this section may be apprehended and detained by the owner or by any person whom the owner may call to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

27.-(1) A person found between the hours of eight o'clock in the evening of any day and six o'clock in the morning of the next day in or on any premises or cultivated lands, or in any interval between cultivated lands other than a path

Trespass to land by night.

permitted to be used by the general public, or in or about the works of any sugar estate, who, on being taken before a magistrate of the judicial district in which he is so found, fails to satisfy the magistrate that he had some reasonable cause or excuse for being in the place where he was so found, shall be deemed a wilful trespasser.

(2) A trespasser described in this section may be apprehended and detained by any police officer, or by the owner of the premises on or near to which the trespasser is found, or by any person whom the police officer, or the owner calls to his assistance and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

Trespass to private premises or to enclosed or cultivated land.

28. A person who, not having any lawful business, enters upon the premises of any private residence or enclosed land in the possession of any other person as owner, or land cultivated in any manner, shall be deemed a wilful trespasser.

Trespasser refusing to quit or give his name, etc., may be apprehended.

29.-(1) If any person unlawfully enters upon any premises the owner may require the person so entering forthwith to quit the premises and also to give his christian name, surname and place of abode, and in case such person, after being so required, refuses to quit or to give his real name and place of abode, or gives a false or illusory account of himself, or if he quits but returns to the said premises or any part thereof, he shall be deemed a wilful trespasser.

(2) That trespasser may be apprehended and detained by the owner of the premises or by any person whom the owner may call to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

Mode of dealing with article found in possession of wilful trespasser.

30. If the trespasser, at the time of his trespassing, has, or is in possession of, any sugar-cane, coffee, plantain, banana, fruit or vegetable product similar in kind to any growing or being in or upon the premises on which the trespass is committed, or of any fish similar in kind to any then or immediately before that time on the premises on which the trespass is committed, the owner may

seize and detain the sugar-cane, coffee, plantain, banana, fruit, vegetable product or fish, until the trespasser proves, to the satisfaction of the magistrate, that it has not been taken or obtained out of or from the premises on which the trespass is committed, and in the event of a trespasser failing to give that proof, the article shall be delivered to the owner, to be by him disposed of as he thinks fit.

31.-(1) If the trespasser carries, leads or drives any beast on the premises on which the trespass is committed, or puts or places, or causes to be put or placed, on the premises, any vehicle, building materials, tools or implements of any description, timber, firewood or other wood, or any other thing of whatever description, that beast, vehicle, building material, tool, implement, timber, firewood, wood or other thing may be seized and detained by the owner of the premises.

Dealing with animal or thing brought on land by wilful trespasser.

(2) On complaint made and on proof to the satisfaction of the magistrate that any person trespassing as aforesaid has carried, led or driven any beast on the premises on which the trespass was committed, or has put or placed or caused to be put or placed any vehicle, building material, tool, implement, timber, firewood, wood or other thing on the premises, the magistrate shall order it to be publicly sold within ten days thereafter, and out of the proceeds thereof shall pay the amount of any damage suffered by the owner by virtue of the trespass, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

32.-(1) A person who fastens any boat, raft or float to any private stelling, wharf, land or landing-place, or any part thereof, or brings, places or puts any boat, raft or float in any private trench or canal, whether used or not for drainage or otherwise, or puts or places any article whatever upon the stelling, wharf, land or landing-place, or in or over the trench or canal, on or near to which there is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing, without leave of the owner of the stelling, wharf, land, landing-place, trench or canal, or without some pressing necessity, shall be deemed a wilful trespasser.

Wilful trespass with vessel on private wharf notwithstanding notice.

(2) Every such trespasser, boat, raft, float and article may be seized and detained by the owner or by any person whom the owner calls to his assistance, and the trespasser shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

(3) If any damage is done to the stelling, wharf, land, landing-place, trench or canal, or if any penalty is imposed on the trespasser, the magistrate shall order the boat, raft or float, to be publicly sold within ten days thereafter, and out of the proceeds of sale shall pay to the owner of the stelling, wharf, land, landing-place, trench or canal the amount of the damage so done, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

Wilful trespass on land between high and low-water marks notwithstanding notice, and fishing therefrom.

33.-(1) A person found in or upon, or entering in or upon, any land situate between high-water mark and low-water mark upon the bank of any river, creek or stream, or upon the seacoast in front of any plantation, estate or land, on or near to which there is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing without leave of the owner of that plantation, estate or land, who there destroys, ensnares, catches or takes any fish, crab or other animal, shall be deemed a wilful trespasser.

(2) Every such trespasser may be apprehended and detained by the owner or by any person whom the owner calls to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

(3) If the trespasser, at the time of his trespassing, has with him any boat, raft or float, or any seine, net, fishing-tackle or other implements for destroying, ensnaring, catching or taking fish, crabs or other animals, that also may be seized and detained by the owner, or such other person, and if the trespasser is convicted the magistrate shall order the article to be publicly sold within ten days thereafter, and out of the proceeds of sale shall pay the amount of any damage suffered by the owner by virtue of the trespass, and shall deduct the

amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

(4) If the trespasser, at the time of his trespassing, has, or is in possession of, any fish, crab or other animal, whether dead or alive, it may be seized by the owner or such other person and taken before the magistrate, who, if the trespasser is not able to prove that he caught or obtained the fish, crab or other animal, at or from some place other than that upon which he was found trespassing, shall order the fish, crab or other animal to be delivered to the owner, to be by him disposed of as he thinks fit.

34.-(1) A person found in or upon, or entering in or upon, any land situate between high-water mark and low-water mark upon the bank of any river, creek or stream, or upon the seacoast in front of any plantation, estate or land, on or near to which is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing without leave of the owner of the plantation, estate or land, who there cuts down, cuts up or gathers any wood, timber or tree, or any part of any wood, timber or tree, whether growing or fallen, or digs up, removes or carries away any soil, caddy, sand or shells, shall be deemed a wilful trespasser.

Wilful trespass on land between high-water and low-water marks, notwithstanding notice, and cutting wood thereon.

(2) Every such trespasser may be apprehended and detained by the owner or by any person whom the owner calls to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

(3) If the trespasser, at the time of his trespassing, has with him any boat, raft or float, or any axe, hatchet, cutlass, machete, saw or other tool or implement used for or capable of felling trees, or of cutting or splitting wood, or of digging, lifting up, removing or carrying away any soil, caddy, sand or shells, that also may be seized and detained by the owner or such other person and, on complaint made for the trespass, the magistrate may order the article to be publicly sold within ten days thereafter, and out of the proceeds of sale shall

pay the amount of any damage suffered by the owner by virtue of the trespass, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

(4) If the trespasser has ready for removal any wood, timber, tree, soil, caddy, sand or shells, it shall be forfeited and delivered over, on the order of the magistrate, to the owner, to be by him disposed of as he thinks fit.

Saving of certain rights of pathway.

35.-(1) No labourer or other person having or occupying any house or cottage, or any room therein on any plantation or settlement, having an open path or road, or way generally used leading from a public way to that house, cottage or room, or his family, relations and visitors, shall be deemed a wilful trespasser or wilful trespassers, within the meaning of this Act, by reason of his or their passing or repassing along or upon the open path or road, or way generally used.

(2) Nothing in this Act shall be deemed or construed to take away or lessen any existing rights of the owners of cattle, by themselves or their servants, to pass on foot or on horseback on any unenclosed or uncultivated lands in search and pursuit of their cattle, or any existing right of persons to pass in and over such land in pursuit of animals *ferae naturae*, or any right of a legally qualified surveyor, his labourers and servants, in the discharge of his professional duties, after having given the usual notice of his intention to run lines or define boundaries, or any practice or right of persons *bona fide* travellers to encamp on the banks of rivers and lagoons and remain there for limited periods; but no such encampment shall take place on enclosed or cultivated lands.

Trespass with intent to steal or damage.

36.-(1) A person who enters upon any open or enclosed land with intent to steal, cut, break, root up or otherwise damage or destroy, any tree, sapling, shrub or underwood, plant or grass, or any coconuts, cohune nuts or other nuts or fruit used for the food of man or beast, or for medicine, dyeing or distilling, shall be deemed a wilful trespasser.

(2) Every such trespasser may be apprehended and detained by any police officer, or by the owner of the land upon which the trespasser is found, or by any person whom the police officer or the owner calls to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

37. A person convicted of a wilful trespass or liable to be punished as a wilful trespasser under this Act shall be liable to a fine not exceeding two hundred dollars.

Penalty for wilful trespass.

38.-(1) A person who pulls down, injures, removes or destroys any board or notice posted up, as mentioned in this Act, for the purpose of forbidding and warning trespassers, or obliterates any letter or figure thereon, shall, on conviction thereof, be liable to a fine not exceeding two hundred dollars.

Injury to notice forbidding trespass.

(2) Out of the fine, when recovered, there shall be paid any expenses attending the restoration of the board or notice, and the amount of those expenses shall be determined by the magistrate.

39. A police officer shall assist in the apprehension and detention of any wilful trespasser whenever called upon to do so by the owner of the property on which the trespass takes place.

Assistance in apprehension of wilful trespasser.

40.-(1) If any person enters upon and uses or occupies any land, not exceeding five hundred dollars in annual value, belonging to another, without leave of the owner thereof or without lawful authority for so doing, the magistrate of the district in which that land is situate may summon before the court the person so using or occupying the land to show cause why an order should not be made for his removal therefrom.

Prevention of squatting.

(2) If, on the hearing of the complaint, it is proved to the satisfaction of the court that the defendant has entered upon and used or occupied the land without leave or lawful authority for so doing, the court may make an order for the removal, by force if necessary, of the person from the land, and also of any

building, animal or thing which he has placed or has thereon.

(3) The magistrate may also in addition, if he thinks fit, impose on the person a fine not exceeding two hundred dollars, and may order that the whole or any portion of the fine, if paid or recovered, shall be paid to the owner of the land.

Trespass to Personalty

Punishment for unlawfully taking boat.
6 of 1986.

41. No person shall knowingly, without the consent of the owner or person in possession of any boat, take any such boat out of the possession of the owner or possessor, and every person who does so shall be liable to be imprisoned for a term not exceeding six months.

Damages and costs may be awarded.

42. The magistrate before whom any such person is convicted shall, in every case, ascertain the damage occasioned by such trespass, and indorse the amount thereof, together with costs, on the conviction.

Court may acquit of stealing and find guilty of unlawful trespass and shall assess damages.
6 of 1986.

43.-(1) On the trial of any person for stealing any boat mentioned in section 41, a court of summary jurisdiction may acquit the person charged therewith of the felony, and find him guilty of an offence under section 41, and it may upon such conviction adjudge the person so convicted to be imprisoned, for a term not exceeding six months.

(2) The court, on convicting any person of the offence of unlawful trespass under subsection (1), shall assess the damage thereby occasioned to the person aggrieved, and the clerk of court shall insert in the record of such conviction the amount of damage so assessed, and the amount of the cost of prosecution allowed.

Release of person convicted on payment of damages and costs.

44. Any person convicted under section 41 or 43, and sentenced to imprisonment, shall be released from custody under such sentence on his paying or causing to be paid to the person in whose custody he is the sum assessed as damages as aforesaid and such costs as may be allowed.

45. Any damages assessed, when received, shall be paid on demand to the person aggrieved, and any costs received shall be paid into the Consolidated Revenue Fund.

Damages go to complainant, costs into Consolidated Revenue Fund.

46. The Governor-General may, in the exercise of the royal prerogative of mercy, pardon any person convicted under section 41 or 43, notwithstanding that the damages assessed and costs allowed, or either of them, may not have been paid, but such pardon shall not prejudice any right the party aggrieved may have to bring any action in respect of such trespass.

Saving of royal prerogative of pardon.

Detention of Property

47.-(1) On complaint made by any person claiming to be entitled to the property or possession of any article or thing detained by any other person, the value of the article or thing not being greater than one hundred dollars and not being a deed or other document relating to property of greater value than two hundred dollars, the court may inquire into the title thereto, or to the right of possession thereof, and if it appears to the court, after demand has been made therefor by the person by whom the complaint has been made, that the article or thing has been detained without just cause by the person against whom the complaint has been made, or that the person detaining the article or thing has a lien upon or a right to detain it by way of security for the payment of money or the performance of any act by the owner thereof, the court may order the article or thing to be delivered to the owner thereof, or to the person entitled to the possession thereof, either absolutely, or upon tender of the amount appearing to the court to be due by the owner or by the person entitled to the possession thereof, or upon the performance, or upon the tender and refusal of the performance, of the act for the performance of which the article or thing has been detained as security or, if that act cannot be performed, then upon tender of amends for non-performance.

Power of the court with respect to unlawful detention of articles.

(2) A person who refuses or neglects to deliver the article or thing according to the order shall pay as amends to the person aggrieved the full value

thereof.

(3) The order shall not prevent any person from recovering the article or thing so delivered by action from the person to whose possession it comes by virtue of the order.

Disposal or retention by workman of article committed to his care.

48. An artificer, workman, journeyman, apprentice, servant, labourer or other person, who unlawfully disposes of, or retains in his possession, without the consent of the person by whom he has been hired, retained or employed, any article or thing not exceeding one hundred dollars in value, committed to his care or charge shall, on conviction thereof, be liable to a fine not exceeding fifty dollars, and also to pay as amends to the person aggrieved the full value of the article or thing so disposed of or not returned uninjured.

Making of complaint under this Part.

49.-(1) A complaint for an offence under this Part shall be made by the owner, or by the attorney or agent of the owner, of the property on or with respect to which the trespass or injury is committed or the use or occupation takes place.

(2) Any manager or overseer employed on any plantation or estate shall be deemed to be the agent of the owner for the purposes of this section.

PART IV

Crimes Triable Summarily

Triable as Summary Offences Without Consent of Accused

Certain crimes declared summary conviction offences and limitation of jurisdiction.
CAP.101.
Second Schedule.
8 of 1970.

50.-(1) The crimes created by the several sections of the Criminal Code mentioned in the Second Schedule shall be also summary conviction offences and, subject to this section, shall be punishable accordingly without the consent of the person charged.

(2) If, at any stage of the proceedings, the magistrate forms the opinion that the offence complained of is a fit subject for prosecution on indictment, he shall abstain from adjudication thereupon, and deal with the case in all respects as if it were a complaint or information for a crime given to a magistrate under section 21 of the Indictable Procedure Act.

CAP. 96.

(3) Where money or property is involved in the commission of a crime which is made a summary conviction offence by this section, the jurisdiction of a summary jurisdiction court to hear and determine that offence is limited to cases in which the amount of the money or the value of the property in respect of which the offence is committed does not exceed fifty thousand dollars.

5 of 1987.
28 of 1994.

(4) Subject to section 80 of the Summary Jurisdiction (Procedure) Act, every person who is convicted by a court of summary jurisdiction of an offence created by any section of the Criminal Code mentioned in the Second Schedule shall be liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding twelve months:

5 of 1987.
CAP. 99.
CAP. 101.
Second
Schedule.

Provided that where a person is convicted of the crime of theft in circumstances which show that theft was committed from the person of the victim, the punishment for the first such offence shall not be less than a fine of one thousand dollars, and the punishment for the second or subsequent such offence shall not be less than imprisonment for one year:

5 of 1987.

Provided further that where a person is convicted of the crime of aggravated assault in circumstances which show that assault was committed with intent to rob, the punishment for the first such offence shall not be less than a fine of one thousand dollars, and the punishment for the second or subsequent such offence shall not be less than imprisonment for one year.

Crimes Triable Summarily Only With Consent
of Accused

Summary trial of
crimes.
Third Schedule.
8 of 1970.
6 of 1987.

51.-(1) Where any person is charged before the court with any crime specified in the Third Schedule, the court, if it thinks it expedient to do so, having regard to any representation made in the presence of the accused by or on behalf of the prosecutor, or by or on behalf of the accused, the nature of the crime, the absence of circumstances which would render the crime one of a grave or serious character and all the other circumstances of the case, and if the accused, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may, subject to the provisions of this section, deal summarily with the crime and if the accused pleads guilty to, or is found guilty of, the crime charged, may sentence him to be imprisoned for a term not exceeding two years or to a fine not exceeding six thousand dollars, or to both such fine and term of imprisonment:

33 of 1980.
Third Schedule.
5 of 1987.
28 of 1994.

Provided that with respect to the crimes numbered 12 (with reference to the crime of stealing), 13, 14, 17, 18, 19 and 20 in the Third Schedule, the consent of the accused person shall be necessary only where the amount of the money or the value of the property in respect of which the crime is committed exceeds fifty thousand dollars:

Provided further that where a person is convicted of the crime of theft in circumstances which show that theft was committed from the person of the victim, the punishment for the first such offence shall not be less than a fine of two thousand dollars and the punishment for the second or subsequent such offence shall not be less than imprisonment for a term of two years.

Third Schedule.

(2) If the court at any time during the hearing of a charge for a crime as specified in the Third Schedule against any person becomes satisfied that it is expedient to deal with the case summarily, the court shall thereupon, for the purpose of proceedings under this section, cause the charge to be reduced into writing, if this has not been already done, and read to the accused, and shall then address to him a question to the following effect, "Do you desire to

be tried by a jury, or do you consent to the case being dealt with summarily?”, with a statement, if the court thinks such a statement desirable for his information, of the meaning of the case being dealt with summarily, and of the sitting of the Supreme Court at which he will be tried if tried by a jury, and shall explain to him that he may, if convicted by the court, be committed for sentence by the Supreme Court under subsection (2) of section 80 of the Summary Jurisdiction (Procedure) Act and if the accused consents to be dealt with summarily, shall forthwith ask him the following question, “Do you plead guilty or not guilty?”. CAP. 99.

(3) Where two or more persons are jointly charged before a court, the court shall not deal with the case summarily under this section unless all the accused consent to such summary trial.

(4) Notwithstanding anything in section 45 of the Summary Jurisdiction (Procedure) Act, where any person is charged before a court with two or more offences and such offences are of a kind as may properly be joined in one indictment under the provisions of the Indictable Procedure Act and the accused has consented to summary trial, the court may try such charges together without the consent of the accused. CAP. 99.
CAP. 96.

52.-(1) A person who aids, abets, causes, commands, counsels or procures any other person to commit any of the crimes mentioned in the Third Schedule-

Abetment of, and attempt to commit, crimes triable summarily. Third Schedule.

- (a) may be charged, tried, convicted and punished in all respects as if he himself had committed the crime;
- (b) may be tried together with the principal offender or before or after his conviction; and
- (c) shall be liable on conviction to the same punishment as that to which the principal offender is liable by law.

(2) Where the principal offender would be guilty of an attempt to commit the crime only, the person who aided, abetted, caused, commanded, coun-

seduced or procured the attempt to commit the crime shall be likewise guilty of the attempt and may be charged, tried, convicted and punished accordingly.

(3) A person who is guilty of an attempt to commit any of the crimes mentioned in the Third Schedule shall be liable to a penalty not exceeding one-half of the maximum penalty prescribed under section 51 (1).

Duty to surrender.
28 of 1994.

53.-(1) Where a warrant for the arrest of any person has been issued for an offence punishable with death or with imprisonment for three years or more and the Police are unable to apprehend him after making reasonable efforts, it shall be lawful for the Police to give a notice to such person in two consecutive issues of the *Gazette* and of at least two newspapers circulating in the place where the accused person was last known to reside, requiring such person to surrender himself to the authority specified in the notice within a period of seven days or such longer period as may be specified in the notice.

28 of 1994.

(2) A copy of the notice issued under subsection (1) above shall also be left at the last known place of abode of the accused person.

28 of 1994.

(3) If the person named in the warrant or in the notice fails to surrender in compliance with the notice issued under subsection (1) above he shall be guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

28 of 1994.

(4) It shall be a defence for a person charged with an offence under this section to prove that the circumstances were such that he did not know and would not have known of the warrant or the notice.

Amendment of
laws.
First, Second and
Third Schedule.
18 of 1998.

54.-(1) The Attorney General may, from time to time by Order published in the *Gazette*, amend any of the First, Second or Third Schedules to this Act.

(2) Every Order made by the Attorney General under subsection (1) above shall be laid before the National Assembly as soon as may be after the

making thereof and shall be subject to negative resolution.

55.-(1) Every person who is deported to Belize from another country (hereinafter referred to as a “deportee”) shall, if so required by the Commissioner of Police by notice in writing-

Deportees.
18 of 1998.

- (a) report to the Police daily or at such other intervals as may be specified, at the time and place designated by the police;
- (b) not change his residence without prior notification to the Commissioner of Police;
- (c) not associate with any criminal gang or a member thereof;
- (d) comply with any other requirements as the Commissioner of Police may specify.

(2) Every person who contravenes subsection (1) above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year.

(3) For the purpose of this section, a certificate under the hand of the Commissioner of Police or an officer designated by him to the effect that a person was deported to Belize from another country shall be conclusive evidence of that fact.

(4) Notwithstanding any rule of law to the contrary, a deportee upon conviction for a crime in Belize shall not be treated as a ‘first offender’ and shall not be eligible for community service order.

(5) While sentencing a deportee for a crime committed in Belize, a court shall receive as evidence a certificate of foreign criminal record without further proof and shall give it the same weight and effect as a local criminal record.

FIRST SCHEDULE

[Section 13]

*Form of Conviction of Idle and Disorderly Persons,
Rogues and Vagabonds, and Incurable Rogues*

BELIZE, TOWIT:

CAP. 98. **BE IT REMEMBERED** that on the _____ day of _____ in the year of Our Lord two thousand and _____ at _____ in the said Belize is convicted before me, _____ a magistrate in and for the _____ Judicial District in Belize of being an idle and disorderly person (or a rogue and vagabond or an incurable rogue) within the true intent and meaning of section _____ of the Summary Jurisdiction (Offences) Act, that is to say, for that the said _____ on the _____ day of _____ two thousand _____ and _____ at _____ in the said District (*here state the offence proved before the magistrate*) and for which said offence the said _____ is ordered to be committed to the _____ at _____ for the space of _____ (*or in the case of an incurable rogue*) to the _____ until the sittings of the Supreme Court to be held at _____ on the _____ day of _____ next, and until there dealt with.

GIVEN under my hand on the day and year and at the place first above written.

Magistrate,
Judicial District.

SECOND SCHEDULE
[Section 50]

*Crimes Punishable as Summary Conviction Offences without
Consent of Accused Person*

No.	Crimes	Section of the Criminal Code
1.	Common Assault	44
2.	Aggravated Assault	45
3.	Abandonment of infant	60
4.	Intentional Harm	79
5.	Wounding	80
6.	Grievous Harm	81
7.	Use of deadly means of harm	83
8.	Administering Noxious matter	84
9.	Throwing, etc., at a train	88
10.	Obstructing trains	89
11.	Interference with signals, etc.	90
12.	Abandonment likely to cause grievous harm	92
13.	Negligent wound or grievous harm	94
14.	Negligence by person in charge of dangerous things ...	95
15.	Theft	146
16.	Removal of articles from places open to the public ...	150
17.	Taking motor vehicle or other conveyance without authority	151
18.	Abstracting of electricity	152
19.	Obtaining property by deception	153

No.	Crimes	Section of the Criminal Code
20.	Obtaining pecuniary advantage by deception	156
21.	False accounting	162
22.	Boundaries, documents and accounts	167
23.	Removing goods to evade legal process	168
24.	Handling stolen goods	171
25.	Going equipped for stealing, etc.	173
26.	Possession of counterfeited or incomplete notes ...	195
27.	Riot	226
28.	Rioting with weapons	227
29.	Unlawful assembly	229
30.	Provocation of riot	230
31.	Forcible entry	234
32.	Forcible detainer	235
33.	Provocation to fight	236
34.	Threat of death or grievous harm	238
35.	Written threats.	239
36.	Violence against judges, witnesses, etc.	240
37.	Disturbance of lawful assemblies	241
38.	Obstructing public officers	242
39.	Deceit of courts	260
40.	Fictitious suits	261
41.	Keeping away witnesses	262
42.	Suppression of evidence on criminal trial	263
43.	Hindrance of inquests	265
44.	Neglect to hold inquests	266
45.	Exciting prejudice as to a trial	268
46.	Refusal to aid officers	273

No.	Crimes	Section of the Criminal Code
47.	Compounding crime	275
48.	Refusal of office	281
49.	False pretence of office	282
50.	False declarations, etc., of office	283
51.	Corruption, intimidation and personation	295
52.	Unlawful voting	296
53.	Selling unwholesome food	327

THIRD SCHEDULE
[Section 51 and 52]

Crimes Triable Summarily with Consent of Accused Person

No.	Crimes	Enactments	Sections
1.	Forgery of dies or stamp	Stamp Duties Act (CAP. 64)	11
2.	Post office employee opening or delaying delivery of letter, etc.	Post Office Act (CAP.228)	34
3.	Theft by same of a letter	”	35
4.	Theft by same out of letter	”	36
5.	(a) Stealing or unlawfully taking away packet, etc.	} ”	37
	(b) Stopping mail with intent, etc.		

No.	Crimes	Enactments	Sections
6.	Theft, etc. of bag, etc. sent by Post Office packet	”	
7.	Handling stolen letter, etc.	”	
8.	(a) Fraudulent retainer, etc.	”	
	(b) Refusal to deliver, etc.)	”	
9.	Criminal diversion of letters from addressee	”	
10.	Accessories before the fact	”	
11.	(a) Obtaining credit by fraud	Debtors Act	
	(b) Making or causing to be made gift, delivery, transfer or change of property	} (CAP. 168)	7
	(c) Concealing or removing property		
12.	Theft	Criminal	146
13.	Burglary	Code (CAP. 101)	148
14.	Removal of articles from palces open to the public	”	150
15.	Taking motor vehicle or other conveyance without authority ...	”	151
16.	Abstacting of electricity	”	152
17.	Obtaining property by deception ...	”	153
18.	Obtaining pecuniary advantage by deception	”	156
19.	False accounting	”	162
20.	Handling stolen goods	”	171

No.	Crimes	Enactments	Sections
21.	Forgery of pasport	”	178
22.	Forgery of other documents	”	179
23.	Uttering false documents (with reference only to the crime mentioned in section 179 of the Criminal Code)	”	180
24.	Claiming upon a forged document with reference only to the crime mentioned in section 179 of the Criminal Code)	”	181
25.	Possessing false documents (with reference only to the crime mentioned in section 179 of the Criminal Code)	”	182
26.	Punishment for selling medals resembling current coin	”	189
27.	Damaging current coin	”	190
28.	Uttering damaged coin	”	191
29.	Forging hall-marks	”	199
30.	Forging trade-marks	”	200
31.	False statutory declarations and other false statements without oath ...	”	252
32.	Corruption, oppression and extortion	”	284
33.	False certificates	”	285
34.	Destruction, etc., of documents ...	”	286
35.	Oppression by goalers	”	287

No.	Crimes	Enactments	Sections
36.	Bribery of officers	”	289
37.	Agreement for influencing officers ...	”	290
38.	Disturbance of elections	”	294
39.	Falsification, etc., of votes, etc.	”	297
40.	False pretence of impediment to marriage	”	319
41.	Disturbing markets, etc., by false news	”	325
42.	Any offence under the Bankruptcy Act CAP. 244		