



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.20

OBEAH ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

OBEAH ACT

Act 6 of 1904 ... in force 2nd August 1904

Amended by: Act 7 of 1976

Act 9 of 1986

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CHAPTER 4.20

OBEAH ACT

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CHAPTER 4.20

OBEAH ACT

AN ACT TO PROHIBIT THE PRACTICE OF OBEAH; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Obeah Act.

Interpretation.

2. In this Act—

“instrument of obeah” means anything ordinarily used in the practice of obeah or intended to be so used in such practice, and anything used or intended to be used by a person and pretended by such person to be possessed of any occult or supernatural power;

“obeah” means obeah as ordinarily understood and practised, and includes witchcraft and working or pretending to work by spells or by professed occult or supernatural power.

***Supernatural practices.**

3. Any person who pretends or professes to tell fortunes, or uses any subtle craft, means or device, by palmistry or otherwise, or pretends to cure injuries or diseases or to intimidate or effect any purpose by means of any charm, incantation or other pretended supernatural practice, shall be liable to be imprisoned for any period not exceeding six months.

Obeah.

4. Every person practising, or in any way concerned in the practice of obeah, or using any subtle craft, means or device by obeah or otherwise shall be liable to be imprisoned for any period not exceeding twelve months.

Consulting person practising obeah.

5. Whosoever, for the purpose of effecting any object, or of bringing about any event, by the use of occult means or any supernatural power or knowledge, consults any person practising obeah shall be liable to a fine not exceeding one thousand five hundred dollars or to be imprisoned for any period not exceeding twelve months.

Searches authorised for instruments of obeah.

6. Whenever it is made to appear on oath that there is reasonable cause to suspect that any person is in possession of any instrument of obeah, it shall be lawful for any District Magistrate or Justice of the Peace by warrant under his or her hand to authorise any member of the Police Force or any local constable to enter (and if necessary by force) and search any place, either in the day or in the night, and if any instrument of obeah is found in any place so searched, to seize and secure the same for the purpose of being produced in evidence in any proceeding before any Court of Justice in which the same may be required. And any person who hinders or molests

* Original sections 3 and 4 were deleted by Act 7 of 1976 and the remaining sections have been renumbered accordingly

any person acting under the authority of any warrant issued under this section, shall be liable to pay a fine not exceeding one thousand five hundred dollars or to be imprisoned for any period not exceeding twelve months.

Possession of instrument of obeah.

7. Whenever upon a search, mentioned in section 6, any instrument of obeah is found the person in whose possession or on whose premises it is found shall be deemed, unless or until the contrary is proved, to be a person practising obeah within the meaning of this Act, at the time when such instrument of obeah was found.

Power to arrest.

8. It shall be lawful for any member of the Police Force or any local constable to arrest, without warrant, any person practising obeah, or reasonably suspected to be practising obeah.

Publication of matter promoting obeah.

9. Any person who composes, writes, prints, sells, distributes, publishes or circulates any pamphlet or printed or written matter calculated to promote the superstition of obeah commits an offence against this Act and shall, on conviction, be liable to pay a fine not exceeding one thousand five hundred dollars or in default, to be imprisoned for a period not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

Police supervision.

10. When any person is convicted of any offence against this Act the District Magistrate before whom such person is convicted may, in his or her discretion, and in addition to any sentence of imprisonment imposed on such person, order and direct that such person shall be subject to the supervision of the police for a period not exceeding two years commencing immediately after the expiration of the sentence imposed, and such person shall thereupon be subject to the provisions of the Prevention of Crimes Act, Cap. 4.26.
