



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 4.25

## PRÆDIAL LARCENY (PREVENTION) ACT

### Revised Edition

showing the law as at 31 December 2002

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### PRÆDIAL LARCENY (PREVENTION) ACT

**Act 6 of 1954** ... in force 22nd July 1954

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Act 7 of 1976

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## **CHAPTER 4.25**

### **PRÆDIAL LARCENY (PREVENTION) ACT**

AN ACT TO MAKE PROVISION FOR THE PREVENTION AND SUPPRESSION OF PRÆDIAL LARCENY; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### **PART I**

##### **PRELIMINARY**

###### **Short title.**

1. This Act may be cited as the Prædial Larceny (Prevention) Act.

###### **Interpretation.**

2. In this Act—

“appointing authority” means any appointing authority constituted under section 4;

“authorised person” means any person nominated and appointed under section 14 to arrest suspected persons;

“cattle” includes horses, asses, mules, kine, sheep, goats, deer and swine, as well as all horned cattle;

“Community Committee” means any Community Committee constituted under section 5;

“declared area” means any area in the State declared under section 3 to be a declared area;

“Minister” means the Minister responsible for National Security;  
*(Inserted by Act 7 of 1976)*

“night” means the interval between sunset on any day and sunrise on the next succeeding day;

“prædial larceny” means, for the purpose of this Act, any of the offences created by section five or section twelve of the Larceny Act, Cap. 4.16;  
*(Inserted by Act 7 of 1976)*

“prædial produce” means—

(a) any tree, plant, root, fruit, vegetable or other agricultural production growing in or upon any land which is used or is capable of being used, whether after treatment or otherwise, as food, or as an ingredient in food, for man, or cultivated grass for beast; or

(b) any cattle or the carcase, skin or any part of any cattle;

“suspected person” means any person who has or has had in his or her possession or under his or her control in any place any prædial produce in such circumstances as shall reasonably cause any police officer or authorised person to suspect that such produce has been stolen or unlawfully obtained.

**Declared areas.**

3. (1) The Minister, whenever he or she is satisfied that the public interest so requires, may, by Order, declare any area in the State to be a declared area for the purposes of this Act, and upon the publication of such Order in the *Gazette* the provisions of Part II shall become and remain in force in such declared area during the continuance in force of such Order.

(2) The Minister, upon being satisfied that it is in the public interest so to do, may at any time, by Order, revoke an Order made under subsection (1), and upon the publication of an Order revoking any such Order the declared area to which that Order relates shall cease to be a declared area and the provisions of Part II shall cease to apply thereto.

(3) An Order made under this section shall not be invalid for the reason only that any part of the declared area to which it relates is situated in any other declared area, but in the exercise of his or her powers under subsection (1) the Minister shall take reasonable care to ensure that no part of any declared area is situated in any other declared area.

*(Amended by Act 6 of 1976)*

**PART II****PROVISIONS RELATING TO DECLARED AREAS****Appointing authorities.**

4. (1) There shall be constituted in respect of one or more declared areas an appointing authority which shall be composed of such person or persons, not exceeding three in number, as may be thereunto appointed by the Minister who shall, when the appointing authority consists of more than one person, also appoint one of such persons to be the Chairperson of the appointing authority.

(2) It shall be the duty of the appointing authority, in accordance with the provisions of section 5, to appoint the members of the Community Committee in any declared area in respect of which the appointing authority has been appointed.

**Constitution of Community Committees.**

5. (1) There shall be constituted in each declared area a committee to be known as the Community Committee, which shall consist of such number of persons, being not less than six nor more than eleven, as may be appointed thereto in accordance with the provisions of this section.

(2) An appointing authority shall appoint as members of a Community Committee any person who—

- (a) has attained eighteen years;
- (b) is actively engaged in agriculture or in the rearing of cattle in the declared area or is resident therein; and
- (c) has expressed his or her willingness to serve as a member of the Community Committee for the declared area.

(3) An appointing authority may at any time remove from office any member of a Community Committee appointed by such appointing authority.

(4) Any member of a Community Committee may at any time resign his or her office by instrument in writing addressed to the appointing authority by which he was appointed.

#### **Appointment of Chairperson of Community Committee.**

6. (1) Upon the appointment of the members of a Community Committee the appointing authority shall call upon the members of the Committee to meet at some convenient place within the declared area to be stated by them on a date to be so stated for the purpose of electing a Chairperson of the Community Committee, and such members shall meet at the place and on the date so stated.

(2) The appointing authority, or, where the authority consists of more than one person, the Chairperson of the appointing authority, shall preside at such meeting and any member of the Community Committee present may propose any other member present and willing to serve to be the chairperson of the Committee and if no other such member be proposed, the member proposed shall be the chairperson.

(3) If any other member or members present and willing to serve be proposed the members of the Committee shall proceed to decide by vote the question whether the member first proposed shall be the chairperson, and if the question is decided in the negative they shall proceed in like manner to decide the question in respect of the other member or members proposed in the order in which they were proposed until a chairman has been elected.

(4) The appointing authority or Chairperson of the appointing authority presiding at such meeting shall not vote in the first instance but in the case of an equality of votes shall have and exercise a casting vote.

#### **Quorum and proceedings of Community Committees.**

7. (1) The quorum of each Community Committee shall be five.

(2) The validity of any proceeding of a Community Committee under this Act shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment thereof.

(3) Subject to the provisions of such regulations as may be made by the Minister under section 25 each Community Committee shall regulate the conduct and management of proceedings before them and the hours and times and places for their sittings in such manner as they may from time to time think fit.

*(Amended by Act 6 of 1976)*

(4) A Community Committee may, in their discretion, refuse to allow the public or any portion of the public to be present at any proceedings of the Committee.

#### **Functions of Community Committees.**

8. (1) It shall be the duty of the Community Committee in each declared area to assist in securing by all lawful means the prevention and suppression of prædial larceny in such area and the detection and apprehension of prædial thieves, and for the accomplishment of such purposes to organize and carry out such activities and to institute such precautions and make such investigations as they may deem necessary.

(2) In particular, but without prejudice to the generality of the foregoing, such Committee shall have power—

- (a) to take such lawful steps as may be necessary to stimulate public opinion, and organize community action against prædial larceny;

- (b) to pay remuneration to, and exercise control over authorised persons appointed under the provisions of section 14 in each declared area;
- (c) to employ persons for patrolling or for guarding property in such declared area and for serving summonses to witnesses whenever they shall consider it expedient to do so;
- (d) to offer and pay rewards for information leading to the detection and conviction of any person guilty of prædial larceny or of receiving stolen prædial produce or of being an accessory whether before or after the fact to the commission of prædial larceny.

#### **Funds of Community Committee.**

9. The funds of each Community Committee—

- (a) shall comprise of such sums as may be allocated to it from any vote or contribution from the general revenue of the State; and
- (b) shall be applied to the carrying out of all or any of their powers, functions and responsibilities under this Act.

#### **Power of Community Committee to examine persons.**

10. (1) In the discharge of their functions under this Act a Community Committee shall have power to summon and examine on oath any person whom the Committee may reasonably suspect—

- (a) to have committed or to be about to commit prædial larceny;
- (b) to have received or to be about to receive stolen prædial produce;
- (c) to be an accessory whether before or after the fact to the commission of prædial larceny;
- (d) to have conveyed away or to be about to convey away stolen prædial produce; or
- (e) to be in possession of knowledge the disclosure of which would assist in the suppression of prædial larceny.

(2) A Community Committee shall have the powers of a Judge of the High Court to summon and examine witnesses for the purposes of subsection (1) and no member of a Community Committee shall be liable to any action or suit for any matter or thing done by him or her as such member.

(3) Every summons for the attendance of witnesses or other persons shall be signed by the Chairperson of the Community Committee.

(4) Any witness who wilfully gives false evidence in any proceedings before a Community Committee commits the offence of perjury, and shall be liable to be prosecuted and punished accordingly.

(5) All persons summoned to attend and give evidence before a Community Committee shall be bound to obey the summons served upon them as fully, in all respects, as witnesses are bound to obey subpoenas issued from the High Court.

(6) Every person who refuses, or omits, without sufficient cause, to attend at the time and place mentioned in the summons served on him or her, and every person who attends but leaves the proceedings without the permission of the Community Committee, or refuses to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, all questions put to him or her by or with the

concurrence of the Community Committee, and every person who at any sitting of a Community Committee wilfully insults any member of such Committee or wilfully interrupts the proceedings of such Committee, shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars.

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

**Police to attend at proceedings before Community Committee.**

**11.** It shall be the duty of the police officers to attend at proceedings before a Community Committee to preserve order during such proceedings and to perform such other duties as usually pertain to their office when in attendance upon the High Court, and to serve summons on witnesses, and to perform such ministerial duties as the Community Committee shall direct.

**Duty of Community Committee to inform police of *prima facie* evidence of commission of offence.**

**12.** (1) Where, from the examination of any person under the provisions of section 10, it appears to a Community Committee that there is *prima facie* evidence of the commission of an offence they shall make or cause to be made accordingly a report, either oral or written, to the police officer in charge of the nearest police station.

(2) In such report there shall be specified—

- (a) the name, address or other sufficient description of the person shown by such evidence to be the offender;
- (b) the name, address or other sufficient description of every person whom the Committee is satisfied is in possession of information relating to the matter together with a summary of such information; and
- (c) any other information in the possession of the Committee relating thereto.

**Powers and privileges of persons employed to patrol, etc.**

**13.** (1) Subject to the provisions of subsection (2), a person employed by a Community Committee for patrolling or for guarding property in a declared area in relation to which such Committee has been established, shall, during the course of such employment, have and exercise all the powers of a police officer, and, subject to the provisions contained in any law relating to firearms in the State, it shall be lawful for a person so employed to be in possession of a shotgun whilst he or she is actually patrolling or guarding property in the course of his or her employment or is proceeding to or from the place where he or she is required to patrol or guard.

(2) The provisions of subsection (1) shall not apply to any person employed by a Community Committee for patrolling or guarding property unless—

- (a) the name of such person has been submitted to the senior police officer in the State before such person has been so employed; and
- (b) such police officer has notified the Chairperson of the Community Committee that he or she is satisfied that such person is a fit and proper person to have and exercise the powers and privileges referred to in this section.

## PART III

## PROVISIONS RELATING TO THE PREVENTION OF PRÆDIAL LARCENY

**Authorised persons.**

14. (1) A Community Committee may nominate any person to the senior police officer in the State to be an authorised person.

(2) It shall be lawful for such police officer, on the nomination of any person as provided in subsection (1), and with the sanction of the Minister, to appoint the person so nominated to be a person authorised to arrest and deal with suspected persons in accordance with the provisions of section 16.

*(Amended by Act 6 of 1976)*

(3) Such police officer may at any time revoke any appointment made under subsection (2).

(4) Every appointment or revocation of an appointment under this section shall be published in the *Gazette*.

(5) A Community Committee shall have power to pay remuneration to and exercise control over authorized persons within the declared area in respect of which such Committee has been appointed.

**Power to search for prædial produce.**

15. Whenever a police officer or authorised person has reasonable cause to believe that any person has in his or her possession or under his or her control any prædial produce which the police officer or authorised person has reasonable cause to suspect has been stolen or unlawfully obtained such police officer or authorised person may require such person to disclose and permit such police officer or authorised person to inspect the contents of any sack, basket, bundle, package, vehicle or other receptacle in possession or under the control of such person and if any person refuses or neglects to disclose and permit the police officer or authorised person to inspect such contents he or she commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding seven hundred fifty dollars or to imprisonment for any term not exceeding three months.

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

**Arrest and trial of suspected persons.**

16. (1) Any police officer or authorised person may arrest a suspected person without a warrant.

(2) As soon as possible after the arrest of a suspected person, the police officer or authorised person making the arrest shall bring the suspected person, together with any prædial produce found in his or her possession or under his or her control which is reasonably suspected to have been stolen or unlawfully obtained, to a police station.

(3) The provisions of the Police Act, Cap. 19.07 shall apply in relation to any arrest under this section by an authorized person as it applies to any such arrest by a police officer.

(4) If the suspected person does not give an account to the satisfaction of the Magistrate by what lawful means he or she came by such prædial produce, he or she commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term

not exceeding six months, and upon a subsequent conviction on a similar charge, to imprisonment for any term not exceeding twelve months.

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

(5) If any suspected person escapes from any police officer or authorised person attempting to arrest him or her, or lets fall or throws away any prædial produce reasonably suspected to have been stolen or unlawfully obtained it shall be lawful for any Magistrate or Justice of the Peace, upon application, to issue his or her warrant for the arrest of that person, and upon his or her arrest that person shall be deemed to have been arrested within the meaning of subsection (1) and may be dealt with in the manner laid down in subsections (2), (3) and (4).

#### **Search warrant.**

17. (1) If information is given on oath to any Magistrate or Justice of the Peace that there is reasonable cause for suspecting that any prædial produce stolen or unlawfully obtained is concealed or lodged in any house, store, yard or other place, or on land (whether enclosed or not) or in any vessel, such Magistrate or Justice of the Peace may, by warrant under his or her hand directed to any police officer, cause the house, store, yard, place, land or vessel to be entered and searched at any time of the day or, if the warrant so authorises, by night.

(2) The Magistrate or Justice of the Peace issuing a warrant under subsection (1) may, by such warrant, if it shall appear necessary to him or her, give authority to the police officer, with such assistance as may be found necessary, to use force for the purpose of effecting an entry, whether by breaking open doors or otherwise, but before using such force for the purpose aforesaid the police officer shall make known his or her authority.

(3) If upon search made in accordance with the provisions of subsections (1) and (2), any prædial produce which the police officer has reasonable cause to suspect to have been stolen or unlawfully obtained is found, the police officer shall arrest and bring before a Magistrate as soon as may be practicable after such arrest—

- (a) the person in whose house, store, yard, place or vessel or on whose land such prædial produce is found; and
- (b) any other person found in such house, store, yard, place or vessel or on such land,

if the police officer has reasonable cause to suspect that such person placed or was privy to the placing of such prædial produce in such house, store, yard, place or vessel or on such land, knowing or having reasonable cause to suspect the same to have been stolen or unlawfully obtained.

(4) If a police officer fails or is for any reason whatsoever unable to arrest any person mentioned in paragraphs (a) and (b) of subsection (3), a Magistrate or Justice of the Peace may issue a warrant for the arrest of such person, or a Magistrate may issue a summons requiring such person to appear before the Magistrate at a time and place to be mentioned in the summons.

*(Amended by Act 7 of 1976)*

#### **Power to board vessel, etc.**

18. (1) Any police officer may go on board any vessel in any harbour, bay or roadstead and remain on board the vessel for such reasonable time as he or she deems expedient.

(2) If he or she has reasonable grounds to suspect that there is on board the vessel any prædial produce stolen or unlawfully obtained, he or she may search, with any assistants, any and every part of the vessel, and, after demand and refusal of the keys break open any receptacle.

(3) Upon discovery of any prædial produce which he or she may reasonably suspect to have been stolen or unlawfully obtained, the police officer may take such produce and the person in whose possession it is found before a Magistrate.

(4) A police officer may pursue and detain any person in the act of conveying away from any vessel any prædial produce which such police officer may reasonably suspect to have been stolen or unlawfully obtained, whether that person has landed or not, together with any prædial produce so conveyed away or found in his or her possession.

### **Trial of persons brought before Magistrate under sections 17 and 18.**

**19.** A Magistrate may call upon any person brought or appearing before him or her under the provisions of section 17 or section 18 to give an account to the satisfaction of such Magistrate—

- (a) by what lawful means any prædial produce reasonably suspected to have been stolen or unlawfully obtained came to be in the house, store, yard, place or vessel or on the land where such produce was found; or
- (b) that he or she was not privy to the placing of such prædial produce in such house, store, yard, place or vessel or on such land, knowing or having reasonable cause to suspect the same to have been stolen or unlawfully obtained,

and any person who fails so to satisfy the Magistrate commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term not exceeding six months, and, upon a subsequent conviction on a similar charge, to imprisonment for any term not exceeding twelve months.

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

### **Tracing possession.**

**20.** (1) If any person brought or appearing before a Magistrate under the provisions of sections 16, 17 or 18 declares that he or she received any prædial produce reasonably suspected to have been stolen or unlawfully obtained from some other person, or that he or she was employed as a carrier, agent or servant to convey such produce for some other person, the Magistrate may cause every such other person through whose possession such produce shall previously have passed, to be brought before him or her either by summons or by warrant, as the Magistrate shall in each case deem fit.

(2) Upon any such person as is in subsection (1) of this section mentioned being brought before him or her, the Magistrate may examine that person on oath as to whether he or she has been in possession or control of the prædial produce reasonably suspected to have been stolen or unlawfully obtained, and, upon his or her admitting such possession or control, or upon it being proved to the satisfaction of the Magistrate that that person has been in possession or control of such prædial produce, the Magistrate may call upon that person to give an account to the satisfaction of the Magistrate by what lawful means he or she came by such produce, and, if that person fails to give such account, he or she commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred

dollars or to imprisonment for any term not exceeding six months, and upon a subsequent conviction on a similar charge, to imprisonment for any term not exceeding twelve months.

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

(3) For the purposes of this section, the possession of a carrier, agent or servant shall be deemed to be the possession of the person who employed the carrier, agent or servant to convey the prædial produce suspected to have been stolen or unlawfully obtained.

#### **Power of police officer and authorized person to summon assistance.**

**21.** A police officer or authorised person may call upon any person to aid and assist him or her in the execution of his or her duties under this Act, and if any person so called upon neglects or refuses, without lawful excuse, to aid and assist such police officer or authorised person he or she commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding three hundred dollars and in default of payment thereof to imprisonment for any term not exceeding three months.

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

#### **Penalty for assaulting etc., police officer, authorised persons and their assistants.**

**22.** If any person assaults, obstructs, hinders or resists any police officer or authorised person in the execution of his or her duties under this Act, or any person acting in aid of such police officer or authorised person, every such offender commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term not exceeding six months.

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

#### **Power of Court to order special police supervision.**

**23.** (1) When any person is convicted of the felony of prædial larceny the Court before whom such person is convicted may order him or her to be placed under special police supervision for a period to be specified in such order not exceeding one year.

(2) An order placing a person under special police supervision under the provisions of this section may be made in addition to or in substitution for any other punishment to which such person may be liable, and when such an order is made in addition to any sentence of imprisonment passed upon such person, the period during which he or she shall be under special police supervision shall commence immediately after the expiration of such sentence.

#### **Duties of persons ordered to be placed under special police supervision.**

**24.** (1) A person ordered in accordance with the provisions of section 23 to be placed under special police supervision shall, during the period specified in such order, comply with the following provisions—

- (a) he or she shall forthwith upon the commencement of such period notify the police officer in charge of the police station nearest to his or her residence of the house or place in which he or she resides;
- (b) he or she shall, when called upon so to do by the police officer in charge of the police station nearest to his or her residence, present himself or herself at such police station;

- (c) he or she shall not transfer his or her residence without the written authority of the police officer in charge of such police station;
- (d) he or she shall remain within the doors of his or her residence during each night unless excused from so doing on any particular occasion by the senior police officer in the State.

(2) Where such person is authorised in accordance with the provisions of paragraph (c) of subsection (1) to transfer his or her residence he or she shall notify the police officer in charge of the police station nearest to the place in which he or she will reside of the house or place in which he or she will reside.

(3) A person ordered in accordance with the provisions of section 23 to be placed under special police supervision may be visited at his or her residence by any police officer from time to time during the period specified in such order.

(4) Any person subject to the restrictions specified in subsection (1) who fails to comply with the provisions of the said subsection commits an offence against this Act and, on summary conviction, shall be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term not exceeding six months.

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

### **Regulations.**

**25.** (1) The Minister may make Regulations generally for giving effect to the provisions of this Act.

*(Amended by Act 6 of 1976)*

(2) Without prejudice to the generality of the power conferred by subsection (1), Regulations may be made under that subsection to provide for—

- (a) the procedure to be followed by a Community Committee in the exercise of their powers under section 10;
- (b) the payment of compensation to authorised persons, and persons employed by a Community Committee under the powers conferred by paragraph (c) of subsection (2) of section 8, for injuries received by such persons in the execution of their duties, and the badges or uniforms to be worn by any such persons.

(3) Regulations made under paragraph (b) of subsection (2) shall not come into force until they have been approved by resolution of the National Assembly.