



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.26

PREVENTION OF CRIMES ACT

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PREVENTION OF CRIMES ACT

Act 1 of 1874 ... in force on 18th June 1874

Amended by: Act 7 of 1976

Act 9 of 1986

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CHAPTER 4.26

PREVENTION OF CRIMES ACT

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

Short title.

1. This Act may be cited as the Prevention of Crimes Act.

Interpretation.

2. In this Act—

“Chief officer of police” means the Chief of Police, and shall include any Superintendent, Assistant Superintendent, Inspector or subordinate police officer;

“crime” means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiring to defraud;

“offence” means any act or omission which is not a crime as defined by this Act, and is punishable on indictment or summary conviction.

Summary conviction.

3. Every offence against this Act shall be punishable on summary conviction.

Offences made punishable.

4. (1) Every person who does any one or more of the following acts, that is to say—

- (a) use violence to any person or any property;
- (b) threaten or intimidate any person in such a manner as would justify a Magistrate, on complaint made to him or her, to bind over the person so threatening or intimidating to keep the peace;
- (c) molest or obstruct any person in a manner defined by this section with a view to coerce such person,

commits an offence against this Act, and shall be liable to a fine not exceeding one hundred and fifty dollars, or to be imprisoned for any term not exceeding three months.

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

- (2) A person shall, for the purposes of this Act, be deemed to molest or obstruct another person in any of the following cases, that is to say—

- (a) if he or she persistently follows such person about from place to place;
- (b) if he or she hides any tools, clothes, or other property, owned or used by such person, or deprives him or her of, or hinder him or her in, the use thereof;
- (c) if he or she watches or besets the house, or other place where such person resides, or works, or comes on business, or happens to be, or the approach to such house or place, or if, with two or more other

persons, he or she follows such person in a disorderly manner in or through any street or road.

(3) Nothing in this section shall prevent any person from being liable under any other Act, or otherwise, to any other, or higher, punishment than is provided for any offence by this section, so that no person be punished twice for the same offence:

Provided that no person shall be liable to any punishment for doing, or conspiring to do, any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing, as hereinbefore mentioned.

Punishment of persons previously convicted.

5. (1) Where any person is convicted, on indictment, of a crime, and a previous conviction of a crime is proved against him or her, he or she shall, at any time within seven years immediately after the expiration of the sentence passed on him or her for the last of such crimes, commits an offence against this Act, and be liable to imprisonment for a term not exceeding one year, under the following circumstances, or any of them—

- (a) if, on his or her being charged by a constable with getting his or her livelihood by dishonest means, and being brought before a Magistrate, it appears to such Magistrate that there are reasonable grounds for believing that the person so charged is getting his or her livelihood by dishonest means; or
- (b) if, on being charged with any offence punishable on indictment or summary conviction, and on being required by a Magistrate to give his or her name and address, he or she refuses to do so, or gives a false name or false address; or
- (c) if he or she is found in any place, whether public or private, under such circumstances as to satisfy the Magistrate, before whom he or she is brought, that he or she was about to commit, or to aid in the commission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit, or aid in the commission of any offence punishable on indictment or summary conviction; or
- (d) if he or she is found in or upon any dwelling-house or any building, yard or premises, being parcel of or attached to such dwelling-house or in or upon any shop, warehouse, counting-house, curing house, boiling house or other place of business, or in any garden, orchard, pleasure ground or nursery ground, without being able to account, to the satisfaction of the Magistrate before whom he or she is brought, for his or her being found on such premises.

(2) Any person charged with any offence against this Act, mentioned in this section, may be taken into custody, as follows, that is to say—

- (a) in the case of any such offence against this Act in subsection (1)(a) mentioned, by any constable without warrant, if such constable is authorized so to do by the Chief Officer of Police;
- (b) in the case of any such offence against this Act in subsection (1)(c) mentioned, by any constable without warrant, although such constable is not specially authorized to take him or her into custody;

- (c) also, when any person is charged with an offence against this Act in subsection (1)(d) mentioned, he or she may, without warrant, be apprehended by any constable or by the owner or occupier of the property on which he or she is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he or she can be delivered into the custody of a constable.

Persons subject to supervision of police.

6. Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him or her, the Court having cognizance of such indictment may, in addition to any other punishment which it may award to him or her, direct that he or she is to be subject to the supervision of the police for a period of seven years, or such less period as the Court may direct, commencing immediately after the expiration of the sentence passed on him or her for the last of such crimes.

Duties of persons subject to supervision.

7. Every person subject to the supervision of the police, who is at large in the State, shall notify the place of his or her residence or any change thereof to the Chief Officer of Police and if such person be a male he shall once in each month report himself at such time as may be prescribed by the Chief Officer of Police, either to such officer himself or to such other person as the Chief Officer of Police may direct and such report may accordingly as such Chief Officer of Police directs be required to be made personally, or by letter.

Punishment for not notifying residence.

8. If any person, subject to the supervision of the police, who is at large in the State, remains in any place for forty-eight hours without notifying the place of his or her residence to the Chief Officer of Police or fails to comply with the requisitions of the last preceding section on the occasion of any change of residence, or with the requisitions of the last preceding section as to reporting himself or herself once in each month, he or she shall, in every such case, unless he or she proves to the satisfaction of the Magistrate before whom he or she is tried that he or she did his or her best to act in conformity with the law, commits an offence against this Act, and, upon conviction thereof, he or she shall be subject to be imprisoned for any period not exceeding one year.

Indictments under this Act.

9. The provisions contained in the Indictments Act, Cap. 4.14 in relation to the form of, and the provisions contained in the Criminal Procedure Act, Cap. 4.06 in relation to the proceeding upon, an indictment for any indictable offence committed after a previous conviction or convictions for any felony, misdemeanours, or offence or offences punishable upon summary conviction, shall, with the necessary variations, apply to any indictment for committing a crime as defined by this Act, after previous conviction for a crime, whether the crime charged in such indictment, or the crime to which such previous conviction relates, be or be not punishable under the said Act.

***Offences against this Act etc.**

10. (1) Every person who occupies, or keeps, any lodging-house, beer-house, public-house, or other house or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges, or knowingly harbours, thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows a deposit of goods therein, having reasonable cause for believing them to be stolen, commits an offence against this Act, and shall be liable to a penalty not exceeding three hundred dollars, and the Magistrate before whom he or she is brought may, if he or she thinks fit, in addition to, or in *lieu* of, any penalty, require him or her to enter into recognisances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

Provided that—

- (a) no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months; and
- (b) the security required from a surety shall not exceed five hundred dollars.

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

(2) Any licence for the sale of any intoxicating liquors, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place as aforesaid, may, in the discretion of the Magistrate, be forfeited on his or her first conviction of an offence under this section; and, on his or her second conviction of such an offence, his or her licence shall be forfeited, and he or she shall be disqualified, for a period of two years, from receiving any such licence; and, where two convictions under this Act have taken place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the Magistrate shall direct that, for a term not exceeding one year from the last of such convictions, no such licence as aforesaid shall be granted to any person in respect of such premises; and any licence granted in contravention of this section shall be void.

(3) Any licensed person, brought before a Magistrate in pursuance of this section, shall produce his or her licence for examination, and, if such licence is forfeited, shall deliver it up altogether; and, if such person wilfully neglects or refuses to produce his or her licence, he or she shall, in addition to any other penalty under this section, be liable, on summary conviction, to a penalty not exceeding one hundred fifty dollars.

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

(4) Every person who occupies or keeps a brothel, and knowingly lodges, or knowingly harbours, thieves, or reputed thieves, or knowingly permits, or knowingly suffers them to meet or assemble in any premises occupied by him or her, or knowingly allows the deposit of goods therein, having reasonable cause for believing them to be stolen, commits an offence against this Act, and shall be liable to a penalty not exceeding three hundred dollars and the Magistrate before whom he or she is brought may, if he or she thinks fit, in addition to, or in *lieu* of, any penalty, require him or her to enter into recognisances, with or without sureties, as in the Act described.

* Note: Sections 11 and 12 have been turned into subsections (4), (5) and (6) of section 10. As a result sections 13 to 20 have been renumbered accordingly.

(5) Every suspected person, or reputed thief, frequenting any dock or basin, or any quay, wharf or warehouse, near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway or any place adjacent to a street or highway, with intent to commit a felony, commits an offence against this Act and shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three months.

(6) In proving the 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 or her purpose or intent, and he or she may be convicted if, from the circumstances of the case, and from his or her known character as proved to the Magistrate before whom he or she is brought, it appears to such Magistrate that his or her intent was to commit a felony.

Constables may search premises.

11. (1) Any constable may, under the circumstances hereafter in this section mentioned, be authorised in writing by a Chief Officer of Police to enter, and if so authorised, may enter any house, shop, warehouse, yard, or other premises, in search of stolen property and search, and seize and secure any property he or she may believe to have been stolen, in the same manner as he or she would be authorised to do if he or she had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

(2) In every case in which any property is seized in pursuance of this section, the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned before a Magistrate to account for his or her possession of such property, and such Magistrate shall make such order respecting the disposal of the property and may award such costs as the justice of the case may require.

(3) It shall be lawful for any Chief Officer of Police to give such authority as aforesaid in the following case or either of them—

- (a) when the premises to be searched have been, within the preceding twelve months, in the occupation of any person who has been convicted of receiving stolen property, or of harbouring thieves; or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by imprisonment,

and it shall not be necessary for such Chief Officer of Police on giving such authority, to specify any particular property, but he or she may give such authority if he or she has reason to believe generally that such premises are being made a receptacle for stolen goods.

How previous conviction may be proved.

12. (1) A previous conviction may be proved, in any legal proceeding against any person, by producing a record or extract of such conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

(2) A record or extract of a conviction shall, in the case of an indictable offence, consist of a certificate, containing the substance and effect only (omitting the formal part of the indictment and conviction), and purporting to be signed by the clerk of the Court, or other officer, having the custody of the records of the Court by

which such conviction was made or purporting to be signed by the deputy of such clerk or officer; and, in the case of a summary conviction, shall consist of a copy of the minutes or memorandum of the conviction entered in the register required to be kept under the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17, purporting to be signed by the Magistrate by whom or by whose clerk such register is kept, or purporting to be signed by such clerk.

(3) A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

(4) A previous conviction in any Circuit may be proved against a prisoner in any other Circuit of the State.

(5) A fee, not exceeding one dollar and twenty cents, may be charged for a record of a conviction given in pursuance of this section.

(6) The mode of proving a previous conviction authorized by this section shall be in addition to and not in exclusion of any other authorized mode of proving such conviction.

Evidence against persons having received stolen property.

13. (1) Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his or her possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him or her.

(2) Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his or her possession stolen property, and evidence has been given that the stolen property has been found in his or her possession, then, if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property, which was proved to have been in his or her possession, to have been stolen:

Provided that not less than seven days' notice in writing shall have been given to the person accused, that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction.

Saving as to capital punishment.

14. This Act shall not affect the infliction of capital punishment in any case where capital punishment would have been inflicted if this Act had not been passed.

Any person may apprehend.

15. It shall be lawful for any person to apprehend the person who is found committing any indictable offence in the night, and to convey him or her, or deliver him or her to some constable or other peace officer in order to his or her being conveyed, as soon as conveniently may be, before a Magistrate to be dealt with according to law.

Punishment for assaulting persons apprehending others.

16. If any person, liable to be apprehended under the provisions of this Act, assaults, or offers any violence to, any person by law authorised to apprehend or detain him or her, or to any person acting in his or her aid and assistance, every such offender commits a misdemeanour, and, on conviction, shall be liable to imprisonment, for a term not exceeding three years.

Night.

17. The time at which the night shall commence and conclude, in any offence against the provisions of this Act, shall be the same as in cases of burglary.

Expenses of prosecution to be allowed.

18. In all prosecutions for any offence against the provisions of this Act, it shall be lawful for the Court, before which any such offence shall be prosecuted or tried, to allow the expenses of the prosecution, in all respects, as in cases of a felony.
