



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 4.17

## LARCENY (SUMMARY OFFENCES) ACT

### Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

### LARCENY (SUMMARY OFFENCES) ACT

**Act 4 of 1873** ... in force 21st April 1873

Amended by: Act 7 of 1976

Act 9 of 1986

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**CHAPTER 4.17**

**LARCENY (SUMMARY OFFENCES) ACT**

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## **CHAPTER 4.17**

### **LARCENY (SUMMARY OFFENCES) ACT**

AN ACT TO MAKE PROVISION RELATING TO LARCENY (SUMMARY OFFENCES); AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### **Short title.**

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

#### **Setting engines for taking deer.**

2. A person who, unlawfully and wilfully, sets or uses any snare, or engine, for the purpose of taking or killing deer, shall, on summary conviction, forfeit and pay such sum of money not exceeding five hundred dollars, as to the Magistrate may seem meet.

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

#### **Possession of stolen dog.**

3. A person who unlawfully has his or her possession, or on his or her premises, any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen, or such skin to be the skin of a stolen dog, shall, on summary conviction, be liable to pay such sum of money not exceeding fifty dollars, as to the Magistrate may seem meet.

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

#### **Stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny.**

4. A person who—
  - (a) steals any dog, or any bird, beast, or other animal ordinarily kept in a state of confinement, or for any domestic purpose of profit or advantage, not being the subject of larceny at common law; or
  - (b) wilfully kills a dog, bird, beast, or animal referred to in paragraph (a), with intent to steal the same, or any part thereof,

shall, on summary conviction, either forfeit and pay, over and above the value of the dog, bird, beast, or other animal, such sum of money not exceeding one hundred and fifty dollars, or be imprisoned, with or without hard labour for any term not exceeding two months, as to the Magistrate may seem meet.

#### **Persons found in possession of stolen beasts, etc., liable to penalties.**

5. If any bird, or any of the plumage thereof, or any dog, or any beast, or the skin thereof, or any animal, or any part thereof, is found in the possession, or on the premises, of any person, a Magistrate may restore the same, respectively, to the owners thereof, or if the animal, or any part thereof, is found (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is part of a stolen animal), shall, on summary conviction, be liable for the first offence, to such forfeitures, and, for every subsequent offence, to such punishment as any person, convicted of stealing any beast or bird, is made liable to by section 4.

**Killing pigeons.**

6. A person who, unlawfully and wilfully, kills, wounds, or takes any house-dove or pigeon, under such circumstances as do not amount to larceny at common law, shall, on summary conviction, forfeit and pay, over and above the value of the bird, any sum not exceeding fifty dollars.

**Stealing fish and destroying instruments for catching fish.**

7. A person who—

- (a) steals, or unlawfully and wilfully, takes any fish, turtle, lobster, or shell-fish from any fish-pot, net, line, or other engine or instrument used in catching fish, turtle, lobster, or shell-fish;
- (b) wantonly, or unlawfully and wilfully, destroys, breaks, or injures any fish-pot, net, line, engine, or instrument;
- (c) steals, or unlawfully and wilfully takes or destroys any fish, or turtle, in any water or pond being private property, or in any crawl; or
- (d) unlawfully and wilfully, breaks, injures, or destroys any turtle-crawl,

shall, on summary conviction, forfeit and pay any sum not exceeding one hundred and fifty dollars, over and above the value of the fish, turtle, lobster, or shell-fish, stolen, taken, or destroyed, or of the fish-pot, line, net, engine, instrument or turtle-crawl destroyed, broken, or injured, or in the discretion of the Magistrate shall be imprisoned, with or without hard labour, for a term not exceeding three months.

**Stealing, or throwing down, a live or dead fence, paling, gate, etc.**

8. A person who steals, or cuts, breaks or throws down, with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire, or rail, set up or used as a fence, or any stile or gate, or any part thereof, respectively, shall, on summary conviction, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding one hundred and fifty dollars, as to the Magistrate may seem meet; and any person, having been convicted of such offence, afterwards commits any of the offences referred to in this section, and is convicted of the offence in like manner, shall be imprisoned with hard labour for such term, not exceeding three months, as the Magistrate may seem fit.

**Tree or shrub in person's possession which cannot be accounted for.**

9. If the whole, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof, being of the value of five dollars at the least, is found in the possession of any person, or on the premises of any person with his or her knowledge, and that person, being taken or summoned before a Magistrate, does not satisfy him or her that he or she came lawfully by the same, he or she shall, on summary conviction, forfeit and pay, over and above the value of the article, or articles, so found, any sum not exceeding fifty dollars.

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

**Stealing, or disinterring, the carcase of any cattle buried in private property.**

10. A person who steals, or disinters, or digs up, with intent to steal, the carcase of any cattle, or any part thereof, which has been buried in land being private property,

shall, on summary conviction, forfeit and pay, over and above the value of such carcase, or part thereof, any sum not exceeding one hundred dollars.

**Abettors in offences punishable on summary conviction.**

11. A person who aids, abets, counsels, or procures the commission of any offence which is, by this Act, punishable, on summary conviction, either for every time of its commission, or for the first and second times, or for the first time only, shall, on summary conviction, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person, guilty of a first, second, or subsequent offence, as a principal offender, is made liable.

**Upon conviction of prisoner for larceny, an innocent purchaser is entitled to restitution out of moneys found on prisoner.**

12. When any prisoner has been convicted summarily of any larceny or other offence, including the stealing or unlawfully obtaining any property, and it appears to the Court, by the evidence, that the prisoner sold such property, or part of it, to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his or her apprehension, the Court may, on the application of such purchaser, and on restitution of the property to its owner, order that, out of the money so taken from the prisoner, a sum, not exceeding the amount of the proceeds of the sale, be delivered to such purchaser.

**Advertising a reward for the return of stolen property.**

13. A person who publicly advertises a reward for the return of any property which has been stolen, or lost, and, in such advertisement, uses any words purporting that no questions will be asked, or makes use of any words, in any public advertisement, purporting that a reward will be given or paid for any property which has been stolen, or lost, without seeking, or making an enquiry after, the person producing such property; or promises or offers, in any such public advertisement, to return to any pawnbroker, or other person, who may have bought, or advanced money by way of loan on any property stolen or lost, the money so paid or advanced, or any other sum of money, for the return of such property, or prints or publishes any such advertisement shall forfeit the sum of one thousand five hundred dollars for such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

**Magistrate may discharge the offender in certain cases.**

14. Where any person is summarily convicted before a Magistrate of any offence against this Act, and it is a first conviction, the Magistrate may, if he or she so deems fit, discharge the offender from his or her conviction, upon his or her making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Magistrate.

**A summary conviction shall be a bar to any other proceeding for the same cause.**

15. In case any person convicted of any offence, punishable upon summary conviction by virtue of this Act, has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or has been so discharged from his or her first

conviction by any Magistrate as aforesaid, in every such case he or she shall be released from all further, or other proceedings for the same cause.

**Evidence as to previous convictions.**

16. Upon any information against any person for a subsequent offence, a copy of the previous conviction, certified by the Magistrate of the district in which such conviction shall have taken place, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to be unappealed against until the contrary be shown.

**Fines and penalties.**

17. Every fine or penalty awarded under this Act, and not thereby declared to be paid to the prosecutor or party aggrieved, shall be payable to the Crown, and shall be paid into the Treasury of the State.

*(Amended by Act 6 of 1976)*

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