

CHAPTER 142A

PRAEDIAL LARCENY PREVENTION 1992-5

This Act came into operation on 13th February, 1992.

Amended by:

1994-14

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1993

1995

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 142A

PRAEDIAL LARCENY PREVENTION 1992-5

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SCHEDULE

**BARBADOS****PRAEDIAL LARCENY PREVENTION
1992-5**

An Act to make better provision for the prevention of praedial larceny.

[Commencement: 13th February, 1992]

Short title

1. This Act may be cited as the *Praedial Larceny Prevention Act*.

Interpretation

2. In this Act,

“agricultural produce” means all root crops, plants, grasses, pulses, vegetables, cereals, fruit and fibres;

“constable” means a member of the Royal Barbados Police Force and includes a person appointed pursuant to the *Parish Constables Act*, Cap. 166;

“livestock”

- (a) means any animal that is commonly reared for the purpose of human consumption, and

(b) includes

(i) the milk obtained from any such animal, and

(ii) poultry or the carcass, head, skin, feathers,

or any part thereof;

“poultry” includes any fowl, chicken, turkey, duck, goose or other bird commonly reared for the purpose of human consumption and the eggs obtained from any such bird;

“public market” has the meaning assigned to it by section 2 of the *Markets and Slaughterhouses Act*, Cap. 265;

“vehicle” means any cart, carriage, dray, motor car, tractor, lorry or wheeled vehicle of any kind, and where the vehicle is drawn by an animal, includes such animal.

Certificate of purchase

3.(1) No person shall

(a) purchase; or

(b) in any other manner obtain possession or custody of

agricultural produce or livestock of a prescribed value or weight in any place other than a public market unless at the time of purchase or of obtaining possession or custody of the produce or livestock the person has obtained a certificate of purchase or receipt from the vendor or other person as the case may be.

(2) No person shall

(a) sell; or

(b) otherwise dispose of agricultural produce or livestock

of a prescribed value or weight in any place other than a public market unless at the time of sale or disposal the person issues a certificate of purchase or a receipt

as the case may be, to the purchaser or other person obtaining possession or custody of the produce or livestock.

(3) The certificate of purchase referred to in subsections (1) and (2) shall be in the Form A specified in the *Schedule*.

(4) A person who issues a certificate of purchase or a receipt referred to in this section shall retain a duplicate of each certificate or receipt so issued.

(5) A certificate of purchase or receipt referred to in this section shall be produced at the request of a constable and on production of the certificate or receipt, the constable shall in writing, indicate at the back of the certificate or receipt the time it was produced, the amount and type of agricultural produce or livestock seen by the constable and the signature of the constable.

Conveying produce of more than one person

4.(1) A person who is in charge of a vehicle or other means of conveyance that is used for the purpose of conveying the agricultural produce or livestock of more than one person shall cause the produce or livestock to be placed in such a manner as to preserve the identity of ownership of the several items of agricultural produce or livestock belonging to those persons.

(2) A person in charge of a vehicle or other means of conveyance who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$ 500 or to imprisonment for a term of 6 months.

Power to stop and examine

5.(1) Where an offence has been committed under the *Larceny Act*, Cap. 139 or any other law relating to dishonesty in respect of any agricultural produce or livestock and a constable has reasonable grounds to suspect that the agricultural produce or livestock is being conveyed on a vehicle or other means of conveyance, a police officer in uniform may stop the vehicle or other means of conveyance and upon informing the person in charge of the vehicle or other means of conveyance of the officer's purpose, may examine the vehicle or other

means of conveyance or any parcel or package of any kind found in the vehicle or conveyance.

(2) Where in the course of examining a vehicle or other means of conveyance under subsection (1), a constable discovers agricultural produce or livestock on the vehicle, the constable may request the person in charge of the vehicle or other means of conveyance to produce a certificate of purchase or receipt referred to in section 3, or to give proof of ownership or of lawful possession.

(3) A person who, on being required to produce a certificate of purchase or receipt under subsection (2) in respect of agricultural produce or livestock, fails to produce the certificate of purchase or receipt, or fails to give proof of ownership or lawful possession is guilty of an offence and is liable on summary conviction to a fine of \$ 5 000 or to imprisonment for a term of 2 years.

Arrest without warrant

6. A constable may, without warrant, arrest and charge with an offence under this Act any person who is in possession of agricultural produce or livestock for the purpose of sale or other disposal and who fails to produce a valid certificate of purchase or receipt as required by this Act or who fails to give proof of ownership or to satisfy the constable that he is otherwise in lawful possession thereof.

Power to seize

7. Where a constable makes an arrest under section 6, the constable may seize

- (a) the agricultural produce or livestock that is in the possession of the person who is arrested; and
- (b) where the produce or livestock was at the time of the arrest found in a vehicle or other means of conveyance, seize the vehicle or other means of conveyance.

Escape of suspect

- 8.** Where a person
- (a) refuses to stop a vehicle or other means of conveyance under his charge at the request of a police officer in uniform;
 - (b) being a person whom the constable has reasonable cause to suspect is contravening the provisions of this Act, escapes from the constable attempting to arrest him; or
 - (c) being a person referred to under paragraph (b), lets fall from his possession or throws away any agricultural produce or livestock,

a magistrate may, upon application by the constable issue a warrant of arrest for that person and authorize the seizure of the vehicle or other means of conveyance if any, that was used to convey the produce or livestock.

Trial

9.(1) As soon as may be practical after the arrest of a person under section 6, the constable making the arrest shall bring the person before the magistrate in whose jurisdiction the offence was committed together with any agricultural produce, livestock, vehicle, parcel, package or any other item seized.

(2) Where the person referred to under subsection (1) does not give an account to the satisfaction of the magistrate as to what lawful means he came into possession of the agricultural produce or livestock, the person is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years.

Restitution

10.(1) A magistrate may order that any agricultural produce or livestock alleged to have been obtained contrary to the provisions of this Act, be delivered

to the person who appears to the magistrate to be entitled to the produce or livestock where

- (a) in the event of the dismissal of the complaint, the accused in his defence, denied possession of the produce or livestock; or
- (b) the magistrate convicts the accused or, without proceeding to conviction, acts under section 3 of the *Probation of Offenders Act*, Cap. 146.

(2) Where a vehicle seized under section 7 is found to be unlawfully in the possession of the person brought before the magistrate under section 9 (1), the magistrate may make an order for the delivery of the vehicle to a person who claims ownership and who appears to the magistrate to be the owner, subject to such terms and conditions as the magistrate thinks fit.

[1994-14]

Sale of livestock and perishable produce

10A.(1) Notwithstanding section 9 (1) and section 10, where the agricultural produce or livestock seized is likely to perish before the trial of the offence, the constable making the arrest shall deliver that agricultural produce or livestock to the Chief Agricultural Officer who shall sell it, or if a sale cannot be conducted, dispose of it in any other manner.

(2) The Chief Agricultural Officer shall deliver to the Clerk of the magistrate's court where the offence referred to in subsection (1) is to be tried

- (a) a certificate containing the following information
 - (i) the quantity of agricultural produce or livestock received by him,
 - (ii) the quantity of agricultural produce and livestock sold,
 - (iii) the amount realised by the sale,
 - (iv) the date of the sale,

- (v) where the agricultural produce is disposed of otherwise than by sale, the method and date of disposal; and
 - (b) the proceeds of the sale less any amount that is applied to satisfy the conduct of the sale.
- (3) A certificate referred to in subsection (2) shall be admissible in evidence as proof of the matters therein stated without proof of the signature of the Chief Agricultural Officer.
- (4) Where the person brought before the magistrate under section 9(1) pleads guilty to or is convicted of an offence in respect of which the agricultural produce or livestock was seized and sold or otherwise disposed of, under subsection (1), the court may
- (a) in the case of a sale, order that compensation be paid, out of and not exceeding the net amount realised by the sale, to the person who appears to the magistrate to be the owner of the produce or livestock;
 - (b) subject to subsection (4), in a case where the agricultural produce was otherwise disposed of, order the accused to pay the informant or complainant such compensation not exceeding the net market value of the agricultural produce or livestock.
- (5) An order for the payment of compensation made under subsection (4)(b) shall not be for an amount in excess of \$5 000.
- (6) An award of compensation referred to in subsection (4) shall not be a bar to any civil proceedings for damages where the net market value of the agricultural produce or livestock exceeds \$5 000, but any compensation awarded shall be taken into account for the purpose of awarding damages.
- (7) Where agricultural produce or livestock is sold in accordance with subsection (1) and the owner cannot be ascertained, the proceeds of the sale shall be paid into the Consolidated Fund.

[1994-14]

Offences

11.(1) Any person who contravenes section 3 is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years.

(2) A person who

- (a) when requested to produce a certificate of purchase or receipt, produces an invalid or false certificate of purchase or receipt; or
- (b) issues a certificate of purchase or receipt that contains any false information in respect of the agricultural produce or livestock; or
- (c) in any way alters a certificate of purchase or receipt,

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years and, notwithstanding anything contained in the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, in respect of a second or subsequent offence, to imprisonment for a term of 5 years.

(3) It is a defence to a charge brought under subsection (1) to prove that the agricultural produce or the livestock in respect of which the charge arose, was cultivated or reared by the person so charged.

Regulations

12.(1) The Minister may make regulations

- (a) generally for giving effect to this Act; and
- (b) prescribing anything that is authorised or required to be prescribed by this Act.

(2) Regulations made under this Act shall be subject to negative resolution.

Crown

13. This Act binds the Crown.

SCHEDULE

(Section 3 (3))

