

CHAPTER 171

RIOTS (PREVENTION) 1838-3

This Act came into operation on 26th June, 1838.

Amended by:

1967/168

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 171

RIOTS (PREVENTION) 1838-3

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Form of Proclamation to Rioters

**BARBADOS**

RIOTS (PREVENTION)

1838-3

An Act for preventing tumults and riotous assemblies and for the more speedy and effectual punishing of the rioters.

[Commencement: 26th June, 1838]

Short title

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

Riotous assemblage

2. Where any persons to the number of twelve or more, being—
 - (a) unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace; and
 - (b) required or commanded by any one or more Justice or Justices of the Peace or by the Chief Marshal, by proclamation made in the name of the Crown, in the form required by section 4, to disperse themselves and peacefully to depart to their habitations or to their lawful business,to the number of twelve or more, (notwithstanding such proclamation made) unlawfully, riotously and tumultuously remain or continue together for the space

of one hour after such command or request, then such continuing together to the number of twelve or more after such command or request shall subject to the person convicted thereof to be imprisoned for three years.

Justices and Chief Marshal required to put down riots

3. Every Justice of the Peace and the Chief Marshal, within the limits of their respective jurisdictions, are hereby respectively authorised, empowered and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly to resort to the place of such unlawful, riotous and tumultuous assemblies of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner prescribed.

Form of proclamation

4. The Justice of the Peace or Chief Marshal authorised by this Act to make the proclamation in pursuance of section 2 shall, among the said rioters, or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be kept while proclamation is being made, and after that shall openly and with a loud voice make or cause to be made proclamation in the words contained in the Schedule or to like effect.

Arrest of persons continuing together and not dispersing within an hour

5.(1) Where such persons so unlawfully, riotously and tumultuously assembled, or twelve or more of them, after proclamation made in manner prescribed continue together and do not disperse themselves within one hour, then it shall be lawful for—

- (a) every Justice of the Peace of the parish or district where such assembly is;
- (b) the Chief Marshal;
- (c) every police officer, constable and other peace officer within such parish or district; and

- (d) all such other persons as are commanded to assist any Justice of the Peace or the Chief Marshal,

to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully, riotously and tumultuously continuing together after the making of such proclamation, and forthwith to carry the persons so apprehended before a magistrate, with a view to their being proceeded against for such their offences according to law.

- (2) Every Justice of the Peace and the Chief Marshal are hereby authorised and empowered to command all persons of age and ability to assist them for the purposes of subsection (1).

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Indemnity for killing, maiming or hurting rioters resisting dispersal

6. Where any persons so unlawfully, riotously and tumultuously assembled happen to be killed, maimed or hurt in the dispersing, seizing or apprehending or endeavouring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending or so endeavouring, then every such Justice of the Peace, Chief Marshal, police officer, constable or other peace officer, and all persons aiding or assisting them, shall be free and discharged and indemnified as well against the Crown as against all and every other person or persons of, for or concerning the killing, maiming or hurting of any such persons so killed, maimed or hurt.

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Hindering the making of proclamation

7. Any person who with force and arms wilfully and knowingly opposes, obstructs or in any manner wilfully and knowingly, lets, hinders or hurts any person or persons who begin or go to make the proclamation hereby directed to be made, whereby such proclamation is not made, and any persons so being unlawfully, riotously and tumultuously assembled, to the number of twelve or more, to whom proclamation should or ought to have been made if the same had

not been so hindered where they or any of them to the number of twelve or more continue together and do not disperse themselves within one hour after such let or hindrance shall be liable to be imprisoned for three years.

Prosecutions to be within 12 months

8. No person shall be prosecuted under this Act for any offence or offences committed contrary to the same, unless such prosecution is commenced within twelve months after the offence committed.

SCHEDULE*(s. 4 (1))**Form of Proclamation to Rioters*

Our Sovereign Lady the Queen charges and commands all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Riots (Prevention) Act of this Island. God save the Queen.