

CHAPTER 298

THE OBEAH ACT

Arrangement of Sections
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OBEAH

(2nd August, 1904.)

611904.
12/1932.
811949.
S.R.O. 2211956.
1511961.

1. This Act may be cited as the Obeah Act. **Short title.**
2. In this Act— **Interpretation—**

"instrument of obeah" means anything ordinarily used in the practice of obeah or intended to be so used in such practice, and anything used or intended to be used by a person and pretended by such person to be possessed of any occult or supernatural power;

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Obeah

"*obeah*" means *obeah* as ordinarily understood and practised, and includes witchcraft and working or pretending to work by spells or by professed occult or supernatural power.

Procedure.

3. Any person accused of having committed any of the offences hereinafter set forth may, notwithstanding any other law to the contrary, be prosecuted on complaint before a District Magistrate in the manner prescribed by the Magistrate's Code of Procedure Act, or any Act amending the same and shall upon conviction be liable to the punishments hereinafter respectively prescribed for such offences:

Cap. 255.

Provided that, where any such Magistrate imposes a term of imprisonment on any person so convicted as aforesaid, such imprisonment may be either with or without hard labour:

Provided also that the Magistrate may in his discretion abstain from trying the case summarily, and may commit the offender for trial for an indictable offence.

Indictable offences.

4. Whosoever shall commit any offence within the provisions of sections 6, 8, 9 and 11, and has been committed for trial by a Magistrate under section 3 on conviction shall be liable to be imprisoned for any period not exceeding five years, with or without hard labour.

Supernatural practices.

5. Any person who pretends or professes to tell fortunes. or uses any subtle craft. means or device, by palmistry or otherwise, or pretends to cure injuries or diseases or to intimidate or effect any purpose by means of any charm, incantation or other pretended supernatural practice, shall be liable to be imprisoned for any period not exceeding six months.

Obeah.

6. Every person practising, or in any way concerned in the practice of *obeah*, or using any subtle craft, means or device by *obeah* or otherwise shall be liable to be imprisoned for any period not exceeding twelve months.

Consulting person practising *obeah*.

7. Whosoever, for the purpose of effecting any object, or of bringing about any event, by the use of occult means or any supernatural power or knowledge, consults any person

practising obeah shall be liable to a fine not exceeding three thousand dollars or to be imprisoned for any period not exceeding twelve months.

8. Whenever it is made to appear on oath that there is reasonable cause to suspect that any person is in possession of any instrument of obeah it shall be lawful for any District Magistrate or Justice of the Peace by warrant under his hand to authorize any member of the Police Force or any local constable to enter (and if necessary by force) and search any place, either in the day or in the night, and if any instrument of obeah is found in any place so searched, to seize and secure the same for the purpose of being produced in evidence in any proceeding before any Court of Justice in which the same may be required. And any person who hinders or molests any person acting under the authority of any warrant issued under this section, shall be liable to pay a fine not exceeding three thousand dollars or to be imprisoned for any period not exceeding twelve months.

Searches authorized for instruments of obeah.

9. Whenever upon any such search as in the last preceding section mentioned, any instrument of obeah is found the person in whose possession or on whose premises it is found shall be deemed, unless or until the contrary is proved, to be a person practising obeah within the meaning of this Act, at the time when such instrument of obeah was found.

Possession of instrument of obeah.

10. It shall be lawful for any member of the Police Force or any local constable to arrest without warrant any person practising obeah, or reasonably suspected to be practising obeah.

Power to arrest.

11. Any person who shall compose, write, print, sell, distribute, publish or circulate any pamphlet or printed or written matter calculated to promote the superstition of obeah shall be guilty of an offence against this Act and shall, on conviction thereof, be liable to pay a fine not exceeding three thousand dollars or in default to be imprisoned for any period not exceeding six months.

Publication of matter promoting obeah.

Police
supervision.

12. When any person is convicted of any offence against this Act the District Magistrate before whom such person is convicted may, in his discretion, and in addition to any sentence of imprisonment imposed on such person, order and direct that such person shall be subject to the supervision of the police for a period not exceeding two years commencing immediately after the expiration of the sentence imposed, and such person shall thereupon be subject to the provisions of the Prevention of Crimes Act.

Cap. 339.
