
CHAPTER 337

THE PRAEDIAL LARCENY (PREVENTION) ACT

Arrangement of Sections

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PRAEDIAL LARCENY (PREVENTION)

(22nd July, 1954.)

6/1954.
S.R.O.22/1956.
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1. This Act may be cited as the Prædial Larceny (Prevention) Act. Short title.

PART I

PRELIMINARY

2. In this Act— Interpretation.

“appointing authority” means any appointing authority constituted under section 4;

“authorized person” means any person nominated and appointed under section 14 to arrest suspected persons;

“cattle” includes horses, asses, mules, kine, sheep, goats, deer and swine, as well as all horned cattle;

“Community Committee” means any Community Committee constituted under section 5;

“declared area” means any area in Antigua and Barbuda declared under section 3 to be a declared area;

“night” means the interval between sunset on any day and sunrise on the next succeeding day;

“prædial larceny” means—

(a) the felony created by section 12 of the Larceny Act, or Cap. 241.

- (b) the felony created by section 5 of the Larceny Act;

"praedial produce" means—

(a) any tree, plant, root, fruit, vegetable or other agricultural production growing in or upon any land which is used or is capable of being used, whether after treatment or otherwise, as food, or as an ingredient in food, for man, or cultivated grass for beast, or

(b) any cattle or the carcase, skin or any part of any cattle;

"suspected person" means any person who has or has had in his possession or under his control in any place any praedial produce in such circumstances as shall reasonably cause any police officer or authorized person to suspect that such produce has been stolen or unlawfully obtained.

Declared areas.

3. (1) The Governor-General, whenever he is satisfied that the public interest so requires, may by order declare any area in Antigua and Barbuda to be a declared area for the purposes of this Act, and upon the publication of such order in the *Gazette* the provisions of Part II shall become and remain in force in such declared area during the continuance in force of such order.

(2) The Governor-General, upon being satisfied that it is in the public interest so to do, may at any time by order revoke an order made under subsection (1), and upon the publication of an order revoking any such order the declared area to which that order relates shall cease to be a declared area and the provisions of Part II shall cease to apply thereto.

(3) An order made under this section shall not be invalid for the reason only that any part of the declared area to which it relates is situated in any other declared area, but in the exercise of his powers under subsection (1) the Governor-General shall take reasonable care to ensure that no part of any declared area is situated in any other declared area.

PART II

PROVISIONS RELATING TO DECLARED AREAS

**Appointing
authorities.**

4. (1) There shall be constituted in respect of one or more declared areas an appointing authority which shall be

composed of such person or persons, not exceeding three in number, as may be thereunto appointed by the Governor-General who shall, when the appointing authority consists of more than one person, also appoint one of such persons to be the chairman of the appointing authority.

(2) It shall be the duty of the appointing authority, in accordance with the provisions of section 5, to appoint the members of the Community Committee in any declared area in respect of which the appointing authority has been appointed.

5. (1) There shall be constituted in each declared area a committee to be known as the Community Committee, which shall consist of such number of persons, being not less than six nor more than eleven, as may be appointed thereto in accordance with the provisions of this section.

**Constitution of
Community
Committees.**

(2) An appointing authority shall appoint as members of a Community Committee any person who—

(a) has attained the age of twenty-one years;

(b) is actively engaged in agriculture or in the rearing of cattle in the declared area or is resident therein; and

(c) has expressed his willingness to serve as a member of the Community Committee for the declared area.

(3) An appointing authority may at any time remove from office any member of a Community Committee appointed by such appointing authority.

(4) Any member of a Community Committee may at any time resign his office by instrument in writing addressed to the appointing authority by which he was appointed.

6. (1) Upon the appointment of the members of a Community Committee the appointing authority shall call upon the members of the Committee to meet at some convenient place within the declared area to be stated by them

**Appointment of
Chairman of
Community
Committee.**

on a date to be so stated for the purpose of electing a chairman of the Community Committee, and such members shall meet at the place and on that date so stated.

(2) The appointing authority, or, where the authority consists of more than one person, the chairman of the appointing authority, shall preside at such meeting and any member of the Community Committee present may propose any other member present and willing to serve to be the chairman of the Committee and if no other such member be proposed, the member proposed shall be the chairman. If any other member or members present and willing to serve be proposed the members of the Committee shall proceed to decide by vote the question whether the member first proposed shall be the chairman, and if the question is decided in the negative they shall proceed in like manner to decide the question in respect of the other member or members proposed in the order in which they were proposed until a chairman has been elected.

(3) The appointing authority or chairman of the appointing authority presiding at such meeting shall not vote in the first instance but in the case of an equality of votes shall have and exercise a casting vote.

**Quorum and
proceedings of
Community
Committees.**

7. (1) The quorum of each Community Committee shall be five.

(2) The validity of any proceeding of a Community Committee under this Act shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment thereof.

(3) Subject to the provisions of such regulations as may be made by the Governor-General under section 25 each Community Committee shall regulate the conduct and management of proceedings before them and the hours and times and places for their sittings in such manner as they may from time to time think fit.

(4) A Community Committee may, in their discretion, refuse to allow the public or any portion of the public to be present at any proceedings of the Committee.

8. (1) It shall be the duty of the Community Committee in each declared area to assist in securing by all lawful means the prevention and suppression of prædial larceny in such area and the detection and apprehension of prædial thieves, and for the accomplishment of such purposes to organize and carry out such activities and to institute such precautions and make such investigations as they may deem necessary.

Functions of
Community
Committees.

(2) In particular, but without prejudice to the generality of the foregoing, such Committee shall have power—

(a) to take such lawful steps as may be necessary to stimulate public opinion, and organize community action against prædial larceny;

(b) to pay remuneration to, and exercise control over authorized persons appointed under the provisions of section 14 in each declared area;

(c) to employ persons for patrolling or for guarding property in such declared area and for serving summonses to witnesses whenever they shall consider it expedient to do so;

(d) to offer and pay rewards for information leading to the detection and conviction of any person guilty of prædial larceny or of receiving stolen prædial produce or of being an accessory whether before or after the fact to the commission of prædial larceny.

9. The funds of each Community Committee—

Funds of
Community
Committee.

(a) shall comprise of such sums as may be allocated to it from any vote or contribution from the general revenue of Antigua and Barbuda; and

(b) shall be applied to the carrying out of all or any of their powers, functions and responsibilities under this Act.

10. (1) In the discharge of their functions under this Act a Community Committee shall have power to summon and examine on oath any person whom the Committee may reasonably suspect—

Power of
Community
Committee to
examine persons.

(a) to have committed or to be about to commit prædial larceny; or

(b) to have received or to be about to receive stolen praedial produce; or

(c) to be an accessory whether before or after the fact to the commission of praedial larceny; or

(d) to have conveyed away or to be about to convey away stolen praedial produce; or

(e) to be in possession of knowledge the disclosure of which would assist in the suppression of praedial larceny.

(2) A Community Committee shall have the powers of a Judge of the High Court to summon and examine witnesses for the purposes of subsection (1) and no member of a Community Committee shall be liable to any action or suit for any matter or thing done by him as such member.

(3) Every summons for the attendance of witnesses or other persons shall be signed by the chairman of the Community Committee.

(4) Any witness who shall wilfully give false evidence in any proceedings before a Community Committee shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

(5) All persons summoned to attend and give evidence before a Community Committee shall be bound to obey the summons served upon them as fully, in all respects, as witnesses are bound to obey subpoenas issued from the High Court.

(6) Every person refusing, or omitting without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending but leaving the proceedings without the permission of the Community Committee, or refusing to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Community Committee, and every person who shall at any sitting of a Community Committee wilfully insult any member of such Committee or wilfully interrupt the pro-

ceedings of such Committee, shall on summary conviction thereof be liable to a fine of two thousand dollars or to imprisonment for twelve months.

11. It shall be the duty of the police officers to attend at proceedings before a Community Committee to preserve order during such proceedings and to perform such other duties as usually pertain to their office when in attendance upon the High Court, and to serve summons on witnesses, and to perform such ministerial duties as the Community Committee shall direct.

Police to attend at proceedings before Community Committee.

12. Where from the examination of any person under the provisions of section 10 it appears to a Community Committee that there is *prima facie* evidence of the commission of an offence they shall make or cause to be made accordingly a report, either oral or written, to the police officer in charge of the nearest police station. In such report there shall be specified—

Duty of Community Committee to inform police of *prima facie* evidence of commission of offence.

(a) the name, address or other sufficient description of the person shown by such evidence to be the offender;

(b) the name, address or other sufficient description of every person whom the Committee are satisfied is in possession of information relating to the matter together with a summary of such information; and

(c) any other information in the possession of the Committee relating thereto.

13. (1) Subject to the provisions of subsection (2) a person employed by a Community Committee for patrolling or for guarding property in a declared area in relation to which such Committee has been established, shall, during the course of such employment, have and exercise all the powers of a police officer; and, subject to the provisions contained in any law relating to firearms in Antigua and Barbuda, it shall be lawful for a person so employed to be in possession of a shotgun whilst he is actually patrolling or guarding property in the course of his employment or is proceeding to or from the place where he is required to patrol or guard.

Powers and privileges of persons employed to patrol, etc.

(2) The provisions of subsection (1) shall not apply to any person employed by a Community Committee for patrolling or guarding property unless—

(a) the name of such person has been submitted to the Commissioner of Police before such person has been so employed; and

(b) the Commissioner of Police has notified the chairman of the Community Committee that he is satisfied that such person is a fit and proper person to have and exercise the powers and privileges referred to in this section.

PART III

PROVISIONS RELATING TO THE PREVENTION OF PRÆDIAL LARCENY

Authorized
persons.

14. (1) A Community Committee may nominate any person to the Commissioner of Police to be an authorized person.

(2) It shall be lawful for the Commissioner of Police, on the nomination of any person as provided in subsection (1), and with the sanction of the Governor-General to appoint the person so nominated to be a person authorized to arrest and deal with suspected persons in accordance with the provisions of section 16.

(3) The Commissioner of Police may at any time revoke any appointment made under subsection (2).

(4) Every appointment or revocation of an appointment under this section shall be published in the *Gazette*.

(5) A Community Committee shall have power to pay remuneration to and exercise control over authorized persons within the declared area in respect of which such Committee has been appointed.

Power to search
for prædial
produce.

15. Whenever a police officer or authorized person has reasonable cause to believe that any person has in his possession or under his control any prædial produce which the police officer or authorized person has reasonable cause to suspect has been stolen or unlawfully obtained such police officer or authorized person may require such person to

disclose and permit such police officer or authorized person to inspect the contents of any sack, basket, bundle, package, vehicle or other receptacle in possession or under the control of such person and if any person refuses or neglects to disclose and permit the police officer or authorized person to inspect such contents he shall be guilty of an offence against this Act and shall on summary conviction thereof be liable to a fine of two thousand dollars or to imprisonment for twelve months.

16. (1) Any police officer or authorized person may arrest a suspected person without a warrant. Arrest and trial of suspected persons.

(2) As soon as possible after the arrest of a suspected person, the police officer or authorized person making the arrest shall bring the suspected person, together with any prædial produce found in his possession or under his control which is reasonably suspected to have been stolen or unlawfully obtained, to a police station.

(3) The provisions of sections 26, 27 and 29 of the Police Act shall apply in relation to any arrest under this section by an authorized person as it applies to any such arrest by a police officer. Cap. 330.

(4) If the suspected person does not give an account to the satisfaction of the Magistrate by what lawful means he came by such prædial produce, he shall be guilty of an offence against this Act and shall on summary conviction thereof be liable to a fine of two thousand dollars or to imprisonment for twelve months and upon a subsequent conviction on a similar charge to a fine of five thousand dollars or to imprisonment for two years.

(5) If any suspected person escapes from any police officer or authorized person attempting to arrest him, or lets fall or throws away any prædial produce reasonably suspected to have been stolen or unlawfully obtained it shall be lawful for any Magistrate or Justice of the Peace, upon application, to issue his warrant for the arrest of that person, and upon his arrest that person shall be deemed to have been arrested within the meaning of subsection (1) and may be dealt with in the manner laid down in subsections (2), (3) and (4).

Search Warrant.

17. (1) If information is given on oath to any Magistrate or Justice of the Peace that there is reasonable cause for suspecting that any praedial produce stolen or unlawfully obtained is concealed or lodged in any house, store, yard or other place, or on land (whether enclosed or not) or in any vessel, such Magistrate or Justice of the Peace may, by warrant under his hand directed to any police officer, cause the house, store, yard, place, land or vessel to be entered and searched at any time of the day or, if the warrant so authorizes, by night.

(2) The Magistrate or Justice of the Peace issuing a warrant under subsection (1) may, by such warrant, if it shall appear necessary to him, give authority to the police officer, with such assistance as may be found necessary, to use force for the purpose of effecting an entry, whether by breaking open doors or otherwise, but before using such force for the purpose aforesaid the police officer shall make known his authority.

(3) If upon search made in accordance with the provisions of subsections (1) and (2), any praedial produce which the police officer has reasonable cause to suspect to have been stolen or unlawfully obtained is found, the police officer shall arrest and bring before a Magistrate as soon as may be practicable after such arrest—

(a) the person in whose house, store, yard, place or vessel or on whose land such praedial produce is found; and

(b) any other person found in such house, store, yard, place or vessel or on such land,

if the police officer has reasonable cause to suspect that such person placed or was privy to the placing of such praedial produce in such house, store, yard, place or vessel or on such land, knowing or having reasonable cause to suspect the same to have been stolen or unlawfully obtained.

(4) If a police officer fails or is for any reason whatsoever unable to arrest any person mentioned in paragraphs (a) and (b) of subsection (3), a Magistrate or Justice of the Peace may issue a warrant for the arrest of such person,

or a Magistrate may issue a summons requiring such person to appear before the District Magistrate at a time and place to be mentioned in the summons.

18. (1) Any police officer may go on board any vessel in any harbour, bay or roadstead and remain on board the vessel for such reasonable time as he deems expedient. If he has reasonable grounds to suspect that there is on board the vessel any prædial produce stolen or unlawfully obtained, he may search, with any assistants, any and every part of the vessel, and, after demand and refusal of the keys break open any receptacle. Upon discovery of any prædial produce which he may reasonably suspect to have been stolen or unlawfully obtained, the police officer may take such produce and the person in whose possession it is found before a Magistrate.

Power to board vessel, etc.

(2) A police officer may pursue and detain any person in the act of conveying away from any vessel any prædial produce which such police officer may reasonably suspect to have been stolen or unlawfully obtained, whether that person has landed or not, together with any prædial produce so conveyed away or found in his possession.

19. A Magistrate may call upon any person brought or appearing before him under the provisions of section 17 or section 18 to give an account to the satisfaction of such Magistrate—

Trial of persons brought before Magistrate under sections 17 and 18.

(a) by what lawful means any prædial produce reasonably suspected to have been stolen or unlawfully obtained came to be in the house, store, yard, place or vessel or on the land where such produce was found; or

(b) that he was not privy to the placing of such prædial produce in such house, store, yard, place or vessel or on such land, knowing or having reasonable cause to suspect the same to have been stolen or unlawfully obtained,

and any person who fails so to satisfy the Magistrate shall be guilty of an offence against this Act and shall on summary conviction thereof be liable to a fine of two thousand dollars or to imprisonment for twelve months and upon subsequent

conviction on a similar charge, to a fine of five thousand dollars or to imprisonment for two years.

**Tracing
possession.**

20. (1) If any person brought or appearing before a Magistrate under the provisions of sections 16, 17 or 18 declares that he received any prædial produce reasonably suspected to have been stolen or unlawfully obtained from some other person, or that he was employed as a carrier, agent or servant to convey such produce for some other person, the Magistrate may cause every such other person through whose possession such produce shall previously have passed, to be brought before him either by summons or by warrant, as the Magistrate shall in each case deem fit.

(2) Upon any such person as is in subsection (1) of this section mentioned being brought before him, the Magistrate may examine that person on oath as to whether he has been in possession or control of the prædial produce reasonably suspected to have been stolen or unlawfully obtained, and, upon his admitting such possession or control, or upon it being proved to the satisfaction of the Magistrate that that person has been in possession or control of such prædial produce, the Magistrate may call upon that person to give an account to the satisfaction of the Magistrate by what lawful means he came by such produce, and, if that person fails to give such account, he shall be guilty of an offence against this Act and shall, on summary conviction thereof, be liable to a fine of two thousand dollars or to imprisonment for twelve months and upon a subsequent conviction on a similar charge, to a fine of five thousand dollars or to imprisonment for two years.

(3) For the purposes of this section, the possession of a carrier, agent or servant shall be deemed to be the possession of the person who employed the carrier, agent or servant to convey the prædial produce suspected to have been stolen or unlawfully obtained.

**Power of police
officer and
authorized person
to summon
assistance.**

21. A police officer or authorized person may call upon any person to aid and assist him in the execution of his duties under this Act, and if any person so called upon neglects or refuses without lawful excuse to aid and assist such police officer or authorized person he shall be guilty

of an offence against this Act and shall on summary conviction thereof be liable to a fine of one thousand dollars or to imprisonment for six months.

22. If any person shall assault, obstruct, hinder or resist any police officer or authorized person in the execution of his duties under this Act, or any person acting in aid of such police officer or authorized person, every such offender shall be guilty of an offence against this Act and shall, on summary conviction thereof, be liable to a fine of two thousand dollars or to imprisonment for twelve months.

Penalty for assaulting etc., police officer, authorized persons and their assistants.

23. (1) When any person is convicted of the felony of prædial larceny the Court before whom such person is convicted may order him to be placed under special police supervision for a period to be specified in such order not exceeding one year.

Power of Court to order special police supervision.

(2) An order placing a person under special police supervision under the provisions of this section may be made in addition to or in substitution for any other punishment to which such person may be liable, and when such an order is made in addition to any sentence of imprisonment passed upon such person, the period during which he shall be under special police supervision shall commence immediately after the expiration of such sentence.

24. (1) A person ordered in accordance with the provisions of section 23 to be placed under special police supervision shall, during the period specified in such order, comply with the following provisions—

Duties of persons ordered to be placed under special police supervision.

(a) he shall forthwith upon the commencement of such period notify the police officer in charge of the police station nearest to his residence of the house or place in which he resides;

(b) he shall, when called upon so to do by the police officer in charge of the police station nearest to his residence, present himself at such police station;

(c) he shall not transfer his residence without the written authority of the police officer in charge of such police station;

(d) he shall remain within the doors of his residence during each night unless excused from so doing on any particular occasion by the Commissioner of Police.

(2) Where such a person is authorized in accordance with the provisions of paragraph (c) of subsection (1) to transfer his residence he shall notify the police officer in charge of the police station nearest to the place in which he will reside of the house or place in which he will reside.

(3) A person ordered in accordance with the provisions of section 23 to be placed under special police supervision may be visited at his residence by any police officer from time to time during the period specified in such order.

(4) Any person subject to the restrictions specified in subsection (1) who fails to comply with the provisions of the said subsection shall be guilty of an offence against this Act and on summary conviction thereof shall be liable to a fine of two thousand dollars or to imprisonment for twelve months.

Regulations.

25. (1) The Governor-General may make Regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1) Regulations may be made under that subsection to provide for—

(a) the procedure to be followed by a Community Committee in the exercise of their powers under section 10;

(b) the payment of compensation to authorized persons, and persons employed by a Community Committee under the powers conferred by paragraph (c) of subsection (2) of section 8, for injuries received by such persons in the execution of their duties, and the badges or uniforms to be worn by any such persons.

(3) Regulations made under paragraph (b) of subsection (2) shall not come into force until they have been approved by resolution of Parliament.